CITY COUNCIL REGULAR MEETING AGENDA

Wednesday, May 22, 2024 at 6:00 PM

Kerman City Hall, 850 S. Madera Avenue, Kerman, CA 93630

LEVINE ACT DISCLOSURE. Pursuant to the Levine Act (Govt Code Section 84308), any party to a permit, license, contract, or other entitlement before the City Council is required to disclose on the record any campaign contribution, including aggregated contributions, of more than $250 made by the party or the party's agents within the preceding 12 months to any City official. Participants and agents are requested to make this disclosure as well. The disclosure should be made when the agenda item is called and must include the name of the party, participant, or agent, and any other person making the contribution, the name of the recipient, the amount of the contribution, and the date the contribution was made. Council Members are also required to make such disclosures and recuse themselves.

CONFLICT OF INTEREST. City Council Members with a conflict of interest under the Political Reform Act are required to make disclosure of financial interest when the item is called and recuse themselves.

1. OPENING CEREMONIES

A. Call to Order

B. Roll Call

C. Invocation
At this time the Council wishes to provide anyone an opportunity to give a brief invocation or inspirational thought. In accordance with law, we would request this opportunity not be used to recruit converts, to advance anyone, or to disparage any other faith or belief. If no one steps forward, we will observe a moment of silence so that we may all focus our thoughts on how best to serve our community.

D. Flag Salute

2. AGENDA APPROVAL/ADDITIONS/DELETIONS

To accommodate members of the public or convenience in the order of presentation, items on the agenda may not be presented or acted upon in the order listed.

3. PRESENTATIONS/CEREMONIAL MATTERS

A. National Public Works Week Proclamation (JAJ)

4. PUBLIC FORUM

This portion of the meeting is reserved for members of the public to address the Council on items of interest that are not on the Agenda and are within the subject matter jurisdiction of the Council. Speakers shall be limited to three minutes. It is requested that no comments be made during this period on items on the Agenda. Members of the public wishing to address the Council on items on the Agenda should notify the Mayor when that Agenda item is called, and the Mayor will recognize your discussion at that time. It should be noted that the Council is prohibited by law from taking any action on matters discussed that are not on the Agenda. Speakers are asked to please use the microphone, and provide their name and address.

5. CONSENT CALENDAR

Matters listed under the Consent Calendar are considered routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired, a member of the audience or a Council Member may request an item be removed from the Consent Calendar and it will be considered separately.

A. **SUBJECT:** Minutes - May 8, 2024

RECOMMENDATION: Council approve minutes as presented.

B. **SUBJECT:** Warrants (JA)
1. Nos. 29270-29317 $496,228.45 ACH $827.23.

RECOMMENDATION: Council approve warrants and electronic bank transfers as presented. (Pursuant to Government Code 37208)

C. **SUBJECT**: Payroll (JA)
04/14/24 -04/27/24: $206,003.63; Retro Pay & Other: $0; Overtime: $5,343.84; Standby: $1,870.15; Comp Time Earned: 43.50

RECOMMENDATION: Council approve payroll as presented.

D. **SUBJECT:** Monthly Investment Report

RECOMMENDATION: Council accept monthly investment report as presented.

E. **SUBJECT:** Second Reading and Adoption of Ordinance Text Amendment 2024-01 repealing Title 17 of the Kerman Municipal Code and addition of a new Title 17 to the Kerman Municipal Code (JRO)

RECOMMENDATIONS: That City Council:

1. Find that no additional environmental documentation beyond an Addendum is necessary for the Zoning Code update and adopt an Addendum to Program Environmental Impact Report Prepared for the City of Kerman 2040 General Plan (SCH #2019049018); and

2. Council waive full reading and adopt Ordinance Text Amendment 2024-01 repealing Title 17 of the Kerman Municipal Code and addition of a new Title 17 to the Kerman Municipal Code Relating to the Zoning Code.

F. **SUBJECT:** Second Reading and Adoption of Ordinance Text Amendment 2024-02 repealing Chapters 15.28 and 15.32 from Title 15 of the Kerman Municipal Code (JRO)

RECOMMENDATION: Council waive full reading and adopt Ordinance Text Amendment 2024-02 repealing Chapter 15.28 relating to Mobile Home Parks and Chapter 15.32 relating to Environmental Quality Protection Procedures from Title 15 of the Kerman Municipal Code.

6. PUBLIC HEARINGS

None.

7. DEPARTMENT REPORTS

A. **SUBJECT:** Approval of Contract Change Order No. 1 for the Well 33 Pilot Hole Project (JG)

RECOMMENDATION: Council by motion adopt the resolution:

1. Approving contract change order no. 1 for the Well 33 Pilot Hole Project to South Valley Companies Inc. in the amount of $225,000 and;

2. Authorizing an additional construction contingency in the amount of $38,700.00 (10% of original construction contract) and;

3. Authorizing the City Manager to sign the change order and subsequent change orders, up to the additional contingency amount, on behalf of the City.

B. **SUBJECT:** Budget Workshop Fiscal Year 2024/2025 (JA)

RECOMMENDATION: Council to review and consider proposed draft of City of Kerman Fiscal Year 2024/2025 Operating and Capital Budgets and provide comments.

8. CITY MANAGER/STAFF COMMUNICATIONS

9. MAYOR/COUNCIL REPORTS/ANNOUNCEMENTS/FUTURE AGENDA ITEMS

(This portion of the meeting is reserved for the Mayor and Council Members (i) to make brief reports on boards, committees, and other public agencies, and at public events, (ii)to request updates, (iii) to initiate future agenda items at the request of a Council Member, and (iv) to take action on matters initiated under this section of the agenda. items. Under this section the Council may take action only on items specifically agendized and which meet other requirements for action.)

10. CLOSED SESSION

11. ADJOURNMENT

NOTICE OF AVAILABILITY OF AGENDA MATERIALS: Any writings or documents provided to a majority of the City Council within 72 hours of the meeting regarding any item on this agenda will be made available for public inspection at the City Clerk's Office located at 850 S. Madera Ave., Kerman, CA 93630 and on the City website at www.cityofkerman.net.

ADA Compliance and Reasonable Accommodation. The Council has adopted a Reasonable Accommodation Policy, which is available on the City website at www.cityofkerman.net or upon request by emailing the City Clerk at publicmeeting@cityofkerman.org or calling (559) 846-9450. The Policy provides a procedure for receiving and resolving requests for accommodation to participate in this meeting. If you need assistance in order to attend this Council meeting or require auxiliary aids or services, e.g., hearing aids or signing services to make a presentation to the Council, please contact the City Clerk at (559) 846-9450 or email at publicmeeting@cityofkerman.org so such aids or services can be arranged. Accommodations should be requested as early as possible as additional time may be required in order to provide the requested accommodation. The meeting room is accessible to persons with physical disabilities.

AGENDA POSTING CERTIFICATION

I, Josie Camacho, Interim City Clerk for the City of Kerman, do hereby declare under penalty of perjury that I caused the above agenda to be posted at City of Kerman Council Chambers at 850 S. Madera Ave., Kerman, CA 93630 and on the City website at www.cityofkerman.net.

Date: May 17, 2024 /s/ Josie Camacho, Interim City Clerk

PROCLAMATION
Kerman City Council

National Public Works Week
May 19-25, 2024

WHEREAS, public works services are provided for our community are a vital and integral part of our citizens' everyday lives; and

WHEREAS, the support of the community is vital to the efficient operation of public works systems and programs such as water, sewers, streets, fleet maintenance, building maintenance, wastewater treatment, and solid waste collection; and

WHEREAS, the health, safety and comfort of this community greatly depends on these facilities and services; and

WHEREAS, the quality and effectiveness of these facilities, as well as their planning, design and construction, is vitally dependent upon the efforts and skill of public works officials; and

WHEREAS, the efficiency of the qualified personnel who staff the City's Public Works Department are influenced by the people's attitude and understanding of the importance of the work they perform.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Kerman hereby proclaim the week of May 19 - 25, 2024 as "**National Public Works Week."**

BE IT FURTHER RESOLVED that the City Council pays tribute to our public works professionals, director, supervisors, employees, and engineers, recognizing the substantial contributions they make to protecting our national health, safety, and quality of life.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Kerman to be affixed on this 22nd day of May 2024.

_____
Maria Pacheco
Mayor

CITY COUNCIL REGULAR MEETING MINUTES

Wednesday, May 08, 2024 at 6:00 PM

Kerman City Hall, 850 S. Madera Avenue, Kerman, CA 93630

1. OPENING CEREMONIES

A. Welcome – Mayor

B. Call to Order - **6:00 p.m.**

C. Roll Call - **All present except Mayor Pro Tem Nijjer.**

D. Invocation - **Chief Tim Henry, NCFPD**

E. Pledge of Allegiance - **Performed.**

2. AGENDA APPROVAL/ADDITIONS/DELETIONS

Motion made by Council Member Yep, Seconded by Council Member Coleman. Voting Yea: Yep, Coleman, Herrera, Pacheco. Motion passes 4-0-1.

3. PRESENTATIONS/CEREMONIAL MATTERS

A. Proclamation - Public Service Recognition Week - **Presented by City Manager, John Jansons**
B. California Society of Municipal Finance Officers Award – **Presented by Jean Rousseau, CSFMO**
C. Kerman Animal Shelter Award of Excellence - **Presented by City Manager, John Jansons**

Recess 6:18 p.m.

Reconvene 6:20 p.m.

4. REQUEST TO ADDRESS COUNCIL

Ted Furnish

5. CONSENT CALENDAR

A. SUBJECT: Minutes - April 24, 2024

RECOMMENDATION: Council approve minutes as presented.

B. SUBJECT: Warrants (JA)
1. Nos. 29065-29153 $ 1,341,759.72 ACH $710.78

RECOMMENDATION: Council approve warrants and electronic bank transfers as presented. (Pursuant to Government Code 37208)

C. SUBJECT: Payroll (JA)
03/31/24 - 04/14/24: $216,275.90; Retro Pay & Other: $0.00; Overtime: $11,624.96; Standby: $1,563.67; Comp Time Earned: 161.63

RECOMMENDATION: Council approve payroll as presented.

D. SUBJECT: Approve a reimbursement agreement with Kerman Unified School District (KUSD) for the construction of a segment of 12" master planned water main related to Well 18 (JG)

RECOMMENDATION: Council by motion adopt resolution approving reimbursement agreement with Kerman Unified School District for installation of water main and authorizing the City Manager to sign. - **Res. 24-35**

E. SUBJECT: Agreement with Family Healing Center (SW)

RECOMMENDATION: Council by motion adopt resolution approving Memorandum of Understanding with Family Healing Center. - **Res. 24-36**

F. SUBJECT: Resolution Approving Updated 2024 Personnel Rules and Regulations (JAJ)

RECOMMENDATION: Council by motion adopt resolution approving updated Personnel Rules and Regulations. - **Res. 24-37**

G. SUBJECT: Amendment to Agreement for Legal Services with Montoy Law Corporation (JAJ)

RECOMMENDATION: Consider adoption of resolution approving Amendment No. 3 to agreement for legal services with Montoy Law Corporation adjusting rates effective July 1, 2024. - **Res. 24-38**

H. SUBJECT: Second Reading and Adoption of Ordinance Relating to Infectious Materials (JAJ)

RECOMMENDATION: Council by motion waive second reading and adopt ordinance adding Chapter 8.44 to Title 8 of the Kerman Municipal Code relating to Infectious Materials. - **Ord. 24-03**

Motion made by Council Member Coleman, Seconded by Council Member Yep. Voting Yea; Coleman, Yep, Herrera, Pacheco. Motion passes 4-0-1.

6. PUBLIC HEARINGS - None.

7. DEPARTMENT REPORTS

A. SUBJECT: Presentation and Review of Draft Emergency Operations Plan (JAJ)

RECOMMENDATION: Council hear a presentation by Michael Brady, E.M. Consulting and discuss draft Emergency Operations Plan development, and next steps in Kerman emergency preparedness, with possible direction to staff. - **Presented. Speakers: Dan Lynch and Chief Tim Henry**

B. SUBJECT: Rules of Procedure for Conducting City Council Meetings (HCM)

RECOMMENDATION: It is recommended that Council adopt resolution establishing Rules of Procedure for Conducting City Council Meeting. - **Res. 24-39**

Motion made by Council Member Yep, Seconded by Council Member Herrera. Voting Yea: Yep, Herrera, Coleman, Pacheco. Motion passes 4-0-1.

8. CITY MANAGER/STAFF COMMUNICATIONS

9. MAYOR/COUNCIL REPORTS/ANNOUNCEMENTS/FUTURE AGENDA ITEMS

10. CLOSED SESSION - 7:48 p.m.

A. A. Pursuant to Government Code Section 54957.6
CONFERENCE WITH LABOR NEGOTIATORS
Agency Designated Representatives: City Manager
Employee Organization: Kerman Miscellaneous Employees Association

B. A. Pursuant to Government Code Section 54957.6
CONFERENCE WITH LABOR NEGOTIATORS
Agency Designated Representatives: City Manager
Employee Organization: Kerman Peace Officers Association

Reconvene 9:19 p.m. with no reportable action. Four members were present.

11. ADJOURNMENT - 9:19 p.m.

MINUTES CERTIFICATION

I, Josie Camacho, Interim City Clerk for the City of Kerman, do hereby declare under penalty of perjury that the above minutes are a true depiction of all actions taken at the City Council meeting held on the first date above written at Kerman City Hall, 850 S. Madera Ave, Kerman, CA.

Date: May 9, 2024 /s/ Josie Camacho, Interim City Clerk

Accounts Payable

Checks by Date - Summary by Check Date

User: VSandoval
Printed: 5/13/2024 10:52 AM

Check No	Vendor No	Vendor Name	Check Date	Check Amount
29270	10021	ALERT O LITE	05/01/2024	474.33
29271	12537	AMERITAS GROUP INSURANCE CORP	05/01/2024	1,152.91
29272	10271	AVENU INSIGHTS & ANALYTICS	05/01/2024	24,267.36
29273	12424	MARIA BERBER	05/01/2024	150.00
29274	12308	JACLYNN CASTRO	05/01/2024	250.00
29275	10096	CHILDS AND COMPANY INC	05/01/2024	174.23
29276	11983	COLLEGE OF THE SEQUOIAS-PUBLIC	05/01/2024	360.00
29277	10103	COLONIAL LIFE	05/01/2024	603.26
29278	11203	CONSERVATION MART LLC	05/01/2024	695.56
29279	10109	AUDITOR CONTROLLER/TREASURER	05/01/2024	2,285.50
29280	10715	DC HEATING AND COOLING	05/01/2024	840.00
29281	12543	DG CONSTRUCTION INC,	05/01/2024	88,541.33
29282	10572	FRESNO CITY COLLEGE	05/01/2024	387.00
29283	10185	GRAINGER	05/01/2024	18.60
29284	11358	GREAT AMERICA FINANCIAL SERVICI	05/01/2024	590.25
29285	10201	HORIZON	05/01/2024	990.27
29286	10514	ICAD INC	05/01/2024	1,490.00
29287	10226	JORGENSEN & CO	05/01/2024	1,534.14
29288	10235	KERMAN CULINARY ARTS	05/01/2024	1,423.26
29289	10239	KERWEST INC	05/01/2024	398.00
29290	12574	KRC SAFETY CO INC	05/01/2024	1,199.58
29291	10252	LITHIA FORD OF FRESNO	05/01/2024	289.94
29292	10260	METRO UNIFORM & ACCESSORIES	05/01/2024	803.42
29293	11442	MINTIER HARNISH LP	05/01/2024	5,034.00
29294	12587	IHSANULHAQ MOHAMMAD	05/01/2024	450.00
29295	10282	OFFICE DEPOT	05/01/2024	56.75
29296	10289	P.G.& E.	05/01/2024	5,882.70
29297	12586	ABRAHAN RIOSPEREZ	05/01/2024	400.00
29298	12536	JAVIER SEGURA	05/01/2024	587.61
29299	11650	SITEONE LANDSCAPE SUPPLY, LLC	05/01/2024	1,508.38
29300	12347	SUPER SMART SHOPPERS	05/01/2024	581.75
29301	10863	SWRCB	05/01/2024	55.00
29302	10363	THE BUSINESS JOURNAL	05/01/2024	1,750.00
29303	10754	THE HOME DEPOT PRO-SUPPLY WORI	05/01/2024	452.42
29304	12554	TOTER LLC	05/01/2024	5,516.57
29305	10844	WAUSAU TILE INC	05/01/2024	2,191.53
29306	10406	WEST HILLS OIL INC	05/01/2024	6,998.48
29307	12344	WHITE CAP LP	05/01/2024	930.70
			Total for 5/1/2024:	161,314.83
29308	12588	CUSHMAN & WAKEFIELD WESTERN I	05/02/2024	18,500.00
29309	12589	MICHAEL BRADY	05/02/2024	29,000.00
			Total for 5/2/2024:	47,500.00
29310	12593	JENNIFER COLEMAN	05/08/2024	115.32

Check No	Vendor No	Vendor Name	Check Date	
29312	UB*01813	RAUL ESPINOZA	05/08/2024	84.36
29313	UB*01812	DIANA KONOVALOV	05/08/2024	38.61
29314	UB*01809	ASHLEY LINARES TORRES	05/08/2024	128.32
29315	UB*01808	LILLIANA MARMOLEJO	05/08/2024	143.35
29316	UB*01810	PAUL RABADAN	05/08/2024	198.35
29317	UB*01811	MARK RODRIGUEZ	05/08/2024	234.24
			Total for 5/8/2024:	942.55
29318	11387	LUISA AGUIRRE	05/09/2024	740.00
29319	10021	ALERT O LITE	05/09/2024	546.02
29320	12544	AMERICAN PAVING CO	05/09/2024	472.00
29321	12538	AMERITAS GROUP INSURANCE CORP	05/09/2024	871.00
29322	12530	APOLLO HEALTH INC	05/09/2024	300.00
29323	11247	RAQUEL ARREDONDO	05/09/2024	329.54
29324	11355	BADGER METER	05/09/2024	270.69
29325	11137	BOUNCE HOUSE BONANZA	05/09/2024	1,340.00
29326	10617	C A REDING CO INC	05/09/2024	120.53
29327	12591	CLEAN CUT LANDSCAPE INC	05/09/2024	334.84
29328	10106	CON EDISON CLEAN ENERGY	05/09/2024	27,088.42
29329	12521	EDIS	05/09/2024	9,212.20
29330	11832	EPIC BUSINESS ESSENTIALS LLC	05/09/2024	46.41
29331	11398	FASTSIGNS	05/09/2024	169.97
29332	10157	FERGUSON ENTERPRISES INC	05/09/2024	141.32
29333	10572	FRESNO CITY COLLEGE	05/09/2024	534.00
29334	11550	FRESNO COUNTY SHERIFFS OFFICE -	05/09/2024	137.00
29335	10162	FRESNO COUNTY TREASURER	05/09/2024	23,299.00
29336	12379	GILL CHEVROLET	05/09/2024	606.15
29337	10185	GRAINGER	05/09/2024	20.57
29338	12568	GRIMCO, INC	05/09/2024	3,282.81
29339	10514	ICAD INC	05/09/2024	3,078.90
29340	10226	JORGENSEN & CO	05/09/2024	1,697.64
29341	10678	MAC'S EQUIPMENT INC	05/09/2024	825.40
29342	12594	ORAIDA MEJIA	05/09/2024	450.00
29343	10261	MID VALLEY DISPOSAL INC	05/09/2024	144,475.81
29344	10266	MOORE TWINING ASSOCIATES INC	05/09/2024	185.00
29345	10282	OFFICE DEPOT	05/09/2024	865.97
29346	10289	P.G.& E.	05/09/2024	33,513.44
29347	10301	PETTY CASH	05/09/2024	309.86
29348	12053	R & L MUSIC ENT	05/09/2024	225.00
29349	10319	RENO'S HARDWARE	05/09/2024	179.54
29350	11046	REPTILE RON ANIMAL PRESENTATIOI	05/09/2024	650.00
29351	12592	REXEL	05/09/2024	44.53
29352	12590	DALIA SANTANA ZAMUDIO	05/09/2024	38.00
29353	11506	SCA OF CA LLC	05/09/2024	11,031.50
29354	10332	SEBASTIAN	05/09/2024	3,216.87
29355	11650	SITEONE LANDSCAPE SUPPLY, LLC	05/09/2024	1,378.21
29356	10337	SLUMBERGER LUMBER	05/09/2024	1,381.63
29357	12368	SPECIALTY HOSE EXPRESS LLC	05/09/2024	44.33
29358	11907	SPRINGBROOK HOLDING COMPANY I	05/09/2024	1,732.00
29359	11162	STATEWIDE TRAFFIC SAFETY & SIGN	05/09/2024	270.55
29360	11504	STORMAX	05/09/2024	428.05
29361	11460	SUPERIOR POOL PRODUCTS LLC	05/09/2024	777.54
29362	10378	ULINE INC	05/09/2024	972.48
29363	10168	UNITY IT	05/09/2024	5,204.08
29364	10387	USA BLUE BOOK	05/09/2024	950.97
29365	10391	VALLEY FARM SUPPLY STORES	05/09/2024	2,070.46

Check No	Vendor No	Vendor Name	Check Date	
29366	12290	VERIZON	05/09/2024	568.50
29367	11776	WECO INDUSTRIES LLC	05/09/2024	301.82
29368	12344	WHITE CAP LP	05/09/2024	567.75
			Total for 5/9/2024:	287,298.30
			Report Total (98 checks):	497,055.68

CITY OF KERMAN
PAYROLL REPORT

PAY PERIOD: April 14, 2024 - April 27, 2024

EMPLOYEE	SALARY	RETRO PAY & Other	OVERTIME HOURS	OVERTIME AMOUNT	HOLIDAY at 1/2 HOURS	HOLIDAY at 1/2 AMOUNT	STANDBY HOURS	STANDBY AMOUNT	GROSS SALARY	COMP TIME EARNED
ADMINISTRATION										
Alvarez, Josefina	$ 3,748.31	$ -	0	$ -	0	$ -	0	$ -	$ 3,748.31	0.00
Camacho, Josie	$ 3,219.85	$ -	0	$ -	0	$ -	0	$ -	$ 3,219.85	4.88
Cheema, Akayla	$ 2,804.31	$ -	6.1	$ 318.99	0	$ -	0	$ -	$ 3,123.30	0.00
Garcia, Alex	$ 1,584.62	$ -	3.09	$ 88.05	0	$ -	0	$ -	$ 1,672.66	0.00
Gonzalez, Diana	$ 3,730.97	$ -	0	$ -	0	$ -	0	$ -	$ 3,730.97	0.00
Jansons, John	$ 7,012.54	$ -	0	$ -	0	$ -	0	$ -	$ 7,012.54	0.00
Leon, Ulysa	$ 1,584.62	$ -	0	$ -	0	$ -	0	$ -	$ 1,584.62	0.00
Linares, Vanessa	$ 1,793.69	$ -	0	$ -	0	$ -	0	$ -	$ 1,793.69	0.00
Lopez, Jacqueline	$ 2,431.54	$ -	2.75	$ 122.80	0	$ -	0	$ -	$ 2,554.34	0.00
Mendoza Hernandez, Ariana	$ 2,009.23	$ -	7.25	$ 266.33	0	$ -	0	$ -	$ 2,275.56	0.00
Sandoval, Veronica	$ 1,793.69	$ -	0	$ -	0	$ -	0	$ -	$ 1,793.69	0.00
Santana Zamudio, Dalia	$ 2,009.23	$ -	0	$ -	0	$ -	0	$ -	$ 2,009.23	4.50
TOTAL	**$33,722.58**	**$ -**	**19.19**	**$ 796.17**	**0**	**$ -**	**0**	**$ -**	**$ 34,518.75**	**9.38**
REC/SOCIAL										
Acosta-Parra, Melany	$ 112.00	$ -	0	$ -	0	$ -	0	$ -	$ 112.00	0.00
Aguilar, Corina	$ -	$ -	0	$ -	0	$ -	0	$ -	$ -	0.00
Argumedo-Vargas, Frank	$ -	$ -	0	$ -	0	$ -	0	$ -	$ -	0.00
Arredondo, Raquel	$ 480.00	$ -	0	$ -	0	$ -	0	$ -	$ 480.00	0.00
Barrett, Shannon	$ 2,019.13	$ -	0	$ -	0	$ -	0	$ -	$ 2,019.13	0.00
Beltran, Isabelle	$ -	$ -	0	$ -	0	$ -	0	$ -	$ -	0.00
Brar, Manreet	$ 152.00	$ -	0	$ -	0	$ -	0	$ -	$ 152.00	0.00
Burdine-Slaven, Jeanna	$ 2,332.15	$ -	0	$ -	0	$ -	0	$ -	$ 2,332.15	0.00
Chouhan, Arnoop	$ 216.00	$ -	0	$ -	0	$ -	0	$ -	$ 216.00	0.00
Chouhan, Gurnoor	$ 224.00	$ -	0	$ -	0	$ -	0	$ -	$ 224.00	0.00
Cruz Paramo, Xitlali	$ -	$ -	0	$ -	0	$ -	0	$ -	$ -	0.00
Escamilla, Paloma	$ 168.00	$ -	0	$ -	0	$ -	0	$ -	$ 168.00	0.00
Flores, Haley	$ 18.56	$ -	0	$ -	0	$ -	0	$ -	$ 18.56	0.00
Garcia, Anthony	$ 1,778.31	$ -	0	$ -	0	$ -	0	$ -	$ 1,778.31	0.00
Gonzalez Corrales, Aleena	$ 128.00	$ -	0	$ -	0	$ -	0	$ -	$ 128.00	0.00
Hurlbert, Ronald	$ 408.00	$ -	0	$ -	0	$ -	0	$ -	$ 408.00	0.00
Jauriqui, Jose	$ 594.00	$ -	0	$ -	0	$ -	0	$ -	$ 594.00	0.00
Johnson, Theresa	$ 3,343.54	$ -	0	$ -	0	$ -	0	$ -	$ 3,343.54	0.00
Leon Morales, Yesenia	$ 644.00	$ -	0	$ -	0	$ -	0	$ -	$ 644.00	0.00
Lemm, Kylie	$ -	$ -	0	$ -	0	$ -	0	$ -	$ -	0.00
Lua, Daniela	$ -	$ -	0	$ -	0	$ -	0	$ -	$ -	0.00
Lua, Joshua	$ -	$ -	0	$ -	0	$ -	0	$ -	$ -	0.00
Lua, Miguelangel	$ -	$ -	0	$ -	0	$ -	0	$ -	$ -	0.00
Lujan, Vanessa	$ 442.00	$ -	0	$ -	0	$ -	0	$ -	$ 442.00	0.00
Manriquez Valdovinos, Ema	$ 1,663.08	$ -	0	$ -	0	$ -	0	$ -	$ 1,663.08	0.00
Martinez, Aylah	$ 688.88	$ -	0	$ -	0	$ -	0	$ -	$ 688.88	0.00
Martinez, Jeness	$ 96.00	$ -	0	$ -	0	$ -	0	$ -	$ 96.00	0.00
Naranjo, Alexander	$ -	$ -	0	$ -	0	$ -	0	$ -	$ -	0.00
Nazaroff, Rebekah	$ -	$ -	0	$ -	0	$ -	0	$ -	$ -	0.00
Negrete, Dean	$ 1,960.62	$ -	0	$ -	0	$ -	0	$ -	$ 1,960.62	0.00
Pena, Alexis	$ -	$ -	0	$ -	0	$ -	0	$ -	$ -	0.00
Pena, Mercedes	$ -	$ -	0	$ -	0	$ -	0	$ -	$ -	0.00
Ruiz, Rosalba	$ 627.00	$ -	0	$ -	0	$ -	0	$ -	$ 627.00	0.00
Salvador, Mark	$ 3,270.18	$ -	0	$ -	0	$ -	0	$ -	$ 3,270.18	0.00
Sidhu, Nirmal	$ 180.02	$ -	0	$ -	0	$ -	0	$ -	$ 180.02	0.00
Silva, Jessica	$ 80.00	$ -	0	$ -	0	$ -	0	$ -	$ 80.00	0.00

CITY OF KERMAN
PAYROLL REPORT

PAY PERIOD: April 14, 2024 - April 27, 2024

EMPLOYEE	SALARY	RETRO PAY & Other	OVERTIME HOURS	OVERTIME AMOUNT	HOLIDAY at 1/2 HOURS	HOLIDAY at 1/2 AMOUNT	STANDBY HOURS	STANDBY AMOUNT	GROSS SALARY	COMP TIME EARNED
Tovar, Jessica	$ 480.00	$ -	0	$ -	0	$ -	0	$ -	$ 480.00	0.00
Villarreal, Arlene	$ 2,500.62	$ -	0	$ -	0	$ -	0	$ -	$ 2,500.62	0.00
TOTAL	**$24,606.08**	**$ -**	**0**	**$ -**	**0**	**$ -**	**0**	**$ -**	**$ 24,606.08**	**0.00**
POLICE										
Arciga, Jose	$ 3,736.23	$ -	1.5	$ 66.27	0	$ -	0	$ -	$ 3,802.50	0.00
Barbosa, Isaias	$ 3,498.53	$ -	0	$ -	0	$ -	8	$ 82.70	$ 3,581.23	0.00
Barcoma, Wilbert	$ 5,142.47	$ -	0	$ -	0	$ -	0	$ -	$ 5,142.47	0.00
Barra, Brenden	$ 2,648.15	$ -	0	$ -	0	$ -	0	$ -	$ 2,648.15	4.50
Barrera, Eduardo	$ 2,662.95	$ -	2	$ 95.11	0	$ -	0	$ -	$ 2,758.06	0.00
Belding, Jeff	$ 4,458.61	$ -	3	$ 235.51	0	$ -	0	$ -	$ 4,694.11	0.00
Castro, Jaclynn	$ 2,725.45	$ -	0	$ -	0	$ -	0	$ -	$ 2,725.45	0.00
Chapman, Tom	$ 4,558.52	$ -	0	$ -	0	$ -	0	$ -	$ 4,558.52	0.00
Clark, Patrick	$ 3,064.81	$ -	20.5	$1,121.94	0	$ -	0	$ -	$ 4,186.75	0.00
Cubillos, Munique	$ 2,402.04	$ -	0	$ -	0	$ -	0	$ -	$ 2,402.04	0.00
Cubillos, Theresa	$ 3,308.12	$ -	0	$ -	0	$ -	0	$ -	$ 3,308.12	7.50
Farr, Jonathan	$ 2,536.17	$ -	0	$ -	0	$ -	0	$ -	$ 2,536.17	2.25
Garcia, Andrew	$ 2,598.00	$ -	0.5	$ 15.46	0	$ -	0	$ -	$ 2,613.46	0.00
Gempis, Danzel	$ 2,356.62	$ -	1	$ 42.08	0	$ -	0	$ -	$ 2,398.70	0.00
Gutierrez, Gloria	$ 2,296.24	$ -	0	$ -	0	$ -	0	$ -	$ 2,296.24	0.00
Gutierrez, Luis	$ 2,499.31	$ -	0	$ -	0	$ -	0	$ -	$ 2,499.31	0.00
Inthasone, Bryant	$ 2,474.31	$ -	0	$ -	0	$ -	0	$ -	$ 2,474.31	0.00
Irazoqui, Mario	$ -	$ -	0	$ -	0	$ -	0	$ -	$ -	0.00
Lim, Jim	$ 2,598.67	$ -	0	$ -	0	$ -	0	$ -	$ 2,598.67	4.50
Lopez, Matt	$ 170.00	$ -	0	$ -	0	$ -	0	$ -	$ 170.00	0.00
Lozano, Daniel	$ 2,325.18	$ -	6	$ 305.18	0	$ -	0	$ -	$ 2,630.35	0.00
Mendoza, Sandra	$ 3,995.15	$ -	3	$ 212.69	0	$ -	6.5	$ 76.80	$ 4,284.64	0.00
Ramirez, Victoria	$ 1,808.70	$ -	1.5	$ 45.22	0	$ -	0	$ -	$ 1,853.91	0.00
Roth, Adriana	$ 2,598.67	$ -	0	$ -	0	$ -	0	$ -	$ 2,598.67	0.00
Ruiz, Jose	$ 2,478.03	$ -	0	$ -	0	$ -	0	$ -	$ 2,478.03	0.00
Vasquez, Francisco	$ 2,440.53	$ -	0	$ -	0	$ -	0	$ -	$ 2,440.53	0.75
Velez, Bernice	$ 1,906.50	$ -	2.5	$ 89.37	0	$ -	0	$ -	$ 1,995.87	0.00
Wilkins, Steve	$ 5,312.82	$ -	0	$ -	0	$ -	0	$ -	$ 5,312.82	0.00
TOTAL:	**$78,600.78**	**$ -**	**41.5**	**$2,228.82**	**0**	**$ -**	**14.5**	**$ 159.51**	**$ 80,989.10**	**19.50**
PUBLIC WORKS										
Arrellano, Antonio	$ 2,216.46	$ -	0	$ -	0	$ -	0	$ -	$ 2,216.46	0.00
Barajas, Michael	$ 3,762.85	$ -	0	$ -	0	$ -	0	$ -	$ 3,762.85	0.00
Camacho, Armando	$ 2,216.46	$ -	1	$ 40.62	0	$ -	0	$ -	$ 2,257.08	0.00
Castro, Joseph	$ 3,778.55	$ -	0	$ -	0	$ -	0	$ -	$ 3,778.55	0.00
Cervantes, Pedro	$ 1,701.50	$ -	0	$ -	0	$ -	0	$ -	$ 1,701.50	0.00
Cruz Villalobos, Eulises	$ 1,663.08	$ -	0	$ -	0	$ -	0	$ -	$ 1,663.08	0.00
Garcia, Destiny	$ 2,417.69	$ -	0	$ -	0	$ -	0	$ -	$ 2,417.69	0.00
Garcia, Guadalupe	$ 1,510.82	$ -	0	$ -	0	$ -	0	$ -	$ 1,510.82	0.00
Garcia Pina, Gilberto	$ 1,663.08	$ -	17	$ 564.58	0	$ -	32	$ 645.23	$ 2,872.88	0.00
Gastelum, Humberto	$ 3,270.18	$ -	0	$ -	0	$ -	0	$ -	$ 3,270.18	0.00
Gutierrez Olivarez, Norberto	$ 1,867.38	$ -	0	$ -	0	$ -	0	$ -	$ 1,867.38	0.00
Hernandez, Julian	$ 2,108.92	$ -	0	$ -	0	$ -	0	$ -	$ 2,108.92	0.00
Isaak, Denise	$ 2,500.62	$ -	0	$ -	0	$ -	0	$ -	$ 2,500.62	0.00
Jimenez, Gabriela	$ 1,828.31	$ -	0	$ -	0	$ -	0	$ -	$ 1,828.31	0.00
Kaur, Harmeen	$ 2,437.08	$ -	0	$ -	0	$ -	0	$ -	$ 2,437.08	11.25

CITY OF KERMAN
PAYROLL REPORT

PAY PERIOD: April 14, 2024 - April 27, 2024

EMPLOYEE	SALARY	RETRO PAY & Other	OVERTIME HOURS	OVERTIME AMOUNT	HOLIDAY at 1/2 HOURS	HOLIDAY at 1/2 AMOUNT	STANDBY HOURS	STANDBY AMOUNT	GROSS SALARY	COMP TIME EARNED
Lopez, Josue	$ 2,029.08	$ -	0	$ -	0	$ -	0	$ -	$ 2,029.08	0.00
Morales, Andres	$ 2,359.08	$ -	0	$ -	0	$ -	0	$ -	$ 2,359.08	0.00
Ortiz, Carlos	$ 2,324.46	$ -	0	$ -	0	$ -	0	$ -	$ 2,324.46	0.00
Perez, Ruben Lopez	$ 2,166.46	$ -	1	$ 40.62	0	$ -	0	$ -	$ 2,207.08	0.00
Ramirez, Manuel	$ 3,137.68	$ -	0	$ -	0	$ -	0	$ -	$ 3,137.68	0.00
Sanchez, Daniel	$ 3,114.71	$ -	0	$ -	0	$ -	0	$ -	$ 3,114.71	1.50
Sanchez, Joseph	$ 970.05	$ -	0	$ -	0	$ -	0	$ -	$ 970.05	0.00
Soto, Samuel	$ 2,236.77	$ -	0	$ -	0	$ -	0	$ -	$ 2,236.77	0.00
Tinoco, Alfonso	$ 2,713.54	$ -	29.5	$564.58	0	$ -	32	$1,065.42	$ 5,451.99	0.00
Valdivia, Blanco	$ 1,764.55	$ -	0	$ -	0	$ -	0	$ -	$ 1,764.55	0.00
TOTAL	**$57,759.35**	**$ -**	**48.5**	**$2,318.85**	**0**	**$ -**	**64**	**$1,710.65**	**$ 61,788.85**	**12.75**
PLANNING										
Belmonte, Ruth	$ 2,464.77	$ -	0	$ -	0	$ -	0	$ -	$ 2,464.77	0.00
Campos, Manuel	$ 2,622.15	$ -	0	$ -	0	$ -	0	$ -	$ 2,622.15	1.88
Gomez, Juliana	$ 994.50	$ -	0	$ -	0	$ -	0	$ -	$ 994.50	0.00
Meza, Isela	$ 128.00	$ -	0	$ -	0	$ -	0	$ -	$ 128.00	0.00
Orozco, Jesus	$ 3,763.92	$ -	0	$ -	0	$ -	0	$ -	$ 3,763.92	0.00
Zamora, Karina	$ 841.50	$ -	0	$ -	0	$ -	0	$ -	$ 841.50	0.00
TOTAL	**$10,814.85**	**$ -**	**0**	**$ -**	**0**	**$ -**	**0**	**$ -**	**$ 10,814.85**	**1.88**

PLANNING		COUNCIL	
Bandy, R	$ -	Yep, G	$ -
Molloy, Cory	$ -	Herrera, I	$ 125.00
Nehring, K	$ -	Nijjer, B	$ 125.00
Felker, R	$ -	Coleman, J	$ 125.00
Bishop, S	$ -	Pacheco, M	$ 125.00

	Total	**$ -**		**Total**					**$ 500.00**	
GRAND TOTAL:	**$206,003.63**	**$0.00**	**109.19**	**$5,343.84**	**0**	**$0.00**	**78.5**	**$1,870.15**	**$213,217.63**	**43.50**

CITY OF KERMAN
CD/Securities Portfolio
As of April 30, 2024

Institution	Account Number	Interest Rate/ Trans. Date	Opening Date	Maturity Date	6/30/2023 Book Balance	Additions/ (Deletions)	Cashed In	6/30/2024 Book Balance	Fair Value	Interest Paid
CD's:										
Golman Sachs BK NY	615-030525-245	2.30%	7/26/17	7/26/22	98,000.00	(98,000.00)		-	-	-
Citibank Sioux Falls SD	615-030525-245	3.15%	8/14/18	8/15/22	98,000.00	(98,000.00)		-	-	-
Sallie Mae Bank	615-030525-245	2.65%	2/8/18	2/8/23	51,000.00	(51,000.00)		-	-	-
Synchrony Draper UT	615-030525-245	3.00%	4/20/18	4/20/23	96,000.00	(96,000.00)		-	-	-
Morgan Stanley Bank	615-030525-245	3.30%	7/12/18	7/12/23	240,000.00	(240,000.00)		-	-	3,927.45
Citibank	615-030525-245	3.30%	8/3/18	8/3/23	97,000.00	(97,000.00)		-	-	1,587.35
UBS Bank Salt Lake	615-030525-245	3.35%	10/5/18	10/5/23	98,000.00	(98,000.00)		-	-	1,097.34
Goldman Sachs Bank NY	615-030525-245	3.15%	2/6/19	2/6/24	48,000.00	(48,000.00)		-	-	1,512.00
Beal Bank USA Las Vegas Nev CFT	615-030525-245	1.55%	3/9/22	3/6/24	248,000.00	(248,000.00)		-	-	3,822.94
Ally Bank Sandy Utah	615-030525-245	2.55%	4/28/22	4/29/24	205,000.00	(205,000.00)		-	-	5,256.14
Barclays Bank Del Retail	615-030525-245	2.85%	6/2/22	6/3/24	245,000.00			245,000.00	244,436.50	3,500.82
American Express National Bank	615-030525-245	3.30%	6/29/22	7/1/24	245,000.00			245,000.00	244,147.40	4,053.58
Capital One National Mclean	615-030525-245	3.30%	6/29/22	7/1/24	245,000.00			245,000.00	244,147.40	4,053.58
Customers Bank Phoenixville PA	615-030525-245	4.70%	2/16/23	8/16/24	250,000.00			250,000.00	249,430.00	11,750.00
Charles Schwab Bank	615-030525-245	5.20%	3/7/23	9/16/24	250,000.00			250,000.00	249,837.50	13,035.61
Wells Fargo Bank in Sioux Falls	615-030525-245	4.35%	10/14/22	10/15/24	249,000.00			249,000.00	247,891.95	9,051.00
Morgan Stanley Private National Bank	615-030525-245	4.80%	4/20/23	10/21/24	244,000.00			244,000.00	243,382.68	11,744.08
Western Alliance Bank	615-030525-245	4.85%	4/13/23	10/21/24	244,000.00			244,000.00	243,343.64	11,866.42
Brookline Bank Mass	615-030525-245	5.30%	8/30/23	10/30/24		248,000.00		248,000.00	248,000.00	8,786.68
Morgan Stanley Bank	615-030525-245	5.20%	8/30/23	3/3/25		243,000.00		243,000.00	242,982.99	6,335.31
Bank of Wisonsin	615-030525-245	5.40%	9/27/23	4/2/25		248,000.00		248,000.00	248,488.56	6,714.33
Merrick Bank	615-030525-245	5.40%	9/27/23	4/4/25		248,000.00		248,000.00	248,496.00	6,714.33
Synchrony Bank	615-030525-245	5.50%	11/3/23	5/5/25		243,000.00		243,000.00	243,794.61	-
Bank of America	615-030525-245	5.50%	11/8/24	5/8/25		243,000.00		243,000.00	243,767.88	-
State Bank of India	615-030525-245	1.10%	5/28/20	5/28/25	248,000.00			248,000.00	237,613.76	1,375.21
Capital One National National	615-030525-245	3.35%	6/29/22	6/30/25	245,000.00			245,000.00	240,097.55	4,114.99
Pacific Member Bank Irvine	615-030525-245	5.00%	3/15/24	9/15/25		243,000.00		243,000.00	242,577.18	-
Discover Bank Greenwood	615-030525-245	3.55%	9/20/22	9/22/25	245,000.00			245,000.00	239,962.80	8,721.33
BMW Bank North Amer Salt Lake	615-030525-245	0.50%	9/25/20	9/25/25	249,000.00			249,000.00	233,641.68	1,248.41
Bank of Hapoalim B M New York	615-030525-245	5.05%	4/24/24	10/29/25		200,000.00		200,000.00	199,874.00	
US Government Bonds										
Federal Home Loan Bank	615-030525-245	4.00%	9/23/22	9/23/24	500,000.00			500,000.00	496,845.00	20,000.00
Federal Home Loan Bank	615-030525-245	5.05%	1/30/23	1/28/25	500,000.00			500,000.00	498,680.00	25,109.72
Federal Home Loan Bank	615-030525-245	5.10%	1/30/23	1/28/26	500,000.00			500,000.00	498,120.00	25,358.33
United Security Bank CD										
United Security Bank	1317802	4.75%	2/2/24	2/2/26		250,000.00		250,000.00	250,000.00	-
	Average Rate	**4.30%**								
Total CD's					**5,738,000.00**	**887,000.00**	**-**	**6,625,000.00**	**6,579,559.08**	**200,9**

CITY OF KERMAN
CD/Securities Portfolio
As of April 30, 2024

Institution	Account Number	Interest Rate/ Trans. Date	Opening Date	Maturity Date	6/30/2023 Book Balance	Additions/ (Deletions)	Cashed In	6/30/2024 Book Balance	Fair Value	Interest Paid
Securities America Sweep Program										
Beginning Balance					-			-		
	Transfers In/(Out)		7/6/23			269.84		269.84		
			7/13/23			243,927.45		243,927.45		
			7/14/23			12.06		12.06		
			7/17/23			890.26		890.26		
			7/28/23			(220,006.56)		(220,006.56)		
			7/31/23			(25,093.05)		(25,093.05)		
			7/31/23			34.06		34.06		
			8/4/23			98,587.35		98,587.35		
			8/8/23			1,028.62		1,028.62		
			8/15/23			933.15		933.15		
			8/17/23			5,826.71		5,826.71		
			8/30/23			(106,409.89)		(106,409.89)		
			8/31/23			26.81		26.81		
			9/1-9/26/23			24,703.61		24,703.61		
			9/26/23			(24,729.46)		(24,729.46)		
			10/1-10/31			112,157.47		112,157.47		
			10/30/23			(112,140.28)		(112,140.28)		
			11/1-11/30			246,219.90		246,219.90		
			11/3/24			(18.15)		(18.15)		
			11/8/23			(243,000.00)		(243,000.00)		
			11/29/23			(3,219.50)		(3,219.50)		
			12/1-12/31			6,594.11		6,594.11		
			12/1/23			(0.40)		(0.40)		
			12/27/23			(6,593.54)		(6,593.54)		
			1/2-1/17			16,499.25		16,499.25		
			1/30/24			(15,383.48)		(15,383.48)		
			2/1-2/27			(1,116.34)		(1,116.34)		
			2/29/24			7,415.64		7,415.64		
			3/1-3/31			(7,421.70)		(7,421.70)		
			4/1-4/30			(1,110.28)		(1,110.28)		
					-	**(1,116.34)**	**-**	**(1,116.34)**	**(1,116.34)**	**-**

CITY OF KERMAN
CD/Securities Portfolio
As of April 30, 2024

Institution	Account Number	Interest Rate/ Trans. Date	Opening Date	Maturity Date	6/30/2023 Book Balance	Additions/ (Deletions)	Cashed In	6/30/2024 Book Balance	Fair Value	Interest Paid
Local Agency Investment Fund										
Beginning Balance	98-10-400				12,165,605.11			12,165,605.11		-
	Interest	3.15%	7/14/23			95,517.05		95,517.05		95,517.05
		3.59%	10/13/23			110,565.87		110,565.87		110,565.87
		4.00%	1/12/24			124,287.89		124,287.89		124,287.89
		4.30%	4/15/24			140,569.77		140,569.77		140,569.77
	Transfers In/(Out)							-		
			3/21/24			5,000,000.00		5,000,000.00		
								-		
Total - LAIF		**3.76%**			**12,165,605.11**	**5,470,940.58**	**-**	**17,636,545.69**	**17,636,545.69**	**470,940.58**
Central Valley Money Market Acct	015030960									
Beginning Balance					8,640,558.56			8,640,558.56		
	Interest		7/31/23			587.08		587.08		587.08
			8/31/23			587.12		587.12		587.12
			9/29/23			549.28		549.28		549.28
			10/31/23			606.14		606.14		606.14
			11/30/23			568.30		568.30		568.30
			12/31/23			549.39		549.39		549.39
			1/31/24			625.21		625.21		625.21
			2/29/24			549.47		549.47		549.47
			3/31/24			439.91		439.91		439.91
			4/30/24			255.69		255.69		255.69
	Transfers In/(Out)							-		
			3/21/24			(5,000,000.00)		(5,000,000.00)		
								-		
		0.08%						-		
					8,640,558.56	(4,994,682.41)	-	**3,645,876.15**	3,645,876.15	5,317.59
Subtotal All City Investments		**2.71%**			**26,544,163.67**	**1,363,258.17**	**-**	**27,907,421.84**	**27,861,980.92**	**677,190.37**
			Total Investments		26,544,163.67	1,362,141.83	-	27,906,305.50	27,860,864.58	677,190.37
								Market Value Adjustment	(45,440.92)	
								1,362,141.83		
								1,362,141.83		
								0.00		

STAFF REPORT

MEETING DATE: May 22, 2024

PRESENTER: Jesus R. Orozco, Community Development Director

SUBJECT: Second Reading and Adoption of Ordinance Text Amendment 2024-01 repealing Title 17 of the Kerman Municipal Code and addition of a new Title 17 to the Kerman Municipal Code (JRO)

RECOMMENDATIONS: That City Council:

1. Find that no additional environmental documentation beyond an Addendum is necessary for the Zoning Code update and adopt an Addendum to Program Environmental Impact Report Prepared for the City of Kerman 2040 General Plan (SCH #2019049018); and

2. Council waive full reading and adopt Ordinance Text Amendment 2024-01 repealing Title 17 of the Kerman Municipal Code and addition of a new Title 17 to the Kerman Municipal Code Relating to the Zoning Code.

EXECUTIVE SUMMARY:

At the April 24, 2024, meeting, the Council held a public hearing and introduced Ordinance Text Amendment (OTA) 2024-01 repealing the existing Zoning Code to replace with a new Zoning Code Title 17 ("the Zoning Code") of the Kerman Municipal Code. At that time, Staff had requested minor modifications to the Zoning Code not previously considered by the Planning Commission. City Council introduced OTA 2024-01 with the recommended minor modifications subject to the Planning Commission's report and recommendation consistent with KMC Section 17.26.060.

At the May 13, 2024, meeting, the Planning Commission considered the minor modifications referred by the City Council. At said meeting, the Planning Commission determined the minor modifications were consistent with the original intent of OTA 2024-01 and adopted Resolution 2024-11, included as Attachment 'B', recommending the Council adopt OTA 2024-01 with the Council's referred minor modifications.

The analysis prepared for OTA 2024-01 presented before the Council at the April 24, 2024 has been included as Attachment 'C'.

ENVIRONMENTAL REVIEW:

The City prepared a Program Environmental Impact Report (PEIR) (SCH #2019049018) for the 2040 General Plan to assess the potential significant environmental impacts that could result from the implementation of the 2040 General Plan. The PEIR identified that implementation of the General Plan would require a subsequent update of the City's zoning code to implement the General Plan, which was also contemplated by the PEIR prepared for the General Plan. Under CEQA Guidelines Section 15168(c), the zoning code update may rely on the PEIR as it is furtherance of the plans and other general criteria established by the General Plan. Based on an examination of the zoning code update in light of the PEIR, the City may find that no additional environmental documentation beyond an Addendum to the same is required to be prepared for the zoning code update as none of the criteria of CEQA Guidelines Section 15168(c) have been met in that: i) the update would not have an effect that was not examined in the PEIR; ii) under CEQA Guidelines sections 15162 and 15164, none of the findings for a subsequent EIR would be required; iii) any feasible mitigation developed in the PEIR were incorporated in the zoning code update, or there was no applicable mitigation; iv) the zoning code update does not involve site-specific operations for which evaluation of a checklist would be warranted, as the zoning code is of City-wide effect; and v) the update of the zoning code was a specifically planned activity to implement in the General Plan. With regard to CEQA Guidelines section 15162, the City may further find that: i) no subsequent review is required given that since that time no substantial changes have been proposed in the project which will require major revisions of the previously approved PEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; ii) no substantial changes have occurred since that time with respect to the circumstances under which the zoning code update is undertaken which will require major revisions of the PEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and iii) there is no new information, which was not known and could not have been known at the time of the PEIR was prepared that the zoning code update will have significant effect not discussed in the PEIR. As such, the City may adopt the Addendum prepared for the PEIR and find that the zoning code update has already been fully assessed in accordance with CEQA, no subsequent review is required under CEQA Guidelines sections 15162, 15162, and 15168, and no further action or review is required under CEQA.

FISCAL IMPACT:

Preparation of the comprehensive Zoning Code update has been paid for by State funding made available under the SB 2 Planning Grant Program.

ATTACHMENTS:

A. Ordinance Text Amendment 2024-01 w/Exhibit 'A-1' (Zoning Code)
B. Planning Commission Resolution No. 2024-11
C. Ordinance Text Amendment Analysis
D. PEIR Addendum

Attachment 'A'

ORDINANCE NO. 24-___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KERMAN REPEALING TITLE 17 OF THE KERMAN MUNICIPAL CODE AND ADDING A NEW TITLE 17 TO THE KERMAN MUNICIPAL CODE RELATING TO CITY OF KERMAN ZONING CODE

WHEREAS, the City of Kerman was awarded $160,000 under the SB 2 Planning Grants Program to promote development consistent with the State's planning priorities; and

WHEREAS, the City, with the assistance of a professional services consultant prepared a comprehensive update to Title 17 of the Kerman Municipal Code (the City's Zoning Code); and

WHEREAS, after a public review period of thirty days, on March 18, 2024, the City of Kerman Planning Commission conducted a duly noticed public hearing on the proposed Ordinance Text Amendment repealing Title 17 of the Kerman Municipal Code and adding a new Title 17 to the Kerman Municipal Code relating to the Zoning Code, and all interested persons were given an opportunity to be heard; and

WHEREAS, at the public hearing, the Planning Commission received and considered the staff report and all the information, evidence, and testimony presented in connection with the proposed Ordinance Text Amendment; and

WHEREAS, the Planning Commission adopted Resolution 2024-07 recommending that the Council adopt an Ordinance Text Amendment repealing Title 17 of the Kerman Municipal Code and adding a new Title 17 to the Kerman Municipal Code relating to the Zoning Code and adopt an Addendum to Program Environmental Impact Report Prepared for the City of Kerman 2040 General Plan (SCH #2019049018) as authorized by the California Environmental Quality Act; and

WHEREAS, the City Council subsequently conducted a duly noticed public hearing on April 24, 2024, to consider an Ordinance Text Amendment repealing Title 17 of the Kerman Municipal Code and adding a new Title 17 to the Kerman Municipal Code and Addendum to Program Environmental Impact Report Prepared for the City of Kerman 2040 General Plan (SCH #2019049018) as recommended by the Planning Commission; and

WHEREAS, Staff presented several minor modifications to the Zoning Code not previously considered by the Planning Commission at said City Council public hearing; and

WHEREAS, the City Council introduced OTA 2024-01 with minor modifications and referral back to the Planning Commission for its report and recommendation on said minor modifications consistent with KMC Section 17.26.060; and

WHEREAS, the Planning Commission adopted Resolution 2024-11 recommending City Council adopt OTA 2024-01 with the City Council's referred minor modifications; and

WHEREAS, the City Council finds that all legal pre-requisites required under Chapter 17.26 of the Kerman Municipal Code for consideration of the Ordinance Text Amendment recommended by the Planning Commission have occurred, including notice as required by law; and

WHEREAS, after due consideration, the City Council now desires to adopt an Ordinance Text Amendment repealing Title 17 of the Kerman Municipal Code and adding a new Title 17 to the Kerman Municipal Code relating to the Zoning Code and adopt an Addendum to Program Environmental Impact Report Prepared for the City of Kerman 2040 General Plan (SCH #2019049018) pursuant to the California Environmental Quality Act.

NOW THEREFORE, the City Council of the City of Kerman does ordain as follows:

SECTION 1. Title 17 of the Kerman Municipal Code is hereby repealed.

SECTION 2. A new Title 17 with the Title "Zoning Code" is hereby added to the Kerman Municipal Code to read, in its entirety, as set forth in the attached Exhibit 'A-1' which is incorporated in full by reference.

SECTION 3. All ordinances, and parts thereof, of the City of Kerman in effect that are in conflict at the time of adoption of this Ordinance are hereby repealed.

SECTION 4. CEQA. The City Council finds that the City prepared a Program Environmental Impact Report (PEIR) (SCH #2019049018) for the 2040 General Plan to assess the potential significant environmental impacts that could result from the implementation of the 2040 General Plan. The PEIR identified that implementation of the General Plan would require a subsequent update of the City's zoning code to implement the General Plan, which was also contemplated by the PEIR prepared for the General Plan. Under CEQA Guidelines Section 15168(c), the zoning code update may rely on the PEIR as it is a furtherance of the plans and other general criteria established by the General Plan. Based on an examination of the zoning code update in light of the PEIR, the City Council finds that no additional environmental documentation beyond an Addendum to the same is required to be prepared for the zoning code update as none of the criteria of CEQA Guidelines Section 15168(c) have been met in that: i) the update would not have an effect that were not examined in the PEIR; ii) under CEQA Guidelines sections 15162 and 15164, none of the findings for a subsequent EIR would be required; iii) any feasible mitigation developed in the PEIR were incorporated in the zoning code update, or there was no applicable mitigation; iv) the zoning code update does not involve site-

specific operations for which evaluation of a checklist would be warranted, as the zoning code is of City-wide effect; and v) the update of the zoning code was a specifically planned activity to implement in the General Plan. With regard to CEQA Guidelines section 15162, the City Council further finds that: i) no subsequent review is required given that since that time no substantial changes have been proposed in the project which will require major revisions of the previously approved PEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; ii) no substantial changes have occurred since that time with respect to the circumstances under which the zoning code update is undertaken which will require major revisions of the PEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and iii) there is no new information, which was not known and could not have been known at the time of the PEIR was prepared that the zoning code update will have significant effect not discussed in the PEIR. As such, the City Council adopts the Addendum to Program Environmental Impact Report Prepared for the City of Kerman 2040 General Plan (SCH #2019049018) and finds that the zoning code update has already been fully assessed in accordance with CEQA, no subsequent review is required under CEQA Guidelines sections 15162, 15162, and 15168, and no further action or review is required under CEQA.

SECTION 5. General Plan Consistency. The City Council finds that the Zoning Code is consistent with the goals, policies, and programs of the City of Kerman 2040 General Plan.

SECTION 6. Severability. If any provision(s) of this Ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or application, and to this end, the provisions of this ordinance are declared to be severable. The City Council hereby declares that they would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part, or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, parts, or portions thereof be declared invalid or unconstitutional.

SECTION 7. Publication. This Ordinance shall be published in accordance with the provisions of Government Code Section 36933.

SECTION 8. Effective Date. This ordinance shall become effective thirty (30) days after the date of adoption.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Kerman on the 24th day of April 2024, and was passed and adopted at a regular meeting of the City Council of the City of Kerman on the 22nd day of May 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

The foregoing ordinance is hereby approved.

_____
Maria Pacheco
Mayor

Attest:

_____
Josie Camacho
Interim City Clerk

EXHIBIT 'A-1'
ORDINANCE NO. 24-01

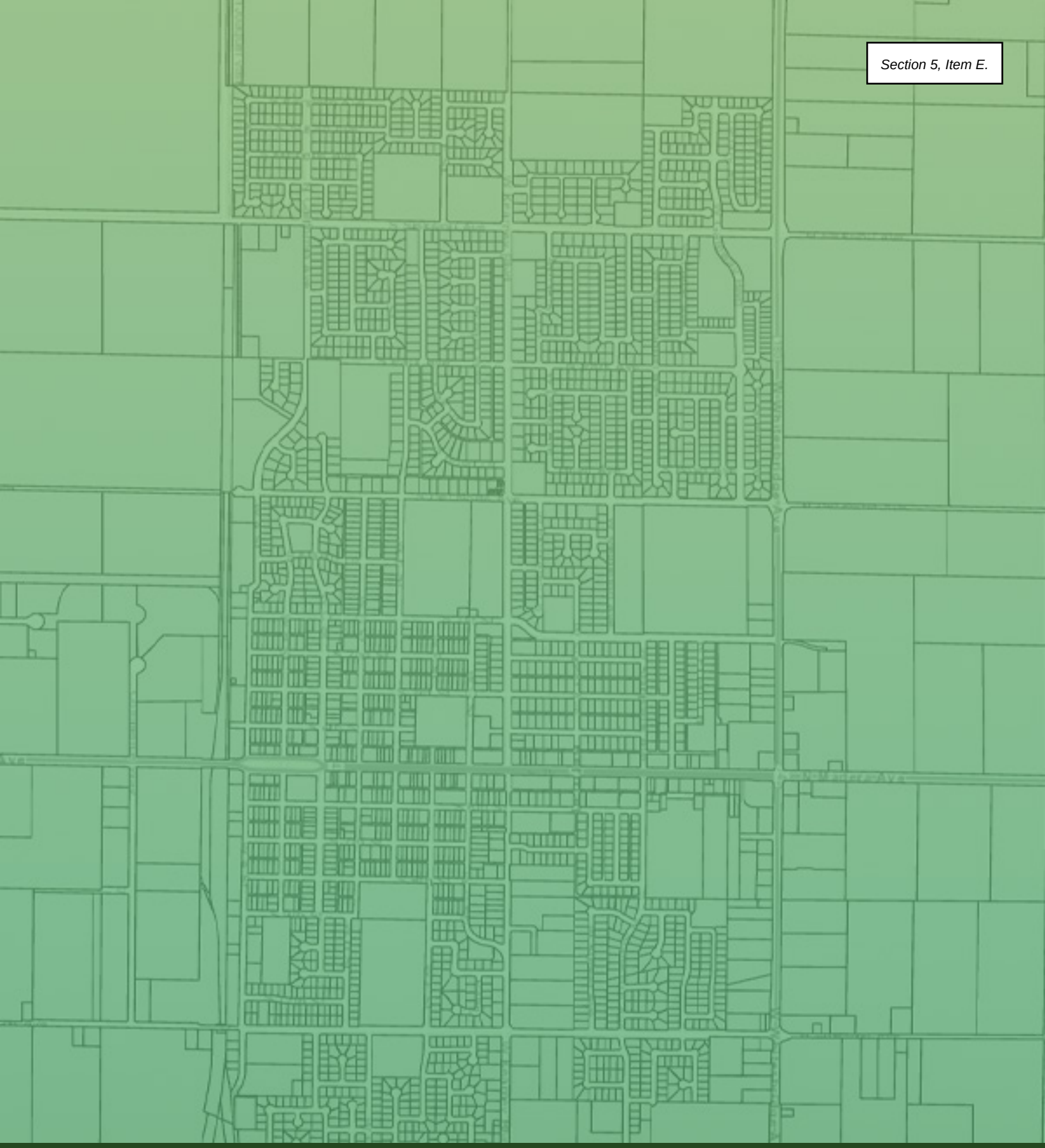
TITLE 17 - ZONING CODE

CITY OF KERMAN

FINAL DRAFT

May 2024

City of Kerman
Community Development Department
850 South Madera Avenue
Kerman, CA 93630



PREPARED BY:

mintierharnish
Planning Tomorrow Today®

City of Kerman
Title 17 – Zoning Code

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Title 17 – Zoning Code

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Chapter 17.02

Title, Purpose, and Applicability of the Zoning Code

Chapter 17.02 Title, Purpose, and Applicability of the Zoning Code

17.02.010 Title

Title 17 of the City of Kerman Municipal Code, containing the City's zoning regulations, shall be known as the "City of Kerman Zoning Code", and referred to as the "Zoning Code."

17.02.020 Purpose and Authority

A. **Purpose of the Zoning Code.** The purpose of the Zoning Code is to preserve and promote the public health, safety, and welfare of the City, and to facilitate growth and expansion of the City in a precise and orderly manner. More specifically, this Zoning Code is adopted to achieve the following objectives:

1. Assure that the public and private lands are ultimately used for purposes which are appropriate and most beneficial for the City;
2. Implement the goals, policies, implementation programs, and Land Use Map of the General Plan;
3. Assure the appropriate location of community facilities;
4. Promote a safe, effective traffic circulation system;
5. Require adequate off-street parking and loading areas;
6. Prevent the overbuilding of land by development through the regulation of parcel coverage, setbacks, height, and parcel density and dimensions;
7. Promote a well-designed City through the regulation of signs, landscaping, structure design, and other improvement standards associated with development;
8. Promote and protect commercial and industrial development within the City, in order to strengthen its economic base; and
9. To conserve the City's natural resources and community assets.

B. **Authority.** This Zoning Code is enacted based on the authority vested in the City by the State of California, including but not limited to the State Constitution; the Planning and Zoning Law (Government Code Sections 65000 et seq.); and the California Environmental Quality Act (Public Resources Code Sections 21000 et seq.).

17.02.030 Applicability

This Zoning Code applies to all areas within the municipal boundaries of the City of Kerman whether owned, leased, or operated by private persons, farms, corporations, or organizations. Additionally, any property owned, leased, or operated by the United States; the State of California; the County of Fresno; or, any other public or governmental body or agency shall be governed by the provisions of this Zoning Code, as follows:

A. Where such public or governmental uses are specifically listed, they shall be governed as indicated.

B. Where such public or governmental uses are not specifically listed, they shall be permitted only in zones allowing private uses of a substantially similar nature as provided in Subsection 17.04.030.B (Classification of Uses).

C. Property owned by the United States; the State of California; the County of Fresno; or any other governmental agency shall be exempt from the provisions of this Zoning Code only to the extent that their property may not be lawfully regulated by the City.

17.02.040 Relationship to Prior Code

The provisions of this Zoning Code, as it existed before the effective date of Ordinance No. (insert ordinance number to adopt this update), are repealed and superseded as provided in the ordinance enacting this Title. No provision of this Zoning Code shall validate or legalize any land use, structure, or subdivision constructed, created, established, or maintained in violation of the City as they existed before repeal by the ordinance enacting this Zoning Code, except as addressed by nonconformities created by this Zoning Code, in compliance with Article 5 (Nonconformities).

17.02.050 Relationship to General Plan

A. **Zoning Code is the Primary Tool.** Nothing in this Zoning Code eliminates the need for obtaining any other permits or entitlements required by the City, or any permit, approval, or entitlement required by the regulations of any regional, State, or Federal agency.

1. **General Plan.** The General Plan is a comprehensive, long-range, general policy statement for the entire community. The General Plan designates appropriate locations and densities for residential, commercial, mixed use, industrial, office, public, and open space uses.

2. **Zoning Code.** This Zoning Code is a specific statement of allowable uses of land and related development standards by zone designed to control the use, type, bulk, height, space, and location of structures and land. This Zoning Code is intended to be applied to the City based on land use designations established in the General Plan.

B. **General Plan Consistency.** The Council intends that this Zoning Code be consistent with the General Plan and any applicable specific plan to the maximum extent practicable, and that any development, land use, or subdivision approved in compliance with this Zoning Code shall also be consistent with the General Plan and any applicable specific plan to the maximum extent practicable.

C. **Inconsistencies Between the General Plan and Zoning Code.** Where inconsistencies are found to exist between the General Plan and this Zoning Code, the General Plan shall control the use and development of the land until the Council adopts an amendment(s) to achieve consistency with the existing or current General Plan.

17.02.060 Severability, Partial Invalidation of Zoning Code

If any portion of this Zoning Code is held to be invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, the determination shall not affect the validity of the remaining portions of this Zoning Code. The Council hereby declares that this Zoning Code and each article, chapter, section, subsection, paragraph, subparagraph, sentence, clause, phrase, and portion thereof is adopted without regard to the fact that one or more portions of this Zoning Code may be declared invalid, unconstitutional, or unenforceable.

Chapter 17.04

Interpretation of the Zoning Code

Chapter 17.04 Interpretation of the Zoning Code

17.04.010 Purpose

The purpose of this Chapter is to specify the authority and procedures for clarifying any ambiguity in this Zoning Code, and to ensure its consistent interpretation and application.

17.04.020 Rules of Interpretation

A. **Authority.** The Director shall decide any questions involving the interpretation or application of any provision of this Zoning Code. However, any interpretation of the Director may be appealed to the Commission and the interpretation of the Commission may be appealed to the Council.

B. **Language.**

1. When used in this Zoning Code, the word "shall" is always mandatory and not discretionary. The word “should” is not mandatory but is strongly recommended. The word "may" is permissive. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural, and the plural the singular, unless the natural construction of the word indicates otherwise. The words "includes" and “including” shall not limit a term to the specific examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

2. The word "City" shall mean the City of Kerman.

3. The word "Council" shall mean the City Council of the City of Kerman. The word "Commission" shall mean the Planning Commission of the City of Kerman.

4. The word “Director” shall mean the Community Development Director of the City of Kerman or their designee. In the event that position title is modified, the word “Director” shall refer to that position title and to the position responsible for implementing and enforcing this Zoning Code.

C. **Time Limits.** Whenever a number of days is specified in this Zoning Code, or in any permit, condition of approval, or notice provided in compliance with this Zoning Code, the number of days shall be construed as calendar days. A time limit shall extend to the following working day where the last of the specified number of days falls on a Saturday, Sunday, or City recognized holiday.

D. **Zoning Map Boundaries.** See Section 17.06.050 (Uncertainty of Boundaries).

E. **Allowable Uses of Land.** See Article 2 (Zones, Allowable Uses and Development Standards).

F. **State Law Requirements.** Where this Zoning Code references applicable provisions of State law (for example, the California Government Code, Subdivision Map Act, or Public Resources Code), the reference shall be interpreted to be to the applicable State law provisions as they may be amended from time to time.

17.04.030 Uses Not Classified

A. **Uses Not Listed are Not Allowed.** Since the language used in this Zoning Code is deemed permissive, if a proposed use of land is not specifically listed in Article 2 (Zones, Allowable Uses, and Development Standards), the use shall not be allowed, except as provided in Subsection B, below.

B. **Classification of Uses.** The Council authorizes the Director to make written findings on requests for a classification of use. In determining the use classification, the Director must find that the use is substantially similar in character, intensity, and compatibility to a use or uses within the zone applicable to the property.

C. **Applicable Standards and Permit Requirements.** Based on this finding, the use shall be processed in the same manner as the similar use and shall be subject to the same standards and regulations. In such instances, the Director may also initiate proceedings to update the Zoning Code to add the specific use under consideration.

D. **Director Determination.** By written determination, the Director may approve, modify, or deny a classification of use. The decision of the Director shall be final unless appealed to the Commission. Said appeal shall be filed and processed in compliance with Chapter 17.114 (Appeals).

17.04.040 Conflicting Uses and Requirements

A. **Differences in Meaning.** In case of difference of meaning or implication between the text of this Zoning Code and any other ordinance now in effect or hereafter adopted, or any caption within this Zoning Code, the text of this Zoning Code shall prevail.

B. **Easements, Covenants, and Private Agreements.** It is not the intention of this Zoning Code to interfere with or abrogate or annul any easements, covenants, or other agreements between parties. However, where this Zoning Code imposes a greater restriction upon the use of structures or parcels, or upon the height of buildings, or requires larger parcel areas than are required by other ordinances, rules, regulations or by easements, covenants or agreements, the regulations of this Zoning Code shall prevail.

17.04.050 Heading and Illustrations

A. **Headings.** The headings of the article, chapter, section, subsection, paragraph, subparagraph, sentence, clause, phrase, and portion thereof of this Zoning Code, together with the accompanying illustrations, examples, and explanatory notes, are inserted as a matter of convenience and illustrative purposes only and in no way define, limit, or enlarge the scope or meaning of this Zoning Code or its provisions.

B. **Illustrations and Diagrams.** In case of a conflict between the Zoning Code text and any diagram, illustration, or image contained in this Code, the text of this Zoning Code shall prevail.

Chapter 17.06

Zones and Zoning Map

Chapter 17.06 Zones and Zoning Map

17.06.010 Purpose and Intent

A. **Purpose.** This Chapter establishes the zones applied to property within the City and adopts the City's Zoning Map.

B. **Intent.** The intent of this Chapter is to promote development in the City which is consistent with the goals, polices, and implementation programs of the General Plan.

17.06.020 Establishment of Zones

A. **General.** The City shall be divided into zones which implement the General Plan. The zones shown in Table 17.06-1 (Zone Classifications) are hereby established and shall be shown on the Zoning Map.

B. **Base Zones.** Every parcel shall have a base zone that establishes the primary type and intensity of land use allowed, along with development standards for that particular type and intensity of land use.

C. **Combining Zones.** A combining zone supplements the base zone for the purpose of establishing special land use allowances or limitations or development standards and regulations for a particular area in addition to the provisions of the underlying base zone. In the event of conflict between the base zone regulations and the combining zone regulations, the Director shall determine which regulation(s) apply. When a combining zone is attached to a base zone additional governmental review may be required.

Table 17.06-1
Zone Classifications

Zoning Map Symbol	Zone Name	Density	Non-Residential FAR	Corresponding General Plan Land Use Designation(s)
		(maximum unless otherwise specified)		
Residential Zones				
RR	Rural Residential	2 du/ac	-	Very Low Density Residential (VLDR)
		-	-	Quasi-Public (QP)
		-	-	Schools (S)
RR-43	Rural Residential (43,000 sq. ft. min.)	2 du/ac	-	Very Low Density Residential (VLDR)
		-	-	Quasi-Public (QP)
		-	-	Schools (S)

Table 17.06-1
Zone Classifications

Zoning Map Symbol	Zone Name	Density (maximum unless otherwise specified)	Non-Residential FAR (maximum unless otherwise specified)	Corresponding General Plan Land Use Designation(s)
RR-100	Rural Residential (100,000 sq. ft. min.)	2 du/ac	-	Very Low Density Residential (VLDR)
		-	-	Quasi-Public (QP)
		-	-	Schools (S)
R-1-7	Single-Family Residential (7,000 sq. ft. min.)	9 du/ac	-	Low Density Residential (LDR)
		12 du/ac	-	Medium Density Residential (MDR)
		-	-	Quasi-Public (QP)
		-	-	Schools (S)
R-1-12	Single-Family Residential (12,000 sq. ft. min.)	9 du/ac	-	Low Density Residential (LDR)
		12 du/ac	-	Medium Density Residential (MDR)
		-	-	Quasi-Public (QP)
		-	-	Schools (S)
R-2	Two-Family Residential	12 du/ac	-	Medium Density Residential (MDR)
		-	-	Quasi-Public (QP)
		-	-	Schools (S)
R-3	Multi-Family Residential	20 du/ac (min.) 24 du/ac (max.)	-	High Density Residential (HDR)
		-	-	Quasi-Public (QP)
		-	-	Schools (S)
Residential Zones - Smart Development (SD) Combining				
SD-R-2.5	SD Residential (2,500 sq. ft. min.)	20 du/ac (min.) 24 du/ac (max.)	-	High Density Residential (HDR)
		12 du/ac	-	Medium Density Residential (MDR)
		-	-	Quasi-Public (QP)
		-	-	Schools (S)
SD-R-3.5	SD Residential (3,500 sq. ft. min.)	12 du/ac	-	Medium Density Residential (MDR)
		-	-	Quasi-Public (QP)
		-	-	Schools (S)
SD-R-4.5	SD Residential (4,500 sq. ft. min.)	9 du/ac	-	Low Density Residential (LDR)
		12 du/ac	-	Medium Density Residential (MDR)
		-	-	Quasi-Public (QP)
		-	-	Schools (S)

Table 17.06-1
Zone Classifications

Zoning Map Symbol	Zone Name	Density (maximum unless otherwise specified)	Non-Residential FAR (maximum unless otherwise specified)	Corresponding General Plan Land Use Designation(s)
SD-R-5.0	SD Residential (5,000 sq. ft. min.)	9 du/ac	-	Low Density Residential (LDR)
		12 du/ac	-	Medium Density Residential (MDR)
		-	-	Quasi-Public (QP)
		-	-	Schools (S)
Residential Zones - Planned Development (PD) Combining				
PD-R-1	PD Single-Family Residential	9 du/ac	-	Low Density Residential (LDR)
		-	-	Quasi-Public (QP)
		-	-	Schools (S)
PD-R-1-7	PD Single-Family Residential (7,000 sq. ft. min.)	9 du/ac	-	Low Density Residential (LDR)
		12 du/ac	-	Medium Density Residential (MDR)
		-	-	Quasi-Public (QP)
		-	-	Schools (S)
PD-R-1-12	PD Single-Family Residential (12,000 sq. ft. min.)	9 du/ac	-	Low Density Residential (LDR)
		12 du/ac	-	Medium Density Residential (MDR)
		-	-	Quasi-Public (QP)
		-	-	Schools (S)
Commercial and Office Zones				
CG	General Commercial	-	0.3	General Commercial (GC)
		-	0.3	Regional Commercial (RC)
		-	1.0	Office (O)
CN	Neighborhood Commercial	-	0.5	Neighborhood Commercial (NC)
CS	Service Commercial	-	0.3	General Commercial (GC)
		-	0.3	Service Commercial (SC)
		-	0.3	Regional Commercial (RC)
PA	Professional and Administrative Office	-	1.0	Office (O)
Mixed-Use Zone				
MU	Mixed-Use	20 du/ac	1.0	Mixed-Use (MU)
Industrial Zones				
M-1	Light Industry	-	0.3	Industrial (I)
M-2	Heavy Industry	-	0.3	Industrial (I)
-IBA	Industrial Boulevard Area Combining	-	0.3	Industrial (I)
Public and Quasi-Public Zones				
O	Open Space, Recreation, & Public Facilities	-	-	Public/Quasi-Public (PUB)

Table 17.06-1
Zone Classifications

Zoning Map Symbol	Zone Name	Density	Non-Residential FAR	Corresponding General Plan Land Use Designation(s)
		(maximum unless otherwise specified)		
		-	-	Parks (P)
		-	-	Ponding Basins (PB)
UR	Urban Reserve	-	-	Urban Reserve

17.06.030 Zoning Map

A. **Adoption.** The Council hereby ratifies the City of Kerman Zoning Map (hereafter referred to as the "Zoning Map"), which is on file with the Community Development Department. Such ratification is deemed adoption of the Zoning Map. This Zoning Code, together with the Zoning Map, is adopted in compliance with current State planning, zoning, and development laws. The Zoning Map is hereby incorporated into this Zoning Code by reference as though it were fully included here. Any additional maps (e.g., setback map, height map) adopted shall also be a part of this Zoning Code by reference.

B. **Zoning Map Contents.** The boundaries, designations, and locations of the zones established by this Zoning Code shall be shown upon the Zoning Map.

C. **Zoning Map Amendments.** Amendments to the existing zone boundaries of any identified zones shall be made by ordinance (rezone) in compliance with Chapter 17.112 (Amendments).

17.06.040 Determination of Boundaries

A. **General.** In the event of a difference or conflict between the text of this Zoning Code and the zones shown on the Zoning Map, the designation(s) on the Zoning Map shall prevail.

B. **Uncertainty of Boundaries.** Where uncertainty exists with respect to the boundaries of the various zones as shown on the official Zoning Map, the following rules shall apply:

1. Where a boundary is indicated as a street, alley, railroad right-of-way, canal, or other watercourse, the centerline of such shall be considered to be the boundary line. In the event of abandonment, the property shall immediately become classified in the same zone as the property adjoining the former street, alley, railroad right-of-way, canal or watercourse.

2. Where doubt exists as to the location of a zone boundary in the interior of a block, the boundary shall be the nearest interior parcel line existing at the effective date of the ordinance codified in this Zoning Code or at the date when the property may have been subsequently rezoned.

3. Where the street layout on the ground or the parcel lines differ from such layout or lines shown on the Zoning Map, the matter shall be referred to the Director to determine the exact boundary and the map shall be amended to conform to the layout on the ground.

17.06.050 Classification of Annexed Lands

A. Where property annexed to the City has been classified by the City pursuant to pre-zoning provisions, such pre-zoning classification becomes effective at the same time the annexation becomes effective. The method of accomplishing pre-zoning, determining the zone that will apply to such property in the event of sub-annexation to the City, shall be the same as that specified for change amendments in compliance with Chapter 17.112 (Amendments).

B. When property is annexed to the City it shall be pre-zoned to a zone that is consistent with the General Plan. If a General Plan land use designation has not been placed upon the property, the land shall be pre-zoned concurrent with a General Plan amendment.

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17 – Zoning Code

Article 2 – Zones, Allowable Uses, and Development Standards

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Chapter 17.10
Residential Zones

Chapter 17.10 Residential Zones

17.10.010 Purpose and Intent of Residential Zones

The purposes and intent of the residential zones are as follows:

A. **RR, RR-43, RR-100 – Rural Residential Zones.** The purpose of the rural residential zones are to preserve the rural character of the City by providing for areas that allow low density residential development on large lots. These zones are intended to serve as transition areas between urbanizing lands and existing agriculture operations. The rural residential zones are categorized by minimum parcel size as follows: 0.5 acre for RR, 1-acre, or 43,000 square feet for RR-43, and 2.5-acres or 100,000 square feet for RR-100. The rural residential zones implement the Very Low Density Residential (VLDR), Quasi-Public (QP), and Schools (S) land use designations in the General Plan.

B. **R-1-7, R-1-12 – Single-Unit Residential Zones.** The purpose of the single-unit residential zones are to provide areas in the City that allow low and medium density residential development and other compatible uses. These zones are intended to promote an environment which is free of traffic and parking congestion, significant noise levels, and uses which are not complementary to residential neighborhoods. The R-1 residential zones are categorized by minimum parcel size as follows: 7,000 square feet for R-1-7, and 12,000 square feet for R-1-12. The single-unit residential zones implement the Low Density Residential (LDR), Medium Density Residential (MDR), Quasi-Public (QP), and Schools (S) land use designations in the General Plan.

C. **R-2, R-3 – Multi-Unit Residential Zones.** The purpose of the multi-unit residential zones are to provide areas in the City that allow a range of medium and high density residential development and other compatible uses. Development in these zones is to be designed in a manner which does not conflict with surrounding land uses and does not over burden local streets. The multi-unit residential zones are categorized by maximum density as follows: R-2 and R-3. The multi-unit zones implement the Medium Density Residential (MDR), High Density Residential (HDR), Quasi-Public (QP), and Schools (S) land use designations in the General Plan.

17.10.020 Residential Zones Land Use Regulations

A. **Table 17.10-1 Land Use Regulations – Residential Zones.** Table 17.10-1 (Land Use Regulations – Residential Zones) establishes the uses allowed within each residential zone and any permits required to establish the use.

B. **Uses Not Listed.** Land uses not listed in Table 17.10-1 (Land Use Regulations – Residential Zones) are not allowed, in compliance with Section 17.04.030 (Uses Not Classified).

C. **Additional Regulations.** The right-hand column in Table 17.10-1 (Land Use Regulations – Residential Zones) indicates additional regulations that may apply to the use. Provisions in other sections of this Zoning Code may also apply.

Table 17.10-1
Land Use Regulations – Residential Zones

Key:	P = Allowed by Right; AUP = Administrative Use Permit; (–) = Not Allowed CUP = Conditional Use Permit							
Land Use (see Article 8 for land use definitions)	**Permit Requirement by Zone**							**Additional Regulations**
	RR	**RR-43**	**RR-100**	**R-1-7**	**R-1-12**	**R-2**	**R-3**	
Agriculture, Resource, & Open Space Uses`								
Accessory Structure, Agricultural	P	P	P	-	-	-		Chapter 17.22 (Accessory Structures)
Human Services Uses								
Cemetery	CUP	CUP	CUP	CUP	CUP	-	-	
Child Day Care Home	P	P	P	P	P	P	P	
Community Care Facility, Large	P	P	P	P	P	P	P	
Community Care Facility, Small	P	P	P	P	P	P	P	
Day Care Center	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Emergency Shelter	-	-	-	-	-	-	P	Section 17.40.030
Recreation, Education, and Public Assembly Uses								
Place of Assembly	-	-	-	CUP	CUP	CUP	CUP	
School, Private and Vocational	CUP	CUP	CUP	-	-	CUP	CUP	
Residential Uses								
Accessory Structure, Residential	P	P	P	P	P	P	P	Chapter 17.22 (Accessory Structures)
Boarding House	-	-	-	-	-	CUP	CUP	
Cottage Food Operation	P	P	P	P	P	P	P	
Dwelling, Accessory Dwelling Unit (ADU)	P	P	P	P	P	P	P	Section 17.40.010 (Accessory Dwelling Unit)
Dwelling, Multi-Unit (three or more)	-	-	-	-	-	P	P	Chapter 17.46 (Multi-Unit Dwelling Objective Design Standards)
Dwelling, Single-Unit	P	P	P	P	P	CUP	CUP	Section 17.10.100 (Architectural Standards: R-1-7 and R-1-12 Zones)
Dwelling, Two-Unit	-	-	-	CUP	CUP	P	P	
Employee Housing	P	P	P	P	P	P	P	
Home Occupation	P	P	P	P	P	P	P	Section 17.40.040 (Home Occupation)
Mobile Home Park	CUP	CUP	CUP	-	-	CUP	CUP	Section 17.40.050 (Mobile Home Park) Section 17.10.100 (Architectural

								Standards: R-1-7 and R-1-12 Zones)
Single Room Occupancy Housing	-	-	-	CUP	CUP	P	P	
Supportive/Transitional Housing	P	P	P	P	P	P	P	
Retail, Service, and Office Uses								
Kennel	CUP	CUP	CUP	-	-	-	-	
Subdivision Sales Office	P	P	P	P	P	P	P	
Veterinary Clinic, Large	CUP	CUP	CUP	-	-	-	-	
Veterinary Clinic, Small	CUP	CUP	CUP	-	-	-	-	
Public, Utility, Transportation, and Communication Uses								
Public and Quasi-Public Use	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Utility Facility and Infrastructure	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Wireless Telecommunication Facility, Small Cell	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Wireless Telecommunication Facility, Tower	CUP	CUP	CUP	CUP	CUP	CUP	CUP	See Section 17.40.070

17.10.030 Residential Zones Development Standards

Table 17.10-2 Development Standards – Residential Zones. Table 17.10-2 (Development Standards – Residential Zones) establishes parcel and structure standards that apply to all development in the specified zone. Provisions in other sections of this Zoning Code may also apply.

Table 17.10-2
Development Standards – Residential Zones

Development Feature (minimum unless otherwise specified)	**Zone**						
	RR	**RR-43**	**RR-100**	**R-1-7**	**R-1-12**	**R-2**	**R-3**
General							
Density (max. du/ac)	2	2	2	9-12	9-12	12	20-24
Structure Coverage (max. percentage of total parcel area)	40	40	40	40	40	50	50
Parcel Size	0.5 acres	1.0 acres	2.5 acres	7,000 sq. ft.	12,000 sq. ft.	7,000 sq. ft.	7,000 sq. ft.
Height (max. ft.)							
Main Structure	35	35	35	35	35	35	45[5]
Accessory Structure	45	45	45	12[1,7]	12[1,7]	12[1]	12[1]
Parcel Dimensions							
Depth to Width Ratio (max.)	3:1	3:1	3:1	n/a	n/a	n/a	n/a
Depth (ft.)	n/a	n/a	n/a	100	100	n/a	n/a
Width (ft.)							
Interior Parcels	120	120	120	70	120	70	70
Cul-de-sac Parcels	60	60	60	40	65	40	40
Corner Parcels	120	120	120	75	120	75	75
Reverse Corner Parcels	n/a	n/a	n/a	70	120	70	70
Yards (ft.)[2]							
Front	35	35	35	20[4,6]	20[6]	15[6]	15[6]
Rear	25	25	25	15[3]	15[3]	10[3]	10[3]
Side							
Interior Parcels	15	15	15	5	5	5	5
Corner Parcel: Street Side	35	35	35	10[8]	10[8]	5	5

Specific Standards

[1] Garages and carports are allowed a maximum height of 15 feet.

[2] All required yards shall extend the full width or depth of the parcel and shall be open from the ground to the sky, with the following exceptions:

A. Belt courses, cornices, eaves, sills, fireplace chimneys and other similar architectural features may extend or project into a required side yard not more than seven inches for each one foot of the width of such required side yard and may extend or project into a front or rear yard not more than thirty-six inches.

B. Uncovered, unenclosed porches, platforms, or landing places which do not extend above the level of the first floor of the building may extend into any front yard not more than six feet and may extend into any side or rear yard not more than three feet.

C. Open, unenclosed stairways or balconies not covered by a roof or canopy may extend or project into a required front yard not more than thirty-six inches.

Table 17.10-2
Development Standards – Residential Zones

Development Feature (minimum unless otherwise specified)	**Zone**						
	RR	**RR-43**	**RR-100**	**R-1-7**	**R-1-12**	**R-2**	**R-3**

[3] Covered patios are allowed to encroach up to five feet from the rear property line subject to approval of a minor deviation if they meet the following:

A. The lot must meet the structure coverage requirement;
B. Patio cannot be enclosed;
C. Must maintain a minimum five-foot setback-clear to the sky;
D. The patio roof cannot exceed 12 feet in height with a maximum pitch of 2 to 12; and
E. The applicant shall submit a plot plan for a Building Permit in addition to the structural renderings.

[4] Cul-de-sac and curved parcels within the R-1-7 zone shall have a front yard setback distance of 15 feet. A curved parcel is a parcel that has frontage of 50 percent or more along a curved street with a curve radius of 100 feet or less.

[5] The structure height in the R-3 zone shall be limited to a single-story within 75 feet of either an R-1-7 or R-1-12 zone.

[6] Building additions or expansions are allowed to encroach up to five feet from the standard front setback subject to the approval of minor deviation.

[7] The maximum height of flagpoles, antennas, and the similar features shall have a maximum height of 80 feet.

[8] Street side setback standards for corner parcels shall apply to both structures and fences.

Figure 17.10-1
Minimum Parcel Dimensions: R-1, R-1-7, R-1-12 Zones

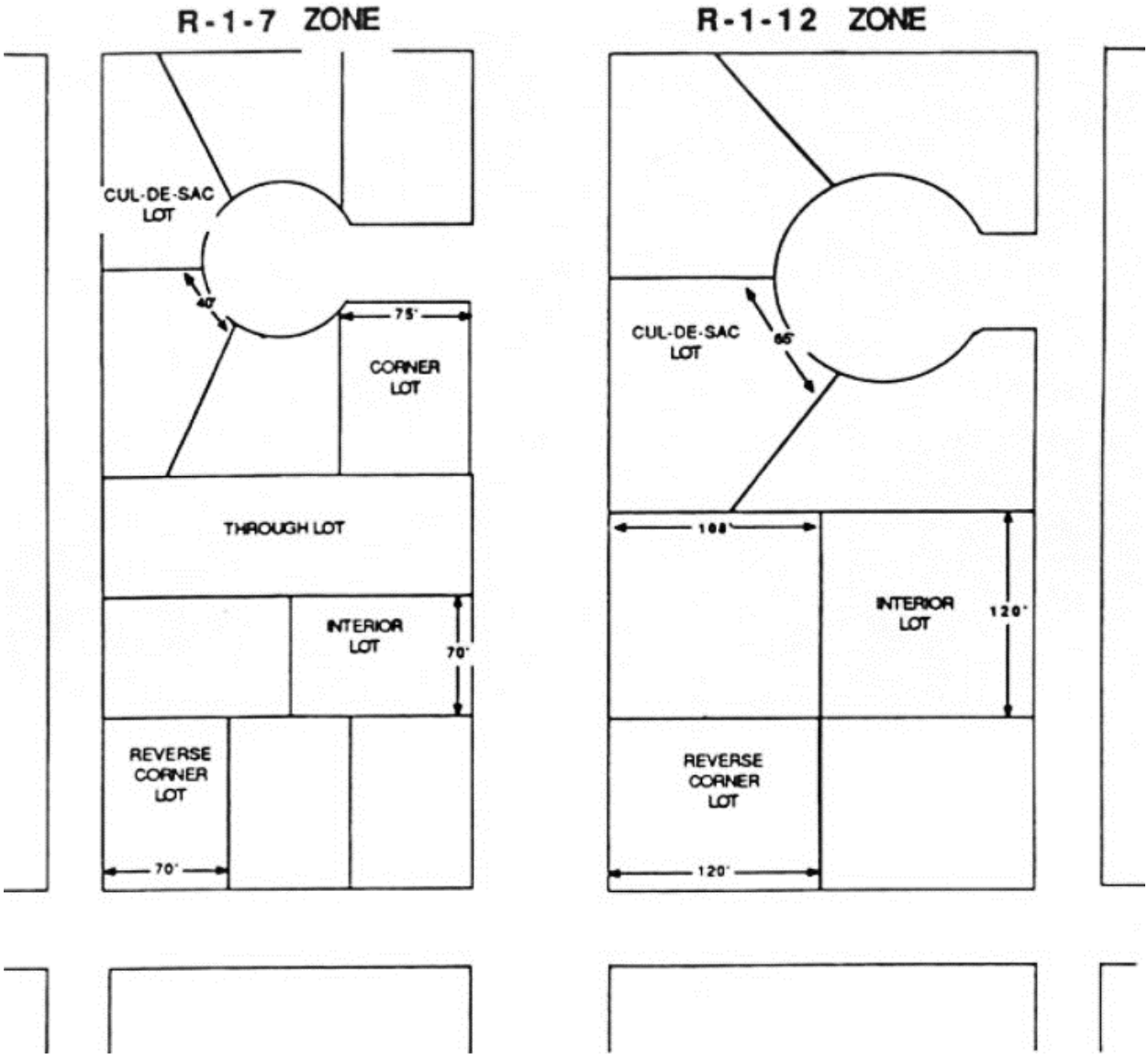


Figure 17.10-2
Minimum Parcel Dimensions: R-2, R-3 Zones

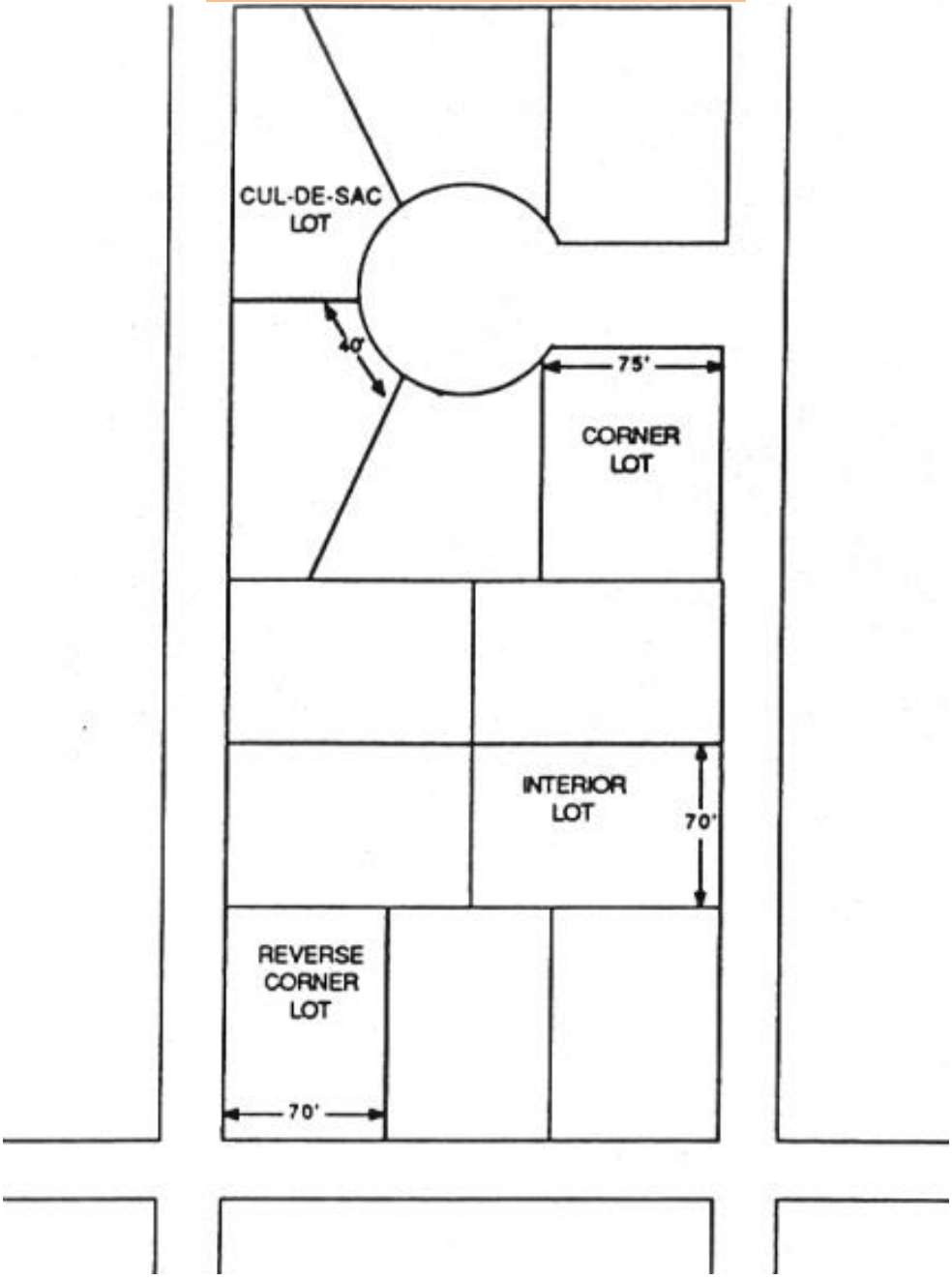


Figure 17.10-3
Yard Requirements: R-1, R-1-7, R-1-12 Zones

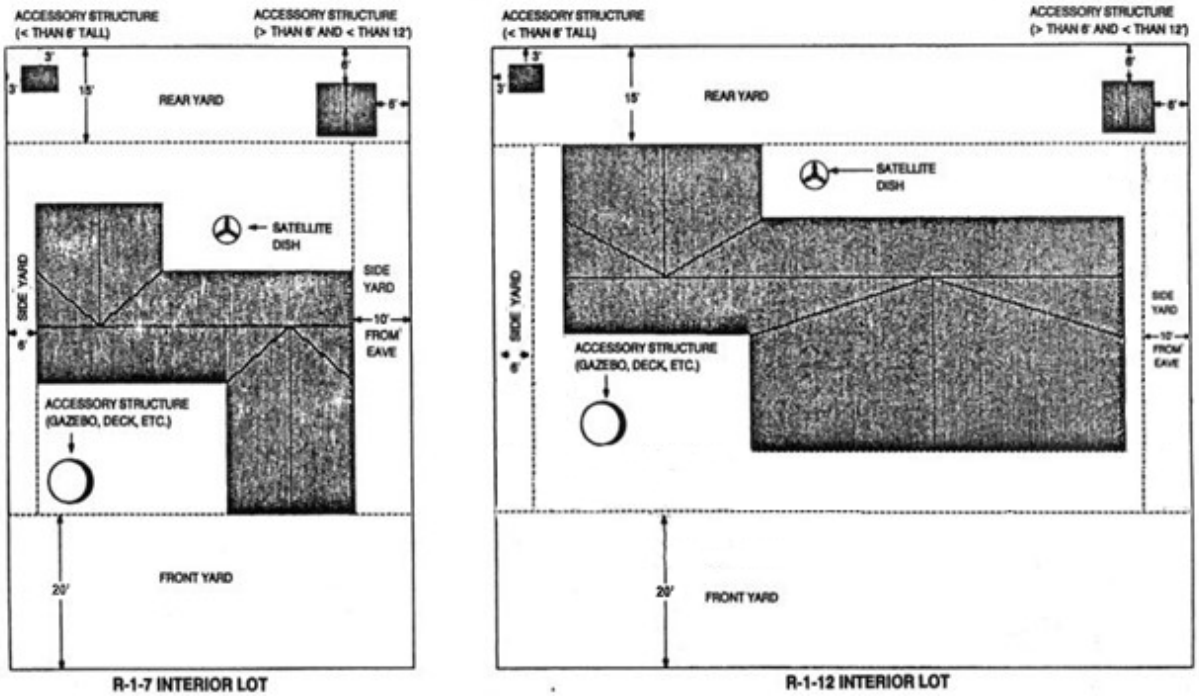
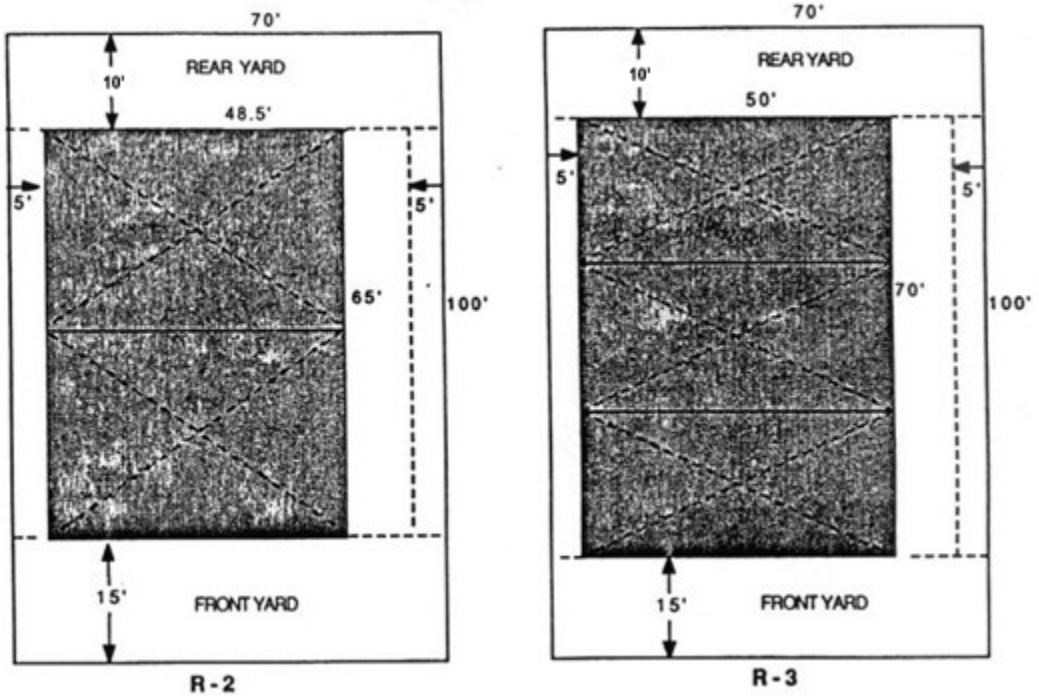


Figure 17.10-4
Yard Requirements: R-2, R-3 Zones



17.10.040 Accessory Structures

Construction of accessory structures shall be consistent with the standards established in Chapter 17.22 (Accessory Structures).

17.10.050 Signs

Signs shall be consistent with the requirements of Chapter 17.30 (Sign Regulations).

17.10.060 Fences, Walls, and Hedges

A. Fences, walls, and hedges shall be consistent with the clear vision triangle provisions established in Section 17.20.030 (Clear Vision Triangle).

B. Fences, walls, and hedges shall not exceed seven feet in height in any rear or side yard, except where a six feet block wall are required.

C. Fences, walls, and hedges shall not exceed 42 inches in height in any required front yard area, in compliance with Chapter 17.24 (Fences, Walls, and Hedges).

D. Swimming pools shall be entirely enclosed by a wall or fence at least five feet in height and be self-closing, or as required by California Building Code.

E. Fences or structures exceeding seven feet in height, to enclose tennis courts or other game areas, located within the rear half of a lot shall be composed of wire mesh capable of admitting at least 90 percent of light as measured on a calibrated light meter.

F. All fence posts to be placed in the ground shall be treated prior to installation to prevent rot or insect damage.

G. On property developed with four or more dwelling units, all property lines that adjoin a single-unit residential zone shall construct a seven-foot solid masonry wall along the adjoining property lines. For the purpose of this Subsection, when properties are separated by an alley, they are considered to adjoin and a wall shall be constructed along the side of the alley which is in the R-2 or R-3 zones.

17.10.070 Parking

A. Off-street parking and loading shall be consistent with the requirements of Chapter 17.28 (Parking, Loading, and Access).

B. No more than fourty percent of any front, side, street side, or rear yard area shall be used for excess parking, beyond what is required by subsection (A) above.

C. A Zoning Clearance shall be required for any excess parking proposed beyond what is permitted by subsection (B) above.

D. Public Utility Easements shall not be hardscaped, unless permitted by the governing planning permit.

17.10.080 Recreation and Open Space.

A. **Single-Family Dwelling zones.** A minimum of 50 percent of the front yard area shall be landscaped with a combination of trees, turf, or shrubbery. Hybrid Bermuda or other grass that requires a minimum of water shall be encouraged. All landscaped areas shall be provided with an automatic irrigation system.

B. **Multi-Family Dwelling zones.** On each building site where there are more than 10 multi-unit dwellings proposed, there shall be provided landscaped and usable recreational and open space areas equaling at least five percent of the net parcel area or 400 square feet for each dwelling unit, whichever is deemed most feasible by the Director. Usable open space shall mean the area within the project site which is suitable for use by the residents of the residential development, not including parking areas, private patios, required building separations, storage areas, parking access, and/or front and side yards.

17.10.090 Site Plan Review

A site plan for new construction of multi-unit dwellings or construction that increases the square footage or the number of units within the R-2 and R-3 zones shall be submitted to the Planning Division.

17.10.100 Architectural Standards: R-1-7, and R-1-12 Zones

In addition to the standards established in Chapter 17.48 (Single-Unit Dwelling Design Standards), the following architectural standards shall apply to all single-unit dwellings, including mobile homes, in the R-1-7 and R-1-12 zones. Design standards for multi-unit dwelling development is established in Chapter 17.46 (Multi-Unit Dwelling Design Standards).

A. The minimum width of a primary single-unit dwelling or mobile home shall be twenty feet.

B. Mobile homes must be certified under the National Manufactured Home Construction and Safety Standards Act of 1974.

C. All dwelling units shall be attached to a permanent foundation, pursuant to the State Health and Safety Code, Section 18551.

D. Roofing material shall be composed of composition shingles, ceramic or concrete tile.

E. Exterior siding material shall be composed of, or look like, wood, masonry, or plaster.

F. Siding shall extend to the ground, except when a solid concrete or masonry perimeter foundation or retaining wall is used, in which case, the material need only extend to the top of the foundation or wall.

G. The roof pitch shall not be less than three inches of vertical rise for every 12 inches of horizontal run, or as deemed necessary by the Building Official.

Chapter 17.12

Commercial, Office, and Mixed-Use Zones

Chapter 17.12 Commercial, Office, and Mixed-Use Zones

17.12.010 Purpose and Intent of Commercial, Office, and Mixed-Use Zones

The purpose and intent of the commercial, office, and mixed-use zones are as follows:

A. **CG – General Commercial Zone.** The purpose of the General Commercial (CG) zone is to provide areas of the City that allow a wide range of commercial, and office uses which are diverse, visually pleasing, convenient in terms of parking and access, attractive, and used by citizens and visitors. The CG zone implements the General Commercial (GC), Regional Commercial (RC), and Office (O) land use designations in the General Plan.

B. **CN – Neighborhood Commercial Zone.** The purpose of the Neighborhood Commercial (CN) zone is to provide areas of the City for limited types of commercial centers adjacent to or within residential neighborhoods. These commercial centers shall provide shopping goods for residents of the neighborhood which are typically needed on a weekly basis. This type of commercial center should be designed in a manner which minimizes the impact to the adjacent neighborhood in terms of noise, traffic, and light. The appearance of the center shall be compatible with the aesthetic quality and character of the adjacent neighborhood. The CN zone implements the Neighborhood Commercial (NC) land use designation in the General Plan.

C. **CS – Service Commercial Zone.** The purpose of the Service Commercial (CS) zone is to provide areas in the City that allow for wholesale and heavy commercial uses and services which are not suited for other commercial zones. The CS also provides areas for light industrial uses which manufacture, assemble, or package products within a structure and do not emit fumes, odor, dust, smoke, or gas beyond the confines of the structure. The CS zone implements the General Commercial (GC), Service Commercial (SC), and Regional Commercial (RC) land use designations in the General Plan.

D. **MU – Mixed-Use Zone.** The purpose of the Mixed-Use (MU) zone is to provide areas of the City that allow for a combination of residential, office, and essential commercial uses e.g. pharmacies, laundromats, grocery stores. The MU zone does not authorize uses of a service or industrial nature or those generating high volumes of vehicle traffic. All project proponents shall also submit a site plan review for the entire developable area as required in Chapter 17.80 (Site Plan Review Permit). The MU zone implements the Mixed-Use land use designation in the General Plan.

E. **PA – Professional and Administrative Office Zone.** The purpose of the Professional and Administrative Office (PA) zone is to provide areas in the City which are appropriate for office development and identify residential sites which, due to their location, are appropriate for transition to office use. The PA zone implements the Office (O) land use designation in the General Plan.

17.12.020 Commercial, Office, and Mixed-Use Zones Land Use Regulations

A. **Table 17.12-1 Land Use Regulations – Commercial, Office, and Mixed-Use Zones.** Table 17.12-1 (Land Use Regulations – Commercial, Office, and Mixed-Use Zones) establishes the uses allowed within the commercial, office, and mixed-use zones and any permits required to establish the use

B. **Uses Not Listed.** Land uses not listed in Table 17.12-1 (Land Use Regulations – Commercial, Office, and Mixed-Use Zones) are not allowed, in compliance with Section 17.04.030 (Uses Not Classified).

C. **Additional Regulations.** The right-hand column in Table 17.12-1 (Land Use Regulations – Commercial, Office, and Mixed-Use Zones) indicates additional regulations that may apply to the use. Provisions in other sections of this Zoning Code may also apply.

D. **Twenty-Four-Hour Uses.** Any use established in Table 17.12-1 (Land Use Regulations – Commercial, Office, and Mixed-Use Zones) that is proposed to operate 24-hours a day shall require the approval of a Conditional Use Permit.

Table 17.12-1
Land Use Regulations – Commercial, Office, and Mixed-Use Zones

Key:	P = Allowed by Right; AUP = Administrative Use Permit; (–) = Not Allowed CUP = Conditional Use Permit					
Land Use (see Article 8 for land use definitions)	**Permit Requirement by Zone**					**Additional Regulations**
	CG	**CN**	**CS**	**MU**	**PA**	
Industrial, Manufacturing, & Processing Uses[2]						
Accessory Structure, Industrial	-	-	P	-	-	
Breweries, Distilleries, Wineries	-	-	CUP	-	-	
Community Composting	-	-	CUP	-	-	
Contractor Storage Yard	-	-	AUP	-	-	
Industrial, Minor	-	-	CUP	-	-	
Outdoor Storage	AUP	CUP	AUP	AUP	-	
Recycling Processing Facility	-	-	CUP	-	-	
Storage Facility, Personal	-	AUP	AUP	-	-	
Warehousing and Distribution Facility	-	-	CUP	-	-	
Wholesale			CUP			

Table 17.12-1
Land Use Regulations – Commercial, Office, and Mixed-Use Zones

Key:	P = Allowed by Right; AUP = Administrative Use Permit; (–) = Not Allowed CUP = Conditional Use Permit					
Land Use (see Article 8 for land use definitions)	**Permit Requirement by Zone**					**Additional Regulations**
	CG	**CN**	**CS**	**MU**	**PA**	
Human Services Uses						
Ambulance Service	CUP	-	CUP	-	-	
Community Care Facility, Large	-	-	-	CUP	-	
Community Care Facility, Small	-	-	-	P	-	
Day Care Center	-	CUP	CUP	CUP	CUP	
Emergency Shelter	-	-	P	-	-	Section 17.40.030
Hospital	CUP	-	CUP	-	CUP	
Low Barrier Navigation Center	-	-	-	P	-	
Mortuary or Funeral Home	CUP	-	P	-	-	
Recreation, Education, and Public Assembly Uses						
Athletic Club	CUP	-	CUP	CUP	-	
Card Room	CUP	-	CUP	-	-	
Commercial Recreation and Entertainment Facility, Indoor	CUP	-	CUP	CUP	-	
Commercial Recreational and Entertainment Facility, Outdoor	-	-	CUP	CUP	-	
Event Venue	CUP	-	CUP	-	CUP	
Place of Assembly	CUP	-	CUP	-	-	
Recreational Vehicle Park	-	-	CUP	-	-	
School, Private and Vocational	CUP	-	CUP	CUP	CUP	
Residential Uses						
Accessory Structure, Residential	-	-	-	P	-	Chapter 17.22 (Accessory Structures)
Boarding House	-	-	-	CUP	-	
Caretaker's Residence	P	P	P	P	P	
Cottage Food Operation	P	-	-	P	-	
Dwelling, Accessory Dwelling Unit (ADU)	P	-	-	P	-	Section 17.40.010 (Accessory Dwelling Unit)
Dwelling, Multi-Unit (Up to 40 units)	P	-	-	P	-	Chapter 17.46 (Multi-Unit Dwelling Objective Design Standards)
Dwelling, Multi-Unit (41 or more units)	CUP	-	-	CUP	-	
Employee Housing	P	-	-	P	P	
Group Home	-	-	-	P	P	
Home Occupation	P	-	-	P	-	Section 17.40.040 (Home Occupation)
Mobile Home Park	-	-	CUP	-	-	Section 17.40.050 (Mobile Home Park)
Transitional/Supportive Housing	P	-	-	P	-	
Single Room Occupancy Housing	-	-	-	CUP	-	

Table 17.12-1
Land Use Regulations – Commercial, Office, and Mixed-Use Zones

Key:	P = Allowed by Right; AUP = Administrative Use Permit; (–) = Not Allowed CUP = Conditional Use Permit					
Land Use (see Article 8 for land use definitions)	**Permit Requirement by Zone**					**Additional Regulations**
	CG	**CN**	**CS**	**MU**	**PA**	
Retail, Service, and Office Uses						
Accessory Structure, Commercial	P	P	P	P	P	Chapter 17.22 (Accessory Structures)
Agricultural Service Establishment	-	-	AUP	-	-	
Alcohol Beverage Sales	CUP	CUP	CUP	-	-	
Auction Establishment	-	-	CUP	-	-	
Automated Vending and Dispensing Machine	P	P	P	P	P	
Bank and Financial Institution	P	P	P	P	P	
Bar	CUP	-	CUP	-	-	
Broadcasting and Film Recording Studio	CUP	-	CUP	-	CUP	
Building Materials and Lumber Sales	AUP	-	AUP	-	-	
Carwash	CUP	CUP	CUP	CUP	-	
Drive-Through Sales and Service	CUP	-	CUP	CUP	-	
Equipment Sales and Rental Facility	CUP	-	P	-	-	
Food Commissary	-	-	AUP	-	-	
Hotel/Motel	CUP	-	CUP	CUP	-	
Kennel	-	-	CUP	-	-	
Manufactured Home Sales and Repair	-	-	AUP	-	-	
Mobile Food Vendor	P	P	P	P	P	Section 8.40 (Mobile Food Vendors)
Office	P	P	P	P	P	
Office, Accessory	P	P	P	P	P	
Outdoor Dining	AUP	AUP	AUP	AUP	-	
Outdoor Sales	AUP	AUP	AUP	AUP	-	
Personal Service, General	P	P	P	P	AUP	
Personal Service, Restricted	CUP	-	CUP	-	-	See section 9.27 (Massage Establishments and Therapists)
Printing Shop	P	P	P	P	P	
Restaurant	P	AUP	P	P	-	
Restaurant, Drive-Through[1]	CUP	-	CUP	CUP	-	
Retail Sales, General	P	P	P	P	-	
Retail Sales, Grocery or Supermarket	P	P	P	P	-	
Retail Sales, Neighborhood Market	P	P	P	P	-	
Retail Sales, Nursery and Garden Supply (less than 5,000 sq. ft.)	CUP	-	AUP	-	-	
Retail Sales, Restricted	CUP	-	CUP	-	-	

Table 17.12-1
Land Use Regulations – Commercial, Office, and Mixed-Use Zones

Key:	P = Allowed by Right; AUP = Administrative Use Permit; (–) = Not Allowed CUP = Conditional Use Permit					
Land Use (see Article 8 for land use definitions)	**Permit Requirement by Zone**					**Additional Regulations**
	CG	**CN**	**CS**	**MU**	**PA**	
Retail Sales, Wholesale	-	-	P	-	-	
Veterinary Clinic, Large	CUP	-	P	-	-	
Veterinary Clinic, Small	AUP	CUP	P	-	-	
Public, Utility, Transportation, and Communication Uses						
Parking Area	CUP	-	CUP	-	-	
Public and Quasi-Public Use	CUP	CUP	CUP	CUP	CUP	
Transit Station and Terminal	CUP	CUP	CUP	CUP	CUP	
Truck Storage and Parking Yard	-	-	CUP	-	-	
Utility Facility and Infrastructure	CUP	CUP	CUP	CUP	CUP	
Wireless Telecommunication Facility, Small Cell	CUP	-	CUP	-	-	
Wireless Telecommunication Facility, Tower	CUP	CUP	CUP	CUP	CUP	See Section 17.40.070
Vehicle Oriented Uses						
Truck Service Station	-	-	CUP	-	-	
Vehicle, Boat, and Trailer Sales, New and Used	CUP	-	CUP	-	-	
Vehicle Fueling Station[2]	CUP	CUP	CUP	-	-	
Vehicle Rental Facility	CUP	-	CUP	-	-	
Vehicle Repair and Service, Major	-	-	AUP	-	-	
Vehicle Repair and Service, Minor	CUP	-	AUP	-	-	

Specific Standards

[1] Twenty-four-hour drive-through establishments are prohibited when the subject parcel is abuts a residential zone.

[2] Above ground fuel storage tanks shall require the approval of a Conditional Use Permit.

17.12.030 Commercial, Office, and Mixed-Use Zones Development Standards

Table 17.12-2 Development Standards – Commercial, Office, and Mixed-Use Zones. Table 17.12-2 (Development Standards – Commercial, Office, and Mixed-Use Zones) establishes parcel and structure standards that apply to all development in the specified zone. Provisions in other sections of this Zoning Code may also apply.

Table 17.12-2
Development Standards – Commercial, Office, and Mixed-Use Zones

Development Feature (minimum unless otherwise specified)	**Zone**				
	CG	**CN**	**CS**	**MU**	**PA**
General					
Density (max. du/ac)	n/a	n/a	n/a	20	n/a
Floor Area Ratio (FAR)	0.3-1.0[9]	0.5	0.3	1.0[9]	1.0
Parcel Size	6,000 sq. ft.[1]	Min: 1 acre Max: 5 acres	6,000 sq. ft.	7,000 sq. ft.	None
Height (max. ft.)	35[5]	35	35[5]	35[5]	35
Yards (ft.)[2]					
Front	10[8]	10[6, 8]	10[3]	10[8]	5[7]
Rear					
Adjacent to Nonresidential Zone	None	None	5	None	None
Adjacent to Residential Zone	10	10	15	10[4]	10
Side					
Adjacent to Nonresidential Zone	10	10	10	10	10
Adjacent to Residential Zone	20	20	20	10	10

Specific Standards

[1] The minimum parcel size for newly created parcels that are without existing structures shall be 6,000 square feet. There shall be no minimum parcel size for parcels which contain existing structures.

[2] Required yard areas shall not be used for parking or loading activities.

[3] Parcels in the CS zone shall have a 10-foot yard area, except those parcels fronting Whitesbridge Road shall have a front yard setback of 20 feet, as measured from the front property line. To the maximum extent possible, this yard area shall be landscaped.

[4] A development within the MU zone that abut residential uses also within the MU zone shall not be subject to this standard. The setback for the use in the MU zone shall be the same as the setback in the adjoining property.

[5] Structures up to 60 feet in height may be allowed with the approval of a Conditional Use Permit.

[6] Parcels in the CN zone shall have a 10-foot rear yard setback except when the site is adjacent to residential uses, in which case the setback shall be equal to the setback of the adjacent residential use.

[7] Parcels in the PA zone shall have five-foot rear yard setback except when the lot abuts a residential dwelling in which case the setback distance shall be the same as the adjoining residential units. If there are residential units on both sides of the subject parcel with differing yard area, the yard area shall be within the range of the setbacks of the adjoining units. Parcels fronting Whitesbridge Road shall have a front yard setback of 20 feet, as measured from the front property line. To the maximum extent possible, this yard area shall be landscaped.

[8] Parcels in these zones and those properties along Whitesbridge Road shall have a 20-foot front yard setback, except for the following situations:

A. Parcels fronting Madera Avenue north of Kearney Boulevard shall have a front yard setback of 10 feet as measured from the front property line. Parcels fronting Whitesbridge Road shall have a front yard setback of 20 feet, as measured from the front property line. To the maximum extent possible, this area shall be landscaped.

Table 17.12-2
Development Standards – Commercial, Office, and Mixed-Use Zones

Development Feature (minimum unless otherwise specified)	Zone				
	CG	CN	CS	MU	PA

B. Parcels fronting Madera Avenue between California Avenue and Kearney Boulevard shall be set so that at least one-half of the front property line coincides with a building wall to the maximum extent possible.

[9] Floor Area Ration (FAR) shall apply to non-residential uses only.

17.12.040 Accessory Structures

Construction of accessory structures shall be consistent with the standards established in Chapter 17.22 (Accessory Structures).

17.12.050 Signs

Signs shall be consistent with the requirements of Chapter 17.30 (Sign Regulations).

17.12.060 Fences, Walls, and Hedges

A. Fences, walls, and hedges shall be consistent with the requirements for the zone as established in Chapter 17.24 (Fences, Walls, and Hedges).

B. A solid masonry wall not less than seven feet in height shall be constructed along the property line which separates this district from a residential district. Developments within the M-U district that abut residential uses also located within the M-U district shall not be subject to this requirement. The requirement for a masonry wall may also be waived when an alley separates this district from a residential district.

17.12.070 Parking

A. **Parking in all Commercial, Office, and Mixed-Use Zones.** Off-street parking and loading standards shall be consistent with the requirements of Chapter 17.28 (Parking, Loading, and Access).

B. **General Commercial (CG) Zone Parking.** Parking lots on parcels in the CG zone that front Madera Avenue between California Avenue and Kearney Boulevard, to the extent possible, shall be located to the rear of structures. To the extent possible, access to the parking lots shall be from the alley.

C. **Mixed-Use (MU) Zone Parking.** To the extent possible, parking lots in the MU zone, shall be located to the side or rear of the parcel.

17.12.080 Site Plan Review

A site plan shall be submitted to the Planning Division for approval before any new structure is constructed, use established, or parking facilities are installed on parcel within the mixed use, commercial, and office zones. This provision shall also apply to all uses proposing to occupy a parcel which does not have adequate parking or related parcel improvements for the use or increase in occupancy intensity.

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Chapter 17.14

Industrial Zones

Chapter 17.14 Industrial Zones

17.14.010 Purpose and Intent of Industrial Zones

The purpose and intent of the industrial zones are as follows:

A. **M-1 – Light Manufacturing Zone.** The purpose of the Light Manufacturing (M-1) zone is to provide areas in the City that allow for light industrial and heavy commercial types of activities; protect industrial areas from the intrusion of incompatible types of land uses; adhere to performance standards provided for the protection of City residents and the environment; and accommodate industrial employment opportunities for residents. The M-1 zone implements the Industrial (I) land use designation in the General Plan.

B. **M-2 – Heavy Manufacturing.** The purpose of the Heavy Manufacturing (M-2) zone is to provide for the development of a full range of compatible industrial uses and to provide for the design and operation of these uses in a manner which is physically attractive, does not conflict with other uses in or surrounding the district, and is compatible with the physical environment of the district. The M-2 zone implements the Industrial (I) land use designation in the General Plan.

17.14.020 Industrial Zones Land Use Regulations

A. **Table 17.14-1 Land Use Regulations – Industrial Zones.** Table 17.14-1 (Land Use Regulations – Industrial Zones) establishes the uses allowed within each industrial zone and any permits required to establish the use

B. **Uses Not Listed.** Land uses not listed in Table 17.14-1 (Land Use Regulations – Industrial Zones) are not allowed, in compliance with Section 17.04.030 (Uses Not Classified).

C. **Additional Regulations.** The right-hand column in Table 17.14-1 (Land Use Regulations – Industrial Zones) indicates additional regulations that may apply to the use. Provisions in other sections of this Zoning Code may also apply.

D. **Allowed Uses.** The allowed uses established in Table 17.14-1 (Land Use Regulations – Industrial Zones) shall be allowed in the subject zones to the extent that the following conditions are not associated with the use:

1. The use does not involve the disposal of wastewater which, due to its content or flow, will have a significant impact on the City wastewater treatment plant; and

2. The use would place a significant demand on the City's water system. The term "significant" shall be determined by the City Engineer after a review of the use's water demand and wastewater treatment requirements.

E. **Twenty-Four-Hour Uses.** Any nonresidential use established in Table 17.14-1 (Land Use Regulations – Industrial Zones) that is proposed to operate 24-hours a day and is located within 300 feet of a residential zone boundary line, shall require the approval of a Conditional Use Permit. For the purpose of this Subsection, this distance shall be measured in a straight line from the property line of the parcel in which the 24-hour use is to be proposed, to the nearest point on the adjacent residential zone boundary line.

F. **Above Ground Fuel and Gas Tanks.** Above ground fuel and gas storage tanks shall require the approval of a Conditional Use Permit.

Table 17.14-1
Land Use Regulations – Industrial Zones

Key:	P = Allowed by Right; AUP = Administrative Use Permit; (–) = Not Allowed CUP = Conditional Use Permit		
Land Use (see Article 8 for land use definitions)	**Permit Requirement by Zone**		**Additional Regulations**
	M-1	**M-2**	
Agriculture, Resource, & Open Space Uses			
Agricultural Processing, Large	AUP	P	
Agricultural Processing, Small	P	P	
Agriculture, Horticulture	-	CUP	
Industrial, Manufacturing, & Processing Uses			
Accessory Structure, Industrial	P	P	Chapter 17.22 (Accessory Structures)
Breweries, Distilleries, Wineries	CUP	CUP	
Community Composting	CUP	-	
Contractor Storage Yard	P	P	
Industrial, Major	AUP	P	
Industrial, Minor	P	P	
Outdoor Storage	AUP	AUP	
Recycling Processing Facility	CUP	CUP	
Storage Facility, Personal	AUP	-	
Storage Facility, Restricted	CUP	CUP	
Warehousing and Distribution Facility	P	P	
Human Services Uses			
Ambulance Service	AUP	-	
Emergency Shelter	P	-	Section 17.40.030
Residential Uses			
Accessory Structure, Residential	P	P	Chapter 17.22 (Accessory Structures)
Caretaker's Residence	P	P	
Employee Housing	AUP	AUP	
Group Home	CUP	CUP	
Retail, Service, and Office Uses			

Table 17.14-1
Land Use Regulations – Industrial Zones

Key:	P = Allowed by Right; AUP = Administrative Use Permit; (–) = Not Allowed CUP = Conditional Use Permit		
Land Use (see Article 8 for land use definitions)	**Permit Requirement by Zone**		**Additional Regulations**
	M-1	**M-2**	
Agricultural Service Establishment	P	P	
Alcohol Beverage Sales	CUP	CUP	
Athletic Club	CUP	-	
Auction Establishment	CUP	-	
Building Materials and Lumber Sales	P	-	
Equipment Sales and Rental Facility	P	-	
Food Commissary	AUP	-	
Kennel	CUP	-	
Infectious Nonclinical Laboratory	-	CUP	See Chapter 8.44
Manufactured Home Sales and Repair	AUP	-	
Office	AUP	AUP	
Office, Accessory	P	P	
Outdoor Sales	CUP	-	
Retail Sales, Nursery and Garden Supply	CUP	-	
Retail Sales, Wholesale	AUP	-	
Tasting Room	CUP	CUP	
Veterinary Clinic, Large	CUP	-	
Veterinary Clinic, Small	AUP	-	
Public, Utility, Transportation, and Communication Uses			
Airport	-	CUP	
Private Parking Facility	AUP	-	
Public and Quasi-Public Use	CUP	CUP	
Solar Energy Generation Facility, Major	-	CUP	
Solar Energy Generation Facility, Minor	-	AUP	
Transit Station and Terminal	P	P	
Truck Storage and Parking Yard	AUP	AUP	
Utility Facility and Infrastructure	P	P	
Wireless Telecommunication Facility, Tower	CUP	CUP	See Section 17.40.070
Vehicle Oriented Uses			
Truck Service Station	P	P	
Vehicle, Boat, and Trailer Sales, New and Used	CUP	-	
Vehicle Repair and Service, Major	CUP	-	
Vehicle Repair and Service, Minor	AUP	-	

Table 17.14-1
Land Use Regulations – Industrial Zones

Key:	P = Allowed by Right; AUP = Administrative Use Permit; (–) = Not Allowed CUP = Conditional Use Permit		
Land Use (see Article 8 for land use definitions)	**Permit Requirement by Zone**		**Additional Regulations**
	M-1	**M-2**	
Vehicle Salvage and Dismantling Facility	-	CUP	

17.14.030 Industrial Zones Development Standards

Table 17.14-2 Development Standards – Industrial Zones. Table 17.14-2 (Development Standards – Industrial Zones) establishes parcel and structure standards that apply to all development in the specified zone. Provisions in other sections of this Zoning Code may also apply.

Table 17.14-2
Development Standards – Industrial Zones

Development Feature (minimum unless otherwise specified)	**Zone**	
	M-1	**M-2**
General		
Floor Area Ratio (FAR)	0.3	0.3
Parcel Size	6,000 sq. ft.	0.5 acre
Height (max. ft.)	55	55
Yards (ft.)		
Front	10[2]	25
Rear[1]		
Adjacent to Nonresidential Zone	None	None
Adjacent to Residential Zone	50	50
Side[1]		
Adjacent to Nonresidential Zone	None	None
Adjacent to Residential Zone	50	50

Specific Standards

[1] The rear and side yard area can be used for parking and storage. Where the yard is adjacent to a residential district, material and equipment shall not be stacked higher than six feet.

[2] Parcels fronting Whitesbridge Road shall have a front yard setback of 60 feet, as measured from the front property line.

17.14.040 Accessory Structures

Construction of accessory structures shall be consistent with the standards established in Chapter 17.22 (Accessory Structures).

17.14.050 Signs

Signs shall be consistent with the requirements of Chapter 17.30 (Sign Regulations).

17.14.060 Fences, Walls, and Hedges

A. The maximum height of fences, walls, and hedges shall be seven feet. Where a parcel abuts a residential zone a seven-foot solid block, masonry or brick wall shall be erected on the property line between the two zones.

B. Construction of fences more than seven feet, but not to exceed nine feet, when deemed necessary to protect the public health and safety of surrounding uses may be approved through a Conditional Use Permit.

C. Chain-linked fences shall include privacy slats, except where the zone abuts a residential zone. Fences abutting a residential zone shall be of CMU block, seven feet in height.

D. Any fence requiring barbed wire or any other form of non-electrical privacy or security measure shall be subject to a Conditional Use Permit.

17.14.070 Parking

A. **Parking in all Commercial, Office, and Mixed-Use Zones.** Off-street parking and loading standards shall be consistent with the requirements of Chapter 17.28 (Parking, Loading, and Access).

B. **Industrial and Manufacturing Uses Not Listed.** Industrial and manufacturing uses not specifically identified in Chapter 17.28 (Parking, Loading, and Access) parking shall be provided at a ratio of at least one space for every permanent employee on the maximum work shift, one space for each truck operated by the concern and one space for each sales person permanently employed.

17.14.080 Site Plan Review

A site plan shall be submitted to the Planning Division for approval before any new structure is constructed, use established, or parking facilities are installed on parcel within the industrial zones. This provision shall also apply to all uses proposing to occupy a parcel which does not have adequate parking or related parcel improvements for the use or increase in occupancy intensity.

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Chapter 17.16

Public and Quasi-Public Zones

Chapter 17.16 Public and Quasi-Public Zones

17.16.010 Purpose and Intent of Public and Quasi-Public Zones

The purpose and intent of the public and quasi-public zones are as follows:

A. **O – Open Space, Recreation, and Public Facilities Zone.** The purpose of the Open Space, Recreation, and Public Facilities (O) zone is to provide for sufficient space to accommodate the community's need for a wide range of public uses, such as parks, playgrounds, cultural and educational facilities, and infrastructure systems; to protect lands whose primary purpose is to remain in open space such as wildlife sanctuaries, wetlands, reservoirs, and agriculture; and, to prevent development of areas which are environmentally sensitive, such as floodplains, and geologically hazardous sites. The O zone implements the Public (PUB), Parks (P), and Ponding Basin (PB) land use designations in the General Plan.

B. **UR – Urban Reserve Zone.** The purpose of the Urban Reserve (UR) zone is to is to preserve land for agriculture; serve as a holding zone for future urban development; and prevent the encroachment of urban uses or incompatible agriculturally-related uses. The UR zone implements the Urban Reserve (UR) land use designation in the General Plan.

17.16.020 Public and Quasi-Public Zones Land Use Regulations

A. **Table 17.16-1 Land Use Regulations – Public and Quasi-Public Zones.** Table 17.16-1 (Land Use Regulations – Public and Quasi-Public Zones) establishes the uses allowed within the public and quasi-public zones and any permits required to establish the use

B. **Uses Not Listed.** Land uses not listed in Table 17.16-1 (Land Use Regulations – Public and Quasi-Public Zones) are not allowed, in compliance with Section 17.04.030 (Uses Not Classified).

C. **Additional Regulations.** The right-hand column in Table 17.16-1 (Land Use Regulations – Public and Quasi-Public Zones) indicates additional regulations that may apply to the use. Provisions in other sections of this Zoning Code may also apply.

Table 17.16-1
Land Use Regulations – Public and Quasi-Public Zones

Key:	P = Allowed by Right; AUP = Administrative Use Permit; (–) = Not Allowed CUP = Conditional Use Permit		
Land Use (see Article 8 for land use definitions)	**Permit Requirement by Zone**		**Additional Regulations**
	O	**UR**	
Agriculture, Resource, & Open Space Uses			
Accessory Structure, Agriculture	P	P	Chapter 17.22 (Accessory Structures)
Agricultural Processing, Large	-	CUP	
Agricultural Processing, Small	-	P	
Agriculture, Animal Husbandry	-	P	
Agriculture, Dairies	CUP	CUP	
Agriculture, Horticulture	P	P	
Beekeeping	P	P	
Industrial, Manufacturing, & Processing Uses			
Breweries, Distilleries, Wineries	-	CUP	
Community Composting	CUP	CUP	
Human Services Uses			
Cemetery	CUP	CUP	
Mortuary or Funeral Home	CUP	-	
Recreation, Education, and Public Assembly Uses			
Campground	P	CUP	
Commercial Recreational and Entertainment Facility, Outdoor	CUP	CUP	
Place of Assembly	-	CUP	
Recreational Vehicle Park	-	CUP	
School, Private and Vocational	CUP	CUP	
Residential Uses			
Accessory Structure, Residential	P	P	Chapter 17.22 (Accessory Structures)
Caretaker's Residence	P	P	
Cottage Food Operation	-	P	
Dwelling, Accessory Dwelling Unit (ADU)	-	P	Section 17.40.010 (Accessory Dwelling Unit)
Dwelling, Single-Unit	P	P	Chapter 17.48 (Single-Unit Dwelling Design Standards)
Employee Housing	P	P	
Group Homes	P	P	
Home Occupation	P	P	Section 17.40.040 (Home Occupation)
Mobile Home Park	-	CUP	Section 17.40.050 (Mobile Home Park)
Retail, Service, and Office Uses			
Agricultural Service Establishment	-	P	
Produce Stand	-	P	

Table 17.16-1
Land Use Regulations – Public and Quasi-Public Zones

Key:	P = Allowed by Right; AUP = Administrative Use Permit; (–) = Not Allowed CUP = Conditional Use Permit		
Land Use (see Article 8 for land use definitions)	**Permit Requirement by Zone**		**Additional Regulations**
	O	**UR**	
Tasting Room	-	CUP	
Public, Utility, and Communication Uses			
Airport	-	CUP	
Private Parking Facility	CUP	-	
Public and Quasi-Public Use	CUP	CUP	
Solar Energy Generation Facility, Major	CUP	-	
Solar Energy Generation Facility, Minor	AUP	-	
Utility Facility and Infrastructure	CUP	CUP	
Wireless Telecommunication Facility, Small Cell	CUP	CUP	
Wireless Telecommunication Facility, Tower	CUP	CUP	

17.16.030 Public and Quasi-Public Zones Development Standards

Table 17.16-2 Development Standards – Industrial Zones. Table 17.16-2 (Development Standards – Public and Quasi-Public Zones) establishes parcel and structure standards that apply to all development in the specified zone. Provisions in other sections of this Zoning Code may also apply.

Table 17.16-2
Development Standards – Public and Quasi-Public Zones

Development Feature (minimum unless otherwise specified)	**Zone**	
	O	**UR**
General		
Density (max.)	1 dwelling unit per 5 acres	n/a
Parcel Size (acres)	5	5
Distance Between Structures (ft.)	n/a	30
Height (max. ft.)		
Main Structure	35	35
Accessory Structure	45	80[1]

Table 17.16-2
Development Standards – Public and Quasi-Public Zones

Development Feature (minimum unless otherwise specified)	**Zone**	
	O	**UR**
Yards (ft.)		
Front	35	35
Rear	20	20
Side		
Interior Parcels	15	15
Corner Parcel: Street Side	30	30
Corner Parcel: Interior Side	15	15
Reverse Corner Parcel	15	15
Specific Standards [1] The maximum height of a structure in this zone shall be 35 feet unless the structure is a water tank, silo, granary, wind machine, or other agricultural accessory building. These accessory structures can extend to a height of 80 feet.		

17.16.040 Signs

Signs shall be consistent with the requirements of Chapter 17.30 (Sign Regulations).

17.16.050 Fences, Walls, and Hedges

A. Fences, walls, and hedges shall be consistent with the site distance provisions established in Section 17.20.030 (Clear Vision Triangle).

B. Fences, walls, and hedges shall not exceed seven feet in height in any rear or side yard.

C. Fences, walls, and hedges shall not exceed 36 inches in height in any required yard area.

D. Swimming pools shall be entirely enclosed by a wall or fence at least five feet in height. The wall or fence shall be equipped with self-latching gates, the latching mechanism being located not less than four feet above the ground. The fence or wall must be installed and approved by the Building Division prior to the pool being filled with water, or as required by California Building Code.

E. Fences or structures exceeding seven feet in height, to enclose tennis courts or other game areas, located within the rear half of a lot shall be composed of wire mesh capable of admitting at least 90 percent of light as measured on a calibrated light meter.

17.16.060 Parking

Off-street parking and loading shall be consistent with the requirements of Chapter 17.28 (Parking, Loading, and Access).

Chapter 17.18
Combining Zones

Chapter 17.18 Combining Zones

17.18.010 Purpose and Intent of Combining Zones

The purposes and intent of the combining zones are as follows:

A. **PD – Planned Development Combining Zone.** The purpose of the Planned Development (PD) combining zone is to promote cluster development, provide for design flexibility, encourage the creation of open space areas, meet the changes in development technology, and be responsive to changes in market demand. The PD combining zone is designed to meet a higher standard of development through enhanced designed and amenities by providing flexibility in development standards than would otherwise be allowed through traditional development identified in this Article. The PD combining zone implements the Low Density Residential (LDR), Medium Density Residential (MDR), Quasi-Public (QP), and Schools (S).

B. **SD – Smart Residential Development Combining Zone.** The purpose of the Smart Residential Development (SD) combining zone is to promote development designs that respond to significant planning-related issues facing the San Joaquin Valley, including urbanization of agricultural land, air pollution, housing affordability, traffic, aesthetics, and neighborhood deterioration. This new approach to development design has been popularized by the term "smart growth" and its purpose is to achieve the average density goals set forth by each zone.

   The SD combining zone is structured to encourage a comprehensive development that is superior to traditional development of the recent past by increasing walkability and connectivity while achieving the higher net density and preservation of open space goals set forth by the General Plan. To the greatest extent possible, attention shall be given to greater design details and the average density set forth by each individual zone shall be achieved through a mix of residential housing types and sizes. The SD combining zone implements the Low Density Residential (LDR), Medium Density Residential (MDR), High Density Residential (HDR), Quasi-Public (QP), and Schools (S) land use designations in the General Plan.

C. **IBA – Industrial Boulevard Area Combining Zone.** The purpose of the Industrial Boulevard Area (IBA) combining zone is to provide special land development standards for property located along that portion of Madera Avenue, south of California Street, that is zoned for industrial uses. All regulations contained in this combining zone are deemed to be necessary for the protection of the health, safety, and general welfare of the City and of owners and users of property along this corridor. The IBA combining zone implements the Industrial (I) land use designation in the General Plan.

17.18.020 Planned Development Combining Zone (PD) Standards and Regulations

A. **Application of the PD Combining Zone.** PD combining zones shall comply with the following.

1. The PD combining zone may be combined with any of the residential, office, commercial, or industrial zones established in this Article. For purposes of identification, all established PD combining zones shall be suffixed by the zoning notation of the zone with which it is combined with. (i.e., PD-R-1, PD-R-3).

2. Existing uses in PD combining zones shall continue to be governed by this Section, but no additional PD combining zones shall be established. Modifications or expansions to an existing use within existing PD zones shall require an amendment to the Development Plan Permit approved for the use and approval of any other applicable planning permit. New uses within an existing PD zone may be allowed as permitted by Subsection 17.18.020 (B) (PD Combining Zone Land Use Regulations).

B. **PD Combining Zone Land Use Regulations.** PD combining zones shall comply with the following.

1. **Uses Allowed by Right.** All uses identified as an allowed by right use (P) in the R-1, R-2, and R-3 zones in Table 17.10-1 (Land Use Regulations – Residential Zones), or those uses designated by the Land Use Element of the General Plan, shall be allowed.

2. **Uses Requiring a Conditional Use Permit.** All uses identified as requiring a Conditional Use Permit (CUP) in the R-1, R-2, and R-3 in Table 17.10-1 (Land Use Regulations – Residential Zones), shall also require the approval of a Conditional Use Permit.

C. **PD Combining Zone Development Standards.** The following development standards together with other applicable standards specified in this Zoning Code shall apply to all land and structures within the PD combining zone:

1. **Minimum Parcel Area.** The minimum parcel size for a PD combining zone parcel is two acres.

2. **Density.** The average number of dwelling units per net area shall not exceed the density allowed by the base zone, unless the applicant can demonstrate that additional usable common open space beyond the five percent requirement can be achieved. If so, the Commission or Council may grant a density bonus. This density bonus shall be based on the following standards:

a. **Net Useable Open Space.** PD combining zones shall provide the following.

i. Six to 10 percent: Six percent density bonus;

ii. Eleven to 25 percent: 10 percent density bonus;

iii. Over 35 percent: 220 percent density bonus.

b. Useable common open space is those portions of the project site which are suitable for common use by the residents of the development. This open space shall not include parking areas, private patios, building separations, or storage areas.

3. **Height.** The maximum height of a structure shall be consistent with the base zone requirements.

4. **Average Parcel Size.** The average parcel size of a single-unit residential subdivision that is processed under the PD combining zone shall be that of the minimum parcel size of the base zone (i.e., the R-1-7 zone has a minimum parcel size of 7,000 square feet therefore the average parcel size shall be 7,000 square feet). Average parcel size shall be calculated by adding the square footage of all parcels designated for single-unit dwelling use and dividing that number by the number of single-unit dwelling parcels.

5. **Percentage of Lots Below Minimum Parcel Size of Base Zone.** The percentage of parcels designated for single-unit dwellings that are below the minimum parcel size of the base zone shall not be more than thirty-three percent of the total lots designated for single-unit dwelling uses.

6. **Parcel Width.** The minimum parcel width of a single-unit dwelling lot that has a R-1-7 base zone shall not be less than 65 feet, 100 feet for the R-1-12 zone, and 120 feet for the RR zone. Not more than 33 percent of the single-unit dwelling parcels shall have a parcel width less than the base zone standard.

7. **Parcel Depth.** The minimum parcel depth of a single-unit dwelling parcel that has a R-1-7 base zone shall be 100 feet; 120 feet for the R-1-12 and RR zone districts.

8. **Side Yard Setback.** Not more than 25 percent of the parcels in a single-unit dwelling subdivision shall deviate from the side yard setback standard of the base zone nor shall any of these parcels have a side yard setback that is less than five feet on interior parcels, 10 feet of street side parcels, or 15 feet on reverse corner parcels.

9. **Duplex Locations.** All duplexes shall be located on corner parcels. The front door of each dwelling unit in a duplex shall face a different street. The City may require one duplex for every 20 single-unit dwelling parcels contained in a subdivision. Duplex units shall have the same setback requirements as adjacent single-unit dwellings, except in the case of the side yard between a duplex and single-unit dwelling. This side yard shall be 12 feet.

10. **Street Width.** Single-unit dwelling subdivisions may have local streets that have a minimum right-of-way width of 56 feet, 5536 paved width; cul-de-sac streets shall have a minimum right-of-way width of 52 feet, 32 feet paved width.

11. **Subdivision Parks.** In consideration of the greater need for public recreational space in higher density residential zones, the City requires that certain improvements will be made to the City's park system. This may be accomplished in one of two methods as selected by the Commission and subject to the Council's approval, based upon the needs of the park system and the impact of the proposed development. The value of these improvements shall be based upon the cost and park development of one average size parcel for every 30 lots within a subdivision. The Commission and Council shall determine whether property dedication and development or the payment of an in-lieu fee for acquisition or development of nearby recreational facilities would best serve the recreational needs of residents. The amount of any in-lieu fee shall be based upon the value of the parcel dedication and development costs referenced above as determined by the City Engineer provisions for dedication and development or payment shall be made in a subdivision agreement.

D. **Processing Requirements.** All development on the PD combining zone district shall be subject to the Development Plan Review Permit as required in Chapter 17.96 (Development Plan Review Permit).

E. **Accessory Structures.** Construction of accessory structures shall be consistent with the standards established in Chapter 17.22 (Accessory Structures).

F. **Signs.** Signs shall be consistent with the requirements of Chapter 17.30 (Sign Regulations).

G. **Fences, Walls, and Hedges.** PD combining zones shall comply with the following standards.

1. Fences, walls, and hedges shall be consistent with the site distance provisions established in Section 17.20.030 (Clear Sight Triangle).

2. Fences, walls, and hedges shall not exceed seven feet in height in any rear or side yard.

3. Fences, walls, and hedges shall not exceed 42 inches in height in any required yard area.

4. Swimming pools shall be entirely enclosed by a wall or fence at least five feet in height. The wall or fence shall be equipped with self-latching gates, the latching mechanism being located not less than four feet above the ground. The fence or wall must be installed and

approved by the Building Division prior to the pool being filled with water, or as required by California Building Code.

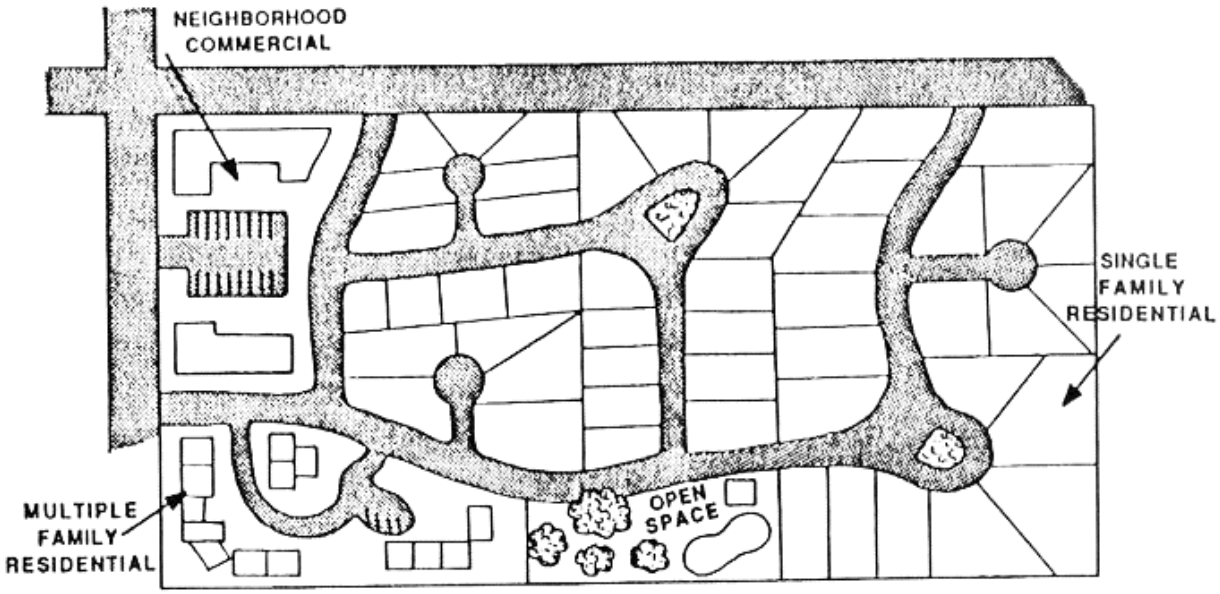
5. Fences or structures exceeding seven feet in height, to enclose tennis courts or other game areas, located within the rear half of a lot shall be composed of wire mesh capable of admitting at least 90 percent of light as measured on a calibrated light meter.

H. **Parking.** PD combining zones shall comply with the following standards.

1. Off-street parking and loading shall be consistent with the requirements of Chapter 17.28 (Parking, Loading, and Access).

2. All parking for residential uses shall be screening from adjacent public rights-of-way. Such screening may include dense plantings, fences, hedges, or grade separation.

Figure 17.18-1
Example of Planned Development



I. **Required Findings.** The Commission may combine the PD combining zone with a base district if all the following findings are made:

1. The proposed project is consistent with the General Plan;
2. The standards of density, parcel area and dimensions, structure coverage, yard spaces, height of structures, off-street parking, and landscaped areas are consistent with the objectives of this Zoning Code;
3. A homeowners association or maintenance district has been formed to maintain the common area of the residential development;
4. The development will not generate more traffic than the streets in the vicinity can carry without congestion and the local infrastructural systems and utilities are not overloaded;
5. Any unique features of a site are considered in the overall design of the planned development; and
6. Development in this zone is demonstratively superior to the development that could occur under the base zone regulations.

17.18.030 Smart Residential Development Combining Zone (SD) Standards and Regulations

A. **Application of the SD Combining Zone.** The SD combining zone allows both single-unit and multi-unit residential dwelling development. The SD combining zone designation shall be suffixed with the zoning notation of the minimum parcel size permitted by that specific zone (i.e., SD-R-5, SD-R-4.5, SD-R-3.5, SD-R-2.5).

B. **SD Combining Zone Land Use Regulations.** SD combining zones shall comply with the following land use regulation standards.

1. **Uses Allowed by Right.** If a land use is permitted by-right in the base zone, than it shall be permitted by-right in the SD zone.
2. **Uses Required a Conditional Use Permit.** If a land use requires a Conditional Use Permit in the base zone, than it shall also require a Conditional Use Permit in the SD zone.

C. **SD Combining Zones Development Standards.** SD combining zones shall comply with the following development standards unless otherwise specified differently by the Development Plan Review Permit (see Chapter 17.96).

1. **Table 17.18-1 Development Standards – Smart Residential Development Combining Zones.** Table 17.18-1 (Development Standards – Smart Residential Development Combining Zones) establishes parcel and structure standards that apply to all development in the

specified SD combining zones. Provisions in other sections of this Zoning Code may also apply.

Table 17.18-1
Development Standards – Smart Residential Development Combining Zones

Development Feature (minimum unless otherwise specified)	Combining Zone			
	SD-R-5	SD-R-4.5	SD-R-3.5	SD-R-2.5
General				
Average Parcel Size (sq. ft.)	5,000	4,500	3,500	2,500
Height (max. ft.)	35	35	35	45
Structure Coverage (max. percentage of total parcel area)	50	50	60	`70
Density*				
Minimum (max. du/ac)[1]	n/a	n/a	n/a	20
Maximum (max. du/ac)[1]	12	12	12	24
Yards (ft.)[2]				
Front	20	20	10	10
Rear	10	10	7	7
Interior Side[3]	5	5	5	5
Street Side	5	5	5	5
Street Side (Reverse Corner lot including fencing)	15	15	15	15
Yard Area (sq. ft.)[4]	800	700	500	250

Specific Standards

* Density calculations do not include park or open space amenities.

1 The number of residential dwelling units per acre shall meet the minimum average density and not exceed the maximum average density set forth by each district. To the greatest extent possible, the density set forth by each district shall be achieved through a variety of housing types and sizes.

2 Minimum yard standards shall be approved by the Planning Commission. When yard standards are not determined by the Planning Commission, the yard standards identified in Table 17.18-1 of this Chapter shall apply.

3 Residential dwelling unit(s) is/are allowed to be built on a property line (i.e., zero lot line design) if there is a minimum distance on one side or the other of 10 feet between said unit and the structure on the abutting parcel.

4 Each yard satisfying the minimum size requirement shall have a minimum depth and width of 10 feet and shall have direct access from at least one of the enclosed living areas (i.e., family room, living room, or kitchen area) of the dwelling.

2. **Architectural Style.** The elevation drawings of Structures to be constructed in the SD combining zones shall be submitted as part of the Development Plan Review Permit, to be approved by the Commission.

3. **Public Streets and Alleys.** SD combining zones shall comply with the following standards.

a. **Street Width.** Residential subdivisions may have local streets that have a paved minimum width of 32 feet (curb to curb) and include additional on-street parking within the right-of-way. One-way streets shall have a minimum width of 20 feet and the left travel lane shall be marked as a fire lane with no parking allowed.

b. **Parkways.** Tree-lined parkways shall be installed with a minimum width of seven feet and a sidewalk with a minimum width of five feet. Sidewalks may be in or partially in an access easement outside the right-of-way.

c. **Connectivity.** All streets and public walks shall be designed to maximize connections of both street and walkways to surrounding collector and arterial streets to provide maximum walkability within neighborhoods and help dilute traffic congestion and speed. Cul-de-sacs are generally discouraged and should be used only where necessitated by shape of the overall property being subdivided.

d. **Alleys.** Alleys shall have a paved width of 20 feet. Connecting driveways shall be provided with adequate sight-distance on either side of the driveway.

e. **Traffic Calming Devices.** Traffic calming devices such as bulb-outs are encouraged at all intersections and roundabouts are encouraged where appropriate as an alternative to a four-way stop.

i. "Bulb-outs" refers to curb extensions that serve to narrow roadways to slow traffic, shorten the exposed distance pedestrians must walk to cross intersections, create parking pockets and discourage parking on street corners.

ii. "Roundabouts" refers to a type of road junction where traffic yields upon entering traffic that streams circularly around a central island-statistically safer than traditional intersections, roundabouts also eliminate excessive stopping and idling which has been proven to be a major contributor to air pollution.

4. **Private Streets and Alleys.** Where a project uses private streets, the requirements for sidewalks and parkways adjacent to the private street may be waived by a majority vote of the Commission as a whole.

5. **Open Space/Parks.** In the SD combining zones, common open space shall be provided on site at a ratio of four acres per 1,000 residents. Where the Parks and Community Services Director finds that a neighborhood park is not necessary because of proximity to the location of a community park, an in lieu fee shall be paid. The amount of said fee shall be determined by the Master Fee Schedule and shall be identified in a subdivision agreement.

6. **Residential Unit Design.** SD combining zones shall comply with the following standards.

   a. **Garages.** The elevation of a garage nearest a street shall be set back to the extent necessary to be practical and safe.

   b. **Corner Parcels.** Residential dwelling units situated on corner parcels should encourage a design that orients the garage and the front door to face different streets, except for duplexes. In the case of a corner parcel home with an alley, the garage may be accessed from the alley.

7. **Landscaping and Open Space.** SD combining zones shall comply with the following standards.

   a. A minimum of 40 percent of the front yard area shall be landscaped with a combination of trees, turf, or shrubbery. Hybrid Bermuda or other grass that requires a minimum of water shall be encouraged. Plant material shall be varied in size, shrubs from one to five gallons, and trees from 15 to 24-inch boxes.

   b. All landscaped areas shall be provided with an automatic irrigation system.

   c. At least two parkway trees shall be required on both the front and side street frontage of each parcel with a maximum spacing of one 15-gallon tree per 40 feet.

   d. Deciduous trees shall be planted along the south and west facing structure walls to allow solar access during the winter.

   e. Trees should be located where they will screen views by residents of parking lots, back yards and patios.

   f. On-site common open space shall be centrally located to promote visibility from surrounding units. Benches, shading, waste receptacles, lighting, and a drinking fountain should be incorporated into this open space feature.

   g. Deviation from the above landscaping requirements may be considered by the Commission in order to meet State MWELO requirements or other State governing mandates necessary to preserve water usage.

8. **Fences, Walls, and Hedges.** SD combining zones shall comply with the following standards.

   a. All fencing visible from the street shall contain pilasters, columns, or posts. These pilasters shall generally be placed as follows: where two fences intersect, where a fence and a gate intersect or at the corner of a parcel. Fencing that does not conform to this requirement must first be approved by the Commission.

   b. Fences or walls that surround a parking lot shall be landscaped with plant material, such as vines and shrubs that mask these hard surfaces.

c. Decorative wrought-iron fencing is encouraged, especially between on-street parking and the living units.

d. Gates and pedestrian opening(s) into the project shall be accentuated with pilasters, landscaping, trellises, lighting, and/or entry identification signs.

9. **Trash Enclosures – Multi-Unit Dwelling Developments.** SD combining zones shall comply with the following standards.

a. Trash enclosures shall be constructed of solid masonry material or other material(s) and designed as approved by the Planning Commission. They shall be designed so that walk-in access is permitted by tenants without having to open the gates.

b. Trash enclosure(s) shall have decorative heavy gauge metal gates and be designed to hide or screen refuse containers. A concrete apron shall be constructed from the trash enclosure to a point of dumpster pickup by the waste removal truck.

c. Landscaping shall be provided to screen and to visually "soften" trash enclosures.

d. The dimensions of the trash enclosure shall be consistent with City's improvement standards and have provisions for recyclable waste.

10. **Parking.** SD combining zones shall comply with the following standards.

a. Off-street parking and loading shall be consistent with the requirements of Chapter 17.28 (Parking, Loading, and Access).

b. No more than fourty percent of any front, side, street side, or rear yard area shall be used for excess parking, beyond what is required by subsection (a) above.

c. A Zoning Clearance shall be required for any proposed excess parking.

d. Public Utility Easements shall not be hardscaped, unless permitted by the governing planning permit.

11. **Processing Requirements.** All development on the SD combining zone district shall be subject to the Development Plan Review Permit as required in Chapter 17.96 (Development Plan Review Permit).

17.18.040 Industrial Boulevard Area Combining Zone (IBA) Standards and Regulations

A. **IBA Combining Zone Land Use Regulations.** IBA combining zones shall comply with the following standards.

1. **Uses Allowed by Right.** Uses allowed by right (P) in the IBA combining zone shall be determined by the underlying M-2 base zone.

2. **Uses Requiring an Administrative Use Permit.** Uses requiring an Administrative Use Permit (AUP) in the IBA combining zone shall be determined by the underlying M-2 base zone.

3. **Uses Requiring a Conditional Use Permit.** Uses requiring a Conditional Use Permit (CUP) in the IBA combining zone shall be determined by the underlying M-2 base zone.

B. **IBA Combining Zone Development Standards.** The following development standards together with applicable standards specified in the base M-2 zone shall apply to all land and structures in the IBA combining zone.

1. **Minimum Parcel Size.** A parcel of land abutting Madera Avenue shall have a minimum area of two acres.

2. **Height.** The maximum height of any structure shall be determined by the base zone.

3. Yard Setback Areas.

   a. **Front Yard**: 50 feet.

   b. **Rear Yard:** Determined by base zone.

   c. **Side Yard:** Determined by base zone.

4. **Structure Coverage.** No requirement.

5. **Parcel Dimensions.** That portion of a parcel fronting onto Madera Avenue shall have a minimum width of 265 feet.

6. **Landscaping.** The first 10 feet from Madera Avenue towards the front yard setback line shall be landscaped, provided with irrigation and maintained in a neat and orderly fashion. Sixty-five percent of the landscaped area shall be composed of turf or groundcover as deemed acceptable by State adopted regulations.

C. **Signs.** Requirements for signs shall be consistent with the standards specified in Chapter 17.30 (Sign Regulations).

D. **Fences, Walls, and Hedges.** IBA combining zones shall comply with the following standards.

1. Fences, walls, and hedges shall not be allowed in the front setback area of any parcel located in the IBA combining zone. Any fencing visible from Madera Avenue shall be of decorative wrought iron or block wall.

2. Fences, walls, and hedges shall be consistent with the site distance provisions established in Section 17.20.030 (Clear Vision Triangle).

3. Fences, walls, and hedges shall not exceed seven feet in height in any rear or side yard.

E. **Parking.** Off-street parking and loading shall be consistent with the requirements of Chapter 17.28 (Parking, Loading, and Access).

F. **Processing Requirements.** All development on the IBA combining zone district shall be subject to the Development Plan Review Permit as required in Chapter 17.96 (Development Plan Review Permit).

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17 – Zoning Code

Article 3 – Regulations Applicable to all Zones

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Chapter 17.20

General Site Planning and Development Standards

Chapter 17.20 General Site Planning and Development Standards

17.20.010 Purpose

The purpose of this Chapter is to establish reasonable and necessary standards for development in Kerman. These standards are established to assure that Kerman develops in a manner that promotes efficient and orderly community growth.

17.20.020 Street Improvements

The following street improvements and dedications shall be completed prior to the issuance of a Building Permit unless stated otherwise in this Zoning Code.

A. Street and road dedications shall be made to the City in a manner prescribed by the City Engineer and consistent with the Circulation Element of the General Plan.

B. Curbs, gutters, and sidewalks shall be constructed as a condition of all development. Under certain circumstances, an exception may be granted by the City Engineer.

C. Driveways and parking aprons shall be constructed in a manner consistent with the Kerman Standard Construction Details or as approved by the City Engineer.

D. All street improvements shall be constructed in a manner consistent with the Kerman Standard Construction Details or as approved by the City Engineer.

17.20.030 Clear Vision Triangle

A. **Purpose and Applicability.** All new development proposed adjacent to any public or private street or alley intersection, shall be designed to provide a clear vision triangle for pedestrian and traffic safety.

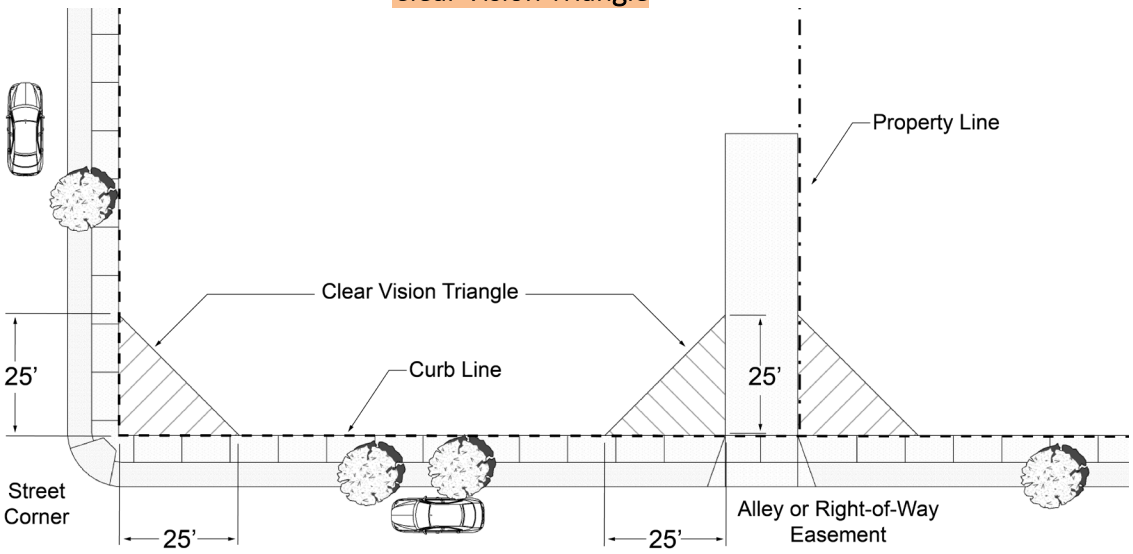
B. **Measurement of Clear Vision Triangle Area.** A clear vision triangle shall be measured as follows:

1. **Corner Parcels.** On corner parcels, the clear vision triangle shall be formed by a 90-degree triangle with two sides measuring 25 feet along both the front and side curb lines, said length beginning at their intersection, and a third side connecting the two ends running diagonally across the property. See Figure 17.20-1 (Clear Vision Triangle).

2. **Parcels Containing or Abutting a Right-of-Way Easement, Private Drive, or Alley.** On parcels containing or abutting a parcel containing a right-of-way easement, private drive, or alley, the clear vision triangle area shall be formed by a 90-degree triangle with two sides measuring 25 feet along each side of the right-of-way easement, private drive, or alley and the curb line abutting the roadway, said length beginning at their intersection, and a third side connecting the two ends running diagonally across the property. See Figure 17.20-1 (Clear Vision Triangle).

C. **Obstructions and Height Limit in Clear Vision Triangle.** It is unlawful to erect, install, or maintain any structure, fence, wall, hedge, sign, or obstruction higher than three feet above the nearest roadway curb level within the required clear vision triangle.

Figure 17.20-1
Clear Vision Triangle



17.20.040 Solid Waste and Recycling Enclosures

In addition to Chapter 8.12 (Collection, Recycling, and Disposal of Solid Waste) of the Municipal Code, the following standards shall apply to all solid waste and recycling enclosures:

A. All solid waste and recycling enclosures associated with new multi-unit residential dwellings, office, industrial, and commercial developments shall be constructed consistent with City Trash Enclosure Standard No. 5 and be screened with landscaping so that they are not visually obtrusive from any off-site location. All new enclosures shall be constructed with a slanted solid roof cover.

B. The standards established in this Section shall not be imposed on properties with existing structures, nor to structures or uses other than as specified in this Section, except when new construction occurs thereon. This Section shall be the exclusive authority for requiring solid waste and recycling enclosures. New construction shall mean construction of a substantial nature of 50% or more of existing floor area and not minor repairs, minor additions, or minor demolitions to existing structures.

17.20.050 Undergrounding of Utilities

All utility services associated with new development (see definition for "development" in Article 8) shall be placed underground.

Chapter 17.22

Accessory Structures

Chapter 17.22 Accessory Structures

17.22.010 Purpose

The purpose of this Chapter is to regulate the types and location of accessory structures within each zone.

17.22.020 Prohibited Uses

No accessory structure shall be constructed or moved on to a parcel prior to commencing construction of the primary structure. No accessory structures shall be used as sleeping quarters unless expressly allowed in the zone in which the structure is located.

17.22.030 Agricultural Accessory Structure Standards

A. **Height.** The maximum height of agricultural accessory structures shall be 40 feet.

B. **Setbacks.** Agricultural accessory structures shall comply with the following setback standards.

1. **Front Setback.** The front setback shall be the same as the front yard setback standard for the zone in which the agricultural accessory structures is being located.

2. **Rear Setback.** The rear setback shall be the same as the rear setback standard for the zone in which the agricultural accessory structures is being located, except when the structure will not exceed six feet in height. For structures six feet or less in height, the rear setback shall be no less than five feet.

3. **Side Setbacks.** The side setbacks shall be the same as the side setback standards for the zone in which the agricultural accessory structures is being located, except when the structure will not exceed six feet in height. For structures six feet or less in height, the rear setback shall be no less than five feet.

C. **Distance Between Structures.** The distance between a structure used for human habitation and a structure used for livestock shall be 30 feet.

17.22.040 Commercial Accessory Structure Standards

A. **Height.** The maximum height of commercial accessory structures shall be the same as the height standard for the zone in which the accessory structure is being located, unless otherwise regulated in this Zoning Code.

B. **Setbacks.** Commercial accessory structures shall comply with the following setback standards, unless otherwise permitted by this Zoning Code.

1. **Front Setback.** The front setback shall be the same as the front setback standard for the zone in which a detached commercial accessory structure is being located, except in the case of attached uncovered patios, decks, porches, and breezeways. Attached structures shall have a front setback distance of 60 percent of the front setback standard for the zone in which the commercial accessory structure is being located.

2. **Rear Setback.** The rear setback shall be the same as the rear setback standard for the zone in which the commercial accessory structure is being located. In cases where the structure is six feet or less in height and the setback distance for the primary structure is greater than five feet, the structure shall have a setback distance of no less than five feet.

3. **Side Setbacks.** The side setbacks shall be the same as the side setback standards for the zone in which a detached commercial accessory structure is being located. The setback distance for attached uncovered patios, decks, porches, and breezeways shall be no less than five feet from an interior parcel line when the setback for the primary structure is greater than five feet.

17.22.050 Industrial Accessory Structure Standards.

A. **Height.** The maximum height of industrial accessory structures shall be 45 feet in the M-1 District and 55 feet in the M-2 District.

B. **Setbacks.** Industrial accessory structures shall comply with the following setback standards.

1. **Front Setback.** The front setback shall be the same as the front yard setback standard for the zone in which a detached industrial accessory structure is being located, except in the case of attached uncovered patios, decks, porches, and breezeways. Attached structures shall have a front setback distance of 60 percent of the front setback standard for the zone in which the industrial accessory structure is being located.

2. **Rear Setback.** The rear setback shall be the same as the rear setback standard for the zone in which a detached industrial accessory structure is being located. In cases where the structure is six feet or less in height and the setback distance for the primary structure is greater than five feet, the structure shall have a setback distance of no less than five feet.

3. **Side Setbacks.** The side setbacks shall be the same as the side setback standards for the zone in which a detached industrial accessory structure is being located. The setback distance for uncovered patios, decks, porches, and breezeways shall be no less than five feet from an interior parcel line when the setback for the primary structure is greater than five feet.

17.22.060 Residential Accessory Structure Standards

A. **Height.** The maximum height of residential accessory structures shall be twelve feet, unless otherwise regulated in this Zoning Code.

B. **Setbacks.** Residential accessory structures shall comply with the following setback standards, unless otherwise permitted by this Zoning Code.

1. **Front Setback.** The front setback shall be the same as the front setback standard for the zone in which a detached residential accessory structure is being located, except in the case of attached uncovered patios, decks, porches, and breezeways. Attached structures shall have a minimum front setback distance of 15 feet.

2. **Rear Setback.** Detached residential accessory structures shall be the same as the rear setback standard for the zone in which a detached residential accessory structure is being located, except in the case when a structure is no greater than 120 square feet. Detached structures 120 square feet or less shall have a minimum rear setback distance of five feet. Swimming pools shall have a minimum of five feet setback from any living quarters and adjoining property line.

3. **Side Setbacks.** Detached residential accessory structures shall be the same as the side setback standard for the zone in which a detached residential accessory structure is being located, except in the case when a structure is no greater than 120 square feet. Detached structures 120 square feet or less shall have a minimum side setback distance of five feet, except in those side yards that have a 10-foot or greater setback requirement as established in Chapter 17.10 (Residential Zones).

4. **Space Between Structures.** The minimum space between residential accessory structures is 10 feet.

Chapter 17.24

Fences, Walls, and Hedges

Chapter 17.24 Fences, Walls, and Hedges

17.24.010 Applicability

New development shall conform to the following standards for fences, walls, and hedges.

17.24.020 Height Limitations

A. Fences, walls, and hedges shall not exceed 42 inches in height in front setback area nor seven feet in height in any required rear and side setback areas. Wrought iron fences are allowed up to 42 inches in the front setback area, provided any support pilasters are a maximum 12 inches wide, do not exceed 42 inches in height, and are spaced a minimum of six feet apart.

B. In the RR, R-1, R-2, R-3, AND MU zones, in the case of two adjoining or contiguous parcels which have a difference in ground elevation, an additional fence height may be allowed between side or rear setback area for a total height of six feet at the highest finished grade, but in no case exceeding eight feet above the ground level of the lower parcel at the property line; provided that the portion of any fence permitted extending above six feet shall be designed as to permit adequate air circulation and be permitted by a Zoning Clearance. This provision shall not be construed to prevent or prohibit shrubs, trees, or other ornamental plantings which are primarily intended or designed for landscaping purposes.

C. In the CG, CN, CS, PA, M-1, and M-2 zones, fences may be allowed in excess of seven feet in height, subject to the approval of a Conditional Use Permit in compliance with Chapter 17.84 (Conditional Use Permit). Said fence shall not exceed eight feet in height.

17.24.030 Fence Materials

A. Fences shall not be constructed of barbed wire or similar material unless an Administrative Use Permit is first obtained. An Administrative Use permit may be granted only upon the Director finding that extraordinary circumstances requiring the use of barbed wire or similar material apply to the property in question which do not generally apply to property within the city. In no event may an Administrative Use Permit be granted for the use of barbed wire or similar material within three feet of any public right-of-way. The Director may require conditions of approval such as appropriate warning signs upon the barbed wire or a similarly constructed fence.

B. Fences shall be constructed of original material. Fences in residential zones shall not be constructed of chain link, wire mesh, corrugated metal/plastic, or other repurposed material. Chain link fences with privacy slats may be constructed when the fence is not visible from the public right-of-way.

C. Electrified fences are prohibited in all zones.

17.24.040 Required Walls

A. A seven-foot solid block or masonry wall shall be constructed between residential and non-residential zones, except when the MU zone abuts a residential zone on the rear or side property lines separating the two zones. A block wall between an MU zone and a residential zone may be required to mitigate noise impacts.

B. A greater height for a solid block or masonry wall may be constructed when deemed necessary by a mitigation measure under a CEQA Mitigation Monitoring Program, approved by the Planning Commission as part of a planning permit.

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Chapter 17.26
Landscaping

Chapter 17.26 Landscaping

17.26.010 Purpose

The purpose of this Chapter is to improve the appearance of the city by requiring permanently maintained landscaping and promote conservation and efficient use of water, in compliance with State law.

17.26.020 Applicability

The standards established in this Chapter shall apply to all new development, existing development where new landscaping is installed, and new or expanded structures on existing development sites.

17.26.030 Water Efficient Landscape Ordinance

All landscaped areas within the City and all the following standards and provisions in this Chapter shall comply with the water conserving landscape requirements established in Chapter 13.06 (Model Water Efficient Landscape Ordinance) of the Municipal Code.

17.26.040 General Landscaping Standards

A. **Tree Plantings and Vegetation.** Tree plantings and vegetation shall be consistent with the city's regional climate, and landscape design shall be composed of water-efficient landscaping. Specific tree and vegetation species shall be determined at the plan check stage.

B. **Plant Materials.** Landscaping may consist of a combination of turf, groundcovers, mulch, shrubs, vines, and trees.

C. **Minimum Replacement Tree Size.** The minimum tree size container shall be 15-gallons.

D. **Replacement Tree Spacing.** Replacement trees in compliance with Subsection C (Minimum Replacement Tree Size) shall be planted at a ratio of one tree for every 25 feet of frontage along a public right-of-way.

E. **Landscape Planters.** Landscaped planters shall be surrounded with a six-inch-high concrete curb or a similar type barrier to protect the landscaping from foot and automobile traffic.

17.26.050 Landscape Area Requirements

A. **Minimum Landscape Area.** Front and street-side yards of uses requiring site plan review shall have composed of turf to the extent necessary to comply with MWELO. The balance of the area can be

composed of trees, shrubs, groundcover, or hardscape. Consideration should be given to the use of xerophytic (drought tolerant) plants and grasses.

B. **Landscaping Location.** The front yard setback area of all new development shall be landscaped with the exception of driveways. In addition, those side and rear yard setback areas, as determined by the Director, which are directly visible from public roads, and easements, and properties, shall also be landscaped.

17.26.060 Artificial Turf

A. **General.** Artificial turf is allowed in all zones subject to the following standards and comply with the standards established by this Chapter.

B. **Locations Allowed.** Artificial turf is allowed in the following locations:

1. **Rear and Interior Side Yard Setback Areas.** Artificial turf is allowed in any zone within any rear and/or interior side setback areas.

2. **Front and Street-Side Yard Setback Areas.** In any zone, a maximum of 50 percent of the total area within the front or street-side setback area may be installed with artificial turf. Artificial turf shall not be installed within 10 feet of a sidewalk or within 20 feet from the curb if there is no sidewalk.

3. **Not Allowed in Parkway.** Artificial turf is not allowed within any parkway areas.

C. **Minimum Standards.** To be used in the front and street-side setback areas, artificial turf shall comply with the minimum standards for materials, installation, and maintenance.

1. **Materials and Style.** Artificial turf shall comply with the following material standards.

a. **Cut-Pile Fill.** Artificial turf shall be of a type known as cut pile infill and shall be composed of polypropylene, polyethylene, or a blend of polypropylene and polyethylene fibers stitched onto a polypropylene or polyurethane meshed or hole-punched backing. Hole-punched backings shall have holes spaced in a uniform grid pattern with spacing not to exceed four inches by six inches on center.

b. **Prohibited Materials.** Nylon-based, plastic, or petroleum-based grass blades are not allowed.

c. **Color.** A minimum blend of three colors, predominately green.

d. **Blade Length.** A minimum blade length of 1.5 inches, with spines and uneven tops.

e. **Infill Medium.** Infill medium must be a natural material, such as coconut fiber, cork, and sand. Rubber infill medium is prohibited.

f. **Warranty and Fire Resistance.** The product must have a minimum eight-year warranty and be fire resistant.

2. **Installation.** Artificial turf shall be installed in compliance with the following procedures and standards.

a. **Maximum Slope.** Artificial turf shall only be allowed on sloped areas less than 25 percent.

b. **Existing Sprinkler Systems.** Prior to installation of artificial turf, all existing sprinkler systems (i.e., piping, valves, sprinkler heads) no longer in use shall be capped or removed.

c. **Ground Preparation.** Prior to installation of artificial turf, all existing landscaping and plant material shall be removed where the artificial turf will be located and a minimum of three inches of soil excavated.

d. **Ground Leveling.** The turf area shall be leveled, with a crushed stone subbase (i.e., decomposed granite) added to establish a foundation and facilitate drainage for the turf. The stone subbase shall be a minimum of three inches in depth.

e. **Drainage.** Artificial turf areas shall be sufficiently drained to a permeable area or live landscaped area to prevent excessive pooling, runoff, or flooding.

f. **Barrier Buffer Required.** A solid barrier buffer, such as a concrete mow strip, bender board, or similar material, shall be installed between the artificial turf and live plant material or soil to prevent mixing of natural plant materials and artificial turf.

g. **Weed Barrier.** A permeable geotextile (weed barrier) shall be installed to prohibit the growth of weeds. This barrier may either be incorporated into the synthetic turf or be installed as a separate layer on top the subbase.

h. **Fastening and Anchoring.** Artificial turf must be permanently anchored with nails/spikes/staples and glue, and all seams must be nailed/spiked/stapled, or sewn, and glued, with the grain pointing in a single direction.

3. **Appearance and Maintenance.** Artificial turf shall comply with the following appearance and maintenance standards.

a. **Maintenance.** Artificial turf shall be installed and maintained to effectively simulate the appearance of a well-maintained, natural turf lawn. Synthetic turf must be maintained in a green, fadeless condition, free of weeds, stains, debris, tears, holes, depressions, ruts, odors, and looseness at edges and seams. No edges shall be exposed.

b. **Replacement of Damaged and Worn Areas.** Damaged or worn areas in artificial turf surface shall be repaired, or removed and replaced, in a manner that results in the consistent appearance with the existing artificial turf. Artificial turf shall be removed and replaced once it is unable to be maintained as required.

c. **Parking Prohibited.** Vehicle parking on artificial turf is prohibited.

17.26.070 Deferred Landscaping in Residential Zones

In residential zones, compliance with the landscaping standards of this Chapter may be deferred for a period of not more than six months if all the following conditions are satisfied.

A. The use is an allowed us as specified in Chapter 17.10 (Residential Zones);

B. The deferment is applied for prior to the issuance of a certificate of occupancy by an owner-builder with the intent of personally occupying the residence;

C. The owner(s) deposits with the City a security deposit of $500 or as may be established by Subsection (D) below; and

D. The owner(s) pays the deferred landscape agreement fee set pursuant to Section 17.72.030 (Fees);

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Chapter 17.28

Parking, Loading, and Access

Chapter 17.28 Parking, Loading, and Access

17.28.010 Purpose and Applicability

A. **Purpose and Applicability.** To prevent traffic congestion and shortage of on-street parking spaces, off-street parking facilities shall be provided incidental to any new structures and intensifications or enlargements of existing uses. Off-street parking facilities shall be laid out in such a manner that they will protect the public safety and insulate surrounding land uses from their impact.

B. **Minimum Parking Standards.** This Chapter shall not be construed to prohibit the installation and maintenance of more parking spaces than the minimum number required.

17.28.020 Building Permit.

An application submitted for a Building Permit which includes the construction of parking areas for public or private use shall include the design of the required parking area drawn to scale. Such plans shall include all parking spaces and maneuvering areas, curb cuts, landscaping, and other improvements. The Building Permit shall not be issued until a Zoning Clearance has been approved in compliance with Chapter 17.74 (Zoning Clearance), and no final completion inspection approved until the parking spaces and required landscaping are installed. No business license shall be issued until a final completion inspection has been conducted.

17.28.030 General Provisions

Off-street parking areas shall be provided and maintained in compliance with this Chapter.

A. **Uses Not Listed.** Where the parking requirements for a land use are not specifically listed in Section 17.28.040 (Number of Spaces Required), below, the parking requirements for the use shall be determined by the Director. The Director shall establish a parking standard based on the operational similarity and parking demand of permitted uses in the zone district.

B. **Combination of Uses.** Where there is a combination of principal uses in any one facility, the sum of the parking requirements calculated separately for each of these uses shall be provided unless otherwise indicated.

C. **Fractional Spaces.** If the calculation of parking needs results in the requirement for a fraction of a parking space, such a parking space need not be provided unless the fraction exceeds 50 percent.

D. **Seats or Seating Capacity.** Where the standards for parking set forth in this Chapter are based upon seating capacity, the capacity shall be determined by the actual seating capacity. Where pews or

benches will be used, seating capacity will be based on the following: one seat per 18 inches of pew or bench length and one seat per 30 inches of booth length for dining.

E. **Parking Required On-Site.** All required parking shall be located on the same parcel or development site as the uses served, except for parking located off-site in compliance with Section 17.28.090 (Off-Site Designated Parking).

F. **Change of Occupancy.** For a change of occupancy where the parking demand is increased and where no new construction requiring a Building Permit is anticipated, but a new Business License is required, the Director shall review the parking requirements of the proposed use and shall require a Parking Plan, consisting of a scaled site plan showing parking stalls, landscape islands, drainage if applicable, ingress, egress drawn to scale consistent with City parking stall standards, for the Director's review and approval. No new Business License shall be issued until the Director has approved the Parking Plan. Copies of the Parking Plan drawn to scale shall be submitted in digital format to the Director for approval. The Parking Plan shall show the whole property in question and the means of ingress and egress, location of structures, parking spaces, landscaping, and any other proposed facilities. A Business License shall be issued once the Director finds the Parking Plan complies with the provisions established in this Chapter. If the site is unable to accommodate the necessary parking, the Finance Director shall deny the Business License.

G. **Existing and Nonconforming Parking Facilities.** Any structure or use for which parking facilities become substandard by the adoption of this Chapter shall be considered a nonconforming use. Such nonconforming use may continue, but no enlargement or expansion of seating capacity or square footage shall be made in such use or structure, unless the required number of parking spaces or parking area as designated by this Chapter is provided in addition to all other applicable development standards. Any change of use in an existing structure or parcel that requires more parking space shall provide the additional parking areas required in this Chapter.

17.28.040 Number of Spaces Required

Table 17.28-1
Minimum Number of Spaces Required by Use

Land Use	Spaces Required
Human Services Uses	
Cemetery. • Crematories • Mausoleums • Columbariums • Funeral establishments	1 space for every 2 seats in the main assembly room plus 1 parking space for each regular employee and 1 parking space for each vehicle operated on the grounds by the proprietary institution.
Child Day Care Home	Parking spaces shall be provided as established for Single-Unit Dwelling, Two-Unit Dwelling, and Mobile Home on Individual Parcels).
Community Care Facility, Large	1.5 parking spaces for every 6 adults receiving care in the home in addition to the number of spaces required for the home.
Community Care Facility, Small	Parking spaces shall be provided as established for Single-Unit Dwelling, Two-Unit Dwelling, and Mobile Home on Individual Parcels).
Day Care Center	1 parking space for each employee on any given shift plus 1 passenger loading space for every 8 children licensed by the County or State.
Emergency Shelter	1 space per facility for staff plus 1 space per 6 occupants or beds allowed at the maximum occupancy. A covered and secured area for bicycle parking shall be provided for use by staff and clients, commensurate with demonstrated need, but no less than a minimum of 8 bike parking spaces.
Hospital	2 parking spaces for each bed licensed by the State and 1 space per every 500 square feet of office, clinic, or lab area. Any outpatient facilities shall provide additional parking as required for a medical office. Nursing homes and convalescent hospitals shall provide at least 1 space for every 4 beds licensed by the County or State.

Table 17.28-1
Minimum Number of Spaces Required by Use

Land Use	Spaces Required
Industrial Uses	
General Industrial and Processing Uses	1 parking space for each employee on any given shift and each company-operated vehicle; 1 parking space for every 1,500 square feet of gross floor area and each company-operated vehicle. Manufacturing or repair plants maintaining more than one shift of workers shall provide 2 parking spaces for every 3 employees on each of the 2 larger shifts plus 1 parking space for each company-operated vehicle.
Utility Facility and Infrastructure	1 parking space for every 2 employees on the premises at any 1 time including overlaps in shifts.
Warehouse or Distribution Facility	1 parking space for each employee on any given shift plus 1 parking space for each company-operated vehicle, or 1 parking space for every 2,000 square feet of gross floor area, whichever is greater.
Recreation, Education, and Public Assembly Uses	
Athletic Club	1 parking space for every 250 square feet of gross floor area.
Bowling Center	4 parking spaces for each lane. Other principal uses with the bowling center such as restaurants, pool halls, cocktail lounges, and other uses shall provide additional parking spaces as required by the provisions of this Chapter for each use.
Card Rooms	1 parking space per 2 seats.
Commercial Stable	1 space for each employee on any given shift and 1 space for every 5 stalls.
Driving range	1.5 spaces for each tee or station
Golf Course	As determined by the Director based upon the specific uses and improvements proposed.
Miniature Golf Course	1.5 spaces for each hole.

Table 17.28-1
Minimum Number of Spaces Required by Use

Land Use	Spaces Required
Park	Public parks over ten acres in size shall provide at least five percent of the total area for off-street parking facilities. Parking requirements for public parks less than 10 acres shall be determined by the Director.
Pool and Billiard Room	2 spaces for each table.
Recreational Vehicle (RV) Park	1.5 spaces per RV site
School	Elementary and Junior High School. 1 space for each employee or 1 space for every 3 seats in the auditorium or multipurpose room, whichever is greater, plus off-street loading space for at least 2 school buses. High schools shall provide the greater of the following: 1 space for each employee and 1 parking space for every 3 students in the 11th and 12th grades, or 1 space for every 3 seats in the main auditorium or stadium, whichever is the greater. College. 1 space for each employee and 1 parking space for every 2 students, or at least 1 parking space for every 3 seats in the main auditorium or stadium, whichever is the greater.
Skating Rink	1 space for every 100 square feet of skating area. Other users within the skating center such as seating for observation, game rooms, and other uses shall provide additional parking spaces required by the provisions of this chapter for each use.
Stadiums and Similar Uses	1 space for every 4 seats for stadiums, ball parks, and other outdoor sports areas with fixed seating.
Swimming and Tennis Club	Swimming and tennis clubs, cabana clubs, public neighborhood pools and similar recreational clubs or facilities shall provide at least the number of parking spaces or amount of parking area required by the use requiring the greatest parking area plus 50 percent of the parking required by the sum of other uses, as specified in this chapter.
Tennis and Other Court Games	2 spaces for each court.

Table 17.28-1
Minimum Number of Spaces Required by Use

Land Use	Spaces Required
Residential Uses	
Boarding House	1 space for every 2 occupants based upon the maximum occupant load of the sleeping or dining area, whichever is greater.
Mobile Home Park	1 covered space for each mobile home site and 1 space for every 5 mobile homes for guest parking. Supplemental parking for boats, travel trailers, and other vehicles shall be provided at a ratio of 1 space for every 5 mobile home sites. Parking Spaces shall be allowed on only one side of the interior streets.
Multi-Unit Dwelling and Cluster Development	1.5 spaces for each studio or 1 bedroom unit and 2 spaces for each unit 2 bedrooms or larger. Any room which could be converted into a bedroom (such as a den) shall be considered a bedroom when computing required parking. 1 of the required parking spaces per unit shall be covered. Developments which contain 6 or more units shall supply guest parking spaces at a ratio of at least 0.5 parking spaces per unit. Developments which contain less than 4 units are not required to provide guest parking spaces.
Single-Unit Dwelling, Two-Unit Dwelling, and Mobile Home on Individual Parcels	2 covered parking spaces shall be provided for each dwelling unit within the buildable portion of the parcel. The required parking spaces may be provided within a garage, a carport, or any combination thereof. Each parking space shall be at least 9 feet in width and 19 feet in length. All carports and garages shall have a driveway length of at least 20 feet free and clear from the back edge of the sidewalk which is for the temporary parking of vehicles. Driveways and parking aprons shall, at a minimum, have a chip and seal surface.
Retail, Service, and Office Uses	
Appliance Repair	1 parking space for every 600 square feet of gross floor area and one parking space per 2 employees. If located within a shopping center with other mixed-use development, which is predominantly retail, the appropriate shopping center requirement applies, provided that there are mutual parking agreements, and the total cumulative gross floor area of this

Table 17.28-1
Minimum Number of Spaces Required by Use

Land Use	Spaces Required
	use does not exceed 10 percent of the gross floor area of the shopping center.
Bank and Financial Institution	1 space per 200 square feet of gross floor area. If located within a shopping center or other mixed-use development which is predominately retail, the appropriate shopping center requirement applies, provided that there are mutual parking agreements, and the total cumulative gross floor area of this use does not exceed 10 percent of the gross floor area of the shopping center.
Bar	1 space for every four seats and 1 space for every 150 square feet of standing room area based upon the capacity of the fixed and movable seating area as determined under the Uniform Building Code.
Building Materials and Lumber sales	4.5 spaces for every 1,000 square feet of gross floor area in the main retail structure, plus any additional parking is required for Outdoor Sales establishments to the balance of the sales area that is not within the main structure.
Event Venues	1 space for every 3 seats, based upon the capacity of the fixed and movable seating area as determined under the Uniform Building Code but not less than one space per 50 square feet of dance floor for dancehalls, ballrooms, discos, and similar event venues where dancing is the principal use of the premises. Restaurants, bars, and other recreational uses with incidental dancing shall provide parking according to the standards specified above based upon the area of that portion of the premises oriented to the dance floor. The parking required for the portion of the premises not oriented to the dance floor shall be based upon the standards specified in this title for the principal use of the premises. The Chief Building Inspector shall determine which portions of the premises are oriented to the various uses.
Hotel and Motel	1 space for each sleeping room, suite of rooms or housekeeping unit. Where other primary uses are located on the premises such as restaurants, bars, and meeting rooms, 100 percent of the requirement specified in this Chapter for the primary use requiring the greatest amount of parking shall be

Table 17.28-1
Minimum Number of Spaces Required by Use

Land Use	Spaces Required
	provided, and 70 percent of the requirement specified in this Chapter for the other uses shall be provided in addition.
Office	Professional Office. 1 space per 400 square feet of gross floor area. Interior hallways used for access to office suites need not be counted in determining gross floor area. Medical and Dental Office. 1 space per 200 square feet of gross floor area. If located within a shopping center or other mixed-use development which is predominantly retail, the appropriate shopping center requirement applies, provided that there are mutual parking agreements, and the total cumulative gross floor area of this use does not exceed 10 percent of the gross floor area of the shopping center.
Outdoor Sales. For outdoor sales areas (i.e., uncovered automobile or boat sales areas, building material and lumber yards, plant nurseries)	5 customer parking spaces for the first 5,000 square feet of uncovered sales area regardless of the actual area covered. In addition, one customer parking space for each additional 1,000 square feet of uncovered sales area to a required maximum of 20 customer parking spaces shall be provided. There shall also be at least one parking space for each employee on any given shift.
Personal Service	2 spaces for each established workstation or 1 parking space for every 150 square feet of gross floor area, whichever is deemed most feasible and necessary by the Director, shall be provided. If located within a shopping center or mixed-use development which is predominantly retail, the appropriate shopping center requirement applies, provided that there are mutual parking agreements, and the total cumulative gross floor area of this use does not exceed 10 percent of the gross floor area of the shopping center.
Restaurant	1 space for every 4 seats based upon the capacity of the fixed and movable seating area as determined under the Uniform Building Code. There shall also be 1 parking space for every 2 employees on any given shift.
Retail Sales	For general retail activities, including neighborhood markets, secondhand stores, wholesalers, restricted retail sales, and other mixed-use developments which are predominantly retail and utilize a common parking area through mutual parking

Table 17.28-1
Minimum Number of Spaces Required by Use

Land Use	Spaces Required
	agreements, parking shall be provided at a ratio of at least 4.5 spaces for every 1,000 square feet of gross floor area. For uses such as retail stores principally displaying and selling furniture, floor coverings, pianos and organs, and large appliances, parking shall be provided at a ratio of at least one space per 600 square feet of floor area. If located within a shopping center or other mixed-use development which is predominantly retail, the appropriate shopping center requirement applies, provided that there are mutual parking agreements, and the total cumulative gross floor area of this use does not exceed 10 percent of the gross floor area of the shopping center.
Vehicle, Boat, and Trailor Sales	1 space for each 400 square feet of gross floor area, plus 1 space for each 2 employees, plus any additional parking required for Outdoor Sales.
Vehicle Repair and Service	3 spaces for every 1,000 square feet of gross floor area. If located within a shopping center or other mixed-use development which is predominantly retail, the appropriate shopping center requirement applies, provided that there are mutual parking agreements, and the total cumulative gross floor area of this use does not exceed 10 percent of the gross floor area of the shopping center.

17.28.050 Compact Parking Spaces.

Up to 20 percent of the spaces in a parking facility with ten or more spaces may be designed and designated for compact cars. All compact parking spaces shall be clearly marked with white lettering stating "Compact." Compact vehicle space dimensions shall comply with Section 17.28.050 (Compact Parking Spaces).

17.28.060 Accessible Parking Spaces.

Accessible parking spaces shall be provided and designed in accordance with the requirements of Title 24 of the California Building Code and Federal ADA standards and requirements.

A. Common parking facilities may be provided in place of the individual requirements specified in this Chapter and shared between the uses they serve provided the total number of off-street parking spaces, when used together, shall not be less than the sum of the various uses computed separately taking into consideration allowable reductions of parking requirements established in Section 17.28.070 (Reduction of Parking Requirements), below.

B. When any common parking facility is to occupy a site of 10,000 square feet or more, then the parking requirements as specified in this Section for each two or more participating structures or uses may be reduced by not more than 10 percent of the total area of the common parking facilities required upon approval of development plans through the Site Plan Review Permit.

17.28.070 Reduction of Parking Requirements

Non-residential uses may provide alternative facilities or programs which serve to reduce parking demand in return for a reduction in vehicle parking requirements. Vehicle parking requirements may be reduced in accordance with the following provisions:

A. **Shower/Locker Facilities.** Developments with 100 or more employees may reduce their parking requirement by providing shower and clothing locker facilities for bicycle commuting employees. Maximum reduction: two percent of required parking or five spaces, whichever is greater.

B. **Preferred Carpool/Vanpool Parking Spaces.** Office or industrial developments which guarantee preferred parking spaces (i.e., covered, shaded, near building entrance) to employees who participate regularly in a carpool or vanpool may reduce their parking requirement by one vehicle space for every one space which is marked and reserved for carpools/vanpools at a preferred location. Maximum reduction: two percent of required parking.

C. **Request For Special Review of Parking.** Parking reductions exceeding the maximums specified in Subsections A or B above, or modifications of improvement requirements, may be granted whenever such reduction or modification is considered in conjunction with a review of a permit authorized by this Zoning Code. The project proponent shall submit with a parking plan and other documentation necessary to demonstrate that unusual conditions warrant a parking reduction, such as the multiple use of a parking area by uses having peak parking demands which occur at different times; floor plans which indicate that the floor area devoted to customer or employee use is less than typical for the size building proposed; or that other programs will be implemented by the developer or tenant(s) which will result in a demand for less parking at the site. The appropriate authority may require the recordation of agreements with the County Recorder, prior to issuance of a Building Permit, which assure that appropriate programs are implemented for the duration of the parking reduction.

17.28.080 Recreational Vehicle Parking in Residential Zones

This Section regulates the parking and storage of recreational vehicles, boats, and boat trailers in residential zones. As further defined in Article 8 (definitions), recreational vehicles shall include any type of motor home, travel trailer, truck/camper, camping trailer, or camper (not mounted on a truck).

A. Recreational vehicles, boats, and boat trailers shall not be stored within the required front yard of any parcel within a residential zone.

B. Recreational vehicles exceeding 12 feet in height shall not be parked or stored on a residentially zoned parcel.

C. Recreational vehicles may be stored within a required rear or side yard subject to the following conditions:

1. No such vehicle shall be parked or stored within five feet of a rear property line.
2. No such vehicle shall be parked or stored within the required side yard on the street side of a corner parcel.
3. A solid fence or hedge at least seven feet in height shall be constructed to screen recreational vehicle storage areas located within a required side or rear yard.

D. Recreational vehicles shall not be connected, either on a permanent or temporary basis, to any utility services, such as electrical (including extension cords), water, or sewer connections for the purposes of living or sleeping for any period of time, unless explicitly permitted by a planning permit.

E. Recreational vehicles shall not be stored on any property that does not have a legally permitted residential structure.

17.28.090 Off-Site Designated Parking

Commercial uses open to the public that require more than 30 parking spaces may be located on the premises, within 300 feet of the premises, or a combination of both, subject to the approval of an Administrative Use Permit. The off-site spaces to be included in the total parking requirement shall be located off-street and shall meet the all applicable development standards for off-street parking established in Section 17.28.040 (Number of Spaces Required).

17.28.100 Parking Facility Design Standards

All new off-street parking facilities shall comply with the following standards. These standards shall not apply to single-unit dwellings.

A. Off-street parking spaces shall be designed so that vehicles do not back out into an arterial or collector street.

B. The parking access area shall provide parking and maneuvering room for motor vehicles and structure or area of land or water.

C. All parking areas, aisles and access drives shall be surfaced with a minimum of two inches of asphalt concrete surface over a four-inch untreated rock base. The subgrade shall be compacted to a minimum compaction rate of 90 percent.

D. Asphalt parking facilities shall have a two percent slope (24 inches per 100 feet) for drainage and shall have concrete drainage gutters.

E. All landscaped areas that abut a parking facility shall be separated by a concrete curb that is six inches in width and height.

F. All parking stalls shall be delineated by stripping that is white and has a line width of four inches.

G. Parking stall dimensions shall be as follows:

1. **90 Degree Parking.** 90 degree parking stalls shall comply with the following dimensional standards.

a. Stall Width: nine feet

b. Stall Length: 19 feet

c. Aisle Width: 25 feet

2. **60 Degree Parking.** 60 degree parking stalls shall comply with the following dimensional standards.

a. Stall Width: nine feet

b. Stall Length: 21 feet

c. Aisle Width: 18.5 feet

3. **45 Degree Parking.** 45 degree parking stalls shall comply with the following dimensional standards.

a. Stall Width: nine feet

b. Stall Length: 21 feet

c. Aisle Width: 13.5 feet

4. **Parallel Parking.** Parallel parking stalls shall comply with the following dimensional standards.

a. Stall Width: nine feet,

b. Stall Length: 24 feet;

5. **Compact Space Parking.** Compact parking stalls shall comply with the following dimensional standards.

a. Stall Width: eight feet

b. Stall Length: 16 feet

c. Aisle Width: 25 feet

H. Parking facilities which are adjacent to sidewalks shall install wheel stops in each parking stall, to prevent encroachment into the sidewalk space. Parking spaces adjacent to landscaped planters may be shortened by two feet provided that the planter is at least five feet wide for each parking aisle and the planter is landscaped in a manner that provides clearance for automobile bumpers. Wheel stops shall not be required in these spaces.

I. All parking facilities of 10 spaces or more shall have landscaped planters. One 15-gallon tree shall be planted for every five parking spaces. All landscaped planters shall be provided with an irrigation system and comply with Chapter 17.26 (Landscaping).

J. No more than 40 percent of the street frontage shall be dedicated for parking facilities.

K. Parking facilities adjacent to residentially zoned properties shall construct a seven-foot solid masonry wall on the property line separating the two properties. A landscaped berm at least four feet tall and not exceeding a slope of 30 percent may be substituted for a masonry wall. When an alley separates a parking facility from a residentially zoned property a wall shall not be required.

L. Parking facilities for offices that are converted residential dwellings shall be located to the rear of the office when access from the alley is available.

Figure 17.28-1
Parking Design Standards

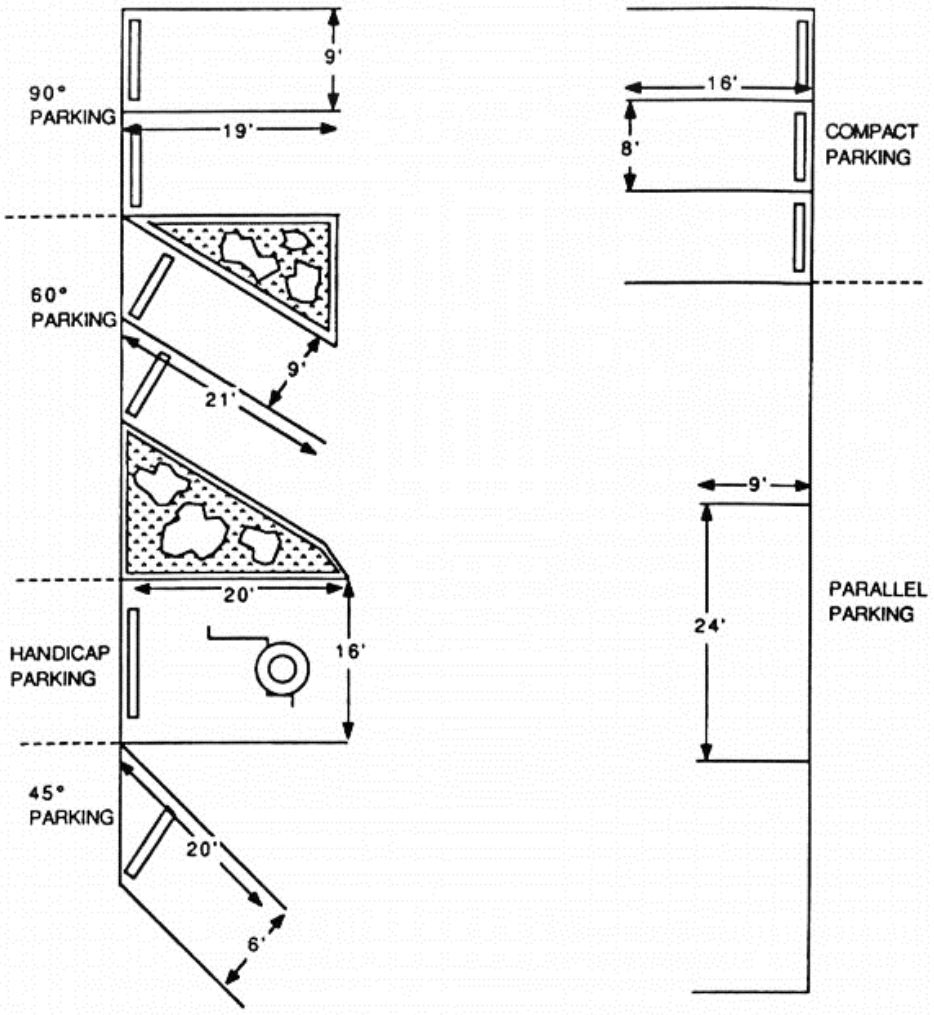
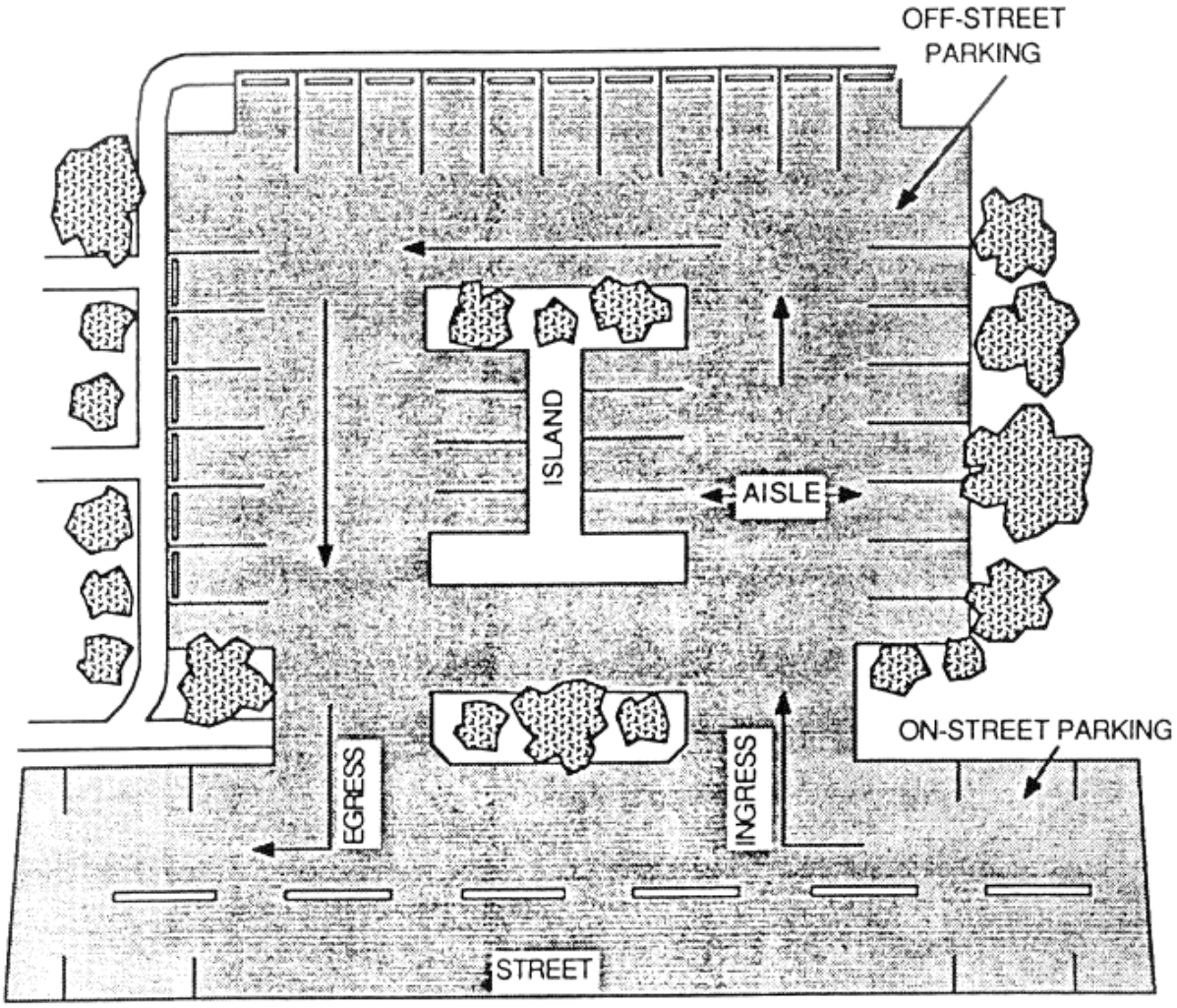


Figure 17.28-2
Parking Terms



17.28.110 Off-Street Loading Requirements

For every structure or facility occupied by manufacturing, storage, warehouse, wholesale, retail store, market, passenger terminal, theater, hotel, motel, restaurant, hospital, laundry, dry-cleaning plant, or other similar use requiring the receipt or distribution of vehicles or merchandise, adequate space for standing, loading, and unloading shall be provided and maintained on the same site in addition to the parking requirements of this Chapter. The adequacy of off-street loading space shall be determined by the Director.

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Chapter 17.30
Sign Regulations

Chapter 17.30 Sign Regulations

17.30.010 Purpose and Applicability

A. Purpose. The purpose of this Chapter is to regulate the size, height, design, location, number, and quality of signs in the City in order to protect the character of neighborhoods; provide a form of communication for businesses; and protect public safety and welfare by precluding signs that are visual obstructions to motorists and/or pedestrians. This chapter shall prevent the degradation of the visual quality of the city which can result from the proliferation of excessive amounts of signage, poorly designed signage, inappropriately located signage, and/or signage maintained in a hazardous or unsightly fashion. The intent of this chapter is to:

1. Advance the economic vitality of the city;
2. Improve the character and natural beauty of the community and its various neighborhoods and districts;
3. Promote the visibility of businesses through signage;
4. Enhance the public's ability to identify uses and premises without confusion;
5. Prevent the proliferation of sign clutter;
6. Ensure the safety of pedestrian and vehicular traffic;
7. Provide specific instruction for the permitting of signage within the city; and
8. Implement objective sign design standards as may be adopted by the Council.

B. Signs in the city shall:

1. Be of sufficient quality as to enhance rather than detract from the aesthetic value of structures and places;
2. Be proportionate to the scale of architecture;
3. Be compatible to the environment in which the signage is proposed to be located;
4. Be sensibly sized for public view;
5. Be commensurate with the purpose of the zone district in which the signage is proposed to be located;
6. Provide clear information for the purpose it is intended for. e; and
7. Should never compromise the safety of the public.

C. **Applicability.** The standards of this Chapter apply to signs in all zoning districts. Only the signs authorized by this Chapter shall be allowed.

D. **Definitions.** The following definitions shall apply to this Chapter:

A-Frame Sign. A portable sign with text and or images displayed on one or two surfaces with two edges connected with the other two edges spread so that the two faces read from different directions.

Advertising. Any written, electronic, or printed communication published, disseminated, circulated, or placed directly before the public, for the purpose of creating an interest in or inducing a person to procure a service, article, or attend or participate in an event or program.

Advertising Structure. All structures used as outdoor advertisement, regardless of size and shape, for the purposes of advertising anything, the origin or place of sale or service of which is not on the property with such advertising structure.

Animated Sign. Any sign which uses mechanical or electrical movement or change of lighting, either natural or artificial, to depict action or to create visual motion or the appearance thereof.

Apartment/Multifamily Identification Sign. A sign identifying an apartment or multifamily building or an apartment or multifamily complex.

Banner. Any cloth, bunting, plastic, paper, or similar non-rigid material attached to, or appended on or from, any structure, staff, pole, line, or framing upon which there is an advertising message, or which is intended for promotion.

Barber Pole. Rotating or stationery cylindrical pole of the traditional red, white, and blue spiral striped design, identifying the premises as a barber shop.

Base of the Sign Structure. The structural component of a freestanding sign located below the sign face.

Billboard. An Advertising Structure. See definition of "Advertising Structure".

Business Center. A group of contiguous businesses which utilize common access, off-street parking, and/or the center name.

Business Sign. A sign which directs attention to a business, major category of products, services, industry, or other activity which is sold, offered, or conducted on the premises upon which such sign is located.

Changeable Copy Sign. A permanent sign, or portion of a sign, with a face panel having detachable, interchangeable individual lettering, which allows the lettering to be removed, altered, and replaced. Such signs shall not be changed more often than once every 24 hours. A sign on which the message changes more than once per 24-hour period shall be considered an animated sign and not a changeable copy sign for purposes of this chapter.

Changeable Panel Sign. A permanent sign that allows the face panel, having fixed lettering, to be removed and replaced. Such signs shall not be changed more often than once every 24 hours. A sign on which the panel changes more than once per 24-hour period shall be considered an animated sign and not a changeable copy sign for purposes of this chapter.

Copy. The design of a sign face consisting of letters, colors, patterns, images, and/or similar content.

Electronic Reader Board. Sometimes called electronic signage, refers to display technologies like LED walls (or video walls), projection and LCD monitors to vividly display rotating text, webpages, videos, directions, restaurant menus, marketing messages or other digital images.

Directional Or Informational Sign. A sign giving only information and direction to the viewer and containing no advertising message.

Directory Sign. A sign or set of similarly designed individual signs, placed or displayed in sequence, to list all or a part of the businesses within a building, business center, or shopping center.

Display Window. A window area, typically located along the front elevation of a business, and/or in conjunction with a public entrance into the business, which displays merchandise available for purchase within. Display Windows may or may not include decoration, including seasonal decor, as well as textual elements such as prices and promotional verbiage. A display window shall not function as a marketing window.

Exempt Sign. A sign which is not subject to a sign permit.

Excessively Weathered shall mean, including but not limited to, signs where the condition of the paint or structural material has become so deteriorated as to permit decay, excessive checking, cracking, peeling, chalking, fading, dry rot or warping. Removal shall be at the expense of the property owner on which the sign in question is located.

Flag. Any fabric, banner, or bunting containing distinctive colors, patterns, or design that displays the symbol(s) of a nation, state, local government, company, organization, belief system, idea, or other meaning.

Flashing Sign. Any sign which is perceived as an intermittent light, flashing light, or changing of color intensity light.

Freestanding Sign. A sign installed upon, or mounted on top of the ground, in a permanent fashion, which sign is self-supporting, not attached to a building. Signs mounted on architecturally integrated extensions of buildings shall not be considered freestanding.

Freeway Sign. An on-site and privately maintained sign that is building mounted or freestanding and is intended to be viewed from a freeway.

Frontage, Occupancy. A single lineal dimension measured horizontally along the front of a building which defines the limits of a particular business or use at that location and which has direct public pedestrian access through an exterior wall.

Frontage, Site. The length of a site along the street or other principal public thoroughfare, but not including such a length along an alley, watercourse, railroad, or freeway.

Gasoline Price Sign. An on-premises sign identifying the brand, and/or type, and price of gasoline sold.

Governmental Or Other Signs Required by Law. A sign placed in any area of the city by a governmental entity or private individual or business as required by federal, state, or local laws.

Graphics. All lettering, logos, pictures, symbols, patterns, and depictions, including color, on a sign.

Ground Sign. A freestanding sign. See definition of "Freestanding Sign".

Height. The distance from the sidewalk or roadbed grade nearest the base of the sign to the top of the highest element of the sign. When there is no sidewalk, the grade of roadbed nearest the sign shall be used.

Identification Sign. A sign which serves to tell only the name, address, and lawful use of the occupant or building upon which the sign is located.

Illuminated Sign. A sign in which an artificial source of light is used in order to make the message readable. This definition shall include internally and externally lighted signs and reflectorized, glowing, or radiating signs.

Institutional Sign. A sign identifying the premises of, or announcing the activities conducted by, a church, school, hospital, rest home, or similar institutional facility.

Legal Nonconforming Sign. Any sign which was lawfully permitted, erected, and maintained that does not conform to existing standards.

Logo. The name, symbol, emblem, insignia, or trademark of a company or organization.

Major Tenant. A tenant in a business center having three or more leasable spaces, leasing a large portion of the leasable space in such center. The minimum size of a major tenant shall be 10,000 square feet.

Manager or Office of Manager Sign. A sign which identifies the location of the manager or the office of the manager of property.

Mansard Roof. A roof having an almost vertical facing on three or more sides on the exterior portion of the roof and an almost horizontally flat roof on the interior portion of the roof.

Marketing Window. Floor space constructed within a structure that is designed and built to be exclusively used for promotional graphics to be viewed from the exterior of the structure. The space is designed only to provide an interior vestibule from which additional promotional graphics can be employed to attract attention and no access to the space is available to the general public.

Marquee Sign. Any sign which is on top, attached to the face, or suspended below a marquee, canopy, cantilevered covered walkway, or arcade, whether parallel to or at right angles to the face of the building.

Master Sign Program. A coordinated program of one or more signs for an individual business establishment, business center, or shopping center.

Monument Style Sign. A freestanding sign where the height of the sign is equal to or less than the length of the base of the sign and having a maximum height of ten feet. The area below the sign copy shall be solid from the ground to the lower edge of the copy area.

Mural. An original work of art hand-painted on a structural wall surface, not intended to advertise, but instead to aesthetically entertain.

Off-Premises Sign. The same as advertising structure. See definition of "Advertising Structure".

On-Building Sign. A sign attached to, and wholly supported by, the wall of a building.

On-Site Sign. A sign specifically related in its subject matter to the premises on which it is located.

Pennant. Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, attached to a rope, wire, or string, usually in a series, designed to move in the wind and attract attention.

Parking Facility Sign. A sign placed or displayed in a parking lot to supply information to people using such lot, including information with respect to liability.

Placed or Displayed. Erected, constructed, posted, painted, printed, tacked, glued, carved, or otherwise fastened, fixed, or made visible in any manner whatsoever.

Plaque. An ornamental tablet, typically of metal, porcelain, or wood, that is fixed to a wall or other surface in commemoration of a person or event.

Political Sign. A sign which advertises, solicits votes, or elicits support for a candidate or candidates for public elective office, or a political party, or a sign urging a particular vote on a public issue decided by an official election.

Portable Sign. Any sign or advertising device that is not permanently embedded in the ground or affixed to a building or other structure, including any sign that rests upon the ground, a frame, a building, or other structure or item.

Projecting Sign. A sign characterized by its attachment at an angle or perpendicular to the face of a building as opposed to being mounted flat on the surface of such building. Any sign which extends 12 inches or more from a building surface shall be considered a projecting sign.

Public Entrance. An entrance into a building recognized as a main or principal entrance. Fire exit only doorways and/or employee only entrances shall not be included as public entrances.

Public Place. Any and all public streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings, held and possessed within the public trust.

Reader Board Sign. The same as a changeable copy sign. See definition of "Changeable Copy Sign".

Real Estate Sign. A sign offering developed or undeveloped real property for sale, lease, or rent.

Roof Line. A horizontal plane projected parallel to the plane of the roof fascia line or top of a parapet wall or an angular plane projected parallel to the verge rafter of a gable roof.

Roof Sign. Any sign erected upon or above the roof line of a building or placed above the apparent flat roof or eaves of a building.

Shopping Center. For the purposes of this Chapter, "shopping Center" means a group of commercial establishments planned, generally constructed, and managed as a total entity with employee and customer parking provided on the site under common control or shared under a reciprocal agreement. Shopping Center is further defined as "major" (50 or more acres or 300,000 square feet or more of total floor area), "community" (10 to 50 acres), and "neighborhood" (up to 15 acres). For the purposes of this chapter, commercial developments shall be classified as shopping centers, rather than business centers, when they are comprised of at least ten businesses/tenants and have a minimum of 50,000 square feet.

Sign. Any figure, character, outline, delineation, announcement, declaration, demonstration, illustration, emblem, words, numerals, or letters of an attention-attracting display or device painted, illuminated, posted, or affixed on any surface or in a manner used to attract attention to the premises or to advertise or promote the interest of any person, activity, business, or enterprise when the same is placed so that it is clearly visible to the general public from an out-of-doors position; provided, however, noncommercial natural floral and plant displays shall not be considered signs in computing the number or area of signs permitted.

Sign Area. The area of a sign encompassed by a maximum of eight connected straight line segments drawn around the extremities of the sign frame or can (if a frame or can is used to support or define the copy background area), or the sign copy background area (if no sign, frame, or can is used), or the sign copy (if no copy background area or frame or can is used).

Sign Clearance. The vertical distance between the bottom of a sign and the sidewalk or roadbed grade nearest the base of the sign.

Sign Face. The same as sign area. See definition of "Sign Area".

Sign Structure. Any structure which supports or is capable of supporting any sign. A Sign Structure. may or may not be an integral part of a building. For the purpose of a freestanding sign, the sign structure shall include the aggregate area of the sign, including the sign copy and all structural elements of the sign.

Site. An individual parcel or the area within the extreme boundaries of a multiple business or shopping center without regard to the individual lease lines or parcels within such center.

Subdivision Directional Sign. An off-premise sign providing information on the location of a subdivision whose lots, parcels, or units are being offered for sale, lease, or rent.

Subdivision Identification Sign. An on-premise sign advertising developed or undeveloped real property which has been divided into five or more lots, parcels, or units for sale, lease, or rent. (Signs advertising fewer than five such lots shall be treated as "real estate signs.")

Temporary Identification Sign. A sign used in place of a permanent identification sign until such time as the permanent sign can be installed.

Temporary Freestanding Sign. A sign, temporary in nature, which neither satisfies the definition of a freestanding sign or on-building sign, to include, but not limited to, A-frame signs, I-frame signs, stabbers, feathers, waivers, and vehicle signs.

Temporary Sign. A sign to be displayed for a period not to exceed 14 days (except temporary identification signs).

Under-Canopy Sign. A sign under a canopy or awning of a building which sign identifies a business, profession, or industry conducted on the premises by name only.

Vehicle Sign. A sign on a vehicle used for the purpose of advertising a business location, a special sale, or the like by any means.

Waver Sign. An individual or apparatus which is used for the purpose of advertising a business location, a special sale, or the like by any means, with or without a sign, with or without a costume.

Wall Sign. Any sign painted on or attached parallel to the wall facing of a building and projecting not more than 12 inches from the building face. See definition of "On-Building Sign".

Window Sign. A sign attached to, suspended behind, placed, or painted upon the window or glass door of a building and intended for viewing from the exterior of such building. This definition does not include merchandise offered for sale on site, when on display in a window.

Windblown Device. A manmade device which visibly moves when blown by the wind, other than flags or banners.

17.30.020 Standards for Permitting Requirements

A. **Approval requirements.** Except as otherwise noted in this Chapter, it is unlawful for any person to erect, construct, or relocate any sign in the City without first obtaining approval from both the Planning and Building Divisions. A Building Permit shall be required for the construction of any sign except those not required under Title 24 of the California Building Code.

B. **Application requirements.** In order to file an application for any action under this chapter, the applicant shall have a certain legal interest in the real property, which is the subject of the application, which legal interest e.g. owner, seller or purchaser under contract, or lessee may submit an application to the Planning Division for processing as follows:

1. The application shall be in the number of copies and in the format designated by the Director. All sign review applications shall include the following:

    a. Completed application form to include all required signatures;

    b. Payment of the required fee, as set by resolution of the City Council;

    c. Scaled drawings in the format and amount determined by the Director to include: scaled plot plan of the subject property, identifying the location of all proposed signs; ii. scaled drawings of all proposed signage with sign size(s) calculated; iii. scaled drawings of all building elevations to include all existing and proposed signs; and

    d. All exhibits shall include a legend, and a color scheme, and show the type of illumination, method of attachment, material composition, disconnect switch wherever applicable, letter, words, symbols, and graphics to be depicted, and other information which may be needed to determine that the provisions of this chapter have been satisfied.

2. In processing sign applications, the following criteria shall be used to approve, conditionally approve, or disapprove:

    a. The sign shall be consistent with the applicable standards, exceptions, and prohibitions set forth in this chapter; and

    b. The sign's location and copy shall not cause a visual or safety public nuisance for the site or surrounding uses.

    c. The sign meets applicable approved master sign program standards.

3. The Director shall review all sign review permit applications and shall either approve, approve with modifications, or deny an application in accordance with the requirements of this chapter and any other applicable requirements of federal, state, or local laws.

4. In the event of denial, the Director shall provide written notice of a denial to the applicant within five working days after a decision is rendered. The applicant may only appeal a denial decision of the Director to the Planning Commission pursuant to the provisions of Chapter 17.114 (Appeals).

C. **Compliance with other codes.** The erection or placement of all signs shall meet the requirements of the Public Utilities Commission of the state, the Uniform Building Code as adopted by the City, and all other relevant federal, state, and local laws and regulations.

D. **Shopping center signs.** The sign program for shopping centers shall be subject to the Director's approval. The design criteria for all signs to be located within a shopping center or a mall-type development shall be approved before any individual sign permit application for the development is processed. Such review is to ensure that signs located within a shopping center are harmonious and of compatible design.

E. **Lighting for exterior illuminated signs.** Lighting for exterior illuminated signs shall be so arranged that it does not create a hazardous glare for pedestrians or vehicles, either on a public street or on any private premises. Each sign shall be designed so that illumination does not exceed 10 candlepower at a distance of ten feet from the sign.

F. **Lighting.** No artificial light of whatever type or nature used in conjunction with, or for the purpose of, lighting any sign shall be so located or constructed, nor shall any substance or material be used capable of reflecting light on or into any adjoining or nearby lot, structure, or public right-of-way. When spotlights or floodlights are used to illuminate a sign, the reflector shall be provided with proper shields or glass lenses concentrating the illumination upon the area of the sign so as to prevent glare upon the street or adjacent property.

G. **Screening light sources.** Whenever an illuminated sign is permitted, every part of its light source shall be concealed from view, and the light shall not travel from such light sources straight to the viewer's eye, but instead shall be visible only from a reflecting or diffusing surface. Exempt from this requirement shall be neon tubing which conforms to division (E) of this section (lighting for exterior illuminated signs) and is included in the calculation of the total permanent sign area. As used in this section, "light source" shall mean a bulb or tube from which light is emitted when the bulb or tube is activated (electronically or otherwise), including, but not limited to, incandescent filament bulbs, electric discharge bulbs, and fluorescent tubes.

H. Measurement of Sign Area.

1. **Wall signs consisting of one or two lines of copy.** Wall signs consisting of one or two lines of copy painted on or attached to a building wall where the portion of the wall behind the sign is the same color as the rest of the wall and does not serve as a frame area shall be measured by the smallest regular geometric shape not exceeding eight sides which encompasses each word, emblem, and/or symbol composing the sign. Areas between words in a line and between lines shall not be measured as long as they are reasonably spaced.

2. **Other wall signs.** Three lines or more of copy or nonlinear arrangement shall be measured as that area which can be enclosed within the smallest regular geometric shape not exceeding eight sides which encompasses the total message, including the open space between cutout letters, panels, figures, symbols, and/or objects.

3. **Signs which are framed or have distinguishing color background.** Signs which are framed or have distinguishing color background shall be measured by taking the entire area of the sign and background, including the framing surface.

4. **Multiple face signs.** The area of all faces shall be added together to determine the total sign area. However, double-faced signs may be erected having the allowed sign area on each side of the sign provided that the two faces shall not be positioned at greater than 45-degrees to one another. When the two faces of a sign are positioned at greater than 45-degrees to one another, faces of each side shall be counted individually in determining the total sign area.

5. **Neon tube lighting.** Illuminated neon tubing when outlining portions of buildings or windows shall be deemed to have a minimum width of at least six inches in the calculation of sign area. Where an area bordered by such lighting is substantially a closed geometric shape, all the area enclosed shall be considered the sign area.

17.30.030 Signs Subject to a Conditional Use Permit

The following signs shall require a Conditional Use Permit:

A. Murals on privately owned property.

B. Electronic Reader Board

C. Specific Use Signs as required under Section 17.30.080.

17.30.040 Exempt Signs

The following types of signs shall be exempt from the requirements of this Chapter:

A. **Construction Site and Subdivision Signs.** Temporary construction signs that identify the architects, engineers, contractors, or other individuals or firms that are involved with a construction project. There shall be no more than two signs on the site. These signs shall not exceed 32 square feet in area and shall be removed when construction is completed.

B. **Temporary Signs on Property Offered for Sale, Rental, or Lease.** Temporary signs are allowed on private property in any zoning district being offered for sale, rental, or lease subject to the following limitations. These signs shall not exceed eight square feet. These signs shall not be erected for more than four days during any one-month period The sign shall remain only as long as some portion of the property advertised for sale remains unsold, unleased or not rented, or for a period of two years, whichever period is shorter.

C. **Temporary Off-Site Signs.** Temporary off-site subdivision and/or signs which advertise the sale, lease, or rental of another property may be erected to direct prospective purchasers to a subdivision that have parcels or homes for sale. These signs shall not be erected for more than four days during any one-month period. Said signs shall not exceed eight square feet.

D. **Window signs.** Temporary window signs (non-internally illuminated) announcing special sales, a change in management, individual product and/or price signs, or similar information and designed to be viewed from adjacent streets, sidewalks, public right-of-way, or parking for a period not exceeding 30 days. This section is not intended to allow additional permanent signs. Window signs which are painted on, or temporarily affixed to the window surface shall not cover more than 60 percent of any single window or series of windows, nor more than 30 percent of the entire surface area of available windows, and shall not be affixed as to block clear view of exits or entrances or to create a safety hazard to persons exiting or entering. The total area of window signs shall not be greater than the permanent on-building sign area allowed for the business/use. Window signs which are not covered by the temporary sign provisions, shall only be allowed as permanent signs with the approval of the required sign permit.

E. **Credit cards, debit cards, ATM, and association membership.** Credit cards accepted, debit cards accepted, ATM availability, and association membership signs when not exceeding one-half square foot per window sign and one and one-half square feet per hanging sign and a total of four in number.

F. **Directional signs.** Signs bearing no advertising message or logo and are located on the site may be erected when necessary to facilitate circulation within the site or facilitate egress and ingress. Such signs shall not be counted against the site's allowed sign area. The size, number, and placement of directional signs may be limited by the Director.

G. **Informational signs for the safety and convenience of the public.** Signs such as "open/closed," "rest rooms," "telephone," "danger," "impaired clearance," "no smoking," and other signs of a similar nature ("parking in rear," "drive-in window," and parking facility signs) may be allowed up to four square feet in area under this section.

H. **Official signs.** Official signs posted pursuant to, and in the discharge of, any governmental function by public officials in the performance of their duties (including traffic and street name signs, as well as notices, emblems, or other forms of identification and signs required by law).

I. **Signs required by law.** Signs displayed by private individuals when required by law or regulations of any governmental agency or law.

J. **Political Sign.** Political and campaign signs which announce a candidate or political issue shall not exceed 32 square feet, or as governed by other applicable State or Federal law. Removal shall take place two weeks after the election.

K. **Vehicle Fueling Station Signs.** Signs required to be posted at fuel stations pursuant to California Business and Professions Code Sections 13530 et seq.

L. **Nameplate and Address Signs.** The following signs are intended to assist emergency response personnel in locating a site.

1. **Residential.** Occupant name, street number, and street name signs not exceeding two square feet in area per single-unit or multi-unit unit.

2. **Nonresidential.** Signs for commercial, office, and industrial uses not exceeding two square feet, with copy limited to business identification, hours of operation, address, and emergency information.

M. **Internal Signs.** Signs within structures that are not visible from any point on the boundary of the premises.

N. **Public and Institutional Signs.** Signs erected and maintained by any federal, state, or local governmental agency or that are required to be erected and maintained by any federal, state, or local governmental agency or court or by any federal, state or local law, ordinance or other governmental regulation, including but not limited to, signs erected by a public utility.

O. Flags, Plaques, and Banners.

P. **Integral signs.** Signs which have been built into a structure when the sign has been carved into stone or fixed to the structure using a metal plaque.

Q. **Garage Sale Signs.** The signs on private property shall be removed within 24 hours following the sale date.

R. **Seasonal Decorations.** Holiday greetings, decorations, and displays, such as relate to Christmas, Thanksgiving, the Fourth of July, and the like, such that said seasonal decorations are removed within 14 days after the appurtenant holiday event and excluding advertising signs disguised as seasonal decorations.

17.30.050 Prohibited Signs

The following signs are prohibited from being erected in the City:

A. Signs which may imitate an official traffic sign or signal;

B. Signs which may hide from view any traffic or street sign or signal;

C. Portable signs which are portable, A-frame, I-frame signs, “feathers,” and “stabbers”, to include “waver” signs on public right-of-way, except as permitted under the provisions of this Chapter, on private property for seasonal or temporary use.;

D. Off-premises signs, except as permitted under the provisions of this Chapter.;

E. Signs which project over a sidewalk less than 8 feet above the surface of the sidewalk.;

F. Signs which project over an alley and are less than 15 feet high;

G. Flashing or rotating signs;

H. Roof-mounted signs;

I. Signs on telephone poles, utility poles, trees within the public right-of-way, street light, and street signs.;

J. Billboards.; and

K. Signs having one or a combination of the following characteristics:

1. **Obscene or offensive to morals.** Containing statements, words, or pictures of an obscene, indecent, or immoral character which, taken as a whole, appeal to the prurient interest in sex, and which signs are patently offensive and, when taken as a whole, do not have serious literary, artistic, political, or scientific value;

2. **Imitative of official signs.** Signs (other than when used for traffic direction) which contain or are an imitation of an official traffic sign or signal, or contain the words stop, go, slow, caution, danger, warning, or similar words, or signs which imitate or may be construed as other public notices, such as zoning violations, building permits, business licenses, and the like; and

3. **Fluorescent colors.** Any permanent signs containing florescent colors as all or part of their copy; and

4. **Natural despoliation.** Signs which are cut, burned, limed, painted, or otherwise marked on a field, tree, rock, or other natural item.

L. Moving signs having one or a combination of the following characteristics:

1. Flashing of lights, blinking of lights, or changing of color intensity, except those permitted as part of seasonal decorations;

2. Animation (such as by mechanical movement of parts of the sign, projections on or within the sign, or changes on the shape or content of the sign face), to exclude "time and temperature" devices. This shall include, but is not limited to, flashing, blinking, flickering, moving textual messages, moving, rotating signs, and frames which appear to rotate, except those permitted as part of seasonal decorations;

3. Windblown devices and/or inflatable signs, whose movement is designed to attract attention, such as pennants, flags, balloons, or other inflated objects, or reflective attachments to sign faces, except those specifically permitted (as temporary signs in Section 17.30.040, and except those permitted as part of seasonal decorations, or flags which are specifically exempted by Section 17.30.040 of this Chapter);

4. Banners, with the exception of those which are specifically exempted by Section 17.30.040 of this Chapter; and

5. Where there is any production of smoke, fog, sound, light, or other substance or matter.

M. **Obstructive to use or visibility, hazardous locations.** No sign shall be erected in any manner which, in whole or in part, would create a hazardous condition to pedestrians or traffic alike, either by obstructing the free use of exits, building or site, or by creating visual distraction, being color, sound, or glare, or representing a traffic control device.

N. **Obstructive visibility to public safety.** Blocking or covering more than 33% of any window or door with any permanent material shall be prohibited unless specifically permitted by this code. Any application of window film or similar material on any part of a window or door shall allow no less than 40% visible light transmission.

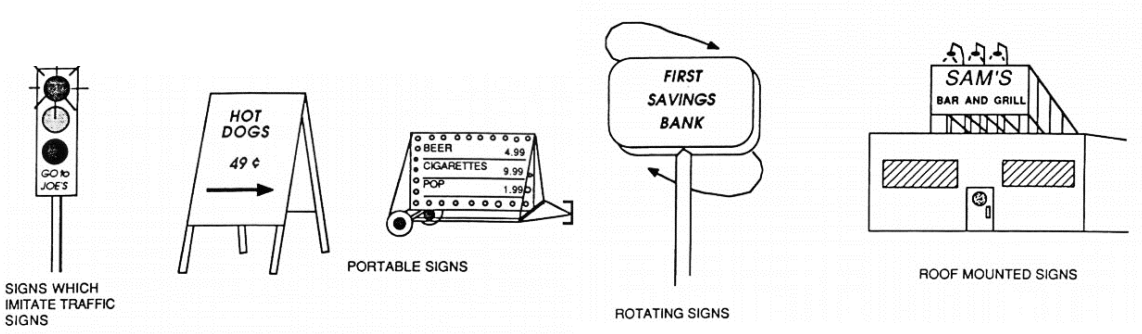
O. **Within public places.** Within any public street, sidewalk, any publicly accessible parking lot, or right-of-way, or other publicly owned facility, unless they shall maintain a minimum clearance of 15 feet above the adjoining grade level and after acquiring an encroachment permit from the City, except marquee signs as defined by this Chapter, unless specifically provided for in this Chapter.

P. **Vehicle signs where the primary purpose of the vehicle is to serve as a billboard or sign**. No vehicle or trailer may be used as a platform or substitute for a billboard, freestanding sign, or movable sign, whether parked on public or private property or found in the public right-of-way. This is specifically intended to include the use of vehicles as a freestanding or off-premises sign and does not apply to signs maintained on vehicles when such advertising is incidental to the primary purpose for which the vehicle is being used (such as delivery service).

Q. **Miscellaneous temporary signs and posters.** The tacking, posting, or otherwise affixing of signs of a miscellaneous character, visible from a public way, located on the walls of buildings, barns, or sheds or on trees, poles, posts, fences, or other structures shall be prohibited, unless specifically permitted by this chapter.

R. **Distribution of handbills and flyers.** The distribution or circulation of any advertising samples, handbills, circulars, booklets, or other notices of commercial advertising on vehicles or public facilities shall be prohibited.

Figure 17.30-1
Examples of Prohibited Signs



17.30.060 Temporary Signs

A. Temporary signs shall be allowed at the following times:

1. Holiday promotion periods. Within identified holiday periods, temporary promotion signs shall be limited to banners, painted window signs, and/or pennants, not to exceed in size the total allowable on building sign area for the business/use. Such signs may be displayed without a sign permit or prior approval by the city. The allowed holiday promotional display periods are as follows:

    a. Valentine's Day, and the preceding six days.

    b. Easter Sunday, and the preceding six days.

    c. Mother's Day, and the preceding four days.

    d. Independence Day, and the week (Monday - Sunday) thereof.

    e. Almond / Harvest Festival day, and the week (Monday - Sunday) thereof.

    f. Halloween, and the preceding six days.

    g. Thanksgiving, the preceding 10 days and the following three days.

    h. Christmas/New Year's Holiday season (December 1st to December 31st).

2. Additional promotion periods. In addition to the holiday promotional periods listed above, a business may display banners, painted window signs, pennants, and/or windblown devices/inflatable signs not to exceed in size the total allowable on building sign area for the business/use, during two additional 14-day periods each calendar year. The additional two-week (14 day) periods may be at the discretion of the business owner per the approval of the Planning Division. To display special promotion temporary signs, a business must obtain an approved Temporary Sign Permit from the Planning Division of the city. The application shall indicate the time period and type of display. Such signs may be used in conjunction with an event or sale and may be displayed for 14 days maximum. Such promotional displays shall not list individual product prices. Special promotion periods may be used in place of a holiday promotion period (overlaid), as long as they do not extend the 14-day maximum period.

3. Grand opening signs. A business may apply to the Planning Division for a temporary sign permit for grand opening signage. A-frame signs, I-frame signs and portable changeable copy signs shall be limited to only one grand opening and a maximum display time of 30 days per business, with a written request approved by the Director.

4. Going out of business. A business may apply to the Planning Division for a temporary sign permit in order to facilitate the liquidation of inventory for a closing business for a period not to exceed 90 calendar days. Such a permit will be allowed only once for any business, with a written request approved by the Director. Change of ownership, change of management, business remodel, or business renovation events are not valid.

B. **Approval Requirements.** An application for a Temporary Sign Permit shall be submitted for review and approval no less than five business days prior to the proposed installation date of the temporary signs. The application shall include a site plan identifying location of signs and scaled drawings of the temporary signs.

17.30.070 Signs Allowed by Zone

Signs located in the following zones and that are consistent with the following provisions shall be allowed. The standards contained within this section apply to one side of the sign. In no case shall the sign area exceed 10 percent of the wall face on which it is located.

A. **Urban Reserve (UR), Open Space, Recreation and Public Facilities (O), and Rural Residential (RR) Zones.** These zones shall comply with the following sign standards.

1. One address sign not to exceed two square feet.
2. One advertising structure in which the total surface area shall not exceed 32 square feet.
3. One temporary sign advertising the property for sale, rent, or lease. This sign shall not exceed 32 square feet.

B. **Single-Unit Residential and Multi-Unit Residential Zones.** These zones shall comply with the following sign standards.

1. One address sign not to exceed two square feet per single-unit residence and multi-unit dwelling structure.
2. One subdivision or multi-unit dwelling sign shall be allowed per entrance. This sign shall not exceed 32 square feet. If ground-mounted, the top of the sign shall not exceed five feet in height.

C. **Professional and Administrative Office Zone (PA).** This zone shall comply with the following sign standards.

1. On- building signs shall be allowed as follows:
    a. **Size.** Each business frontage having a public entrance and set back from the street less than 150 feet shall be allowed on-building identification signs having an area of one-half square foot per front foot of building lease area, up to 30 square feet of maximum area. Buildings set back 150 feet or more from the street shall be permitted one square foot of sign area per front foot of building lease area, up to 50 square feet.

b. **Location.** When approved by the Director, the sign area may be transferred from a frontage with a public entrance to one without a public entrance provided the ratio of signing per lineal foot is not exceeded on any one elevation.

c. **Placement.** On-building signs and projecting double-signs shall not extend above the wall, facade, parapet, or eaves of the structure on which they are located.

2. **Office.** developments may use one of two optional freestanding sign programs: a single freestanding sign listing the name and address of the office center, or the business in the case of a single business development. The sign area and the sign height shall not exceed those listed in Table 17.30-1 (Profession and Administrative Development Signs):

Table 17.30-1
Professional and Administrative Development Signs

Each Street Frontage	Height	Face Area
0 - 50	4'	12 Sq. Ft.
51 - 100	6'	18 Sq. Ft.
101 - 200	8'	24 Sq. Ft.
201 - 400	10'*	32 Sq. Ft.
401 - Plus	12'*	48 Sq. Ft.

* A minor deviation to increase the height or surface area of the sign may be granted by the Director where the Director determines a taller sign "structure" shall enhance the design of the development.

3. **Location.** The location of freestanding signs shall not be less than three feet inside the property line and shall not interfere with the safety of vehicular traffic entering into or exiting from an office development property or with vehicular traffic or pedestrians.

4. **Number.** The allowable number of freestanding signs shall be as follows:

a. The total face area may be utilized in one sign or be divided among one sign per street frontage, with a maximum height of eight feet and provided a minimum distance of one-half of the width of the lot is maintained between each sign and the street corner of the lot. This provision shall be for frontages having 201 feet or greater of the total street frontage and shall be approved by the Director.

b. When an office building has more than one tenant, individual low-profile freestanding signs for each tenant may be permitted in lieu of a single freestanding sign for the site, as permitted by subsection (a) of this section. Such low-profile signs shall be uniform in construction (except for copy) and shall not exceed four feet in height, eight feet in length, and two feet in width per business. Such low profile signs shall be limited to copy on one side and placed parallel to the street.

D. **Neighborhood Commercial Zone (CN).** This shall comply with the following sign standards.

1. One and one-half square feet of sign area for each two square feet of linear structure frontage not to exceed 45 square feet unless the use is located on a corner parcel in which case the sign area shall not exceed 60 square feet. Where the frontage is on more than one street, only the signs computed using the frontage of that street shall face that street.

2. These signs may be ground- or wall-mounted, or a combination of both. Ground-mounted signs shall not exceed six feet in height.

3. Each retail structure is allowed to have two square feet of sign area for each foot of structure frontage not to exceed a maximum of 50 square feet. These signs shall be fixed flush with the structure.

4. Pole signs are prohibited in the CN zone.

E. **General Commercial (CG) and Service Commercial (CS) Zones.** The CG and CS zones are allowed freestanding signs, subject to the following provisions:

1. One freestanding sign shall be allowed for each parcel of land. Each freestanding sign shall be allowed as indicated in Tables 17.30-2 and 3, except as provided for in Paragraph (E)(4) of this section, below.

Table 17.30-2
Single Tenant Development on a Parcel

Building Street Frontage	Height	Face Area
0 - 50	6'	20 Sq. Ft.
51 - 100	8'	30 Sq. Ft.
101 - 150	10'	40 Sq. Ft.
151 - 200	12'	50 Sq. Ft.
201 - 400	14'	60 Sq. Ft.
401 - Plus	20'	100 Sq. Ft.

Table 17.30-3
Multi-Tenant Development on a Parcel

Building Street Frontage of Development	Height	Face Area
0 - 50	6'	40 Sq. Ft.
51 - 100	8'	50 Sq. Ft.
101 - 150	10'	60 Sq. Ft.
151 - 200	12'	80 Sq. Ft.
201 – 400	16'	100 Sq. Ft.
401 - Plus	25'	120 Sq. Ft.

2. In addition to the allowable freestanding sign allowance, shopping centers with a street frontage of 700 linear feet or greater shall be allowed secondary tenant freestanding identification signs. The number of secondary signs shall not exceed one per main drive approach for a maximum of two. Sign area shall not exceed 100 square feet of sign area per sign, with individual panels of no more than ten square feet. Identification signs shall have a maximum height of 20 feet. Such signs shall be granted for minor tenants within the center, located more than 150 feet from the street the business intends to serve. The design and location of each shopping center sign shall be reviewed and approved by the Director.

3. Location: The location of such signs shall not be less than three feet inside the property line and shall not interfere with the safety of vehicular traffic entering into or exiting from the business center or with vehicular street traffic or pedestrians. On corner lots, it is the intent of this section that signs are not placed at the corner of one street frontage to be viewed from another street frontage. Generally, multiple freestanding signs for independent businesses and business centers shall be centered on the street frontage on which they are placed.

4. Number: Only one freestanding sign shall be allowed for and upon each street frontage. Without increasing the total freestanding sign allowance for corner parcels, the Director may allow the linear footage of two or more connecting street frontages to be combined for corner parcels in order to obtain a greater face area for a freestanding sign along a particular frontage than would otherwise normally be permitted, subject to the following restrictions:

   a. The height of the freestanding sign does not exceed that otherwise permitted for the street frontage on which the sign is placed, based on values denoted for the linear footage on that street; and

b. The combined face area of the freestanding sign does not exceed that otherwise permitted for the street frontage on which the sign is placed by more than 25 percent.

5. Minor tenant directional signs: Shopping centers shall be allowed on-site directional signage for minor tenant identification. The number of directional signs shall not exceed one per main drive. Signs shall not exceed ten square feet of sign area per sign, with individual panels of no more than three square feet. Minor tenant directional signs shall have a maximum height of six feet and should architecturally integrate with the shopping center site. Signs shall be located a minimum of 40 feet from the nearest street property line, and the location shall be subject to approval by the Director. It is not the intent of this section to create additional signs to be viewed from a public right-of-way.

6. Freestanding vehicle service station price signs shall be allowed in accordance with Table 17.30-6 of this Section.

7. On-structure identification signs shall be allowed for frontages with public entrances. Each business frontage having a public entrance shall be permitted on-building identification signs with the allowable area computed in accordance with Table 17.30-4 as follows:

Table 17.30-4
On-Structure Identification Signs

Building Entrance Setback from Property Line	Allowable Sign Area Formula	Minor Tenants Max. Allowable Sign Area	Major Tenants Max. Allowable Sign Area*	Major Tenant Greater Than Two Stories Tall
Less than or equal to 150 feet to the nearest street property line	One Sq. Ft. per each linear foot of occupancy frontage	75 Sq. Ft.	150 Sq. Ft.	200 Sq. Ft.
More than 150 feet to the nearest street property line	One and one-half Sq. Ft. per each linear foot of occupancy frontage	100 Sq. Ft.	200 Sq. Ft.	250 Sq. Ft.

Major tenants having 100,000 square feet or more gross leasable area shall be eligible for additional on-building sign area under special approval by the Director. In such cases, the Director may increase the maximum allowable areas for major tenants set forth in Table 17.30-4 from 150 to 200 square feet where the building entrance setback is located less than or equal to 150 square feet from the nearest street property line; or from 200 to 300 square feet where the building entrance setback is located more than 150 feet from the nearest street property line; whichever applies. Without further increasing the allowed on-building sign area, the Director may allow major tenants to transfer, in whole or in part, the on-building sign area allowance from a side street frontage without a public entrance to a frontage with a public entrance.

a. **Area allowed for street frontages without public entrances.** Each business occupying the end of a building, having a street frontage without a public entrance, shall be permitted one-half square foot of sign area for each one foot of leased occupancy frontage. The maximum area shall be limited to 30 square feet.

b. **Minimum sign area.** Each commercial use which has direct pedestrian access through an exterior building wall which is visible from a public right-of-way shall be allowed at least 25 square feet of building sign area, regardless of building occupancy frontage. Commercial uses having a sole access from the interior of any building or from an enclosed lobby or court shall not be allowed the minimum building wall sign area referred to in this section.

c. **Transfer of sign area.** When approved by the Director, the sign area may be transferred in part or in whole from a frontage with a public entrance to one without a public entrance provided the signs on a given frontage do not exceed the allowable area, as computed in Table D of sub-section (E)(7).

d. **Placement:** On-building signs and projecting double-signs shall not extend above the wall, facade, parapet, or eaves of the structure on which they are located.

8. On-building signs, projecting double-faced signs, and under-marquee signs, shall comply with the following:

a. The height of any projecting sign shall not be less than eight feet or higher than ten feet above the area over which it is suspended.

b. The sign shall not extend closer than two feet from the curb line of the street and shall be mounted perpendicular to the building face.

c. The sign shall not exceed six square feet in the sign area.

d. Such signs shall identify only a business name or professional location in a business center. Only one such sign shall be displayed per frontage with a public entrance.

F. Light Manufacturing (M-1) and heavy Manufacturing (M-2) Zones. These zones shall comply with the following sign standards.

1. On-site directional signage, one nameplate and address sign.

2. The design of signs shall be architecturally integrated with the design of the structure on the same parcel.

3. Flashing, rotating, or animated signs (except time and temperature signs) are prohibited.

4. Freestanding signs shall not exceed the height of the structures on the parcel on which they are located.

5. One freestanding sign shall be allowed on each street frontage of a parcel not exceeding the areas and height set forth as follows;

a. **Size and height:** The sign area of each face and sign height shall be allowed as indicated in Table 17.30-5:

Table 17.30-5
Industrial Uses

Total Frontage of Industrial Use	Height of Sign	Face Area
0 - 75	10'	25 Sq. Ft.
76 - 100	14'	50 Sq. Ft.
101 - 150	16'	60 Sq. Ft.
151 - 200	18'	75 Sq. Ft.
201 - Greater	20'	100 Sq. Ft.

b. **Location:** The location of such signs shall not be less than three feet inside the property line and shall not interfere with the safety of vehicular traffic entering into or exiting from a business center or with vehicular traffic or pedestrians.

c. **Number:** The total face area may be utilized in one sign or, where specifically approved by the Director, the sign area may be divided among one sign per street frontage, with a maximum height of eight feet and provided a minimum distance of one-half of the width of the lot is maintained between each sign and the street frontage of the lot.

6. **Industrial uses**: on-building identification signs.

a. Area allowed. Each business frontage shall be allowed one square foot of sign area for each linear foot of building frontage up to a maximum of 300 square feet.

b. Number allowed. The sign area of each business frontage may be utilized in one or more such signs provided the total sign area of all signs on a given frontage does not exceed the allowable.

c. On-building signs shall not extend above the wall, facade, parapet, or eaves of the structure on which they are located.

7. **Grand opening signs.** A business may apply for a temporary sign permit for grand a opening for a maximum display time of 30 days per business, with a written request approved by the Director.

8. **The following signs are prohibited:** changeable copy signs, projecting or fin signs, roof signs, and outdoor advertising structures (billboards).

17.30.080 Specific Use Signs

Certain uses, because of their special sign needs or their allowance in residential as well as business or industrial districts, have been specifically listed in this section. Where such uses are approved, the sign standards allowed for such uses shall be found in the special use table as follows:

Table 17.30-6
Specific Use Signs

Special Use	Limitations And Special Conditions
Automobile/R.V. sales (new)	Primary freestanding identification sign based upon the tables identified in section 17.30.070. One freestanding sign may be provided per separate new car showroom/sales facility. The minimum distance between freestanding signs shall be 300 feet, and a minimum distance to any adjacent property line shall be 50 feet.
	(a) Freestanding signs for ancillary used car sales shall be no higher than 14 feet nor contain more than 36 square feet of sign area. One used car freestanding sign shall be allowed per site. The minimum distance between freestanding signs shall be the same as for new car sales. This sign area may be combined with the main dealership sign (maximum 136 square feet).
	(b) Signs in or on vehicles shall be limited to 2 sq. ft. per vehicle.
	(c) On-building signs at a rate not to exceed the area in the tables identified in section 17.30.070
	(d) Window signs: temporary signs only.
Automobile/R.V. sales (used)	(a) One freestanding identification sign based upon the tables identified in section 17.30.070. A minimum distance from other freestanding signs shall be 100 feet, and a minimum distance to any adjacent property line shall be 50 feet.
	(b) Signs in or on vehicles shall be limited to 2 sq. ft. per vehicle.
	(c) On-building signs at a rate not to exceed the area in the tables identified in section 17.30.070.
Cemetery	One freestanding sign on each street frontage with a public entrance. Max. height 10 ft., max. area 30 sq. ft. Wall signs on the principal entrance not to exceed 12 sq. ft.
Changeable copy sign	(a) Allowed only with the approval of a Administrative Use Permit.
	(b) One per business or business center.
	(c) Limited to on-site commercial messages only.
	(d) Not permitted within 2,000 feet of any other changeable copy sign.
	(e) When mounted on-building - all on-building signage (to include changeable copy sign) shall not exceed the total on-building signage allowed.
	(f) When mounted on freestanding sign - all freestanding signage (to include changeable copy sign) shall not to exceed total freestanding signage allowed.
Church	(a) Not exceeding 12 sq. ft. for directory signs.
	(b) Not exceeding 32 sq. ft. in total sign area for freestanding signs per street frontage. One sign allowed per street frontage.
	(c) On-building signs not to exceed one-quarter sq. ft. per foot of building frontage facing a street.
Day Care Facility	(a) For uses conducted in single-family residential districts, no signage or indicia is allowed.

Table 17.30-6
Specific Use Signs

Special Use	Limitations And Special Conditions
	(b) For uses conducted in multifamily, no signage or indicia is allowed.
	(c) For uses in commercial districts, signage shall be consistent with the tables identified in section 17.30.070.
Drive-in/drive-up/ drive-through uses	(a) Drive-in/drive-up/ drive-through will be subject to the following standards.
	(b) A formal sign review application shall be submitted and approved prior to installation of any signs.
	(c) In addition to the sign area allowed under the applicable zone district regulations, drive-up restaurants shall be allowed one menu board per drive-up lane not to exceed 20 sq. ft. in area or six feet in height. Changeable copy is limited to the menu board.
	(d) Each drive-up lane shall be permitted one preview board in conjunction with the menu board. The preview board shall not exceed 20 sq. ft. in area and not exceed six feet in height.
	(e) Drive-through uses shall have a minimum distance from the center of the menu board to the center of any proposed preview board shall not be less than 25 feet.
	(f) All menu boards and preview boards shall utilize low intensity illumination.
	(g) Menu and preview board shall not be visible from the street. Additional landscape areas or shrub plantings may be required to provide screening.
	(h) Walk-up menu boards shall be limited to six or less sq. ft. in area in locations as approved under the applicable planning permit. Carhop menu boards shall not exceed six square feet in area and shall be reviewed through the applicable planning permit.
	(i) Directional signs shall be textual in nature. Any branding and/or logos incorporated into the directional sign shall not exceed more than 50% of the size of the directional text. Directional signs shall be a maximum of one foot high by two feet wide by three feet tall.
Golf Courses	One freestanding sign per street frontage with vehicular access. Max. height, 10 ft., max. area, for frontages under 200 ft., 16 sq. ft., for frontages 201 feet or greater, 32 sq. ft.
Group Care Facilities	(a) For uses conducted in single-family residential districts, no signage or indicia is allowed.
	(b) For uses conducted in multifamily or commercial districts, one wall mounted sign per street frontage, not to exceed one sq. ft. per 10 ft. of lot frontage with a max. of 24 sq. ft.
Hotels/Motels	In addition to the signing allowed in the commercial districts, hotel/motel uses shall be entitled to one “vacancy-no vacancy” sign not to exceed five sq. ft. Said sign may be illuminated.
Marketing Window	(a) A formal sign review application shall be submitted and approved prior to installation of any signs.
	(b) Approved signage shall only be located on the back/rear walls of the marketing window.

Table 17.30-6
Specific Use Signs

Special Use	Limitations And Special Conditions
	(c) In all cases, marketing windows shall comply with the following dimensional criteria. Marketing windows shall be:
	(1) At least three foot in depth.
	(2) No greater than 50% of the width of the building elevation where they are located.
	(3) No greater than 10 feet tall, and only on the ground floor of a building.
	(4) Never result in greater than 10 times the total allowed on-building signage for a business per the tables identified in section 17.30.070 or in excess of 1,000 square feet, whichever is less.
	(d) In all cases, marketing windows shall comply with the following design criteria. Marketing windows shall:
	(1) Only be illuminated from the front. All illumination shall be shielded and located within the marketing window vestibule.
	(2) Not be illuminated after 12:00 midnight, or when the business is closed, whichever is later.
	(3) Only display graphical elements and/or photographs representative of the goods and/or services offered within.
	(4) Not function as a display window.
	(e) No temporary window signage as allowed in 17.30.060 shall be placed on or within the marketing window.
Movie Theaters	(a) One sq. ft. of sign area per lineal foot of building facing a public street not to exceed 100 sq. ft. per frontage.
	(b) One freestanding sign not to exceed 30 sq. ft. for each theater screen up to a max. area of 200 sq. ft. and a max. height of 20 feet.
	(c) Changeable copy may be installed for movie listings as approved by the Director.
Outdoor Uses Temporary/ Seasonal	(a) Temporary A-frame and I-frame signs may be used on private property only.
	(b) Maximum total sign area shall not exceed 40 sq. ft.
	(c) Individual signs shall be limited to 25 sq. ft. each with a maximum height of six feet, and shall not affect traffic or parking spaces.
	(d) Total number of signs per street frontage shall be limited to one, and shall be approved by the Director.
Outdoor Uses Other Than Temporary or Seasonal	Not exceeding one-half sq. ft. per front of lot or area for the use to a max of 50 sq. ft. and shall be approved by the Director
Private Parking Lots	(a) One freestanding sign at each street entrance not to exceed 16 sq. ft. in area or six feet in height.
	(b) The freestanding sign(s) may be mounted on a parking lot attendant structure in lieu of the freestanding sign(s).
Private Schools	To be determined under the applicable planning permit.
Public Uses	As approved by City Council for city uses.

Table 17.30-6
Specific Use Signs

Special Use	Limitations And Special Conditions
Service Stations (Gasoline Sales) including: Mini-Market/Gas Convenience Market With Gas Car-Wash/Gas Combinations (In addition to normal sign area, the following special purpose signs may be displayed)	(a) Portable Outside Merchandise Display Stands allowed only with an approved Conditional Use Permit.
	(b) Gasoline Price Signs: One permanently mounted freestanding price sign per street frontage, with a maximum height of eight feet unless mounted on the freestanding business identification sign, in which case the height shall not exceed that specific to the permitted sign. Said sign(s) may be illuminated.
	(c) In addition to the gasoline signs allowed under (b), one on-building gasoline price sign not to exceed 20 sq. ft may be displayed on one building frontage facing a street frontage.
Residential Subdivision Identification (permanent)	(a) Residential. Freestanding signs shall be attached to a permanent structure designed for the purpose and located within the center island or on one side of the street at up to two entrances to a subdivision, subject to an approved encroachment permit when located within the public right-of-way.
	(b) Sign(s) shall not exceed a height of six feet nor 32 sq. ft. in area per sign, nor more than one sign per entrance.
	(c) Such signs shall be approved with the applicable planning permit
Shopping Center (Major)	(a) Major Shopping Center signage shall be approved through an Administrative Use Permit
	(b) Such signage shall be consistent with the purpose and intent of this chapter.
Temporary Seasonal Sales Conducted Outdoors (Fireworks, Pumpkin, Christmas Tree, Agricultural Sales)	(a) Maximum sign area shall not exceed 32 sq. ft. total.
	(b) Individual signs shall be limited to 25 sq. ft. each with a maximum height of six feet and shall not affect traffic or parking spaces.
	(c) Total number of signs per street frontage shall be limited to one and shall be approved by the Director.

17.30.090 Abandoned or Dilapidated Signs, Frames, Structural members, and Supporting Poles

A. **Removal.** Signs advertising an activity, business, product, or service no longer conducted on the premises on which the sign is located, or sign frames, structural members, or supporting poles remaining unused for six months or longer, or signs which are abandoned or dilapidated shall be removed from the site. Signs will be considered abandoned or dilapidated where the sign or element of it is excessively weathered, torn, broken, significantly damaged or structurally unsound or where the copy can no longer be seen or understood by a person with normal eyesight under normal viewing conditions.

B. **Continued use of abandoned signs.** The owner of a sign, the purpose of which has been abandoned, who desires to make subsequent use of the structural portions of such sign in its present location, may, within six months after the abandonment, make an application to the Director for an extension of time. Where the sign conforms to all other requirements of the law, and where the owner submits reasonable evidence that he is endeavoring to secure use for the sign (a new tenant for the structure or the arrival of a new product line for the existing tenant), the Director may grant extensions of time. The Director may require the owner, as a condition of the granting of such extension, paint out, obscure, or remove some or all elements of the message or face portion of the sign in such a manner as to leave the remaining structure neat and unobtrusive in appearance in harmony with the structure to which it is attached, and that this be done within 30 days after the granting of such extension. Failure to do so shall void and nullify any such extension. Signs which are determined by the city to be structurally unsound and dangerous or hazardous to the public safety or welfare shall be removed immediately upon notification by the city. Removal shall be at the expense of the property owner on which the sign in question is located.

17.30.100 Master Sign Program

A. Upon determination of the Director, an approved master sign program may be required in conjunction with and as a part of another development entitlement application (discretionary or ministerial). The intent of a requirement for a master sign program is to provide for cohesive, complementary, and proportionate signage that satisfies the purpose and intent of this chapter.

B. In processing Master Sign Program applications, the submittal requirements of a sign permit shall be adhered to per Section 17.30.020. On-building signs within the Master Sign Program shall be subject to review and permitting by the Planning and Building Division separately.

C. In all cases, the Master Sign Program shall be at least as restrictive as the provisions and restrictions of this chapter.

17.30.110 Minor Deviations and Variances

A. The Director may grant a minor deviation in order to prevent unnecessary hardships which would result from a strict and literal interpretation and enforcement of certain regulations prescribed by this chapter. A practical difficulty or unnecessary hardship may result from the size, shape, or dimensions of a site or the location of existing structures thereon, from geographic, topographic, or other physical conditions on the site, or in the immediate vicinity, or from street locations or traffic conditions in the immediate vicinity which would affect the signing of such site or building.

B. In all cases, consideration of a minor deviation must result from a practical difficulty or unnecessary hardship, and findings of said practical difficulty or unnecessary hardship shall accompany any application for minor deviation, to include justification of the nature of and need for the minor deviation.

C. The minor deviation process may be used where the applicant desires one or more adjustments from the requirements of this chapter provided the total amount of adjustments is limited to twenty percent of the allowed sign area. The Director may allow adjustments within the limits listed in this section. Appropriate findings consistent with the purpose and intent this chapter shall be made a part of the motion to grant an adjustment.

D. A minor deviation may not be used for relief from the provisions of Section 17.030.050 (Prohibited Signs). Relief from those regulations as specified in Section 17.030.050 shall be processed as a Variance.

E. A minor deviation may be used for:

1. Additional area to:

   a. Overcome a disadvantage because of an exceptional setback between the street and the sign or orientation of the sign location;

   b. Achieve an effect which is essentially architectural, sculptural, or graphic art and which, in the opinion of the Planning Director, enhances the sign and site's development;

   c. Permit more sign area in a single sign than is allowed, but less than the total allowed the site, where a more orderly and concise pattern of signing will result;

   d. Allow a sign compatible with other conforming signs in the vicinity; and

   e. Establish the allowable amount and location of signing when no street frontage exists or when, because of an unusual lot shape (for example, a panhandle lot), the street frontage is excessively narrow in proportion to the average width of the lot.

2. Alternative locations.

   a. On site. To transfer from one wall to another wall or to a freestanding sign upon the finding that such alternative location is necessary to overcome a disadvantage caused by an unfavorable orientation of the front wall to the street or parking lot or an exceptional setback;

b. Lots not fronting on any street. Sign review by the Director shall be required for all such signs. Under sign review, approval may be given for the placement of a sign on an access easement to a lot not having street frontage, at a point where viewable from the adjoining public street; and

c. Other. Additionally, alternative locations may be granted in order to further the intent and purpose of this chapter or where normal placement would conflict with the architectural design of a structure.

3. Alternative types of signs. To facilitate compatibility with the architecture of structures on the site and improve the overall appearance of the site.

a. The procedure for a minor deviation shall be consistent with Chapter 17.90 (Minor Deviation Permit).

b. The Director's decision shall be final unless appealed to the Planning Commission consistent with Chapter 17.114 (Appeals).

c. Any requests for a Variance from this chapter shall be processed consistent with Chapter 17.88 (Variance Permit).

17.30.120 Nonconforming Signs

A. Except for signs described in Subsection B, below, any sign which was erected legally prior to the effective date of the adoption of this Zoning Code shall be deemed a nonconforming use. Maintenance of the sign shall be allowed but no alterations which could increase its nonconforming status are permitted.

B. Nonconforming signs on a parcel where the use is discontinued for a period of 90 days or more shall be removed prior to occupancy of a new use. Any new signs erected by the new occupant shall comply with the sign standards for the zone in which the property is located.

C. Every sign in existence upon adoption of this Chapter and which was prohibited or illegal at the time of installation, and which does not conform to the provisions of this chapter shall be an illegal sign. Such signs shall be removed immediately upon notification of illegality. Failure to remove such signs shall be a violation of this chapter. Signs which are not constructed, maintained, or displaced pursuant to the requirements of this chapter, and which are not legal, and which are nonconforming shall be illegal, except as follows:

1. Any sign conforming to county laws at the time the property upon which it is displayed is annexed to the city and which is made non-conforming or illegal under the provisions of this chapter shall be removed or brought into conformance within five years after the date it became non-conforming. Any sign which has been declared non-conforming under county laws prior to annexation to the city shall be removed or brought into conformance with this chapter within the time period provided for under the county's law provided the time period is less than five years;

2. Any sign of historical significance; where the sign display is within an area listed or eligible for listing on the National Register of Historical Places, or in an area registered as an historical landmark or point of interest, or in an area designated as an historical zone.

Chapter 17.32

Historic Preservation (reserved)

Chapter 17.32 Historic Preservation (reserved)

17.32.010 Reserved

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Title 17 – Zoning Code

Article 4 – Standards for Specific Land Uses

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Chapter 17.40

Standards for Specific Land

Chapter 17.40 Standards for Specific Land Uses

17.40.010 Accessory Dwelling Unit (ADU)

A. **Purpose.** The purpose of this Section is to provide regulations for the development of accessory dwelling units and junior accessory dwelling units through a ministerial process consistent with Government Code Sections 65852 and 65852.22. The standards in this Section minimize adverse impacts on the public health, safety, and general welfare that may be associated with accessory dwelling units and junior accessory dwelling units. The City recognizes that accessory dwelling units expand housing opportunities by increasing the number of housing units available within existing neighborhoods and provide housing generally at lower cost. Property owners who create accessory dwelling units benefit from added income, and an increased sense of security. Allowing accessory dwelling units in single-unit or multi-unit residential zones provides additional rental housing stock in California. Thus, accessory dwelling units are a residential use which is consistent with the general plan objectives and zoning regulations.

B. **Applicability.** The regulations established in this Section shall apply to all accessory dwelling units and junior accessory dwelling units where allowed in compliance with Title 17, Article 2 (Zones, Allowable Uses, and Development Standards). Any construction, establishment, alteration, enlargement, or modification of an accessory dwelling unit shall comply with the requirements of this Section and the Building Code. An accessory dwelling unit or junior accessory dwelling unit that conforms to the standards of this Section shall not be:

1. Found inconsistent with the General Plan land use designation and/or zone for the parcel on which the accessory dwelling unit or junior accessory dwelling unit is located;
2. Allowed to exceed the allowable density for the parcel on which the accessory dwelling unit or junior accessory dwelling unit is located;
3. Considered in the application of any City ordinance, policy, or program to limit residential growth; and
4. Required to correct a nonconforming zoning condition. This does not prevent the City from enforcing compliance with applicable building standards in compliance with Health and Safety Code Section 17980.12.

C. **Where Allowed.** Accessory dwelling units and junior accessory dwelling units are allowed on parcels zoned for single-unit or multi-unit dwellings where such parcels include a proposed or existing dwelling.

D. **Types.** An accessory dwelling unit(s) approved under this Section include:

1. **Attached.** An accessory dwelling unit that is created in whole or in part from newly constructed space that is attached to the proposed or existing primary dwelling, such as through a shared wall, floor, or ceiling.

2. **Detached.** An accessory dwelling unit that is created in whole or in part from newly constructed space that is detached or separated from the proposed or existing primary dwelling, including an existing stand-alone garage converted into an accessory dwelling unit. The detached accessory dwelling unit shall be located on the same parcel as the proposed or existing primary dwelling.

3. **Converted.** Is entirely located within the proposed or existing primary dwelling or accessory structure, including but not limited to attached garages, storage areas, or similar uses; or an accessory structure including but not limited to studio, pool house, or other similar structure. Such conversion may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing structure if the expansion is for the sole purpose of accommodating ingress and egress to the converted structure.

4. **Junior Accessory Dwelling Unit.** A junior accessory dwelling unit is an attached accessory dwelling unit that meets all the following:

    a. Is entirely located within a single-unit detached primary dwelling and shall consist of the conversion existing single-unit dwelling, including attached garages, or a part of a proposed single-unit dwelling.

    b. Is less than 500 square feet.

    c. Has independent exterior access from the primary dwelling.

    d. Has sanitation facilities that are either shared with or separate from those of the primary dwelling.

    e. Includes an efficiency kitchen, which includes a cooking facility with appliances, food preparation counter, and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

E. **Location and Number of Units Allowed.** Accessory dwelling units shall comply with the following:

1. **Single-Unit Dwelling Zones.** Accessory dwelling units and junior accessory dwelling units are allowed in single-unit dwelling zones as follows:

    a. **Attached or Junior Accessory Dwelling Units.** Only one attached accessory dwelling unit or junior accessory dwelling unit shall be allowed on a parcel with a proposed or existing single-unit dwelling on it, where the accessory dwelling unit or junior accessory dwelling unit:

b. **Detached.** One detached new construction accessory dwelling unit shall be allowed on a parcel with a proposed or existing single-unit dwelling, in addition to a junior accessory dwelling unit, if it meets all the following requirements:

i. Is detached from the primary dwelling;

ii. Does not exceed 50 percent of the square footage of the primary dwelling, up to a maximum of 1,200 square feet, whichever is less;

iii. Has a maximum height of one story; and

iv. Has side and rear setbacks that comply with the applicable zone, but in no case shall have less than a four feet side and rear yard setback.

c. **Types and Number of Units Allowed.** In any single-unit dwelling zones, only the following combination of accessory dwelling units may be provided on a single parcel:

i. One detached accessory dwelling unit and one junior accessory dwelling unit; or

ii. One detached accessory dwelling unit and one attached accessory dwelling unit.

2. **Multi-Unit Dwelling Zones.** Accessory dwelling units are allowed in multi-unit dwelling zones as follows:

a. Converted Spaces within a Multi-Unit Dwelling.

i. Within any multi-unit dwelling structure used exclusively for residential use, portions of such structures that are not used as livable space may be converted to accessory dwelling units, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, provided that any such space converted to an accessory dwelling unit complies with minimum State building standards for dwellings.

ii. At least one accessory dwelling unit shall be allowed within an existing multi-unit dwelling structure as long as the total number of accessory dwelling units within the structure does not exceed 25 percent of the existing units.

b. **Detached.** Up to two detached accessory dwelling units shall be allowed on a parcel where a multi-unit dwelling structure exists if each of the detached accessory dwelling units meets all the following requirements:

i. Has side and rear setbacks of at least four feet; and

ii. Is 800 square feet or smaller in size.

F. **Standards Applicable to All Accessory Dwelling Units.** The following standards apply to all accessory dwelling units and junior accessory dwelling units constructed on or moved to a new parcel and to the remodeling or rebuilding of existing single-unit dwelling or multi-unit dwelling structure to create an accessory dwelling unit.

1. **Parcel Size and Width.** No minimum parcel size or parcel width shall apply for the construction of an accessory dwelling unit.

2. **Access.** Every accessory dwelling unit shall have direct exterior access independent of the exterior access of the primary dwelling.

3. **Fire Sprinklers.** Fire sprinklers are required in an accessory dwelling unit if they are required in the primary dwelling.

4. **Permanent Foundation.** Accessory dwelling units shall be installed on and attached to a permanent foundation as follows.

   a. All accessory dwelling units shall be permanently attached to a permanent foundation.

   b. A recreational vehicle, commercial coach, trailer, motor home, camper, camping trailer, or boat shall not be used as an accessory dwelling unit.

5. **Nonconforming Conditions.** The correction of nonconforming zoning conditions is not required in order to establish an accessory dwelling unit or junior accessory dwelling unit, in compliance with Government Code Section 65852.2.

6. **No Separate Conveyance.** An accessory dwelling unit may be rented, but no accessory dwelling unit, unless otherwise permitted by state law, may be sold or otherwise conveyed separately from the parcel and the primary dwelling in the case of a single-unit dwelling parcel or from the parcel and all of the dwellings in the case of a multi-unit dwelling parcel.

7. **Design.** The color, material and texture of the roof, exterior walls and fenestration of an accessory dwelling unit shall be the same as the primary dwelling unit.

8. **Rental Term.** No accessory dwelling unit may be rented for a term that is shorter than 30 days, unless otherwise allowed by State law.

9. **Impact Fees.** No City-imposed impact fees shall be charged to an accessory dwelling unit that is less than 750 square feet in size. If, at a later time, an expansion to an accessory dwelling unit occurs, development impact fees shall apply. Any impact fee charged to an accessory dwelling unit 750 square feet or greater shall be charged proportionately in relation to the square footage of the primary dwelling unit (i.e., the floor area of the

primary dwelling, divided by the floor area of the accessory dwelling unit, multiplied by the typical fee amount charged for a new dwelling). For the purposes of this Paragraph, impact fees do not include any connection fee or capacity charge for water or sewer service.

10. **Address Numbers.** Accessory dwelling units shall install address numbers in compliance with Section 505 of the California Fire Code. Address numbers shall contrast with their background and be a minimum of four inches high with a minimum stroke width of one-half inch. If the address numbers for the accessory dwelling unit cannot be visible from the street, the address numbers can be placed on the primary dwelling unit, existing front yard fence or placard at the entrance to the site.

11. **United State Postal Service.** The applicant must coordinate and comply with the U.S. Postal Service requirements for delivery of mail to the accessory dwelling unit.

G. **Additional Standards Applicable to Attached and Detached Accessory Dwelling Units.** The following standards shall apply only to attached and detached accessory dwelling units.

1. **Size.** Attached and detached accessory dwelling units shall comply with the following size standards.

   a. **Detached.** May not exceed 850 square feet if it has fewer than two bedrooms or 1,000 square feet if it has two bedrooms.

   b. **Attached.** May not exceed 850 square feet if it has fewer than two bedrooms or 1,000 square feet if it has two bedrooms. An attached accessory dwelling unit shall not exceed 50 percent of the floor area of the primary dwelling.

2. Height.

   a. The maximum height for a detached accessory dwelling unit on a parcel with an existing or proposed single-unit or multi-unit dwelling unit that is within one-half mile walking distance of a major transit stop or a high-quality transit corridor, as defined in Section 21155 of the Public Resources Code shall be 18 feet. The maximum height may be increased by an additional two feet, to 20 feet, for the purpose of accommodating a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit; or

   b. The maximum height for a detached ADU on a lot with an existing or proposed multi-family, multi-story dwelling shall be eighteen (18) feet.

3. **Passageways.** No passageway, breezeway, or similar connection between structures on the parcel shall be required in conjunction with the construction of an accessory dwelling unit.

4. **Parking.** Attached and detached accessory dwelling units shall comply with the following parking standards.

   a. One off-street parking space is required for each attached and detached accessory dwelling unit, unless otherwise specified below. The parking requirement for an attached or detached accessory dwelling unit shall be in addition to the parking requirement for the existing residence on the property. This space may be provided as tandem parking, including on an existing driveway. No parking shall be permitted in the front yard other than on the paved driveway. Parking spaces may also be provided through a mechanical vehicle parking lift.

   b. Replacement Parking.

      i. When a garage, carport, or covered parking structure providing required parking for the primary residence or residences is demolished to allow for the construction of an accessory dwelling unit or is converted to an accessory dwelling unit, those parking spaces are not required to be replaced. This Paragraph shall not apply to attached garage conversions into a Junior Accessory Dwelling Unit.

      ii. When an attached garage, carport, or covered parking structure providing required parking for the primary residence or residences is converted to a junior accessory dwelling unit, those parking spaces are required to be replaced as usable covered parking consistent with the zone districts parking standards.

c. Additional parking for the accessory dwelling unit is not required in the following instances:

i. The accessory dwelling unit is located within one-half mile walking distance of public transit, including transit stations and bus stations.

ii. The accessory dwelling unit is located within an architecturally or historically significant historic district.

iii. The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.

iv. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

v. When there is a designated car share vehicle parking space located within one block of the accessory dwelling unit.

vi. When a permit application for an accessory dwelling unit is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot, provided that the accessory dwelling unit or the parcel satisfies any other criteria listed in this paragraph.

5. Permit Requirements. Attached and detached accessory dwelling units shall comply with the following permit requirements.

a. Ministerial Accessory Dwelling Unit Permit. Prior to constructing any attached or detached accessory dwelling unit, the property owner shall obtain a Building Permit. The City shall issue the permit within 60 working days from the date that the City received a completed application, unless:

i. The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay;

ii. The City requires corrections to the Building Permit application, in which case the 60-day time period is tolled until the applicant resubmits a corrected application; or

iii. The Building Permit application is submitted with a permit application to create a new single-family or multi-family dwelling on the parcel, in which case the City may delay acting on the Building Permit application until the City has acted on the permit application to create the new single-family or multi-family dwelling, but the Building Permit application for the accessory dwelling unit will be issued in conjunction with the permit application approval.

b. **Application and Processing Fees.** The City Council shall establish a schedule of fees for the application and processing of a Building Permit for an accessory dwelling unit.

c. **Demolition Permit.** A demolition permit for a detached garage that is to be replaced with an accessory dwelling unit shall be reviewed with the application for the accessory dwelling unit and issued at the same time. The applicant shall not be required to provide written notice or post a placard for the demolition of a detached garage that is to be replaced with an accessory dwelling unit, unless the property is located within an architecturally and historically significant historic district.

H. **Additional Standards Applicable to Converted Accessory Dwelling Units.** The following standards apply only to converted accessory dwelling units:

1. **Setback.** No setback is required for a legally existing structure that is converted to an accessory dwelling unit.

2. **Parking.** No additional off-street parking is required for the converted accessory dwelling unit, regardless of if a garage, carport, or covered parking structure is converted into an accessory dwelling unit. If replacement parking is provided, the replacement spaces shall be located in any configuration on the same parcel as the accessory dwelling unit and may include but is not limited to covered spaces, uncovered spaces, or tandem spaces. Replacement parking may only occur on driveways leading to a required parking space or in rear yard on a paved surface, provided such paved area can be easily accessed via the driveway or an alley. No parking shall be permitted in the front yard other than on the paved driveway.

3. **Building Permit.** The property owner shall obtain a valid Building Permit for the converted accessory dwelling unit, subject to all the standard application and processing fees and procedures that apply to Building Permits generally.

I. **Additional Standards Applicable to Junior Accessory Dwelling Units.** The following standards apply only to junior accessory dwelling units.

1. **Size.** The total area of floor space for a junior accessory dwelling unit shall not exceed 500 feet and shall not expand the size of an existing single-family dwelling by more than 150 square feet, provided such expansion is provided solely for the purpose of accommodating ingress and egress.

2. **Efficiency Kitchen.** A junior accessory dwelling unit shall include an efficiency kitchen, requiring and limited to the following components:

   a. A sink with a maximum waste line drain of one-and-on-half inches;

   b. A cooking facility with appliances which do not require electrical service greater than one 120 volts or natural or propane gas;

   c. A food preparation counter or counters that total at least 15 square feet in area; and

   d. Food storage cabinets that total at least 30 square feet of shelf space.

3. **Parking.** No additional off-street parking is required for the junior accessory dwelling unit, except when the junior accessory dwelling unit is a garage conversion. A junior accessory dwelling unit created in an attached garage shall provide usable replacement of covered parking consistent with the zone districts parking standards.

4. **Permits.** Junior accessory dwelling units shall comply with the following permit requirements.

   a. **Ministerial Junior Accessory Dwelling Unit Permit.** The property owner shall obtain a valid Building Permit for the junior accessory dwelling unit, subject to all standard application and processing fees and procedures that apply to Building Permit generally. The City shall issue a ministerial permit within 60 days from the date that the City received a completed application, unless either:

      i. The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay;

      ii. The City requires corrections to the Building Permit application, in which case the 60-day time period is tolled until the applicant resubmits a corrected application; or

iii. The application to create a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the parcel. The City may delay acting on the permit application for the junior accessory dwelling unit until the City acts on the permit application to create the new single-family dwelling, but the application to create the junior accessory dwelling unit will still be considered ministerial without discretionary review or a hearing.

b. **Application and Processing Fees.** The Council shall establish a schedule of fees for the application and processing of a Building Permit for a junior accessory dwelling unit.

5. **Owner Occupancy Requirement.** A junior accessory dwelling unit application submitted before January 1, 2024, shall be subject to an owner-occupancy requirement. A person with legal or equitable title to the property shall reside on the property in either the primary dwelling or junior accessory dwelling unit as that person's legal domicile and permanent residence. However, the owner-occupancy requirement of this paragraph does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.

6. **Deed Restriction.** Junior accessory structures shall be required to file a deed restriction in compliance with the following.

a. Prior to issuance of a Building Permit for a junior accessory dwelling unit, a deed restriction shall be recorded against the title of the property in the County of Fresno Recorder's office and a copy filed with the Director. The deed restriction shall run with the land and bind all future owners. The form of the deed restriction will be provided by the City and shall provide that:

i. The junior accessory dwelling unit shall not be sold separately from the primary dwelling, except as may otherwise be permitted by State law.

ii. The junior accessory dwelling unit is restricted to the approved size and other attributes allowed by this Section.

iii. The deed restriction runs with the land and shall be enforced against future property owners.

b. The deed restriction may be removed if the owner eliminates the junior accessory dwelling unit, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request to the Director, providing evidence that the junior accessory dwelling unit has in fact been eliminated. The Director may then determine whether the evidence supports the claim that the junior accessory dwelling unit has been eliminated. Appeal may be taken from the Director's determination consistent with Chapter 17.114 (Appeals). If the junior accessory dwelling unit is not entirely physically removed but is only eliminated by virtue of having a necessary component of a junior accessory dwelling unit removed, the remaining structure and improvements shall otherwise comply with all applicable development and building standards.

c. The deed restriction is enforceable by the Director or his or her designee for the benefit of the City. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the City is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the accessory dwelling unit in violation of the recorded restrictions or abatement of the illegal unit.

J. **Review Process for Structures Not Complying with Development Standards.** An accessory dwelling unit that does not comply with standards in this Section may be allowed with an Administrative Use Permit at the discretion of the Director subject to the following findings:

1. To deny an application or permit under this Section, the Director shall find that the accessory dwelling unit would be detrimental to the public health and safety or would introduce unreasonable privacy impacts to the immediate neighbors.

2. To approve an application or permit to waive required accessory dwelling unit parking, the Director shall find that additional or new on-site parking would be detrimental, and that granting the waiver will meet the purposes of this Section.

17.40.020 Recycling Facilities

A. **Purpose.** The purpose of this Section is to provide developmental and operational standards for various types and sizes of recycling processing facilities (i.e., reverse vending machine(s), collection facilities, processing facilities), in compliance with Article 2 (Zones, Allowable Uses, and Development Standards) shall be subject to the criteria and standards listed below.

B. **Development and Operational Standards.** Applications for recycling processing facilities shall be processed and evaluated for propriety of location and consideration shall be given to application that comply with the following standards:

1. **Reverse vending machine(s).** Reverse vending machine(s) shall be allowed in any non-residential zone district in compliance with all the following standards:

   a. The machines shall be installed as an accessory use in compliance with the applicable provisions of Chapter 17.22 (Accessory Structures) and shall be processed consistent with Chapter 17.74 (Zoning Clearance).

   b. If located inside of a structure, the machines shall be within 30 feet of the entrance and shall not obstruct pedestrian circulation.

   c. If located outside of a structure, the machines shall not occupy required parking spaces, obstruct required paths of travel, or be located within required setbacks and shall be constructed of durable waterproof and rustproof material(s).

   d. The machines shall not exceed a floor or ground area of 50 square feet for each installation, including any protective enclosure, nor eight feet in height.

   e. The machines shall have a maximum sign area of four-square feet for each machine, exclusive of operating instructions.

   f. The machines shall have operating hours which are consistent with the operating hours of the main use.

   g. The area in front of the machines shall be illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn.

2. **Small Collection Facilities.** Small Collection Facilities shall be allowed, subject to approval of an Administrative Use Permit, in compliance with all of the following standards:

   a. The facility shall not exceed a floor or ground area of 350 square feet nor three parking spaces, not including space that would be periodically needed for the removal of materials or exchange of containers.

   b. The facility shall not use power-driven processing equipment, except for reverse vending machines.

   c. The facility shall not be located within 50 feet of any parcel zoned or occupied for residential use, and shall be set back at least 50 feet from any non-collection facility permanent structure.

   d. The facility shall be set back at least 10 feet from any public right-of-way, and not obstruct vehicular or pedestrian circulation.

   e. The facility shall accept only recyclable materials including glass, metal, or plastic containers, paper, and reusable items.

f. The facility shall use containers that are constructed with durable waterproof and rustproof material(s), secured from unauthorized removal of material, and shall be of a capacity sufficient to accommodate materials collected and the collection schedule.

g. Collection containers and site fencing shall be of a color and design that would be compatible and harmonious with the character of their location.

h. Additional parking spaces shall not be required for customers of a small collection facility located in the established parking lot of the main use.

i. Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present.

j. Use of parking spaces by the patrons and the attendant shall not reduce available parking spaces below the minimum number required for the main use, unless the Director determines that existing capacity is not fully utilized during the time the recycling facility would be on the site.

k. All structures shall architecturally integrate with the main structures on the same lot. Cargo containers (storage containers, C-trains) shall not be used for structures unless treated to match the primary structure's architecture, colors, and materials.

l. Signs may be provided as follows:

i. Recycling facilities may have identification signs with a maximum area of 15 percent for each side of the structure or 12 square feet, whichever is greater. In the case of a wheeled facility, the side shall be measured from the ground to the top of the container.

ii. Signs shall be both compatible and harmonious with the character of their location.

iii. Directional signs without advertising messages may be installed with the approval of the Director.

3. Large Collection Facilities. Large Collection Facilities shall be allowed, subject to approval of a Conditional Use Permit and Site Plan Review, in compliance with all the following standards:

a. The facility shall not abut a parcel zoned or occupied for residential use.

b. The facility shall be screened from public rights-of-way by a minimum six-foot solid masonry wall or located within an enclosed structure.

c. Structure setbacks and landscaping shall be provided as required for the applicable zoning district.

d. Exterior storage of material shall be in sturdy containers that are secured and maintained in good condition. Storage, excluding truck trailers, shall not be visible above the height of the required solid masonry walls.

e. The site shall be maintained clean, sanitary, and free of litter and any other undesirable materials, and shall be cleaned of loose debris on a daily basis.

f. Containers provided for "after hours" donation of recyclable materials shall be permanently located at least 100 feet from any parcel zoned or occupied for residential use, constructed of sturdy, rustproof material(s), have sufficient capacity to accommodate materials collected, and be secured from unauthorized entry or removal of materials.

g. Dust, fumes, odor, smoke, or vibration, above ambient levels, shall not be detectable on adjoining parcels.

h. Any other conditions deemed necessary by the Commission to ensure facility screening, landscaping, circulation/parking, noise, odor, and sanitation control to assure compatibility with surrounding land uses.

4. Recycling Processing Facilities. A Recycling Processing Facility shall be allowed, subject to approval of a Conditional Use Permit and Site Plan Review, in compliance with all the following standards:

a. The facility shall not abut a parcel zoned or occupied for residential use.

b. Light recycling processing facilities are limited to baling, briquetting, compacting, crushing, grinding, shredding, and sorting of source-separated recyclable materials and repairing of reusable materials.

c. A light recycling processing facility shall not exceed 4,500 square feet of gross floor or ground area, may have up to an average of two outbound truck shipments of material each day, and shall not bale, compact, or shred ferrous metals, other than beverage and food containers.

d. A heavy recycling processing facility may exceed 4,500 square feet of gross floor or ground area and two outbound truck shipments each day and may perform those functions not allowed at light processing facilities.

e. The facility shall be screened from public rights-of-way by a minimum six-foot solid masonry wall or located within an enclosed structure.

f. Exterior storage of material shall be in sturdy containers or enclosures that are secured and maintained in good condition. Storage, excluding truck trailers, shall not be visible above the height of the required solid masonry walls.

g. Containers provided for "after hours" donation of recyclable materials shall be permanently located at least 100 feet from any parcel zoned or occupied for residential use, constructed of sturdy, rustproof material(s), have sufficient capacity to accommodate materials collected, and be secured from unauthorized entry or removal of the materials.

h. Dust, fumes, odor, smoke, or vibration, above ambient levels, shall not be detectable on adjoining parcels.

i. Any other conditions deemed necessary by the Commission to ensure facility screening, landscaping, circulation/parking, noise, odor, and sanitation control to assure compatibility with surrounding land uses.

17.40.030 Emergency Shelter

A. **General.** An emergency shelter for displaced persons shall be an allowed by-right use on any parcel in zones as allowed in Article 2 (Zones, Allowable Uses, and Development Standards). Each facility shall comply with all of the required development and operational standards of the zone in which it is located.

B. **Standards.** In addition to the development standards in the underlying zone, emergency shelters shall comply with the standards established in this Section. In the event of conflict between these standards and the underlying zone regulations, the provisions of this Section shall apply.

1. **Facility Compliance.** Federal, State, and local licensing as required for any program incidental to the emergency shelter.

2. **Physical Characteristics.** Emergency shelters shall comply with the following standards.

a. Compliance with applicable state and local uniform housing and building code requirements.

b. Facilities shall have on-site security during all hours when the shelter is open.

c. Facilities shall provide exterior lighting on pedestrian pathways and parking lot areas on the property. Lighting shall reflect away from residential areas and public streets.

d. Facilities shall provide secure areas for personal property.

3. **Occupancy.** A maximum of 30 beds or persons may be served nightly, with associated support services not open to the public.

4. **Length of Stay.** The length of stay of an individual client shall not exceed six months within a 12-month period; days of stay need not be consecutive.

5. **Waiting and Intake Area.** A client waiting area shall be provided that is sufficient in size to accommodate all persons waiting to enter the facility and shall contain a minimum of 10 square feet per bed provided at the facility.

6. **Support Services.** Emergency shelters that provide support services shall allocate sufficient areas on site, and properly enclosed within the structure. Support services include, but are not limited to, the following:

   a. Food preparation and dining areas.

   b. Laundry facilities.

   c. Restrooms and showers.

   d. Areas to secure and store client belongings.

7. **Management and Operations Plan.** The applicant or operator shall submit a management and operation plan for the emergency shelter for review and approval by the Director in consultation with the Chief of Police in conjunction with the site plan review application and/or prior to the issuance of permits. The plan shall include a floor plan that demonstrates compliance with the physical standards of identified in Subsection B.2. The plan shall remain active throughout the life of the facility, with any changes subject to review and approval by the Director in consultation with the Chief of Police. The plan shall be based on "best practices" and include, but not be limited to, a security plan, procedures list, list of services, staff training, "good neighbor" communication plan, client transportation, ratio of staff to clients, eligibility and intake and check out process, detailed hours of operation, ongoing outreach plan to the displaced population, and participation in data collection for the Fresno Madera Counties Continuum of Care Point-in-Time Report. The City may inspect the facility at any time for compliance with the facility's management and operation plan and other applicable laws and standards.

8. **Permit Fee.** The Council may establish a fee by resolution to cover the administrative cost of review of the required management and operation plan.

C. **Constitutionality.** Should any subsection, paragraph, clause, or phrase of this Section for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Section.

17.40.040 Home Occupation

A. **Purpose and Intent.** It is the intent of this Section to allow for home occupations if their effects on residential neighborhoods are undetectable from normal and usual residential activity and that such activities are not detrimental to the residential character of the neighborhood in which they are located.

B. **Home Occupation Permit Application.** A Home Occupation Permit is required to engage in a home occupation. See Chapter 17.78 (Home Occupation Permit) for Occupation Permit application and processing procedures. The Home Occupation Permit shall be issued by the Director who may establish reasonable conditions to prevent potential adverse impacts. An application for a Home Occupation Permit shall be in a form prescribed by and filed with the Department. The application shall be complete and appropriate fees paid at the time of filing. No Business License shall be issued to the applicant by the Finance Department until the Home Occupation Permit is approved and issued by the Director.

C. **Operating Standards.** Home occupations shall comply with the following:

1. **Business License.** The home occupation shall be conditionally approved until the applicant submits to the Department evidence of a valid Business License for the home occupation pursuant to Section 5.04.020 (License – Required – Compliance) of the Municipal Code. The applicant shall comply with this condition within five days after approval of the Home Occupation Permit as herein provided for. Failure to do so will result in the automatic revocation or termination of the Home Occupation Permit. Possession of a State Board of Equalization resale permit indicating an address in a residential zone shall be deemed constructive notice of the existence of a business, thus subjecting it to Home Occupation Permit regulations.

2. **Employees.** The home occupation business may employ help. Employees not residing within the home occupation residence shall not be allowed to physically report to the home occupation residence for business activities.

3. **Equipment.** There shall be no use of materials or mechanical equipment not recognized as an incidental domestic use which creates objectionable noise, dust, odor, vibration, or other effects, which can be detected at the property line. The operation of the facility must comply with residential noise standards contained in Chapter 9.26, (Prohibition of Unreasonably Loud and Unnecessary Noise) and the Noise Element of the General Plan. Power tools not exceeding two horsepower are permitted. Commercial kitchens are prohibited.

4. **Client Visitation.** The use shall not generate pedestrian or vehicular traffic or parking demand more than that customarily associated with the residential zone in which it is located.

5. **Deliveries and traffic generation.** When the person conducting the home occupation serves as an agent or intermediary between outside suppliers and outside customers, all articles, except for samples, shall be sold directly to customers at an off-site premises location. Deliveries to and pick-ups from the home occupation to customers is prohibited. Deliveries to and pick-ups by commercial vehicles as well as mail carriers (i.e., USPS, FedEx, UPS) are permissible; however, they shall not be excessive, as to cause a traffic nuisance for surrounding uses.

6. **Outdoor Display and Storage.** There shall be no excessive or unsightly storage of materials or supplies, indoor or outdoor, for purposes other than those permitted in the zone.

7. **Parking.** Existing garages that are required for off-street parking spaces shall not be modified or used to preclude the normal parking and storage of family vehicles. Home occupations shall provide off-street parking for all vehicles owned by or registered to the business. Vehicles used to transport goods for the home occupation shall be parked on-site. Large vehicles, trailers, and other forms of commercial vehicles used to conduct the home occupation may be required to be stored at an off-site location.

8. **Signs and Advertising.** Home occupations shall not involve the use of signs or structures to advertise the business or service(s) other than those permitted in the district of which it is a part. Except as allowed by these standards there shall be no delivery, display, distribution, sale, or storage of merchandise, or advertising signs on or off the premises.

9. **Dwelling Appearance.** The home occupation shall not alter the appearance of the dwelling unit or the conduct of the occupation within to conduct, operate or maintain the business either by color, materials or construction, lighting, signs, sounds, noises, or vibrations, which tend to diminish the residential character of the residence.

10. **Allowable Area.** The total area of the main residence structure used for the operation and conduct of the business shall not exceed 250 square feet or 15 percent of the total floor area of the residence, whichever is smaller. The home occupation shall be conducted entirely within the primary structure.

11. **Business Operation.** No part of the conduct, maintenance, or operation of the business or the storage of materials or equipment therefor shall be in open areas visible to the neighbors or public.

12. **Rental Property.** If the home occupation is to be conducted on rental property, property owner authorization for the proposed use shall be obtained prior to the issuance of a Home Occupation Permit.

13. **Safety.** Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises nor use utility services in amounts greater than normally provided for the residential use.

14. **Nuisance.** The use shall not create or cause dust, electrical interference, fumes, gas, glare, light, noise, odor, smoke, toxic/hazardous materials, or vibrations that can or may be considered a hazard or nuisance. The home occupation shall not generate quantities or types of refuse or trash not normally associated with residential use.

D. **Allowed Uses.** The following types of home occupations shall be allowed in zones where residential uses are allowed, such as, but not limited to:

1. Consultative professional occupations, whose function is one of rendering a service and does not involve the dispensing of goods and/or products.

2. Specialty/Trade contractors, including electrician, general contractor, landscaper, janitorial cleaning, painter, plumber, and home/commercial maintenance service provider.

3. Commercial truck driver, tow truck driver, or other similar transportation trade.

4. Event planner and party equipment rental.

5. Internet based business, where all components and services are conducted online via the internet.

6. Personal care services, including athletic trainer, dietician, and life coach.

7. Cottage food operation or other food uses that are exempt from an Environmental Health permit.
8. Secondary business offices, where said business has its principal office, staff and equipment located elsewhere.
9. Farm management offices, where an agricultural operation on the premises requires such offices.
10. The giving of music lessons and similar occupations for no more than one person at a time.
11. Salesperson/sales office, when all sales are done by written order with no commodities or displays on the premises.
12. Drafting, designing and the like, using only the normal drafting equipment.

E. **Prohibited Uses.** The following types of home occupations shall not be allowed in a residential zone, such as, but not limited to:

1. Gun and/or ammunition sales;
2. Barber, beauty shops, body art, and other similar cosmetic care services;
3. Businesses which involve the handling, training, breeding, raising or grooming of cats, dogs, or other animals on the premises;
4. Carpentry and cabinet making;
5. Medical and dental offices, clinics, laboratories, and other similar para-professional services;
6. Repair, fix-it or plumbing shops;
7. Storage of equipment, materials and other accessories to the construction or service trades;
8. Motor vehicles repair (body or mechanical), upholstery, detailing, painting;
9. On- or off-site vehicle detailing services, including mobile car wash, detailing, and window tinting;
10. Screen printing;
11. Microenterprise home kitchen operations;
12. Welding or machining;
13. Kennel or cattery; and
14. Other uses which in the opinion of the Director conflict with the purpose of this Section.

17.40.050 Mobile Home Park

A. **Purpose.** The purpose of this Section is to promote housing opportunities for residents by establishing policies and development standards for mobile home parks. The development standards for the mobile home parks will further encourage the creation of stable and attractive parks which will benefit the residents of the park and the community.

B. **General Provisions and Exceptions.** Mobile home parks shall comply with the following standards.

1. The provisions of this Section shall be considered supplemental to all applicable State regulations and to other pertinent City ordinances.

2. Mobile home parks may be constructed on any land planned and zoned for residential development, as identified in Article 2 (Zones, Allowable Uses, and Development Standards).

C. **Allowed Uses.** Allowed uses within a mobile home park include:

1. Single-unit dwelling mobile/manufactured home;

2. Common recreational facilities and structures;

3. Administration offices for mobile home park use only; and

4. Accessory uses incidental to single-unit dwelling and/or mobile homes parks.

D. **Uses Allowed with a Conditional Use Permit.** All mobile home parks shall require a Conditional Use Permit. Applications for a Conditional Use Permit shall be consistent with Chapter 17.84 (Conditional Use Permit). In addition, the following information shall be provided.

1. A complete storm drainage plan providing for the ultimate disposal of stormwater showing on-site facilities and off-site storm lines;

2. A wastewater plan which identifies the location and size of sewer lines within the mobile home park;

3. A complete water source and distribution plan for the entire mobile park.

E. **Prohibited Uses.** The following uses and activities are prohibited in a mobile home park:

1. Travel trailers and other recreational vehicles shall not be located or occupied in mobile home parks except as specified elsewhere in this Title.

2. Commercial activities, except the sale of a mobile home by the owner or by a real estate company.

3. No more than one mobile home shall be allowed on each mobile home lot.

F. **Development Standards.** Mobile home parks shall comply with the following development standards.

1. **Minimum and Maximum Size.** The minimum parcel size for a mobile home park shall be 2.5 acres. The maximum size of a mobile home park shall be 20 acres.

2. **Density.** The density of the mobile home park shall not exceed the allowable density permitted by the underlying land use designation in the General Plan.

3. **Minimum Mobile Home Space Size.** The minimum size of a mobile home space shall be:

   a. **Single Wide.** Each lot planned for a single wide mobile home shall have a minimum lot size of 2,800 square feet.

   b. **Double Wide.** Each lot planned for a double wide mobile home shall have a minimum lot size of 4,500 square feet.

4. **Setback Requirements.** Mobile home parks shall comply with the following setback requirements.

   a. **Mobile Home Park**. Parks shall comply with the following:

      i. Front Setback: 20 feet

      ii. Side Setback**:** None, except when the side yard area is adjacent to a street in which case the yard shall be a minimum of 10 feet.

      iii. Rear Setback**:** None, except when the rear yard area is adjacent to a street in which case the yard shall be 10 feet.

   b. **Individual Mobile Home Lot.** Individual spaces/lots shall comply with the following.

      i. Front Setback: 15 feet.

      ii. Side Setback: Eight feet.

      iii. Rear Setback: 10 feet.

   c. **Accessory Structures.** Accessory structures (i.e., patio covers, storage structures, carports, greenhouses) can be located within three feet of a side or rear property line.

5. **Parcel Coverage.** No more than 60 percent of the mobile home lot area shall be covered with structures, including accessory structures.

G. **Signs.** Signs shall comply with the standards established in Chapter 17.30 (Sign Regulations).

H. **Fences, Walls, and Hedges.** A seven-foot masonry wall shall be constructed around the rear and side yards of the mobile home park. The wall shall be consistent with the setback requirements of Subparagraph 17.40.050.F (Development Standards), above.

I. **Parking.** Parking for mobile home parks shall be consistent with the parking regulations established in Chapter 17.28 (Parking, Loading, and Access).

J. **Improvement Standards.** Mobile home parks shall comply with the following improvement standards.

1. **Streets.** In addition to all applicable street development requirements, mobile home parks shall provide the following improvements:

   a. Streets within the mobile home park that provide access to 20 mobile home lots or more shall not have a pavement width less than 36 feet.

   b. Streets within the mobile home park that provide access to fewer than 20 mobile home lots shall not have a pavement width less than 30 feet.

   c. The maximum length of a cul-de-sac shall be 3,000 feet. The turnaround shall not have a diameter of less than 70 feet.

   d. Street name signs and address directories shall be provided and maintained at each street intersection and at each entrance to a public street.

2. **Undergrounding.** All public utilities shall be installed underground, including electrical supply, telephone, and cable TV.

3. **Skirting.** All mobile homes shall be fitted with skirting which extends from the floor level of the mobile home to the ground.

4. **Landscaping.** Mobile home parks shall comply with the following.

   a. All exterior yard areas shall be landscaped with turf and a combination of shrubs and trees. At least one 15-gallon tree shall be planted for every 25 lineal feet that fronts onto a street.

   b. All landscaped areas shall be provided with an irrigation system. These areas shall be well maintained free of weeds and litter, well irrigated, mowed and trimmed.

5. **Permits.** Unless otherwise governed by State law, any public or private improvements shall be subject to City plan review and permits.

   a. The applicant shall file with the City Engineer an application for plan review of improvement plans and specifications of design and construction or alteration of the mobile home park together with a statement describing the water supply,

ground drainage and method of sewage and garbage disposal therefor. Said plan review and permit shall be subject to fees establish by resolution of the City Council.

b. All construction and operation procedures within the property lines of the premises of a mobile home park shall be in accordance with the provisions of the most recent edition of:

i. California Health and Safety Code, Division 13 (entitled "Housing"), Part 2 (entitled "Mobile Homes – Manufactured Housing), Section 18000 et seq.

ii. California Code of Regulations, Title 25, Division 1, Chapter 3, Subchapter 2 (entitled "Mobile Homes, Recreational Vehicles and Commercial Coaches), Section 4000 et seq.

c. An application for a permit shall be subject to applicable plan review and permits fees as established by City Council resolution.

17.40.060 Mobile and Temporary Office Structures

A. **Purpose and Intent.** This Section regulates the use of mobile office structures used for commercial and institutional purposes.

B. **Screen Stands, Pads, and Undercarriage Equipment.** Mobile office structures shall be fitted with appropriate skirts to screen stands, pads and undercarriage equipment. The skirting shall be architecturally compatible with the structure.

C. **Design.** Roof material, roof overhangs, roof pitch, and exterior siding which shall extend to the ground, shall be compatible with other structures existing within the surrounding area. At the time of permit application, the Director shall review the architectural features and treatment of the proposed mobile office structure and shall determine the architectural compatibility of the proposed structure with surrounding existing structures. The Director may require improvements to the proposed structure to ensure architectural compatibility.

D. **Tow Bars.** Any tow bars shall be removed when the vehicle is installed.

E. **Development Standards.** Mobile office structures shall comply with all other applicable standards of the zone in which they are placed.

F. **Permanent Foundation.** Except for temporary mobile office structures, mobile office structures shall include a permanent foundation, approved by the Building Official.

17.40.070 Wireless Telecommunication Tower, Antennas, and Structures

A. **Purpose.** The purpose of this Section is to provide standards for the development of wireless telecommunications facilities, antennas, and structures. The established standards are to provide a uniform set of aesthetic qualities standards and ensure the orderly development of wireless telecommunications facilities, antennas, and structures on non-public right-of-way areas consistent with Federal standards and with the objectives of the General Plan. Standards and procedures found herein shall apply to all applicable wireless telecommunications facilities and antennas.

B. **Applicability.** This Section shall apply to any wireless telecommunications facilities, antennas, and structures for which land use approval is required.

1. **Pre-existing Towers, Antennas, and Structures.** Telecommunications facilities, antennas, and structures legally permitted and existing at the time the ordinance codified in this section becomes effective shall be subject only to federal and state requirements plus local building and safety codes. Once a pre-existing facility applies for any modification or expansion, said facility shall be subject to compliance with all current applicable codes, including but not limited to this Code and this Chapter.

2. **New Facilities.** All new telecommunications facilities, antennas, and structures requesting a Building Permit.

3. **District Height Limitations.** The requirements set forth in this section shall govern all antennas and towers proposed for installation in the City of Kerman. Special provisions are created to regulate the location of towers that exceed, and antennas that are installed at a height in excess of the height limitations specified for each zoning district. The height limitations applicable to buildings and structures shall apply to towers and support structures but shall not apply to antennas attached to existing towers.

4. **Public Property.** Telecommunications facilities located on property owned, leased, or otherwise controlled by the City shall be allowed as provided herein, subject to the provisions of this section.

5. **Amateur Radio Receive-only Antennas.** This section shall not govern any tower, or the installation of any antenna, that is under 70 feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas.

6. This section shall also be inapplicable to a satellite dish antenna with a height not exceeding 15 feet, or a ground or building mounted residential receive-only radio or television

antenna less than 35 feet high, or a citizens band radio antenna if the height does not exceed 20 feet above the building on which it is mounted or 60 feet above the ground.

7. This section also does not apply to the installation of a ground or building mounted receive only radio or television satellite dish antenna which does not exceed 36 inches in diameter for the sole use of the resident occupying a residential parcel on which the satellite dish is located.

C. **Permits Required.** Telecommunications facilities, antennas, and structures shall obtain the following permits in compliance with the following.

1. **Conditional Use Permit.** All telecommunications facilities and antennas shall require a Conditional Use Permit in compliance with Chapter 17.84 (Conditional Use Permits).

2. **Site Plan Review.** Any telecommunications facility, antenna, ground-mounted equipment, and structures shall be required a Site Plan Review in compliance with Chapter 17.80 (Site Plan Review Permit).

3. **Building Permit.** A Building Permit shall be required prior to the installation of telecommunications facilities, antennas, and structures.

D. **Findings for Approval.** In considering whether to grant a Conditional Use Permit, the Commission shall find that the following will be met:

1. The aesthetic appearance of the community can be maintained using alternative tower structures, landscaping, setbacks, restrictions on placement, or a combination of the above methods; and

2. The conditions to be imposed protect the applicant's right to receive reasonably good signal reception without limitations or expenses which are reasonable considering the purchase and installation cost of telecommunications facilities, antennas, and structures.

   The telecommunications facility or antenna meets or exceed current standards and regulations of the FAA, the FCC, the California Public Utilities Commission and any other agency of the federal or state government with the authority to regulate towers and antennas.

3. The installation of the telecommunications facility or antenna will provide a geographic area with a needed service that is otherwise not available.

E. **General Requirements and Standards.** The general requirements and standards set forth in this subsection shall govern the installation, submittal, and aesthetics requirements of all telecommunications facilities, antennas, and structures governed by this Section.

1. **Principal or accessory uses.** Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with zoning district standards and regulations, the evaluation shall include, but not be limited to, set-back, lot-coverage, and other such requirements. The dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this section shall not be deemed to constitute the expansion of a non-conforming use or structure.

2. **Submittal requirements.** Each applicant requesting a land use approval under this section shall submit a scaled site plan and a scaled elevation view, a series of computer generated simulated photographs portraying the appearance of the proposed tower from critical points of view, and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the Director or Planning Commission to be necessary to assess compliance with this section. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical shall be certified by a licensed professional engineer.

3. **Inventory of existing sites.** Each applicant for an antenna and or tower shall provide to the Planning Division a grid map depicting an inventory of all existing towers, as well as all of its planned towers, that are either within the jurisdiction of the city or within one mile of the border thereof, including specific information about the (proposed) location, height, and design of each tower. The Planning Division may share such information with other applicants applying for administrative approvals or conditional use permits under this section or other organizations seeking to locate antennas within the jurisdiction of the city for purposes of encouraging co-location where such policy is found consistent with a pleasing appearance in the community, provided, however, that the Planning Division is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

4. **Co-location.** It is the purpose of this section, except where inconsistent with the goal of maintaining an aesthetically pleasing community, to:

   a. Encourage strongly the co-location of antennas and antenna arrays at new and existing tower sites in order to limit or reduce the number of towers within the

community. Based on the required inventory of sites, and inventories previously filed with the Community Development Department, the applicant is required to justify why other existing sites are not suitable for co-location, or provide documentation that a tower which might serve as an alternative site is either not available for co-location or not structurally capable of sustaining any co-location.

b. The intention of this analysis is to present alternative strategies which would minimize the number, size, and adverse environmental impacts of facilities necessary to provide the needed services to the city and surrounding areas. The analysis shall address the potential for co-location at an existing or a new site and the potential to locate facilities as close as possible to the intended service area. It shall explain the rationale for selection of the proposed site in view of the relative merits of any of the feasible alternatives. The encouragement of co-location shall not extend to towers or other structures which would present a clearly unattractive appearance in the judgment of the Director if such co-location were carried out.

5. Aesthetics and lighting. The guidelines set forth in this subsection shall govern the aesthetics and lighting of all tower antennas governed by this section; provided, however, that the Commission may waive or modify these requirements if it determines that the goals of this subsection are better served thereby.

a. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, to reduce visual obtrusiveness.

b. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment.

c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure to make the antenna and related equipment as visually unobtrusive as possible.

d. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the Commission may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.

6. Satellite Dish Antennas. The following shall apply to satellite dish antennas located on residential zone districts.

a. **Maximum Size.** Satellite dish antennas shall be limited to a maximum diameter of 12 feet.

b. **Height.** The maximum height of a freestanding satellite dish antenna shall be 15 feet. Edge-mounted antennas, which are mounted in the ground and attached to the eave of a residential dwelling or garage, shall have a maximum height of 18 feet.

c. **Number Allowed.** Only one satellite dish antenna shall be allowed per parcel.

d. **Setback Standards.** Satellite dish antennas shall comply with the setback standards for the zone in which the satellite dish is to be located. Satellite dish antennas shall be prohibited in front yard setback areas.

F. **Exceptions.** The Commission may waive or modify standards contained in subsection (E)(5) , when, in the opinion of the Commission, the requirements are determined to be infeasible and/or would not be in the interest of the property, surrounding property, or the community.

G. **Required Approvals.**

1. **Administrative Approvals.** The addition of a tower or antenna may be permitted through the building permit process in accordance with this section provided the project is considered to be a minor expansion or an accessory use allowed in the zone in which the project is located, and further provided that the total height of the antenna and the structure to which it is attached does not exceed the height or setback restrictions for the zone in which it is located. All such structures shall comply with subsection (E)(5) of this section, unless a modification is granted, and all other applicable provisions of the Municipal Code.

   a. Installing an antenna on an existing structure other than a tower (such as a building, sign, light pole, water tower, or other free standing nonresidential structure) that is less than 50 feet in height, so long as such addition does not add more than 20 feet to the height of the existing structure;

   b. Installing an antenna on any existing tower of any height, so long as the addition of said antenna adds no more than 20 feet to the height of said existing tower and said tower is not a pre-existing tower; provided, however, that such specific permitted use shall not include the placement of additional buildings or other supporting equipment used in connection with said antenna.

2. **Site Plan Review Approval.** The Director may approve the uses listed in subsections (a), (b) and (c) below. Each application shall be processed in accordance with the provisions of Chapter 17.80 (Site Plan Review Permit) et seq. of this chapter. In connection with any such site plan review approval, the Director may, in order to encourage shared use or use of alternative tower structures, administratively waive any zoning district setback requirements by up to fifty percent and may administratively waive any zoning district height restriction by an amount not to exceed 25 feet. The following uses may be approved by the Director after conducting a site plan review:

   a. Locating a tower, including the placement of additional buildings or other supporting equipment used in connection with said tower, in any industrial or commercial zoning district; provided, however, that such tower shall be subject to the height limitations for the zoning district in which the project is proposed, except as waived in Section (G)(2), immediately above.

   b. Installing an antenna on an existing structure other than a tower (such as a building, sign, light pole, water tower or other free-standing nonresidential structure) that is 50 feet in height or greater, so long as said additional antenna adds no more than 20 feet to the height of said existing structure.

c. Installing an antenna on an existing tower of any height, including a pre-existing tower and further including the placement of additional buildings or other supporting equipment used in connection with said antenna, so long as the addition of said antenna adds no more than 20 feet to the height of said existing tower.

d. Locating any alternative tower structure in any zoning district that in the judgment of the Director is in conformity with the requirements set forth in subsection (E) of this section; provided, however, that such tower shall be subject to the height limits of the zoning district in which the tower is proposed.

e. Installing a ground or building-mounted receiver for radio or television satellite dish only, with a diameter exceeding 36 inches but less than eight feet in diameter, and a height in excess of 15 feet, subject to the following restrictions:

i. In a residential zone, the antenna must be for the sole use of the resident occupying a residential parcel on which the satellite dish is located.

ii. In a residential zone, no more than one antenna or satellite dish may be permitted, which must conform to residential height restrictions and setbacks, and must have a rear yard or rear- of-house orientation unless these options preclude a usable satellite signal.

iii. In a non-residential zone, no more than three antennas or satellite dishes may be permitted where adequate screening is provided and which are solely for the use of the project site tenants.

iv. The antenna or satellite dish cannot be located in any required yard setback area of the zoning district in which it is located with the exception of possible encroachment of the antenna array into airspace over said setback.

v. Satellite dishes and parabolic antennas shall be situated as close to the ground as possible to reduce visual impact without compromising their function.

3. **Conditional Use Permit.** Telecommunications facilities and antennas not permitted pursuant to subsections (1) and (2) shall be subject to approval of a use permit in accordance with Chapter 17.84 (Conditional Use Permits) et seq. of this Section.

a. In granting a conditional use permit, the Commission may impose conditions to the extent it concludes such conditions are necessary to minimize any adverse effect of the proposed telecommunications facility, antenna, or structures on adjoining properties. The Commission shall consider the following factors in determining whether to approve a conditional use permit.

   i. Height of the proposed tower;

   ii. Exact location of the tower in relation to the distance of the tower from residential structures and residential district boundaries;

   iii. Nature of uses on adjacent and nearby properties;

   iv. Surrounding topography;

   v. Surrounding tree coverage and foliage;

   vi. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

   vii. Proposed ingress and egress;

   viii. Site improvement; and

   ix. Availability of suitable existing towers and other structures as discussed in the following subsection.

b. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

   i. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.

   ii. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.

   iii. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

   iv. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antennae.

v. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

vi. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

c. The following setbacks and separation requirements shall apply to all towers and antennas for which a use permit is required; provided, however, that the Planning Commission may reduce the standard setbacks and separation requirements if the goals of this section would be better served thereby.

i. Towers must be set back a distance equal to the height of the tower, including antennas, plus 20 feet from any off-site residential structure.

ii. Towers, guys, and accessory facilities must satisfy the minimum zoning district setback requirements.

iii. In zoning districts other than industrial or heavy commercial zoning districts, towers over 90 feet in height shall not be located within one-quarter of a mile from any existing tower that is over 90 feet in height.

d. All towers and telecommunication facilities, with the exception of slimline monopole structures, shall be designed to promote facility and site sharing. To this end, towers and necessary appurtenances, including but not limited to parking areas, access roads, utilities, and equipment buildings shall be designed to allow for potential shared use by other telecommunication services. The facility shall make available unutilized space for co-location of telecommunication facilities, including space for those entities providing similar, competing services. A good faith effort in achieving co-location shall be required. Request for utilization of facility space and responses to such requests shall be made in a timely manner and in writing with copies provided to the City.

e. Towers, equipment shelters, and any guy wires, either completely or individually, shall be enclosed by security fencing not less than eight feet in height and shall also be equipped with an appropriate anti-climbing device; provided, however, that the Planning Commission may waive or modify such requirements, as it deems appropriate. "No Trespassing" signs shall be posted around the facility with a telephone number of who to contact in the event of an emergency on a 24-hour basis.

f. The following requirements shall govern the landscaping surrounding towers for which a use permit is required; provided, however, that the Planning Commission may waive such requirements if the goals of this section would be better served thereby.

i. The applicant shall enter into an indemnification agreement with the city to defend, indemnify, and hold harmless the city and its officers or employees from any claim, action, or proceeding against the city as a result of the action or inaction of the city and its officers or employees in approving an application pursuant to this section.

ii. Tower facilities shall be landscaped with a buffer of plant materials which effectively screen the view of the tower compound from adjacent residential property. The standard buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the compound.

iii. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived altogether.

iv. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

H. **Removal of abandoned antennas and towers.** Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove same within 90 days of receipt of notice from the Director notifying the owner of such abandonment. If such antenna or tower is not removed within said 90 days, the Director may remove such antenna or tower at the owner's expense. The Commission declares that such abandoned towers are a public nuisance and may be summarily abated as provided in this Section and as may be provided under the applicable laws of the state, and the expenses of such abatement shall constitute a lien against the underlying property upon which the tower is located and a personal obligation against the owner of such underlying property. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

I. **Definitions.** For the purpose of this Section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Alternative tower structure. Man-made trees, clock towers, bell steeples, light poles, slim-line monopole, stealth and similar alternative antenna mounting structures that camouflage or conceal the presence of antennas or towers.

Antenna. Any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves. This includes antennas relating to personal wireless services. Antennas include microwave dishes, satellite dishes, whips, and panels.

Array. A set of antennas for one carrier or service that are placed on a mount at a given height and spaced so as to avoid internal interference. An array is usually sectored into three directions and separated vertically from another carrier's array co-located on the same mount.

Co-location. The use of a single mount on the ground by more than one carrier, or by several mounts on an existing building or structure by more than one carrier.

Faa. The Federal Aviation Administration.

FCC. The Federal Communications Commission.

Guyed tower. A tower that is tied to the ground or other surface by diagonal cables.

Height. When referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

Attice tower. A type of mount that is self-supporting with multiple legs and cross-bracing of structural steel.

Monopole. A type of mount that is self-supporting with a single shaft of wood, steel, or concrete and a platform (or racks) for panel antennas arrayed at the top. Vertical co-locations often have arrays at intermediate positions on the monopole.

Mounts. The structure or surface upon which antennas are mounted, and include monopoles, lattice towers, guyed towers, and buildings.

Omnidirectional (whip) antenna. A thin rod that beams and receives a signal in all directions.

Panel antenna. A flat surface antenna usually developed in multiples covering three sectors of 120 degrees each.

Personal wireless services. Commercial mobile radio services, unlicensed wireless services, and common carrier wireless exchange access services. Commercial mobile radios services include cellular services, personal communication services, enhanced specialized mobile radio services, and paging services.

Personal wireless service facility. A facility for the provision of personal wireless services, as defined by the Telecommunications Act. A personal wireless service facility is the appropriate term for "cell site".

Pre-existing towers and antennas. Any existing tower or antenna for which a permit has been properly issued prior to the effective date of this section. Any such towers or antennas shall be referred to in this section as "pre-existing towers" or "pre-existing antennas" and shall not be required to meet the requirements of this section.

Stealthing. See “alternative tower structure.”

Slimline monopole antenna. A structure not exceeding 70 feet in height, 18 inches in diameter at the base, and ten inches in diameter at the top, upon which are mounted not more than three vertical panel antennas not exceeding one foot in width or seven inches in depth.

Telecommunication facility. A facility that transmits and/or receives electromagnetic signals. It includes antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, telecommunication towers or similar structures supporting said equipment, equipment building, parking area, or other accessory development.

Tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like.

Vertical antenna. A flat panel or vertical pole or whip type antenna.

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Chapter 17.42
Density Bonuses

Chapter 17.42 Density Bonuses

17.42.010 Purpose

A. **Purpose.** This Chapter implements Government Code Section 65915, which requires the City to provide incentives for affordable housing, senior housing, and childcare facilities.

B. **Conflicts.** In the event of any conflict between this Chapter and Government Code Section 65915, the provisions of the Government Code shall apply.

17.42.020 Eligibility and Requirements

To be eligible for a density bonus, reduced parking ratios, and other incentives or concessions as provided by this Chapter, a proposed housing development shall comply with the following requirements and shall satisfy all other applicable provisions of this Zoning Code, except as provide by Section 17.42.050 (Allowed Incentives or Concessions), Section 17.42.090 (Reduced Parking Requirements), and Section 17.42.100 (Housing with Childcare Facilities).

If any portion of this chapter conflicts with any state density bonus law or other applicable state law, state law shall supersede this chapter. Any ambiguities in this chapter shall be interpreted to be consistent with state density bonus laws.

A. **Projects Entitled to a Density Bonus.** Excluding any units allowed by the density bonus, the City shall grant one density bonus, the amount of which shall be specified in Section 17.42.050 (Allowed Incentives and Concessions), when an applicant for a housing development, includes within that development at least any one of the following:

1. At least five percent of the dwelling units are for very low-income households;
2. At least 10 percent of the dwelling units are for lower-income households;
3. At least 10 percent of the dwelling units in a common interest development as defined in Civil Code Section 4100 are for persons and families of moderate-income, as defined in Health and Safety Code Section 50093, provided that all units in the development are offered to the public for purchase;
4. The project is a senior citizen housing development as defined in Civil Code Sections 51.3 and 51.12, or is a mobile home park that limits residency based on age requirements for housing older persons in compliance with Civil Code Sections 798.76 or 799.5;
5. At least 20 percent of the dwelling units in a student housing development for lower income students that meets the requirements of Government Code Section 65915;

6. One hundred percent of all the dwelling units in the housing development, including total units and density bonus units, but exclusive of a manager's unit(s), are for lower-income households, as defined in Health and Safety Code Section 50079.5, except that 20 percent of the units in the development, including total units and density bonus units, may be for moderate-income house; or

7. At least 10 percent of the dwelling units in a housing development for transitional foster youth, as defined in Education Code Section 66025.9; disabled veterans, as defined in Section 18541; or homeless persons, as defined in the Federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.).

8. The Project donates at least one acre of land to the city for very low-income units and the land has the appropriate general plan designation, zoning, permits, and approvals, and access to public facilities needed for such housing.

B. **Density Bonus Selection.** For purposes of calculating the amount of the density bonus in compliance with Section 17.42.030 (Amount of Density Bonus) below, the applicant who requests a density bonus shall elect whether the bonus shall be awarded based on Paragraphs (A), above.

C. **Bonus Units Shall Not Qualify.** A density bonus granted in compliance with Section 17.42.050 (Allowed Incentives and Concessions) below, shall not be included when determining the number of dwelling units that are required by Subsection A, above.

D. **Minimum Project Size.** The density bonus provided by this Chapter shall be available only to a housing development of five or more dwelling units, including mixed-use developments.

E. **Condominium Conversion Projects.** A condominium conversion project for which a density bonus is requested shall comply with the eligibility and other requirements specified in Government Code Section 65915.5.

F. **Commercial development.** When an applicant for approval of a commercial development has entered into an agreement for partnered housing to contribute affordable housing through a joint project or two separate projects encompassing affordable housing, the Director shall grant to the commercial developer a development bonus, in compliance with the following:

1. **Agreement for Partnered Housing.** The agreement for partnered housing shall be between the commercial developer and the housing developer, shall identify how the commercial developer will contribute affordable housing, and shall be approved by the City. Affordable housing may be contributed by the commercial developer in one of the following manners:
   a. The commercial developer may directly build the dwelling units;
   b. The commercial developer may donate a portion of the parcel or property elsewhere to the affordable housing developer for use as a site for affordable housing; or
   c. The commercial developer may make a cash payment to the affordable housing developer that shall be used towards the costs of constructing the affordable housing project.
2. **Affordability Requirements.** To qualify for a development bonus under this Subsection, a commercial developer shall partner with a housing developer that provides at least 30 percent of the dwelling units for low-income households or at least 15 percent of the dwelling units for very low-income households.
3. **Location of Affordable Housing.** The housing shall be constructed on the site of the commercial development or on a site that complies with the following:
   a. Within the incorporated City;
   b. Close to public facilities and services, including schools and employment centers; and
   c. Within one-half mile of a major transit stop, as defined in Public Resources Code Section 21155(b).
4. **Type of Development Bonus.** The development bonus granted to the commercial developer shall mean incentives, mutually agreed upon by the developer and the City, that may include, but are not limited to, any of the following:
   a. Up to a 20 percent increase in maximum allowable intensity in the General Plan;
   b. Up to a 20 percent increase in maximum allowable floor area ratio;
   c. Up to a 20 percent increase in maximum height requirements;
   d. Up to a 20 percent reduction in minimum parking requirements;
   e. Use of a limited-use/limited-application elevator for upper floor accessibility; and/or

f. An exception to the standards established in this Zoning Code or other land use regulation.

5. **Affordable Housing Fee.** A development bonus pursuant to this Section shall not include a reduction or waiver of the requirements within an ordinance that requires the payment of a fee by a commercial developer for the promotion or provision of affordable housing.

6. **Timing of Construction.** If the developer of the affordable dwelling units does not commence with construction of those units in accordance with timelines ascribed by the agreement described in Paragraph 1 above, the City may withhold certificates of occupancy for the commercial development under construction until the developer has completed construction of the affordable units.

17.42.030 Amount of Density Bonus

If requested by the applicant, the City shall grant density bonuses in the amounts established in this Section.

A. **Density Bonus.** A housing development that complies with the eligibility requirements established in Section 17.42.020 (Eligibility and Requirements), shall be entitles to density bonuses as follows, unless a lesser percentage is proposed by the applicant.

1. **Very-Low Income Density Bonus.** A housing development that is eligible for a bonus in compliance with the criteria established in Paragraph 17.42.020.A (Projects Entitled to a Density Bonus) shall be entitled to a density bonus in accordance with Table 17.42-1 (Bonus for Very Low-Income Household Units).

Table 17.42-1
Bonus for Very Low-Income Household Units

Percentage of Very Low-Income Units Proposed	Percentage Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35
12	38.75
13	42.5
14	46.25
15-44	50
100*	80

* Applies when 100 percent off the total units, excluding manager's units, are restricted to very low-, lower-, and moderate-income (maximum 20 percent moderate).

2. **Low-Income Density Bonus.** A housing development that is eligible for a bonus in compliance with the criteria established in Paragraph 17.42.020.A (Projects Entitled to a Density Bonus) shall be entitled to a density bonus calculated in accordance with Table 17.42-2 (Bonus for Low-Income Household Units).

Table 17.42-2
Bonus for Low-Income Household Units

Percentage of Low-Income Units Proposed	Percentage Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
16	29
17	30.5
18	32
19	33.5
20	35
21	38.75
22	42.5
23	46.25
24-44	50
100*	80

* Applies when 100 percent off the total units, excluding manager's units, are restricted to very low-, lower-, and moderate-income (maximum 20 percent moderate).

3. **Moderate-Income Density Bonus.** A common interest housing development that is eligible for a bonus in compliance with the criteria established in Paragraph 17.42.020.A (Projects Entitled to a Density Bonus) shall be entitled to a density bonus calculated in accordance with Table 17.42-3 (Bonus for Moderate-Income Household Units).

Table 17.42-3
Bonus for Moderate-Income Household Units

Percentage of Moderate-Income Units Proposed	Percentage Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13

Table 17.42-3
Bonus for Moderate-Income Household Units

Percentage of Moderate-Income Units Proposed	Percentage Density Bonus
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35
41	38.75
42	42.5
43	46.25
44	50
100*	80

* Applies when 100 percent off the total units, excluding manager's units, are restricted to very low-, lower-, and moderate-income (maximum 20 percent moderate).

4. **Land Donation Density Bonus.** When an applicant for a tentative map, parcel map, or other residential development approval donates land to the City in compliance with this Subsection, the applicant shall be entitled to a density bonus for the entire development, in accordance with Table 17.42-4 (Bonus for Land Donation); provided, that nothing in this Subsection shall be construed to affect the authority of the City to require a developer to donate land as a condition of development approval. See Section 17.42.070 (Donations of Land) for additional land donation requirements.

Table 17.42-4
Bonus for Land Donation

Percentage of Very Low-Income Units Proposed	Percentage Density Bonus
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

5. **Senior Housing Density Bonus.** A housing development that is eligible for a bonus in compliance with the criteria established in Paragraph 17.42.020.A (Projects Entitled to a Density Bonus) shall be entitled to a density bonus of 20 percent of the number of senior housing units. No affordable units are required to qualify for this bonus.

6. **Student Housing Density Bonus.** A housing development that is eligible for a bonus in compliance with the criteria established in Paragraph 17.42.020.A (Projects Entitled to a Density Bonus) and Government Code Section 65915, shall be entitled to a density bonus of 35 percent of the student housing units. The term "unit", as used in this Paragraph, means one rental bed and its pro rata share of associated common area facilities.

7. **Transitional Foster Youth, Disabled Veteran, or Homeless Persons Housing Density Bonus.** A housing development that is eligible for a bonus in compliance with the criteria established in Paragraph 17.42.020.A (Projects Entitled to a Density Bonus) shall be entitled to a density bonus of 20 percent of the total number of dwelling units for transitional foster youth, disabled veterans, or homeless persons.

B. **Greater or Lesser Bonuses.** The City may choose to grant a density bonus greater than provided by this Section for a development that meets the requirements of this Section or grant a proportionately lower-density bonus for a development that does not fully comply with the requirements of this Section.

C. **Density Bonus Calculations.** For the purpose of density bonus calculations:

1. Fractional units shall be rounded up to the next whole number, in compliance in State law.
2. The residential units do not have to be based upon individual subdivision maps or parcels.
3. The residential units shall be on contiguous parcels that are the subject of one development application.
4. The density bonus shall be permitted in the geographic area of the housing development other than the areas where the units for the lower-income household are located.
5. Affordable housing projects shall choose a density bonus from only one affordability category (e.g., very low-income) and may not combine categories.
6. A density bonus for a senior housing project may not be combined with a density bonus for an affordable housing project.
7. A density bonus for the donation of land may be combined with density bonuses for affordable and senior housing. However, in no case may a total density bonus exceed 35 percent.

D. **Requirements for Amendments or Discretionary Approval.** The granting of a density bonus shall not be interpreted, in and of itself, to require a General Plan amendment, Rezone, or other discretionary approval. The granting of a density bonus shall not require or be interpreted to require the waiver of a local ordinance or provisions of a local ordinance unrelated to development standards.

17.42.040 Continued Affordability

The applicant shall agree to, and the City shall ensure, the continued affordability of the units that qualified the housing development for a density bonus and other incentives and concessions shall continue to be available as affordable dwelling units in compliance with the following requirements, as required by Government Code Section 65915(c).

A. **Duration of Affordability.** The applicant shall agree to, and the City shall ensure, the continued availability of the dwelling units that qualified the housing development for a density bonus and other incentives and concessions, as follows.

1. **Very Low- and Low-income Dwelling Units.** The continued affordability of all very low- and low-income-qualifying dwelling units shall be maintained for 55 years, or a longer time if required by the construction or mortgage financing assistance program, mortgage insurance program, rental subsidy program, or by City policy or ordinance.

2. **Moderate-Income Dwelling Units in Common Interest Development.** The continued availability of moderate-income dwelling units in a common interest development shall be maintained for a minimum of 10 years, or a longer time if required by City policy or ordinance.

3. **Dwelling Units for Transitional Foster Youth, Disabled Veterans, or Homeless Persons.** Dwelling units for transitional foster youth, disabled veterans, or homeless persons shall be subject to a recorded affordability restriction of 55 years and shall be provided at the same affordability level as very low-income units.

4. **Lower-Income Students in Student Housing Developments.** The continued affordability of dwelling units for lower-income students in a student housing development shall be subject to a recorded affordability restriction of 55 years.

B. **Dwelling Unit Cost Requirements.** The rents and owner-occupied costs charged for the dwelling units in the development that qualify the project for a density bonus and other incentives and concessions, shall not exceed the following amounts during the period of continued availability required by this Subsection:

1. **Lower-Income Dwelling Units.** Rents for the lower-income density bonus dwelling units shall be set at an affordable rent as defined in Health and Safety Code Section 50053; and

2. **Owner-Occupied Dwelling Units.** Owner-occupied dwelling units shall be available at an affordable housing cost as defined in Health and Safety Code Section 50052.5

C. **Occupancy and Resale of Moderate Income for Sale Dwelling Units.** An applicant shall agree to, and the City shall ensure that, the initial occupant of all for-sale dwelling units that qualified the applicant for the award of the density bonus are persons and families of very low-, low-, or moderate-income, as required, and that the dwelling units offered at an affordable housing cost, as that cost is defined in Health and Public Safety Code Section 50052.5 . The City shall enforce an equity sharing agreement unless it conflicts with the requirements of another public funding source or law. The following requirements apply to the equity sharing agreement.

1. Upon resale, the seller of the dwelling unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation.

2. The City shall recapture any initial subsidy and its proportionate share of appreciation, which shall then be used within five years for any of the purposes described in Health and

Safety Code Section 33334.2(e) that promote home ownership. For the purposes of this Section:

a. The City's initial subsidy shall be equal to the fair market value of the home at the time of initial sale, minus the initial sale price to the moderate-income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value; and

b. The City's proportionate share of appreciation shall be equal to the ratio of the initial subsidy to the fair market value of the home at the time of initial sale.

17.42.050 Allowed Incentives and Concessions

A. **Applicant Request and City Approval.** Applicant's may request incentives and concessions as follows:

1. In compliance with this Section, an applicant for a density bonus in compliance with this Chapter and Government Code Section 65915(d) may submit a request for the specific incentives or concessions listed in Subsection D (Type of incentives), below, and may request a meeting with the Director.

2. The applicant may file a request for incentives or concessions either before filing an application for City approval of a proposed project or concurrently with an application for project approval.

B. **Consideration of Requested Incentive or Concession.** The City shall grant the incentive or concession requested by the applicant unless the Council makes a written finding, based on substantial evidence, of any the following:

1. The incentive or concession does not result in identifiable and actual cost reductions, consistent with Government Code Section 65915(k), to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5, or for rents for the targeted units to be set as specified in Government Code Section 65915(c).

2. The incentive or concession would have a specific, adverse impact, as defined in Government Code Section 65589.5(d)(2), upon the public health or safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.

3. The incentive or concession would be contrary to State or Federal law.

C. **Number of Incentives or Concessions.** In compliance with Table 17.42-5 (Number of Incentives and Concession), the applicant shall receive the number of incentives or concessions based on the percentage of affordable units in the proposed project.

Table 17.42-5
Number of Incentives and Concessions

Number of Incentives/Concessions	Very Low-Income Percentage	Lower-Income Percentage	Moderate-Income Percentage
1	5	10	10
2	10	17	20
3	15	24	30
4	100 (very low, low, moderate*)	100 (very low, low, moderate*)	100 (very low, low, moderate*)

* Maximum 20 percent moderate dwelling units.

D. **Types of Incentives.** For the purposes of this Chapter, concession or incentive means any of the following:

1. A reduction in the site development standards of this Zoning Code (e.g., parcel coverage limitations, setbacks, on-site open space requirements, reduced parcel sizes, and/or parking requirements) (also see Section 17.42.090 (Reduced Parking Requirements), or a modification of architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission in compliance with Health and Safety Code Section 18901 et seq., that would otherwise be required, that results in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Health and Safety Code Section 5002.5, or for rents for the targeted units to be set as identified in Section 17.42.040 (Continued Availability);

2. Approval of mixed-use land uses not otherwise allowed by this Zoning Code in conjunction with the housing development, if nonresidential land uses will reduce the cost of the housing development, and the nonresidential land uses are compatible with the housing project and the existing or planned development in the area where the project will be located;

3. Other regulatory incentives proposed by the applicant or the City that will result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5, or for rents for the targeted units to be set as specified in Section 17.42.040 (Continued Availability); and/or

4. In its sole and absolute discretion, a direct financial contribution granted by the Council, including writing-down land cots, subsidizing the cost of construction, or participating in the cost of infrastructure.

E. **Effect of Incentive or Concession.** The granting of a concession or incentive shall not be interpreted to require a General Plan amendment, zoning amendment, study, or discretionary approval.

17.42.060 Standards for Affordable Units

All affordable units built under the provisions of this Chapter shall meet the following requirements:

A. **Concurrency.** Affordable units shall be built concurrently with market rate units unless the City and the applicant agree within the density bonus housing agreement to an alternative schedule for development.

B. **Location.** Affordable units shall be built on-site wherever possible and, where practical, shall be dispersed within the housing development.

C. **Unit Size.** The average number of bedrooms of the affordable units shall be equivalent or greater to the bedroom mix of the housing development's other units.

D. **Design.** The design and appearance of the affordable units shall be compatible with the design of the housing development.

E. **Development Standards.** Housing developments shall comply with all applicable development standards, except those that may be modified as permitted by this Chapter.

F. **Linked Sites.** Circumstances may arise in which the public interest would be served by allowing some or all the affordable units associated with one housing development to be produced and operated at an alternative development site. If the developer and the City agree to allow the production and operation of affordable units at an alternative site, the resulting linked developments shall be considered a single housing development for the purposes of this Chapter.

17.42.070 Donations of Land

An applicant shall be eligible for the increased density bonus for land donation provided all the following conditions established in this Section are met.

A. **Date of Transfer.** The applicant shall donate and transfer the land no later than the date of approval of the final subdivision map, parcel map, or residential development application;

B. **Developable Acreage.** The developable acreage of the land being transferred shall be sufficient to permit construction of units affordable to very low-income households in an amount not less than 10 percent of the number of residential units in the proposed development;

C. **Minimum Size.** The transferred land shall have an area sufficient to permit development of at least 40 units;

D. **Appropriate Regulations and Infrastructure.** The transferred land shall have the appropriate General Plan land use designation, zoning and development standards to make the development of affordable units feasible, and it shall have existing or planned public facilities, and infrastructure that are adequate to support the development;

E. **Entitlements.** No later than the date of approval of the final subdivision map, parcel map, or residential development application, the transferred land shall have all the permits and approvals, other than Building Permits, necessary for the development of the very low-income housing units on the transferred land;

F. **Deed Restriction.** The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units, in compliance with Section 17.42.040 (Continued Affordability). The restriction shall be recorded on the property at the time of dedication;

G. **Recipient.** The land shall be transferred to the City or to a housing developer approved by the City. The City may require the applicant to identify and transfer the land to the developer;

H. **Location.** The transferred land shall be within the boundary of the proposed development or, if the City agrees, within one-quarter mile of the boundary of the proposed development; and

I. **Funding.** A proposed source of funding for the very low-income units shall be identified not later than the date of approval of the final subdivision map, parcel map, or residential development application.

17.42.080 Waivers or Reductions of Development Standards

A. **Eligibility.** An applicant who applies for a density bonus may also request a waiver or reduction of any development standard that would physically prevent the construction of the development project.

B. **Development Standards Defined.** Development standards shall include the following:

1. Development standards include any adopted City standard or regulation related to the physical location or type of construction, including but not limited to, structure height, setbacks, parking, floor area ratio, and the placement of public works improvements.

2. As defined in this Section, development standards do not include land use regulations, permitting procedures, inclusionary housing requirements, or development impact fees.

C. **Number of Waivers or Reductions.** Requested waivers and reductions shall comply with the following:

1. There shall be no limit to the number of waivers or reductions available to an applicant.

2. The approval of waivers or reductions shall neither reduce nor increase the number of incentives available to a project established in Section 17.42.050 (Allowed Incentives and Concessions).

D. **Justification of Approval.** The City shall approve the requested waiver or reduction if the applicant can demonstrate that it is physically impossible to construct the project without the waiver or reduction.

E. **Provisions of Waivers or Reductions.** The City shall approve the requested waiver or reduction, unless the City makes a written finding, based upon substantial evidence, of either of the following:

1. The waiver or reduction would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income and moderate-income households.

2. The waiver or reduction is contrary to State or Federal law.

17.42.090 Reduced Parking Requirements

A. **Applicability.** This Section applies to a development that meets the requirements of Section 17.42.020 (Eligibility and Requirements), and Section 17.42.040 (Continued Affordability), but only at the request of the applicant. An applicant may request additional parking incentives or concessions beyond those provided in this Section in compliance with Section 17.42.050 (Allowed Concessions and Incentives) above through either a modification, variance, or other modification process approved by the Director. A request in compliance with this Section shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled as established in Section 17.42.050 (Allowed Concessions or Incentives).

B. **Maximum Parking Requirements.** At the request of the applicant, the City shall not require more than the parking ratios established in Table 17.42-6 (Maximum Parking Requirements) for a density bonus project, inclusive of parking for persons with disabilities and guest parking.

Table 17.42-6
Maximum Parking Requirements

Dwelling Type/Number of Bedrooms	Parking Spaces
Studio	1
1 Bedroom	1
2 Bedroom	1.5
3 Bedroom	1.5
4+ Bedroom	2.5

C. **Special Parking Requirements.** At the request of the applicant, the City shall allow reduced parking ratios (inclusive of parking for persons with disabilities and guest parking) for the project types established in Table 17.42-7 (Special Parking Requirements).

Table 17.42-7
Special Parking Requirements

Project Type	Parking Spaces (spaces per unit)
Rental/for sale projects with at least 11 percent very low-income or 20 percent lower-income units, within 1/2 mile of accessible[1] major transit stop.	0.5
Rental projects 100 percent affordable to lower-income, within 1/2 mile of accessible[1] major transit stop.	0
Rental senior[3] projects 100 percent affordable to lower-income, either with paratransit service or within 1/2-half mile of an accessible[1] bus route[2].	0
Rental special needs projects 100 percent affordable to lower-income households, either with paratransit service or within 1/2-half mile of accessible[1] bus route[2].	0
Rental supportive housing developments 100 percent affordable to lower income households	0

[1] Access to major transit stops shall be unobstructed and without natural or constructed impediments. In compliance with Government Code Section 65915, "natural or constructed impediments" includes, but is not limited to, freeways, rivers, mountains, and bodies of water, but does not include residential structures, shopping centers, parking lots, or rails used for transit.
[2] Bus routes shall be fixed and operate at least eight times per day.
[3] 62 years of age or older in compliance in Civil Code Sections 51.2 and 51.3.

D. **Parking Study.** If the City, or an independent consultant, has conducted an area-wide or citywide parking study in the last seven years, then the City may impose a higher vehicular parking ratio based upon substantial evidence found in the parking study, that includes, but is not limited to, an analysis of parking availability, differing levels of transit access, walkability access to transit services, the potential for shared parking, the effect of parking requirements on the cost of market-rate and subsidized developments, and the lower rates of car ownership for low-income and very low-income individuals, including seniors and special needs individuals. The City shall pay the costs of any new study. The City shall make findings, based on a parking study completed in conformity with this Subsection, supporting the need for the higher parking ratio.

E. **Location of Parking.** For purposes of this Section, a development may provide on-site parking through tandem parking or uncovered parking, but not through on-street parking.

F. **Parking Space Calculation.** If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number.

17.42.100 Housing with Childcare Facilities

A. **Housing Developments Childcare Facilities.** When an applicant proposes to construct a housing development that complies with the resident and project size requirements of Section 18.42.020 (Eligibility and Requirements) of this Chapter and includes as part of that development a childcare facility that will be located on the site of, as part of, or adjacent to the housing development, the City shall grant either an additional density bonus or an additional incentive or concession.

1. **Bonuses and Incentives.** The City shall grant a housing development that includes a childcare facility in compliance with this Section one of the following:

   a. An additional density bonus that is an amount of floor area in square feet of residential space that is equal to or greater than the floor area of the childcare facility; or

   b. An additional incentive or concession that contributes significantly to the economic feasibility of the construction of the childcare facility.

2. **Determination of Adequate Childcare Facilities.** The City shall not be required to provide a density bonus or concession for a childcare facility in compliance with this Section if it finds, based upon substantial evidence, that the community has adequate childcare facilities.

B. **Commercial Developments Childcare Facilities.** An applicant for a commercial development project, containing at least 50,000 square feet of floor area, may be granted a density bonus when that applicant agrees to set aside at least 2,000 square feet of interior floor area and 3,000 outdoor square footage to be used for a childcare facility, in compliance with Government Code Section 65917.5.

1. **Bonuses and Incentives.** The City shall grant a commercial development that includes a childcare facility in compliance with this Section one of the following:

   a. A maximum of five square feet of floor area for each one square foot of floor area contained in the childcare facility located in an existing childcare facility; or

   b. A maximum of 10 square feet of floor area for each one square foot of floor area contained in the childcare facility located in a new childcare facility.

2. **Qualifications Requirements.** Childcare facilities shall be subject to the following.

   a. For purposes of calculating the allowable density bonus under this Subsection, both the total area contained within the exterior walls of the childcare facility and all outdoor areas devoted to the use of the facility in compliance with applicable State childcare licensing requirements shall be considered.

   b. The childcare facility shall be of a sufficient size to comply with all applicable State licensing requirements to accommodate at least 40 children.

   c. This facility may be located either on the project site or may be located off-site as agreed upon by the applicant and the City.

   d. If the childcare facility is not located on the site of the development project, the City shall determine whether the location of the facility is appropriate and whether it complies with the purpose and intent of this Section.

   e. The granting of a density bonus shall not preclude the City from imposing necessary conditions on the development project or on the additional square footage in compliance with Government Code Section 65917.5.

17.42.110 Application and Review

A. **Application.** An application for a density bonus or donation of land for housing shall be filed and processed in compliance with this Chapter as part of entitlement application. Approval of density bonus shall be determined by the Planning Commission consistent with noticing and review process. If desired, a request for specific incentives or concessions, listed in Section 17.42.050 (Allowed Incentives or Concessions), may be filed in compliance with Government Code Section 65915.

B. **Determination.** Within 30 days of filing the application, the Director shall notify the applicant in writing whether the application is complete and provide the applicant a determination as to:

1. The amount of the density bonus for which the project is eligible;
2. The parking ratio for which the project is eligible, if requested; and
3. Whether the applicant has provided enough information for the City to make a determination as to the requested incentives or concessions, if incentives or concessions are requested.

17.42.120 Density Bonus Housing Agreement

A. **Agreement Required.** An applicant requesting a density bonus shall agree to enter into a density bonus agreement (referred to as the "agreement") with the City in the City's standard form of agreement.

B. **Agreement Provisions.** Density bonus request shall comply with the following agreement provisions.

1. **Project Information.** The agreement shall include at least the following information about the project:
    a. The total number of dwelling units approved for the housing development, including the number of designated dwelling units;
    b. A description of the household income group to be accommodated by the housing development, and the standards and methodology for determining the corresponding affordable rent or affordable sales price and housing cost consistent with the United States Department of Housing and Urban Development Guidelines;
    c. The marketing plan for the affordable dwelling units;

d. The location, size (square feet), and number of bedrooms of the designated dwelling units;

e. Tenure of the use restrictions for designated dwelling units of the time periods required by Section 17.42.040 (Continued Affordability);

f. A schedule for completion and occupancy of the designated dwelling units;

g. A description of the additional incentives and concessions being provided by the City;

h. A description of the remedies for breach of the agreement by the owners, developers, and/or successors-in-interest of the project; and

i. Other provisions to ensure successful implementation and compliance with this Chapter.

2. **Minimum Requirements.** The agreement shall provide, at minimum, that:

a. The developer shall give the City the continuing right-of-first-refusal to lease or purchase any or all the designated dwelling units at the appraised value;

b. The deeds to the designated dwelling units shall contain a covenant stating that the developer or successors-in-interest shall not assign, lease, rent, sell, sublet, or otherwise transfer any interests for designated units without the written approval of the City;

c. When providing the written approval, the City shall confirm that the price (rent or sale) of the designated dwelling unit is consistent with the limits established for low- and very low-income households, as published by the United States Department of Housing and Urban Development;

d. The City shall have the authority to enter into other agreements with the developer, or purchasers of the designated dwelling units, to ensure that the required dwelling units are continuously occupied by eligible households;

e. Applicable deed restrictions, in a form satisfactory to the City Attorney, shall contain provisions for the enforcement of owner or developer compliance. Any default or failure to comply may result in foreclosure, specific performance, or withdrawal of the Certificate of Occupancy;

f. In any action taken to enforce compliance with the deed restrictions, the City Attorney shall, if compliance is ordered by a court of competent jurisdiction, take all action that may be allowed by law to recover all the City's costs of action including legal services; and

g. Compliance with the agreement will be monitored and enforced in compliance with the measures included in the agreement.

C. **Conditions by Project Type.** Conditions for density bonus request shall comply with the following.

1. **For-Sale Housing.** In the case of a for-sale housing development, the agreement shall provide for the following conditions governing the initial sale and use of designated dwelling units during the applicable restriction period:

   a. Designated dwelling units shall be owner-occupied by eligible households, or by qualified residents in the case of senior housing; and

   b. The initial purchaser of each designated dwelling unit shall execute an instrument or agreement approved by the City which:

      i. Restricts the sale of the unit in compliance with this Chapter, or other applicable City policy or ordinance, during the applicable use restriction period;

      ii. Contains provisions as the City may require ensuring continued compliance with this Chapter and State law; and

      iii. Shall be recorded against the parcel containing the designated dwelling unit.

2. **Rental Housing.** In the case of a rental housing development, the agreement shall provide for the following conditions governing the use of designated dwelling units during the applicable restriction period:

   a. The rules and procedures for qualifying tenants, establishing affordable rent, filling vacancies, and maintaining the designated dwelling units for qualified tenants;

   b. Provisions requiring owners to annually verify tenant incomes and maintain books and records to demonstrate compliance with this Chapter;

   c. Provisions requiring owners to submit an annual report to the City, which includes the name, address, and income of each person occupying the designated dwelling units, and which identifies the bedroom size and monthly rent or cost of each unit; and

   d. The applicable use restriction period shall comply with the time limits for continued availability in Section 17.42.040 (Continued Affordability).

3. **Moderate-Income Housing.** In the case of affordable units for moderate-income households, the density bonus housing agreement shall provide for the following requirements:

a. The initial sale of each affordable unit shall be to a household that meets the income requirement for the affordable unit.

b. When the initial purchaser sells the unit, the initial purchaser shall retain the value of any improvements, the down payment, and the value of the unit's appreciation, less the City's share of the appreciation.

c. When the initial purchaser sells the unit, the City shall receive a share of the unit's appreciation equal to the percentage by which the initial sale price to the moderate-income household was less than the fair market value of the home at the time of initial sale. The City shall use this share of appreciation for any of the purposes established in Health and Safety Code Section 33334.2(e).

4. Childcare Facility. In the case of childcare facilities for which a density bonus or additional incentive is being granted, the density bonus housing agreement shall provide for the following requirements:

a. Operating duration requirements for the childcare facility, such that the childcare facility shall remain in operation for as long as or longer than the period during which the density bonus units are required to remain affordable.

b. Provisions requiring that for children who attend the childcare facility, the percentage of children from the income group associated with the development's affordable units shall be equal to or greater than the minimum percentage of affordable units that shall be provided for that income group to receive a density to the requirements of this section.

D. Agreement Execution. Agreements shall be executed as follows.

1. Following the Council's approval of the agreement, and execution of the agreement by all parties, the City shall record the completed agreement on the parcels designated for the construction of designated dwelling units.

2. The approval of the agreement shall take place at the same time as the approval of any required final map or, where a map is not being processed before the issuance of Building Permits for the project. Recordation of the agreement shall take place as soon as possible after the approval of any required final map or, where a map is not being processed before the issuance of any Building Permit for the project.

3. The agreement shall be binding on all future owners, developers, and/or successors-in-interest.

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Chapter 17.44

Marijuana Cultivation and Dispensaries

Chapter 17.44 Marijuana Cultivation and Dispensaries

17.44.010 Purpose and Intent

The purpose of this Chapter is to expressly prohibit the cultivation of marijuana and marijuana dispensaries in all zones to protect the public peace, health, safety, and general welfare of the City's citizens except as authorized under Chapter 8.28.

17.44.020 Findings

A. The Council hereby finds that the cultivation of marijuana significantly impacts, or has the potential to significantly impact, the City. These impacts include damage to structures in which cultivation occurs, including improper and dangerous electrical alterations and use, inadequate ventilation, increased occurrences of home-invasion robberies, and similar crimes and nuisance impacts to neighboring properties from the strong and potentially noxious odors from the plants, and increased crime.

B. According to the Chief of Police, marijuana grows have been operating in the surrounding cities and the County of Fresno for several years and have been the subject of armed robberies with shots fired, incidents with juveniles and young adults, trespass, theft, and arrests for violation of both State and Federal laws, including seizure of illegal firearms. There has been some cultivation within the City and cultivation is likely to increase as surrounding cities and the County of Fresno have banned or are banning cultivation. Marijuana cultivation attracts crime and associated violence and is harmful to the safety and welfare of the City and its residents and constitutes a public nuisance.

C. Marijuana cultivation in the City poses a threat to the public peace, health and safety. Many marijuana grows have emerged in the City which are very visible to the public, and easily accessible to the public, including children and youths. There is a threat of violent crime due to the size, location, and monetary value of these mature marijuana grows.

D. It is acknowledged that the voters of the state of California have provided a limited criminal defense to the cultivation, possession, and use of marijuana for medical purposes through the adoption of the Compassionate Use Act in 1996 in compliance with Proposition 215 and codified as Health and Safety Code Section 11362.5. The Compassionate Use Act (CUA) does not address the land use or other impacts that are caused by the cultivation of marijuana.

E. The CUA is limited in scope, in that it only provides a defense from criminal prosecution for possession and cultivation of marijuana to qualified patients and their primary caregivers. The scope of the Medical Marijuana Program Act (MMPA), commencing with Health and Safety Code Section 11362.7, is also limited in that it establishes a statewide identification program and affords qualified patients, persons with identification cards and their primary caregivers, an affirmative defense to certain enumerated criminal sanctions that would otherwise apply to transporting, processing, administering, or distributing marijuana.

F. Neither the CUA and MMPA nor the California Constitution creates a right to cultivate medical marijuana.

G. It is critical to note the CUA and MMPA do not abrogate the City to regulate for public health, safety, and welfare. Health and Safety Code Section 11362.5(b)(2) provides that the CUA does not supersede any legislation intended to prohibit conduct that endangers others. In addition, Health and Safety Code Section 11352.83 authorizes cities and counties to adopt and enforce rules and regulations consistent with MMPA.

H. The Council finds that neither the CUA nor the MMPA preempts the City's exercise of its traditional police powers in enacting land use and zoning regulations, as well as legislation for preservation of public health, safety, and welfare, such as this Zoning Code prohibiting marijuana cultivation and dispensaries in all zones.

I. Marijuana remains an illegal substance under the Federal Controlled Substances Act, 21 U.S.C. 801 et seq., and is classified as a "Schedule I Drug," which is defined as a drug or other substance that has a high potential for abuse, that has no currently accepted medical use in treatment in the United States, and that has not been accepted as safe for its use under medical supervision. Furthermore, the Federal Controlled Substances Act makes it unlawful for any person to cultivate, manufacture, distribute, dispense, or possess with intent to manufacture, distribute, or dispense marijuana. The Controlled Substances Act contains no statutory exemption for the possession of marijuana for medical purposes. The City does not wish to be in violation of Federal law.

J. In 2013, the California Supreme Court confirmed that cities have the authority to ban medical marijuana land uses (City of Riverside v. Inland Empire Patients Health and Wellness Center (2013) 56 Cal. 4th 729).

K. Under the Federal Controlled Substances Act, codified in 21 U.S.C. Section 801 et seq., the use, possession, and cultivation of marijuana are unlawful and subject to Federal prosecution without regard to a claimed medical need.

L. On October 9, 2015, Governor Jerry Brown signed into law three bills--AB 243, AB 266 and SB 643--which together form the Medical Marijuana Regulation and Safety Act ("MMRSA"). The MMRSA, which became effective January 1, 2016, creates a comprehensive State licensing system for the commercial cultivation, manufacture, retail sale, transport, distribution, delivery, and testing of medical cannabis.

M. In addition to creating these State controls, the MMRSA preserves the City's authority to prohibit, regulate and/or license medicinal marijuana uses within its jurisdiction, as it expressly provides in the MMRSA. (Business and Professions Code Sections 19315(a), 19316, and 19316(c).)

N. The MMRSA further expressly allows local governments to enact ordinances expressing their intent to prohibit the cultivation of marijuana and their intent not to administer a conditional permit program pursuant to Health and Safety Code Section 11362.777 for the cultivation of marijuana (Health and Safety Code Section 11362.777(c)(4)).

O. The MMRSA requires a local government that wishes to prevent marijuana delivery activity, as defined in Business and Professions Code Section 19300.5(m), from operating within the local government's boundaries to enact an ordinance affirmatively banning such delivery activity (Business and Professions Code Section 19340(a)).

P. Under the dual licensing system created by the Act, before any kind of medical marijuana license is issued by the State, the applicant must have obtained the necessary local license and/or permit for the requested marijuana-related use.

Q. In compliance with the statutes created by the Act, local jurisdictions that adopt a ban on medicinal marijuana dispensaries and/or cultivation will effectively have a veto over whether a State license for the locally regulated activities can be issued (Business and Professions Code Sections 19312 and 19320(b); Health and Safety Code Section 11362.777(b)(1)).

R. The City hereby reaffirms and confirms that the City's Zoning Code is adopted and operates under the principles of permissive zoning, meaning that any land use not specifically authorized or identified in the Zoning Code is prohibited. California Health and Safety Code Section 11362.777(b)(3) expressly provides that the Department of Food and Agriculture may not issue a State license to cultivate medical marijuana within a City that prohibits cultivation under the principles of permissive zoning. Notwithstanding this, and without waiving any rights pursuant to its permissive zoning, the adoption of prohibitions of marijuana cultivation and dispensaries is in the interest of the City.

S. Several California cities have reported negative impacts of marijuana cultivation, processing, and delivery and/or distribution activities, including but not limited to offensive odors, the illegal sale and distribution of marijuana, and public health concerns including fire hazards and problems associated with mold, fungus, and pests.

T. Due to the value of marijuana plants and their strong smell (which alerts others to their locations), marijuana cultivation creates an increased risk to public safety and/or an "attractive nuisance."

U. The indoor cultivation of marijuana has potential adverse effects to the structural integrity of the structures in which it is cultivated, and the use of high wattage grow lights and excessive use of electricity increases the risk of fire, which presents a clear and present danger to the structure and its occupants.

V. The Attorney General's August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use recognizes that the cultivation or other concentration of marijuana in any location or premises without adequate security increases the risk that nearby homes or businesses may be negatively impacted by nuisance activity such as loitering or crime.

W. Based on the experiences of other cities, the foregoing negative effects on the public health, safety, and welfare would be likely to occur in the City due to marijuana cultivation and dispensaries and their associated activities.

X. The council held a public hearing on February 17, 2016, and duly considered staff reports, Commission recommendations, and public comments.

Y. The City has a compelling interest in protecting the public health, safety, and welfare of its residents and businesses and in preserving the peace and quiet of the neighborhoods in which marijuana is currently grown.

17.44.030 Definitions

For purposes of this Chapter, unless the particular provision or the context otherwise clearly requires, the definitions in this Section shall govern the construction, meaning, and application of words and phrases used in this Chapter:

A. Cultivation. The planting, growing, harvesting, drying, processing, or storage of one or more marijuana plants or any part thereof in any location.

B. Marijuana. All parts of the plant Cannabis sativa L., whether growing or not, and includes medical marijuana.

C. Medical Marijuana. Marijuana used for medical purposes in accordance with California Health and Safety Code Section 11362.5.

D. **Collective, Cooperative, or Dispensary.** A collective, cooperative, dispensary, operator, establishment, provider, association or similar entity that cultivates, distributes, delivers, or processes marijuana for medical purposes relating to a qualified patient or primary caregiver, pursuant to the Compassionate Use Act and the Medical Marijuana Program Act.

E. **Primary caregiver.** A primary caregiver as defined in Health and Safety Code Section 11362.7.

F. **Qualified patient.** A qualified patient as defined in Health and Safety Code Section 11362.7.

17.44.040 Relationship to Other Laws

This Chapter is not intended to, nor shall it be construed or given effect in a manner that causes it to, apply to any activity that is regulated by Federal or State law to the extent that application of this Chapter would conflict with such law or would unduly interfere with the achievement of Federal or State regulatory purposes. This Chapter shall be interpreted to be compatible and consistent with Federal, County, and State enactments and in furtherance of the public purposes which those enactments express. This Chapter will supersede any other provisions of the Municipal Code found to be in conflict.

17.44.050 Prohibition of Marijuana Cultivation

Marijuana cultivation by any person, including primary caregivers, qualified patients, collectives, cooperatives, or dispensaries, is prohibited in all zones within the City.

17.44.060 Consumption of Medical Marijuana

No on-site consumption of medical marijuana shall occur except by a qualified patient or person with an identification card who lives on the property as their principal place of residence.

17.44.070 Dispensary as a Prohibited Use

A dispensary is a prohibited use in all zone City.

17.44.080 Public Nuisance Declared

Any use or condition caused or permitted to exist within any zone of the City in violation of the provisions of this Chapter is hereby declared a public nuisance. The City will avail itself of all available legal remedies to abate the nuisance.

17.44.090 Violation and Penalty

A violation of this Chapter is subject to the provisions in Chapters 1.18, 1.20, and 8.32 of this code relating to code enforcement authority of the City, public nuisances, and cost recovery by City.

17.44.100 Severance

If any section, subsection, phrase, or clause of this Chapter is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Chapter.

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Chapter 17.46

Multi-Unit Dwelling Objective Design Standards

Chapter 17.46 Multi-Unit Dwelling Objective Design Standards

17.46.010 Purpose and Intent

The purpose of this Chapter is to provide architectural and site design standards for mixed-use and multi-unit residential dwelling development projects (referred to as "projects" or the "project"). It is the intent of these standards to provide applicants and property owners with a clear understanding of the City's expectations for development. The objective design standards also further the goals, policies, and programs of the General Plan, which encourage high quality design and streamlining of housing development.

The standards contained in this Chapter are written as requirements, rather than guidelines; therefore, all qualifying mixed-use and multi-unit residential projects applying for streamlined approval in accordance with Section 17.46.020 (Applicability), below, shall comply with each standard contained in this Chapter. Proposed projects shall also comply with all applicable development requirements in the Municipal Code, including but not limited to Building Permit requirements, Zoning Code requirements, Grading Permit requirements, and development standards such as height, setbacks, floor area ratio, etc.

17.46.020 Applicability

A. **Applicability.** The standards established in this Chapter shall apply to the following projects which qualify for ministerial streamlined approval in accordance Government Code Section 65913.4:

1. **Mixed-Use.** A structure consisting of residential and non-residential uses (e.g., commercial retail, retail service, office, civic, and institutional) with at least two-thirds of the square footage designated for residential use, transitional housing, or supportive housing.

2. **Multi-Unit Residential Dwelling.** A residential structure containing two or more residential dwelling units, each of which is for the occupancy by one or more persons, including duplexes, triplexes, fourplexes, apartments, condominiums, and townhouses.

B. **Objective Standards.** As defined by Government Code Section 65913.4, objective design standards are standards that involve no personal or subjective judgement by a public official and are uniformly verifiable by reference to an external and uniform benchmark. The standards established in this Chapter shall be mandatory for all projects identified in Subsection A, above, for which a streamlined approval process is requested pursuant to Government Code Section 65913.4. Projects seeking exceptions or deviations to the standards contained herein, or projects which do not qualify for a streamlined approval process, shall be subject to existing discretionary design review process and development standards established by this Zoning Code.

17.46.030 Approval Authority

The Director shall use the standards established in this Chapter to review and approve developments that meet all the criteria established in Government Code Section 65913.4. The Director's approval can be appealed in compliance with Chapter 17.114 (Appeals).

17.46.040 Site Planning and Design

A. **Structure Orientation and Location.** Eligible projects shall comply with the following structure orientation and location standards.

1. **Orientation of Structures.** Project structures that are not adjacent to the street shall be oriented to create internal courtyards, open space, and/or paseos.

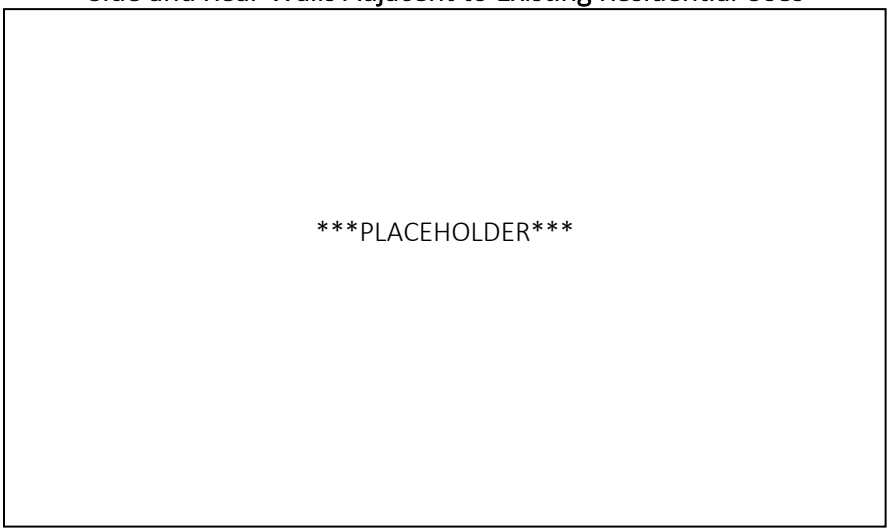
2. **Separation Between Multiple Structures.** There shall be a minimum of 15 feet between structures. The space between structures shall be unobstructed, accessible to all residents, and include sidewalks, sitting areas, or live plantings.

3. **Staggered Setback.** Multiple structures located parallel to a public right-of-way shall have a staggered setback for each structure with a minimum variation of three feet as measured from the property line abutting the public right-of-way.

4. **Controlled Vehicular Entries.** Controlled vehicular entries (e.g., gates, boom barrier, guard booth) shall be located a minimum of 20 feet from the property line to provide adequate stacking space for vehicles entering the site/parking structure.

5. **Residential Adjacencies.** The side and rear walls of any structure within 15 feet of a required setback area shall be limited to maximum height of 15 feet higher than the directly adjacent existing residential structure, or the exterior wall plane of each floor above the ground floor shall be stepped back by a minimum of eight feet along the entire facade. There is no setback requirement for structures located more than 15 feet away from the required setback line.

Figure 17.46-1
Side and Rear Walls Adjacent to Existing Residential Uses



B. **Entries, Stairwells.** Eligible projects shall comply with the following entry and stairway standards.

1. **Residential Entries.** Residential units that are not adjacent to the street shall have front entries that are oriented to common areas such as paseos, courtyards, parking areas, and active landscape areas.

2. **Entryway Design.** Street facing entries shall be accentuated by a minimum of one of the following:

   a. A change in roof pitch or form, such as a gable, that extends a minimum of one foot past the sides of the door jamb;

   b. An increase in roof height of at least one foot to accentuate the entry; or

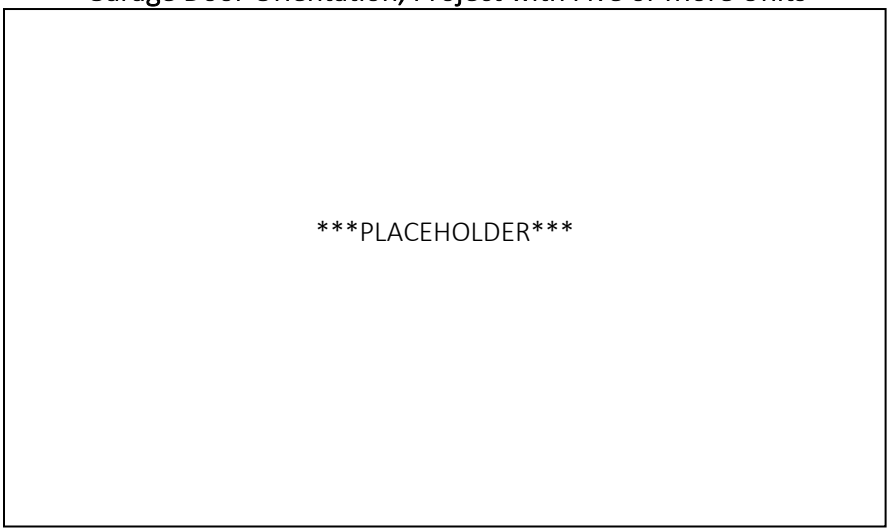
   c. Wood, stone, tile, or brick accent materials covering a minimum of 30 percent of the entryway wall surface area, inclusive of windows and doors.

3. **Exterior Stairwells.** Exterior stairwells shall not be oriented to the street. For safety and security, exterior stairwells shall face interior spaces, such as plazas and gathering areas, parking areas, and pedestrian pathways and shall not be separated from these areas by landscaping, fences, or walls taller than three feet.

4. **Entry Connection.** All structure entries shall be connected to a public sidewalk by a pedestrian walkway a minimum of five feet in width.

5. **Garage Doors.** For projects containing five or more units, garage doors shall not face a public street(s) but may be oriented toward an alley or a private street/driveway that is internal to the project.

Figure 17.46-2
Garage Door Orientation, Project with Five or More Units



6. **Commercial/Office Units.** Commercial/Office unit entrances shall face the street, a parking area, or an interior common space.

7. **Residential Units.** Residential units in a mixed-use development shall be located on the upper floors of any elevation that faces a public street with residential access provided through a separate entry along each street frontage or a single entry at the corner.

C. **Parking and Circulation.** Eligible projects shall comply with the following parking and circulation standards.

1. **Vehicular Circulation.** All parking areas shall be internally connected and shall use shared driveways within the development.

2. **Corner Parcel Parking Location.** Projects located on corner parcels shall locate parking facilities to the side or rear of the parcel (opposite the side facing the street).

3. **Parking Facility Screening.** Parking areas, both covered and uncovered, shall be screened from all public street frontages by incorporating evergreen landscaping or a planted earth berm with a minimum height of three feet.

4. **Parking Areas Adjacent to Structures.** Parking areas adjacent to residential structures shall be separated by a walkway a minimum of five feet in width and a landscape strip a minimum of seven feet in depth.

5. **Parking Space Location.** Parking spaces shall be located a minimum of 15 feet from any curb cut entering the parcel to provide adequate ingress/egress. The distance shall be measured from the property line to the first parking space.

6. **Carports.** Carports shall be painted with the approved color palette for the project.

7. **Pedestrian Circulation.** All structures, entries, facilities, amenities, and parking areas shall be internally connected with pedestrian pathways. Pedestrian pathways shall connect to the public sidewalk along each street frontage. Pedestrian pathways shall be separated from roads and parking areas by a physical barrier, such as a grade-separation, of six inches or more or a raised planting strip.

8. **Parking Area Landscaping.** Uncovered parking areas shall provide minimum of one 15-gallon size tree for every six consecutive parking stalls. Trees shall be provided in tree wells with a minimum interior size of six feet by six feet.

9. **Parking Facing a Public Street.** For all parking facing a public street, including surface parking, carports, and garages, but excluding underground parking and parking located behind structures, the total width of parking visible from the street shall not exceed 50 percent of any public street frontage. For corner lots, this standard shall only apply to the primary street frontage.

Figure 17.46-3
Example Parking Area

PLACEHOLDER

D. **Lighting.** Eligible projects shall comply with the following lighting standards.

1. **Lighting Type and Color.** All exterior lighting shall use light emitting diodes (LEDs) with a maximum color temperature of 3,500 kelvins.

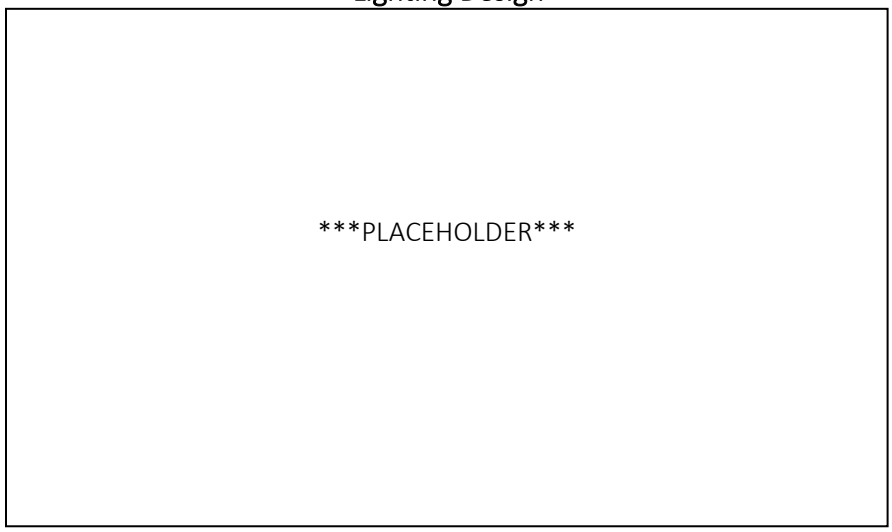
2. **Lighting Required.** All entryways, porch areas, pathways, and gates shall include lighting for safety and security.

3. **Lighting Required.** All structures, entries, parking areas, refuse enclosures, active outdoor/landscape areas, and pedestrian pathways shall be illuminated from one-half hour before dusk until one-half hour after dawn.

4. **Parking Fixture Height.** The maximum height of parking lot light fixtures shall not exceed 15 feet when abutting a residential development. Otherwise, the parking lot light fixtures shall be a maximum of 20 feet.

5. **Lighting Spill.** Lighting shall be fully shielded, directed downward (not above the horizontal plane), and shall not spill onto or be directed toward adjacent properties.

Figure 17.46-4
Lighting Design



E. **Utility and Service Areas.** Eligible projects shall comply with the following utility and service standards.

1. **Screening.** All exterior mechanical and electrical equipment shall be incorporated into the design of the structure or screened from public view using walls, fencing, or landscaping. Mechanical or electrical equipment includes, but is not limited to, roof-mounted equipment, air conditioners and condensers, utility meters, irrigation control valves, electrical transformers, utility meters, cable, and telephone equipment.

2. **Refuse Enclosures.** Trash, recycling, organic waste, and green waste bins and dumpsters shall be consistent with fire and building codes and shall be housed in a covered refuse enclosure with a gate that screens the trash receptacles. Sizing of the enclosures shall conform to solid waste provider requirements.

3. **Refuse Enclosure Materials and Colors.** Refuse enclosures shall be constructed of the same primary wall material and color as the most adjacent building within the development.

4. **Refuse Enclosure Access.** Refuse enclosures shall have both a vehicular access gate with a concrete apron, and a pedestrian entrance. Gates shall be opaque. Access shall conform to solid waste provider requirements.

F. **Open Space.** Eligible projects shall comply with the following open space standards.

1. **Private Open Space.** All dwelling units in a project shall include private open space in compliance with the following:

   a. Private open space shall be provided in the form of a private yard, porch, balcony, roof garden, or patio.

   b. Private open space shall be contiguous to the dwelling unit it serves.

   c. Private open space located at ground level shall be a minimum of 120 square feet in area with a minimum dimension of 10 feet in width and depth.

   d. Private open space located above ground level shall be a minimum of 60 square feet in area with a minimum dimension of six feet in width and depth.

2. **Common Open Space.** All projects shall include common outdoor open space in compliance with the following:

   a. Projects shall provide common outdoor open space with amenities in accordance with Paragraph 3, below, and Table 17.46-1 (Outdoor Amenities).

   b. Common outdoor open space shall be unobstructed, accessible to all residents of the structure it serves, and shall have no dimension less than 10 feet in any direction.

   c. Internal courtyards and common areas shall be visible from the street, parking areas, pedestrian pathways, and/or interior structure entries.

   d. Paved areas shall not exceed 50 percent of the required front or street side setback area.

3. **Outdoor Amenities.** Projects shall provide outdoor amenities according in compliance with Table 17.46-1 (Outdoor Amenities). Required amenity areas may be combined into a single area if the minimum requirements for each amenity area are met within the combined area.

   a. **Passive Amenities.** Passive amenities include community gardens, outdoor gathering/seating area, picnic/barbeque area, pet area/dog park, or courtyard/

plaza. Each passive amenity area shall include a minimum seating capacity of one for each 10 units and at least one of the following: trellis, gas fire pit, BBQ, or picnic table.

b. **Active Amenities.** Active recreation amenities include playgrounds, tot lots, sport court or field, outdoor fitness area, swimming pool, exercise structure or complex, clubhouse with associated kitchen, recreation hall, or community room.

Table 17.46-1
Outdoor Amenities

Number of Units in Project	Required Passive Recreational Amenities	Required Active Recreational Amenities
2-10	2 with a minimum area of 200 sq. ft. total	0
11-30	2 with a minimum area of 300 sq. ft. total	1 with a minimum area of 500 sq. ft. total
31-60	2 with a minimum area of 400 sq. ft. total	2 with a minimum area of 800 sq. ft. total
61-100	2 with a minimum area of 500 sq. ft. total	2 with a minimum area of 1,000 sq. ft. total
101+	2 with a minimum area of 600 sq. ft. total	2 with a minimum area of 1,500 sq. ft. total

17.46.050 Architectural Design

A. **Massing and Articulation.** Eligible projects shall comply with the following massing and articulation standards.

1. **Maximum Structure Length.** Structures shall not exceed 200 feet in length on any façade.

2. **Horizontal Articulation.** Horizontal (or depth) articulation refers to the structure modulation by stepping a portion(s) of the façade forward or backward from the predominant structure plan façade. At least one of the following features shall be integrated into the project design:

a. Variations in wall plane with a minimum façade break of four feet in width, and two feet in depth for every 30 feet of façade length;

b. Vertical elements such as pilasters, that protrude a minimum of one foot from the wall surface and extend the full height of the structure;

c. Step back the ground floor a minimum of two feet; or

d. Projections of recession every 30 linear feet with a minimum width of two feet, a minimum height of eight feet, and a minimum depth of two feet.

3. **Vertical Articulation.** Vertical (or height) articulation refers to the modulation of a structure by stepping a portion(s) of the façade upward or downward from the predominant structure height. All the following features shall be integrated into structure design:

   a. Rooflines shall be vertically articulated at a minimum of 40-foot intervals along the street frontage with a change in height a minimum of two feet;

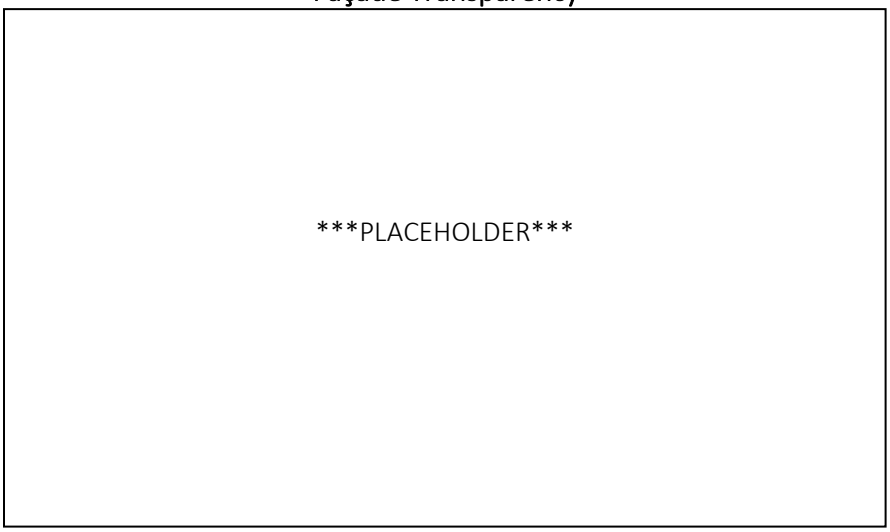
   b. Rooflines shall include architectural elements such as parapets, varying cornices, clerestory windows, gables, or dormers; and

   c. In structures with four or more floors, the top floor(s) of the structure shall be set back a minimum of five feet from the remainder of the façade.

B. **Façade Design.** Eligible projects shall comply with the following façade design standards.

1. **Façade Transparency.** At least 60 percent of the ground floor, street facing walls of non-residential units shall include transparent window or door glazing between two and 10 feet in height from grade, providing unobstructed views into the non-residential space. Where it is infeasible to provide glazing, such as a parking garage, trash room, mechanical room, or electrical room, landscaping with a minimum dimension of 18-inches in depth and a width equivalent to 70 percent of the wall shall be provided to soften the appearance of a blank wall on the ground floor.

Figure 17.46-5
Façade Transparency



2. **Blank Walls.** To avoid the appearance of blank walls, street facing, and publicly visible walls shall incorporate a minimum of one of the follow features:

   a. A change in contrasting color or material a minimum of every 30 feet;

   b. Bay windows, box windows, or other similar projecting windows that project a minimum of one foot from the structure façade a minimum of every 15 feet;

   c. Above-ground balconies located a minimum of one every 30 feet on each floor;

   d. Horizontal or vertical reglets, or stucco control joints located a minimum of one every 30 feet (horizontal or vertical); or

   e. Horizontal or vertical accent lines that project a minimum of two inches from the structure façade a minimum of every 20 feet.

C. **Colors and Materials.** Eligible projects shall comply with the following color and material standards.

1. **Colors**. Structures shall have a color palette that consists of at least two body colors and two accent colors (not including roof color). Projects with two or more residential structures shall include a minimum of two-color palettes and shall not use a single color palette on more than 70 percent of the residential structures. Stone, brick, and rock facades shall not be painted.

2. **Primary Wall Finish Material**. The primary wall finish covering the largest percentage of surface of any structures face or elevation shall be wood, stone brick, stucco, or fiber cement or other cementitious material. T1-11 siding, and all grooved or patterned wood panels or composite wood siding are prohibited.

3. **Wrap Around Materials.** Exterior finish materials shall wrap structure corners and terminate at an inside corner or logical termination point, such as structure trim.

D. **Windows and Doors.** Eligible projects shall comply with the following window and door standards.

1. Windows and doors shall include a trim with a minimum width of four inches and shall protrude from the wall plane a minimum of three-quarters of an inch. Stucco-textured foam trim molding shall be allowed only on the second floor or above.

2. In lieu of exterior window trim, windows can be recessed from the wall plane by a minimum of three inches.

E. **Fences and Walls.** Eligible projects shall comply with the following fence and wall standards.

1. **Allowed Fence and Wall Materials.** Acceptable wall and fence materials include masonry, brick, wrought iron, or other tubular metal materials, and wood (excluding plywood or other composite panels less than five-eighths inches thick). Chain link, barbed wire/concertina wire, and electric fencing is prohibited.

2. **Wall Variation Required.** To minimize long, uninterrupted walls, the design of the structure shall include a minimum of one of the following:

a. Walls facing a public street shall have variations in wall plane with a minimum break of six feet in width, and two feet in depth for every 50 feet of wall length;

b. Walls shall incorporate a trim cap and shall incorporate decorative pillars at minimum distance every 30 feet.

3. **Pedestrian Connections.** Where walls are located adjacent to a street frontage, a minimum of one pedestrian connection along each street frontage shall be provided. Where such connection is provided, a minimum opening of 15 feet in width or twice the height of the wall shall be provided, whichever is less. Gates are not required.

Chapter 17.48

Single-Unit Dwelling Design Standards

Chapter 17.48 Single-Unit Dwelling Design Standards (Reserved)

17.48.010 Reserved

Chapter 17.50

Alcohol Beverage Sales Uses

Chapter 17.50 Alcohol Beverage Sales Uses

17.50.010 Purpose

The purpose of this Chapter is to protect and promote the public health, safety, comfort, convenience, prosperity, and general welfare of the City by setting standards for all retail activity which includes the sale or dispensing of alcoholic beverages for of on-sale liquor or off-sale liquor. Uses that involve the sale or dispensing of alcoholic beverages may possess certain characteristics that have the potential to cause deleterious effects and nuisances on surrounding neighborhoods and businesses, especially when alcohol beverage sales are concentrated in proximity. To ensure that establishments operate in a manner that is mutually beneficial to surrounding uses and to also provide a mechanism to prevent and correct any associated problems, the following special regulations shall apply.

17.50.020 Applicability

A. **Conditional Use Permit Requirement.** Businesses seeking to sell or dispense alcoholic beverages for either on-site or off-site consumption, whether as a new, altered, or expanded use, shall obtain a Conditional Use Permit for alcohol beverage sales pursuant to this chapter.

B. **New or Expanded Use.** A Conditional Use Permit in compliance with this chapter shall be required for:

1. Any proposed new establishment that wishes to engage in alcohol beverage sales as defined in Chapter 17.120 (Definitions) of this Code;
2. Any existing establishment that requests to modify its alcohol or business license type(s);
3. Any existing establishment that requests to reinstate their ABC license from the California Department of Alcohol Beverage Control after an expiration or revocation;
4. Any existing establishment that requests to extend their hours of alcohol sales, or expand their floor area for retail sales of alcohol. An existing business that expands their floor area for non-alcohol-related retail sales is allowed to retain the conditions of their existing Conditional Use Permit in relation to alcohol requirements. Should a business not comply with the strict application of the regulations provided for in this Chapter, said improvements shall be made prior to commencing the sale of alcoholic beverages. Violation of these standards at any time may result in the revocation of a Conditional Use Permit.

C. **Exemptions.** This Chapter does not apply to the following: temporary uses issued a Temporary License by the California Department of Alcoholic Beverage Control and established in compliance with all City laws and ordinances.

D. The Planning Commission shall take into consideration the Police Chief's determination based upon quantifiable information, that the proposed use:

1. Will be a detrimental to the public health, safety, comfort, or welfare of persons located within 500 feet of the site; or

2. Will significantly increase the severity of existing law enforcement or public nuisance problems in the area (i.e., increase in service calls related to public intoxication nuisance, vagrancy, loitering).

17.50.030 Modifications to Existing Businesses

A modification to an existing Alcohol Beverage Sales business increasing the floor ratio for alcohol sales shall not be permitted when a condition exists that has caused or resulted in repeated activities that are harmful to the health, peace, or safety of persons residing or working in the surrounding area. In this Section, the term "increasing the floor area ratio" also includes adding outdoor dining.

17.50.040 Location Standards for New Businesses

The location restrictions listed in this Chapter apply to new establishments and shall also apply to existing establishments that must obtain a Conditional Use Permit in compliance with this Chapter due to proposed expansion or improvement of an existing use that is currently operating prior to the effective date of this Chapter. The restrictions shall not apply if the proposed expansion or improvement is only with respect to a necessary maintenance or repair or bringing the existing establishment into compliance with current building codes, including but not limited to the California Building Code, the California Fire Code, California Plumbing Code, and the California Electrical Code, as may be amended and any local amendments thereto.

A. New On-Sale. In over concentrated census tracts, where findings for Public Convenience or Necessity are required for an On-sale ABC License, no new ABC licenses shall be allowed within 500 feet of the property line of a school, daycare facility, or place of assembly.

B. New Off-Sale. In over concentrated census tracts, where findings for Public Convenience or Necessity are required for an Off-sale ABC Licenses the following limitations shall apply:

1. Not more than two of different business type/use within 500 feet of each other shall be permitted (i.e., grocery store, convenience store);

2. Not more than two of the same land use within 1,000 feet of each other shall be allowed (i.e., convenience store, convenience store).

3. No new off-sale ABC licenses shall be allowed within 1,000 feet of a school, daycare facility, or place of assembly.

17.50.050 Operational Standards

The following standards of operation shall constitute conditions of approval for Conditional Use Permits under this chapter and include, but are not limited, to:

A. **Lighting.** The exterior of the premise, including adjacent public sidewalks and all parking lots under the control of the establishment, shall be illuminated during all hours of darkness during which the premises are open for business in a manner so that persons standing in those areas at night are identifiable by law enforcement personnel. However, required illumination shall be placed and/or shielded in a way that minimizes interference with the neighboring residences.

B. **Litter and Graffiti.**

1. Trash and recycling receptacles shall be provided by public entrances and exits from the building.
2. The owner or operator shall provide for daily removal of trash, litter, and debris from premises and on all abutting sidewalks within 20 feet of the premises.
3. The owner or operator shall remove graffiti within 48 hours.

C. **Vending Machines.** External snack vending machines are prohibited.

D. **Video Surveillance.**

1. Establishments must equip a fully functional color digital video camera system.
2. The system must continuously record, store, and be capable of playing back images and be fully functional at all times, including during any hours the business is closed. The system must be maintained in a secured location inside of the business.
3. The system shall have the correct date and time stamped onto the image at all times.
4. The camera storage capacity should be for at least 14 days. Such cameras must be capable of producing a retrievable and identifiable image than can be made a permanent record and that can be enlarged through projection or other means.
5. If using a digital video recorder, it must be capable of storing no less than 14 days of real-time activities.
6. The system shall be capable of producing a CD or digital playback feature and may be provided to an authorized representative of the Kerman Police Department within 24 hours of the initial request relating to a criminal investigation only.
7. The interior of the business must have at least one camera placed to focus on each cash register transaction to include the clerk as well as the customer waiting area.

8. There shall be four exterior cameras placed to record activities in the primary customer parking areas of their business. These cameras should be of sufficient quality to be able to identify persons and or vehicles utilizing the business parking lot.

9. All interior cameras shall record in color.

10. All exterior cameras shall record in color and have automatic low light switching capabilities to black and white. Exterior cameras should be in weatherproof enclosures and located in a manner that will prevent or reduce the possibility of vandalism.

E. Loitering and Other Nuisance Activities. The operation of the business shall not result in criminal activity or repeated nuisance activities on the property, which may include, but are not limited to, repeated disturbances of the peace, illegal drug activity, public drunkenness, drinking in public, alcoholic beverage and tobacco sales to minors, harassment of passerby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, loitering, excessive littering, graffiti, illegal parking, excessive loud noises (especially in the late night or early morning hours), traffic violations, curfew violations, lewd conduct, or other violations of City, State, or federal laws, especially when contributing to a high rate of police reports and arrests to the area. This section shall not apply to operators where offenses are the result of third party conduct beyond the operators' control.

F. Training. The owners and all employees of a business who are involved in the sale of alcoholic beverages must complete approved course(s) in training of liquor sales and handling within sixty days after approval of the Conditional Use Permit becomes final, or for employees hired after the approval of the Conditional Use Permit, within sixty days from the date of hire. To satisfy this requirement, a certified program must meet the standards of the California Coordinating Council on Responsible Beverage Service (CCC/RBS) or other certifying or licensing body designated by the State of California.

17.50.060 Signs

A. The provisions specified under Chapter 17.30 (Sign Regulations), and this section shall apply to signage for Conditional Use Permits in compliance with this Chapter. Where conflicts may occur between the provisions of Chapter 17.30 (Sign Regulations) and this section, the more restrictive provision shall govern.

B. The following copy is required to be prominently posted in a readily visible manner on the business site:

1. "California State Law Prohibits the Sale of Alcoholic Beverages to Persons Under 21 Years of Age."
2. "No Loitering is Allowed On or In Front of These Premises."
3. "No Open Alcoholic Beverage Containers are Allowed on These Premises." (Off-sales only)

C. No more than 15 percent of the total window and clear door shall be obstructed by advertising, signs, or other obstructions of any sort.

1. Signage, advertising, or other obstructions inside or outside the business that are not physically attached to the windows or doors, but are visible from a public thoroughfare, sidewalk, or parking lot in the same manner as if they were physically attached is included in the 15 percent limitation.
2. Any signage required by law shall not count towards the 15 percent limitation, but shall nonetheless follow rules related to visual obstruction.
3. Advertising and signage on windows and clear doors shall be placed and maintained in a manner that ensures that law enforcement personnel have a clear and unobstructed view of the interior of the business, including the area in which the cash registers are maintained, from exterior public sidewalks, parking lots, or entrance to the business.
4. No off-sale ABC business shall advertise alcohol sales in a manner visible from the outside of the establishment, such as from a public thoroughfare, sidewalk, or parking lot.
5. Displays of alcoholic beverages, freestanding advertising structures of any kind such as cardboard floor stands, or other free-standing signs shall be prohibited within ten feet of consumer entrance points, shall not be visible from the exterior of the establishment, and shall be prohibited on the exterior of the establishment.

D. All other signage shall adhere to the requirements in Chapter 17.30 (Sign Regulations) of this Code. All permanent on-building signage associated with Alcohol Beverage Sales businesses shall be LED pan channel letters or of equal or better quality.

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Title 17 – Zoning Code

Article 5 – Nonconformities

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Chapter 17.60

General Nonconforming Provisions

Chapter 17.60 General Nonconforming Provisions

17.60.010 Purpose and Intent

A. **Purpose.** This Article provides standards for the continuance, maintenance, and repair of nonconformities under specific circumstances and limiting reconstruction and reestablishment of nonconformities. These nonconforming parcels, structures, and uses may continue or be discontinued in compliance with the standards and regulation of this Article.

B. **Intent.** The standards and regulations in this Article are intended to:

1. Limit the number and extent of nonconformities existing at the time of adoption of this Zoning Code or created by the adoption of this Zoning Code;
2. Limit the extent to which nonconforming parcels, structures, and uses are altered, enlarged, expanded, reestablished, and/or continued; and
3. Ensure that nonconformities do not create any health, life, and/or safety issues.

17.60.020 Applicability

A. The standards established in this Article apply to all nonconforming parcels, structures, or uses that were lawfully permitted and established before the adoption or amendment of this Zoning Code, but which would be prohibited, regulated, or restricted under the terms of this Zoning Code as it is adopted today.

B. This Article shall not apply to any parcel, structure, or use established in violation of the adopted Zoning Code, unless the use or structure presently conforms with the provisions of this Zoning Code.

17.60.030 Determination, Establishment, and Proof of Legal Nonconforming Status

A. **Property Owner's Responsibility.** The property owner has the burden to provide evidence of a legal nonconformity and the related protected status that comes with legal nonconformity as specified in this Article. Said evidence may include, but is not limited to, a legally procured land use entitlement from the city, business license, certificate of occupancy, or utility billing records.

B. **Director's Determination.** The Director shall determine legal nonconformities in compliance with the following:

1. **Application and Property Owner Request.** The property owner shall submit sufficient evidence to the Director justifying that the nonconformity was legally established and, therefore, subject to the protected status specified in this Article.

2. **Considerations for Approval.** The Director shall consider the city and County of Fresno records and the evidence provide by the property owner and decide as to the legality of the nonconformity and the available protections provided by this Article.

3. **Appeals.** The Director's determination of legal nonconformity may be appealed by the property owner(s) in compliance with Chapter 17.114 (Appeals).

17.60.040 Continuation, Maintenance, and Repair

A. A legal nonconformity (i.e., parcel, structure, use) may be maintained and continued with customary maintenance and repair without any expansion or enlargement of area, space, or volume. A legal nonconformity may be maintained provided that no structural alterations shall be made to structural supporting members (e.g., bearing wall, column, beam, girder, rafter, joist, etc.), except as required for health and safety as determined by the Chief Building Official.

B. Resumption of a legal non-conforming use; once a nonconforming use converts to a conforming use it shall not resume the nonconforming use.

C. A legal nonconforming use shall not expand operations beyond what was originally considered.

17.60.050 Termination of Nonconformities

A. **Destroyed or Deteriorated Nonconformities.** Destroyed or deteriorated nonconformities shall comply with the following:

1. **Fifty Percent of Less.** Whenever a structure does not conform to the regulations or development standards of the zone in which it is located, and that structure is damaged by fire, an act of God, or public enemy to the extent that 50 percent or less of the floor area is lost, as determined by the Building Division, then the structure may be restored and the nonconforming use resumed, provided that the restoration is started within six months and completed within 18 months from the time the damage is sustained.

2. **Fifty-one Percent or More.** Whenever 51 percent or more of the floor area of a structure is destroyed in a manner described in Paragraph 1, above, the structure shall not be restored or reconstructed except in full compliance with the regulations and development standards for the zone in which it is located. Any nonconforming use located within the structure prior to its destruction shall not be allowed to resume operation in that location. Single-unit dwellings shall be exempt from this provision.

B. **Abandoned and Vacated Nonconformities.** Abandoned and vacated legal nonconformities, including those which have ceased or been discontinued shall comply with the following:

1. **Nonconforming Use.** If a legal nonconforming use ceases or is discontinued for a continuous period of 12 months or more, its legal nonconforming status is lost, and the continued use of the property shall be in full compliance with all the applicable provisions of this Zoning Code.

2. **Use of a Nonconforming Structure.** If the use of a nonconforming structure ceases or is discontinued for a continuous period of 12 months or more, its legal nonconforming status is lost, and the structure shall be removed or altered to conform to all applicable provisions of this Zoning Code.

3. **Cessation or Discontinuance.** A nonconforming use or structure shall be considered ceased or discontinued when any of the following occur:

a. A business license is no longer active due to cancellation, non-renewal, or expiration for a period of 12 months;

b. Utility services have been terminated through cancellation, non-renewal, or failure to pay for services for a period of 12 months;

c. Abandonment of the use, despite the owner's or occupant's intent;

d. Discontinuance of a use regardless of intent to resume the use;

e. A new conforming use is established through the proper entitlements and permits;

f. The intent of the owner to cease or discontinue is apparent, as determined by the Director; or

g. Where characteristic furnishings and equipment associated with the use are removed and not replaced with equivalent furnishings and equipment, and where normal occupancy and/or use is no longer evident.

4. **Single-Unit Dwellings Exemption.** Single-unit dwelling uses shall be exempt from the standards and regulations established in this Section. Any addition or expansion to a single-unit dwelling shall be in conformance with current development standards, including height, setbacks, parking, and lot coverage requirements.

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Chapter 17.62

Nonconforming Parcels

Chapter 17.62 Nonconforming Parcels

17.62.010 Use of Legal Nonconforming Parcels

A nonconforming parcel that does not comply with the applicable area, depth, or width, requirements of this Zoning Code is a legal parcel if it meets at least one of the following criteria, as documented to the satisfaction of the Director:

A. **Approved Subdivision.** The parcel was created by a recorded subdivision;

B. **Individual Parcel Legally Created by Deed.** The parcel is under single ownership and was legally created by a recorded deed before the effective date of the provision which made the parcel nonconforming;

C. **Variance.** The parcel was approved through a Variance Permit. In which case the parcel shall be allowed to continue in compliance with the conditions imposed by the Variance Permit.

17.62.020 Expansion and Continuance

A legal nonconforming parcel shall be allowed to develop under the provisions of this Zoning Code and shall not be further subdivided or altered unless required by law.

17.62.030 Subdivision of Legal Nonconforming Parcels

A subdivision of land (i.e., lot line adjustment, final, parcel, or tentative map) shall not be approved that would increase the nonconformity of an existing parcel or any nonconforming use on the parcel.

17.62.040 Merger of Nonconforming Parcels

Nonconforming contiguous parcels held by the same owner shall be merged if one or more of the parcels does not conform to the minimum parcel size to allow use or development in compliance with Government Code Section 66451.11.

Chapter 17.64

Legal Nonconforming Uses

Chapter 17.64 Legal Nonconforming Uses

17.64.010 Continuation of Legal Nonconforming Uses

The continuance of a legal nonconforming use is allowed subject to the following:

A. **Additional Development.** Additional development of any property on which a nonconforming use exists shall require that all new uses and structures comply with all applicable provisions of this Zoning Code.

B. **Change of Ownership.** Change of management, ownership, or tenancy of a nonconforming use shall not affect its nonconforming status; provided, the use and intensity of use, as determined by the Director, does not change the intensity of the nonconformity.

C. **Conversion of a Nonconforming Use.** If a nonconforming use is converted to a conforming use, no nonconforming use may be resumed.

17.64.020 Expansion or Modification of Legal Nonconforming Uses

Any expansion or modification of a legal nonconforming use shall only be allowed in compliance with all applicable provisions of this Zoning Code.

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Title 17 – Zoning Code

Article 6 – Permit Processing Procedures

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Chapter 17.70
General Provisions

Chapter 17.70 General Provisions

17.70.010 Purpose and Intent

This Chapter establishes the overall structure for the application, processing, review, and action on permit applications and identifies and describes those permits and other approvals required by this Zoning Code.

17.70.020 Permits, Procedures, and Actions

A. **Zoning Clearance.** A Zoning Clearance shall be required for all structures identified, erected, constructed, altered, or moved within or into any zone established by this Zoning Code, or for any use or activity which requires a Building Permit. No Building Permit shall be issued until a Zoning Clearance has been obtained from the Director, and any other necessary permits required by this Zoning Code and Municipal Code have been issued and have become effective. A Zoning Clearance shall not be required when another development permit has already been required.

B. **Administrative Use Permit.** An Administrative Use Permit shall be obtained for any of the uses that require an Administrative Use Permit as established in Article 2 (Zones Allowable uses, and Development Standards). The Director may impose such conditions as deemed necessary to uphold the purposes and intent of this Zoning Code and may require tangible guarantees or evidence that such conditions are being, or will be, complied with.

C. **Conditional Use Permit.** A Conditional Use Permit shall be obtained for any of the uses that require such a permit as established in Article 2 (Zones Allowable uses, and Development Standards). The Commission or Council may impose such conditions as they deem necessary to uphold the purposes and intent of this Zoning Code and may require tangible guarantees or evidence that such conditions are being, or will be, complied with.

D. **Development Agreement.** A Development Agreement allows larger scale and long term development projects that provide benefits to the City to be allowed to have some guarantees and commitments from the City provided that the development provides commitments and guarantees to the City in return. A Development Agreement shall be governed by the provisions of Government Code Section 65865.

E. **Development Plan Review Permit**.

1. The Development Plan Review Permit and process are intended to allow the use of special design criteria for maximum utility of a site and to allow maximum design flexibility within the density limitations provided in Chapter 17.18 (Combining Zones). Residential developments with a Combined Zone are encouraged to implement variations from normal zoning standards. Through the Development Plan process, special design standards may be established which regulate the subdivision rather than the typical standards of the base zone district.

2. All developments in a Combined Zone District shall be subject to the requirements established in Chapter 17.96 (Development Plan Review Permit) The Commission or Council may impose such conditions as they deem necessary to uphold the purposes and intent of this Zoning Code and may require tangible guarantees or evidence that such conditions are being, or will be, complied with.

F. **Site Plan Review Permit.** The Site Plan Review Permit and process are intended to ensure that proposed developments are reviewed for their design, compatibility with surrounding uses, and conformity with the provisions of this Title and the General Plan. The Development Review Committee, and affected public agency representatives may impose conditions as deemed necessary to secure the purposes of this Zoning Code and may require tangible guarantees or evidence that the conditions are being, or will be, complied with.

G. **Variance Permit.** A Variance Permit may be granted in conjunction with another permit, such as Conditional Use Permit or Site Plan Review Permit, to prevent unnecessary hardships that would result from the strict or literal interpretation and enforcement of certain regulations prescribed by this Code. A Variance Permit is intended in those situations where the strict interpretation of the Code may result in practical difficulty or unnecessary hardship due to the size, shape, or dimensions of a site or the location of existing structures thereon, from geographic, topographic, or other physical conditions on the site or in the immediate vicinity. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

H. **Minor Deviation Permit.** A Minor Deviation Permit may be granted, upon written request, as an administrative matter by the Director and subject to conditions that may be imposed. A Minor Deviation Permit may be issued with another permit, such as Conditional Use Permit, Site Plan Review Permit, Building Permit, or Zoning Clearance, to prevent unnecessary hardships that would result from the strict or literal interpretation and enforcement of certain regulations prescribed by this Code.

I. **Temporary Use Permit.** A Temporary Use Permit for a term period not to exceed 12 consecutive months may be issued for any of the uses for which this Title requires the permits. The Director may issue a Temporary Use Permit as an administrative function and may impose conditions as deemed necessary to uphold the purposes of this Zoning Code and may require tangible guarantees or evidence that the conditions are being, or will be, complied with.

J. **Home Occupation Permit.** A Home Occupation Permit may be issued for certain uses in a residential zone so long as this use is consistent with the definition, operation, and appearance of a home occupation.

17.70.030 Additional Permits May Be Required

A land use on property that complies with the permit requirement or exemption provisions of this Zoning Code shall also comply with the permit requirements of other Municipal Code provisions and any permit requirements of other agencies before construction or use of the property is commenced. All necessary permits shall be obtained before starting work or establishing a new use. Nothing in this Zoning Code shall eliminate the need to obtain any permits required by any other Municipal Code provisions, or County, regional, State, or Federal regulations.

Chapter 17.72

Application Processing

Chapter 17.72 Application Processing Procedures

17.72.010 Application

Before a planning permit is processed, the applicant shall submit a completed application form and pay the application fee. The Director shall determine the application form and its contents.

17.72.020 Additional Information

The Director, other city officials, affected public agency representatives, Commission, or City Council may require an applicant to submit additional information necessary to ensure compliance with Local, State, or Federal laws; process an application; interpret this Title, or to decide regarding the issuance of a permit.

17.72.030 Fees

A. The rates and fees for zoning related activities, permits, and violations shall be set in the Master Fee Schedule as adopted by resolution of the City Council which may include but are not limited to:

1. Zoning clearance letters;
2. Site plan reviews;
3. Development plan review;
4. Development agreements
5. Administrative use permit;
6. Conditional use permit;
7. Variance permit;
8. Minor deviation permit
9. Temporary use permit;
10. Modification and revocation of planning permits;
11. Ordinance text amendments and rezones;
12. Appeals; and
13. Any other planning permit as required by this Code.

B. The Director shall review the fee schedule and recommend fee adjustments as deemed necessary.

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Chapter 17.74
Zoning Clearance

Chapter 17.74 Zoning Clearance

17.74.010 Purpose

Zoning Clearance is the procedure used by the City to verify that a proposed land use or structure complies with the list of uses allowed in the applicable zone and the development standards applicable to the use or structure.

17.74.020 Applicability

A Zoning Clearance shall be required for all structures identified, erected, constructed, altered, or moved within or into any zone established by this Code, or for any use or activity which requires a Building Permit. A zoning clearance shall not be required when the Building Permit was issued via the approval of another planning permit e.g. site plan review, conditional use permit, or development plan.

17.74.030 Review and Decision

No Building Permit shall be issued until a Zoning Clearance has been obtained from the Planning Division, and any other necessary permits required by this Title have been issued and have become effective.

Chapter 17.76

Reasonable Accommodation

Chapter 17.76 Reasonable Accommodation

17.76.010 Purpose

This Chapter provides a procedure to request Reasonable Accommodation for persons with disabilities seeking equal access to housing under the California Fair Employment and Housing Act, the Federal Fair Housing Act, and the Americans with Disabilities Act (ADA) (referred to in this Chapter as the Acts) in the application of zoning laws and other land use regulations, policies, and procedures. A Reasonable Accommodation is typically an adjustment to physical design standards (e.g., setbacks) to accommodate the placement of wheelchair ramps or other exterior modifications to a dwelling in response to the needs of a disabled resident.

17.76.020 Applicability

A. **Eligible Applicants**. The following persons may submit a request for Reasonable Accommodation.

1. A request for Reasonable Accommodation may be made by any person with a disability, their representative, or any entity, when the application of a zoning law or other land use regulation, policy, or practice acts as a barrier to fair housing opportunities.

2. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having this type of impairment, or anyone who has a record of this type of impairment. Also see other disabilities covered under the Acts.

B. **Eligible Requests.** Requests for Reasonable Accommodations shall comply with the following.

1. A request for Reasonable Accommodation may include a modification or exception to the practices, rules, and standards for the development, siting, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.

2. A request for Reasonable Accommodation shall comply with Section 17.76.030 (Application Filing, Processing, and Review), below.

17.76.030 Application Filing, Processing, and Review

A. **Application.** An application for a Reasonable Accommodation shall be filed and processed in compliance with Chapter 17.72 (Application Processing Procedures). The application shall include the information and materials specified in the most up-to-date application handout for Reasonable Accommodation applications, together with the required fee in compliance with the Fee Schedule.

B. **Filing with Other Land Use Applications.** If the project involves both a request for Reasonable Accommodation and some other discretionary approval (e.g., Conditional Use Permit), the applicant shall file the information required by Subsection A (Application), above, together with the materials required for the other discretionary approval.

C. **Responsibility of the Applicant.** It is the responsibility of the applicant to provide evidence in support of the findings required by Section 17.76.040 (Findings and Decision), below.

D. **Review Authority.** The Review Authority for Reasonable Accommodation applications shall be as follows.

1. **Director.** A request for Reasonable Accommodation shall be reviewed, and a decision shall be made by the Director if no other discretionary approval is required or submitted for concurrent review.

2. **Other Review Authority.** A request for Reasonable Accommodation submitted for concurrent review with another discretionary land use application shall be reviewed (and approved or denied) by the Review Authority reviewing the discretionary land use application.

E. **Review Procedures**. Reasonable Accommodations applications shall be reviews as follows.

1. **Director's Review.** The Director shall make a written decision and either approve, conditionally approve, approve with modifications, or deny a request for Reasonable Accommodation in compliance with Section 17.76.040 (Findings and Decision), below.

2. **Other Review Authority.** The written decision on a Reasonable Accommodation application shall be made by the Review Authority responsible for reviewing the discretionary land use application in compliance with the applicable review procedure for the discretionary review. The decision to approve, conditionally approve, approve with modifications, or deny the request for Reasonable Accommodation shall be made in compliance with Section 17.76.040 (Findings and Decision), below.

17.76.040 Findings and Decision

The decision to approve, conditionally approve, approve with modifications, or deny a request for Reasonable Accommodation shall be based on consideration of all of the following factors:

A. Whether the housing, which is the subject of the request, will be used by an individual defined as disabled under the Acts;

B. Whether the request for Reasonable Accommodation is necessary to make specific housing available to an individual with a disability under the Acts;

C. Whether the requested Reasonable Accommodation would impose an undue financial or administrative burden on the City;

D. Whether the requested Reasonable Accommodation would require a fundamental alteration in the nature of a City program or law, including, but not limited to, land use and zoning;

E. Whether there are potential health and safety or environmental impacts on surrounding uses;

F. Whether physical attributes of the property and structures necessary reasonable accommodation; and

G. Whether alternative Reasonable Accommodations may provide an equivalent level of benefit.

17.76.050 Conditions of Approval

In approving a request for Reasonable Accommodation, the Review Authority may impose conditions of approval deemed reasonable and necessary to ensure that the Reasonable Accommodation will comply with the findings required by Section 17.76.040 (Findings and Decision), above.

17.76.060 Revocation of Approval and Discontinuance

A. **Revocation.** An approval or conditional approval of an application made in compliance with this Chapter may be conditioned to provide for its revocation or automatic expiration under appropriate circumstances (e.g., the disabled individual vacates the subject site), unless allowed to remain in compliance with Subsection B (Discontinuance), below.

B. **Discontinuance.** The following standards shall apply to Reasonable Accommodation applications.

1. A Reasonable Accommodation shall lapse if the exercise of rights granted by it is discontinued for at least 180 consecutive days.

2. If the person(s) initially occupying a residence vacates, the Reasonable Accommodation shall remain in effect only if the Review Authority first determines that:

a. The modification is physically integrated into the residential structure and cannot easily be removed or altered to comply with this Zoning Code; or

b. The accommodation is to be used by another qualifying individual with a disability.

3. The Review Authority may request the applicant or the successor(s)-in-interest to the property to provide documentation that subsequent occupants are qualifying persons with disabilities. Failure to provide the documentation within 10 days of the date of a request by the Review Authority shall constitute grounds for discontinuance by the City of a previously approved Reasonable Accommodation.

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Chapter 17.78

Home Occupation Permit

Chapter 17.78 Home Occupation Permit

17.78.010 Purpose

This Chapter intends to allow for home occupations if their effects on residential neighborhoods are undetectable from the usual residential activity and that the activities are not detrimental to the residential character of the neighborhood in which they are located.

17.78.020 Application

A Home Occupation Permit is required to establish a home-based business operation as identified in Section 17.40.040 (Home Occupation). The Home Occupation Permit shall be issued by the Director who may establish reasonable conditions to mitigate potential adverse impacts. An application for a Home Occupation Permit shall be in a form prescribed by and filed with the Division. The application shall be complete and appropriate fees paid at the time of filing. No Business License shall be issued to the applicant by the Finance Department until the Home Occupation Permit is approved and issued by the Division.

17.78.030 Actions by Director

A. The Director shall review Home Occupation Permit applications and approve, approve with conditions, or deny the Permit in compliance with the criteria for home occupations specified in Section 17.40.040 (Home Occupation).

B. The Director shall mail a notice to all property owners within 100 feet of the property line advising them of a request for a Home Occupation Permit. Residents within the 100-foot notice shall be given 10 days to submit comments regarding the Home Occupation permit application request. The Director may consider written comments from affected property owners as part of the final decision on the Home Occupation Permit request.

C. The Director shall prepare a home occupation agreement specifying the conditions of the Home Occupation Permit.

17.78.040 Appeals

The decision of the Director may be appealed to the Commission in compliance with the procedures established in Chapter 17.114 (Appeals).

17.78.050 Conditions of Approval

The Director may add conditions to the home occupation to protect the public's health, safety, or welfare, or meet the intent of this Title and the General Plan. The Director is hereby authorized and directed to enforce the provisions of all administrative Home Occupation Permits authorized by this Section. Annual inspections may be made of each Home Occupation Permit to ensure compliance with the regulations established by this Section. In the event of complaints allegedly resulting from the conduct of a home occupation, the Code Enforcement Officer shall cause to be inspected to determine the validity of the complaint.

17.78.060 Revocation and Modification

A Home Occupation Permit may be revoked or modified in compliance with Chapter 17.94 (Permit Modification and Revocation).

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Chapter 17.80

Site Plan Review Permit

Chapter 17.80 Site Plan Review Permit

17.80.010 Purpose

The purpose of the Site Plan Review Permit is to provide a process that enables the Director to make necessary findings that are in conformity with the City's General Plan, applicable Specific Plan, Municipal Code and other applicable plans, standards, and policies, as determined by the Development Review Committee, the Director or when deemed necessary and desirable, by the Commission. More specifically, a Site Plan Review Permit is necessary to enable the Director, other City officials, and public agencies to ensure the following:

A. The proposed development is in conformance with the General Plan, Zoning Code, Building Code, and any other applicable Municipal Code standards;

B. New, expanded, or changed uses of property are regulated to ensure that the structures, parking areas, walks, landscaping, infrastructure improvements, street improvements, and other forms of development are properly related to the proposed sites and surrounding sites and structures;

C. Prevent adverse impacts, unsightly, or hazardous site development for adjacent properties;

D. Encourage quality in site design and development in a manner which will enhance the physical appearance and attractiveness of the community; and

E. Provide expeditious review of environmental impact assessments as may be required by official policy of the City.

F. The Director will be responsible for the coordination of the Site Plan Review Permit process with input from the Development Review Committee. It is the intent that the Site Plan Review Permit process be implemented with a cooperative spirit between project proponents and the City. Further, it is recognized that the size or nature of a project may necessitate a meeting of the project proponent, affected City department representatives, and applicable review agencies to review the proposal.

17.80.020 Applicability

A. The provisions of this Chapter shall apply to the following activities within the jurisdiction of the City:

1. Any person applying for a Building Permit for a multi-unit dwelling; commercial, office, industrial or quasi-public building; mobile home or recreational vehicle park; public building; place of assembly; placement of or other new construction not specifically exempted by this chapter.

2. All expansions of an existing structure that increases the square footage or size of a structure by 30 percent or more, not specifically exempted by this chapter.

B. The provisions of this Chapter shall not be applicable to the following activities:

1. The construction, expansion, alteration, or refurbishment of a detached single-unit dwelling upon an R-1 Zone District property, to include improvements such as pools, walkways, decks, fences, patio covers, accessory structures, and landscaping.

2. Any alteration or improvement of a structure, except for changes in building occupancy classification that result in an intensification to a site or site modification.

3. Any new construction, or alteration or expansion of a site, occurring within a Combined Zone District consistent with an approved Development Plan, unless otherwise required.

17.80.030 Building Permit Required

A. Before a Building Permit is issued for any building or structure that is subject to site plan review, the Director shall determine that the proposed structure conforms with the approved site plan.

B. The City Engineer shall determine that all required dedications have been recorded; a letter has been furnished by the applicant from all appropriate utilities that all necessary utilities will be installed in compliance with the City standards; and all off-site improvements (within the City right-of-way) have provided appropriate improvement security, the as a bond, cash deposit or instrument of credit.

C. Before a certificate of occupancy is issued, the Building Official shall determine if all the applicable conditions of the site plan approval have been complied with.

17.80.040 Application Filing and Contents

The applicant shall submit sets of prints of the site plan to the Planning Division, in the amount and format as deemed necessary by the Director. The site plan shall be drawn to scale and shall be accompanied by a completed site plan application form. The site plan shall indicate the following information:

A. Location of the proposed project;

B. Parcel dimensions;

C. A site plan, drawn to scale, showing the dimensions of the perimeter of the location, area, and proposed use of all structures;

D. Architectural elevations of each side of the proposed structure(s) showing all openings, exterior finishes, original and finish grades, stepped footing outline, and roof pitch;

E. A colors and materials board of all structures, walls, and fences;

F. A floor plan, drawn to scale, showing the dimensions of each room, and the resulting floor area. The use of each room shall be identified, and the size and location of all windows and doors shall be clearly shown.

G. Fully dimensioned setbacks and space between structures;

H. Off-street parking and loading, including the location, number of spaces, dimensions of the parking area, and the internal circulation pattern;

I. Pedestrian, vehicular, and service vehicle access; points of ingress and egress;

J. Signs; location, size, and height;

K. Exterior lighting indicating the direction of illumination, type of luminaire, and hooding or shielding devices;

L. Street dedications and improvements;

M. Preliminary drainage plan including direction of natural drainage courses and drainage improvements;

N. Preliminary landscaping plan;

O. Fire protection equipment and improvements as required by the Fire Department;

P. Other data may be required by other sections of this Title or as necessary to permit the Director to make the required findings.

17.80.050 Findings and Decision

A. Within 30 days after the first submittal for a Site Plan Review Permit, the Director shall determine whether the application submittal is complete or incomplete. The applicant shall be noticed in writing the completeness determination of the Site Plan Review submittal.

B. An application for a Site Plan Review Permit which requires an environmental determination other than a categorical exemption or is processed concurrent with another discretionary entitlement shall be considered and approved by the Commission.

C. When, in the opinion of the Director, the Site Plan Review Permit application submitted is of significant consequence or magnitude or involves potential public controversy, the Director may refer said application to the Commission for review and action.

D. Applications for Site Plan Review Permit which do not require action by the Commission may be processed and approved by the Director. The Director shall disperse plans to affected City departments and agencies and coordinate the review process.

E. The Director shall approve, approve with conditions, or deny the site plan based on compliance with the requirements of this Section. In approving the Site Plan Review Permit, the Director shall find that:

1. The proposed development complies with the General Plan, Zoning Code, and other applicable provisions of the Kerman Municipal Codes;
2. New, expanded, or changed uses of property are arranged to ensure that the structures, parking areas, walks, landscaping, infrastructure improvements, street improvements, and other forms of development will not create an adverse effect on surrounding structures or properties;
3. The proposed development prevents adverse impacts, unsightly, or hazardous site development for adjacent properties;
4. The proposed signs will not by size, location, or lighting interfere with traffic or limit visibility;
5. The proposed development incorporates quality site design elements in a manner which will enhance the physical appearance and attractiveness of the community;
6. Certain conditions of approval are deemed necessary to protect the public health, safety and welfare of those working or living, on or adjoining to the proposed project; and
7. Provide expeditious review of environmental impact assessments as may be required by official policy of the City.

F. Notification to the applicant of approval, conditional approval, or disapproval of the application shall be provided in writing to the applicant and property owner. The Director's decision shall be final unless appealed to the Commission in compliance with the procedures outlined in Chapter 17.114 (Appeals). The Director shall prepare a Site Plan Review Permit agreement that outlines the conditions of the Site Plan Review Permit. This agreement shall be signed and dated by the applicant, and property owner, and returned to the Division. A copy will be furnished to the applicant and one copy filed with the Building Division.,

17.80.060 Appeals

A. The applicant may appeal the Director's decision to the Commission in compliance with the procedure outlined in Chapter 17.114 (Appeals).

B. The applicant may appeal the Commission's decision to the City Council in compliance with the procedure outlined in Chapter 17.114 (Appeals). The decision of the City Council shall be final.

17.80.070 Site Plan Approval Acceptance Agreement

A. The City shall cause any person having a legal or equitable interest in real property located in the City to enter into a site plan approval acceptance agreement. The procedures and requirements to enter into this approval acceptance agreement are contained in this Chapter.

B. The conditions of a site plan approval acceptance agreement shall relate to the policies, standards, and improvement requirements of the City.

C. No later than 10 days upon receipt of the approved or conditional approval of a site plan and prior to applications for a Building Permit, the applicant and property owner shall execute an acknowledgment and acceptance of the terms and conditions of the site plan agreement with the City certifying such acceptance and agreement to be bound thereby. The burdens of this agreement shall be binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement.

D. The site plan approval acceptance agreement shall be void 12 months following the date on which approval became effective unless, prior to the expiration of one year, a Building Permit is issued by the Building Division and construction is commenced and diligently pursued toward completion of the site or structures which were the subject of the site plan. Approval may be extended for 12-month periods of time, upon written application to the Director before expiration of the approval.

E. The site plan approval acceptance agreement may be modified upon submittal of an application for modification of a Site Plan Review Permit. The Director shall administratively determine whether to approve, conditionally approve or deny said application for a modification. When the Site Plan Review Permit was approved as part of another discretionary permit, the original approving authority shall review and determine to approve, approve with conditions, or deny said modification.

F. A site plan approval acceptance agreement shall not prevent the City, in subsequent actions applicable to the property, from applying new regulations or policies which do not conflict with those regulations or policies to the property as contained in the agreement.

Chapter 17.82

Administrative Use Permit

Chapter 17.82 Administrative Use Permit

17.82.010 Purpose and Intent

A. Purpose. The purpose of this Chapter is to provide a procedure for reviewing land uses that may be appropriate in the applicable zone, but whose effects on a site and surrounding area cannot be determined before being proposed for a specific site. Certain types of land uses may require special conditions in a particular zone or physical location within the City because they possess unique characteristics or present special problems that make automatic inclusion as allowed uses either impractical or undesirable due to potential and unforeseeable impacts to the surrounding area.

B. Intent. The Administrative Use Permit procedures are intended to streamline development review and entitlement process and provide sufficient flexibility in the use regulations to further the objectives of this Zoning Code and to provide the City with the opportunity to protect the integrity of areas of the City by imposing special conditions to mitigate potential impacts that could result from allowing the use(s) at the requested location.

17.82.020 Applicability

Approval of an Administrative Use Permit is required to establish any proposed land use identified in Article 2 (Zones Allowable uses, and Development Standards).as requiring and Administrative Use Permit.

17.82.030 Review Authority

The Director may approve, conditionally approve, or deny an Administrative Use Permit application based on compliance with the requirements of this section, unless otherwise restricted by State law. Development on a site shall comply with all applicable standards established in this Zoning Code and the Municipal Code.

17.82.040 Application Filing, Processing, and Review

A. An application for an Administrative Use Permit shall be filed and processed in compliance with Chapter 17.72 (Application Processing Procedures).

B. The application shall include the information and materials specified in the most up-to-date Division handout for Administrative Use Permit applications, together with the required fee in compliance with the Fee Schedule.

C. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 17.82.050 (Findings and Decision), below.

17.82.050 Findings and Decision

The Director shall approve or conditionally approve an Administrative Use Permit application if all the findings in this Section can be made. In the event the Director determines an application for an Administrative Use Permit does not comply with one of more of the findings established in this Section, the application shall be denied.

A. The proposed use is consistent with the General Plan, any applicable specific plan, and this Zoning Code;

B. The proposed use is allowed within the subject zone and complies with all other applicable provisions of this Zoning Code and the Municipal Code;

C. The design, location, size, and operating characteristics of the proposed use are compatible with the allowed uses in the vicinity;

D. Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in proximity to the proposed use; and

E. The project site is:

1. Physically suitable in terms of design, location, operating characteristics, shape, size, topography, and the provision of public and emergency vehicle (e.g., fire and medical) access, and public services and utilities or private water/septic public services if not required by zone;

2. Served by highways and streets adequate in width and improvement to carry the type and quantity of traffic the proposed use would likely generate; and

3. Served adequately by public water, sewer, and storm drainage facilities.

17.82.060 Conditions of Approval

When considering approval of an Administrative Use Permit, the Director may impose any conditions deemed reasonable and necessary to ensure that the approval will comply with the findings required by Section 17.82.050 (Findings and Decision), above.

17.82.070 Noticing and Public Hearing

A. There is no public hearing required for an Administrative Use Permit. The Director shall prepare a written decision that shall contain the findings of fact upon which such decision is based and conditions of approval, if any.

B. The Director shall notify the applicant and property owners within 150 feet of the proposed project in writing of the Director's intended decision to approve or deny an Administrative Use Permit for the proposed project within 10 calendar days of the date the notification is mailed. (If the 10th day is a weekend or city holiday, the deadline is extended to the next working day). The Director may consider written comments from affected property owners as part of the final decision on the Administrator Use Permit.

17.82.080 Appeal Procedures

The applicant may appeals the Director's decision within 10 calendar days of the decision, or if the 10th day is a weekend or City holiday, the deadline is extended to the next working day. Appeals shall be filed and processed in accordance with Chapter 17.114 (Appeals).

17.82.090 Permit to Run with the Land

An Administrative Use Permit approved in compliance with the provisions of this Chapter shall continue to be valid upon a change of ownership of the business, parcel, service, structure, or use that was the subject of the permit application in the same area, configuration, and manner as it was originally approved in compliance with this Chapter. .

17.82.100 Modifications to an Approved Permit

Modifications and changes to an approved Administrative Use Permit shall be requested and processed in compliance with Chapter 17.94 (Permit Modification and Revocation).

Chapter 17.84

Conditional Use Permit

Chapter 17.84 Conditional Use Permit

17.84.010 Purpose

Because of their unusual characteristics, or the special attributes of the area in which they are to be located, certain uses in the City's zones are allowed subject to the granting of a Conditional Use Permit. Conditional uses require special consideration so that they may be properly located concerning the objectives of this Title and their effect on surrounding properties.

17.84.020 Application

A. An application for an Conditional Use Permit shall be filed and processed in compliance with Chapter 17.72 (Application Processing Procedures).

B. The application shall include the information and materials specified in the most up-to-date Division handout for Conditional Use Permit applications, together with the required fee in compliance with the Fee Schedule.

17.84.030 Actions

A. Before setting a public hearing for the Commission on an application for a Conditional Use Permit, the Director shall first review the application to determine if it is complete. If the application is complete the Director shall fix the public hearing date at which the Conditional Use Permit will be considered and shall give public notice in compliance with Section 17.116.030 (Noticing Requirements for Permits), of the date, time, place, and project description. Before the public hearing, a staff report, environmental determination, and General Plan finding for the Conditional Use Permit shall be made available to the Commission, interested agencies, and the public.

B. The Commission shall hold a public hearing on the proposed Conditional Use Permit. At the public hearing, the Commission shall review and consider the testimony of the applicant, the public, representatives from other agencies, and city officials on the proposed Conditional Use Permit.

C. The public hearing shall be conducted in compliance with the rules and procedures specified in Chapter 17.116 (Public Notices and Hearings).

D. The Commission may approve a Conditional Use Permit as requested, or in a modified form, if, based on the application and the testimony submitted, the Commission can make the following findings:

1. The proposed establishment, maintenance, and operations of the use applied for will not be detrimental to the public health, safety, and welfare of the persons residing or working

in the neighborhood of the proposed use, or whether it will be injurious or detrimental to property and improvements in the neighborhood or the City;

2. The proposed use is consistent with the General Plan, Zoning Code, applicable Specific Plans, and other City policies or programs;

3. The environmental document is prepared in compliance with the California Environmental Quality Act (CEQA);

4. The site for the proposed use is adequate in size, shape, and location to accommodate the use as it relates to the zones for which the use is proposed.

17.84.040 Decision

A. The Commission, by resolution, may approve, approve with conditions, or deny without prejudice a Conditional Use Permit application based on compliance with the requirements of this Section. The resolution shall describe the basis for the decision, including the findings contained in Section 17.84.030 (Actions), below.

B. The decision of the Commission shall be final unless appealed to the Council.

C. The Commission shall cause a copy of its resolution to be mailed to the applicant within 10 days from the adoption.

17.84.050 Appeals

A. Appeals to the Commission's decision shall be made to the Council in compliance with Chapter 17.114 (Appeals).

B. Upon an appeal of the Commission's action, the Council shall hold a public hearing. It shall review the proceedings held by the commission, and either affirm, deny, or modify the Commission's decision. The decision of the Council shall be final.

17.84.060 Conditions of Approval

A. The Commission can approve a Conditional Use Permit subject to conditions to protect the public's health, safety, and welfare. Conditions may include, but are not limited to, requirements involving the following development features and uses:

1. Setbacks, spaces, and buffers;

2. Fences and walls;

3. The enclosure of storage areas and limitation on the out-of-door display of merchandise;

4. Grading, surfacing, and drainage improvements;
5. Vehicular ingress and egress;
6. Regulation of signs;
7. Fire prevention equipment and measures;
8. Regulation of noise, vibration, odors, electrical discharge, or interference;
9. Regulation of lighting;
10. Street dedication and improvements;
11. Hours of Operation; and
12. Any other conditions deemed necessary to make development of the site conforming with the intent and purposes contained in this Title.

B. Conditions contained in a Conditional Use Permit can only be required to achieve the objectives of this Code. Conditions that require dedication of land for a purpose not related to the use of the property or the posting of a bond to guarantee the installation of public improvements not related to the use of the property shall be prohibited.

17.84.070 Lapse of Conditional Use Permit

A. A Conditional Use Permit shall lapse and become void 12 months from the date it became effective if the benefactor of the use is not operating within that time unless a lesser or greater time was prescribed by the resolution granting the permit or unless, before the expiration, the benefactor can demonstrate evidence of the use being in progress in the form of submittal for plan review of construction plans, procurement of a Building Permit issued by the Building Division, or commencement of construction for the purpose of operating the use.

B. A Conditional Use Permit shall lapse and become void if there is a discontinuance of the use for a continuous period of 12 months.

C. A Conditional Use Permit may become null and void if, both the property owner and the benefactor submit in writing to the Director their intent to extinguish allowed activities under the Conditional Use Permit. The Conditional Use Permit shall become null and void immediately without further notice.

17.84.080 Renewal of Conditional Use Permit

A. A Conditional Use Permit may be renewed for an additional 12 months or for a lesser or greater time as may be specified; provided, that a renewal application is filed with the Commission before the expiration of the time granted.

B. The Commission by resolution may approve, approve with conditions, or deny an application for the renewal of a Conditional Use Permit. The resolution shall describe the findings of the commission regarding the decision.

17.84.090 Revocation or Modification

A Conditional Use Permit may be revoked or modified in a manner specified in Chapter 17.94 (Permit Modification and Revocation).

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Chapter 17.86

Temporary Use Permit

Chapter 17.86 Temporary Use Permit

17.86.010 Purpose

The purpose of this Chapter is to allow for short-term, temporary activities for a limited duration of time that would be compatible with the subject site, and adjacent and surrounding uses when conducted in compliance with this Chapter.

17.86.020 Applicability

A. **General.** A Temporary Use Permit shall be required for land uses specified in Article 2 (Zones Allowable uses, and Development Standards).as requiring a Temporary Use Permit. Additionally, at the discretion of the Director, a Temporary Use Permit shall be required for any short-term, temporary activities that might not meet the normal development or use standards of the applicable zone but may otherwise be acceptable because of their temporary nature.

B. **Conditionally Allowed Uses.** Short-term, temporary land uses and activities that require the approval of a Conditional Use Permit in Article 2 (Zones Allowable uses, and Development Standards), shall be referred to the Commission for decision in compliance with Chapter 17.84 (Conditional Use Permit).

17.86.030 Application

A. An application for a Temporary Use Permit shall be filed and processed in compliance with Chapter 17.72 (Application Processing Procedures).

B. The application shall include the information and materials specified in the most up-to-date Division handout for Temporary Use Permit applications, together with the required fee in compliance with the Fee Schedule.

17.86.040 Uses and Activities

The following uses or activities are eligible for a Temporary Use Permit and may be processed as an administrative matter by the Director:

A. **Sales of Christmas Trees.** Outdoor sales of Christmas trees between November 15th and January 2nd of the next year provided a sales permit is obtained. The sales area shall be situated where adequate temporary parking is available and normal traffic flow and sight distances at intersections and driveways will not be impeded. All Christmas trees, signs, or other related structures shall be removed from the outdoor area no later than January 2nd.

B. **Promotional Displays and Activities.** Private promotional displays and activities including, but not limited to, amusement rides, street dances, concerts, live entertainment, and promotional outdoor displays; and sales may be conducted on property in commercial, mixed use, and industrial zones. The activities shall be conducted only within the buildable portion of the parcel. Temporary signs on the site are allowed only with the approval of the Director, provided that a temporary sign permit is obtained, and all signs are removed within 24-hours of sales end. The sales area shall be situated where adequate temporary parking is available and normal traffic flow and sight distances at intersections and driveways will not be impeded.

C. **Temporary Uses.** The Director may authorize the temporary use of the property in any zone for a period not to exceed two consecutive weeks, and no more than two separate events in a calendar year at a single location for an exposition, concert, carnival, amusement ride, or place of assembly revival.

D. **Temporary Sales or Construction Offices.** A temporary modular office established to manage sales or construction of residential and non-residential parcels may be authorized in any zone. Temporary signs are allowed subject to the approval of the Director.

E. **Temporary Construction Structures.** Temporary structures or trailers associated with construction projects for the housing of tools, equipment, building assembly operations, and supervisory offices in connection with major construction projects.

F. **Temporary Outdoor Sales.** Temporary outdoor sales and parking lot sales in association with an allowed business that is within an enclosed building that is located on the same parcel of record. These outdoor sales shall not occur more than 14 days per calendar year.

G. **Temporary Residences.** The temporary use of a self-contained trailer or recreational vehicle as a dwelling unit for a period of up to 30 days.

H. **Temporary Mobile Office Structure.** Mobile office structures are allowed in any zone for no more than six months subject to the regulations contained in Section 17.40.060 (Mobile and Temporary Office Structures) of this Zoning Code. A Temporary Use Permit for a Mobile Office Structure may be renewed for one additional six-month period. Mobile Office Structures proposed for a period to exceed a year shall be subject to an Administrative Use Permit in compliance with Chapter 17.82 (Administrative Use permit).

17.86.050 Ineligible Temporary Uses

A. Garage, yard, estate sales at a single-unit or multi-unit dwelling residence;

B. Mobile Food Vendors;

C. Outdoor sales and events on sidewalks.

17.86.060 Revocation and Modification

A Temporary Use Permit may be revoked or modified in a manner specified in Chapter 17.94 (Permit Modification and Revocation).

17.86.070 Permit Renewal

Approval of this use may be renewed for a period not to exceed six months. At their discretion, the Director may refer the application for a Temporary Use Permit to the Commission for action.

Chapter 17.88

Variance Permit

Chapter 17.88 Variance Permit

17.88.010 Purpose

Where practical difficulties, unnecessary hardships, and conditions inconsistent with the general purposes of this Title may result from the strict application of certain provisions of this Code, Variances may be granted as provided in this Chapter. The granting of any Variance and the conditions attached to the grant shall ensure that the Variance does not constitute a special privilege inconsistent with the limitations on other properties in the vicinity and zone in which the property is situated.

17.88.020 Application Filing

The applicant shall submit site plan print sets in the form and quantity as deemed necessary by the Director, and a completed Variance application form.

17.88.030 Action by the Commission

A. The Commission shall hold a public hearing on the proposed Variance Permit. At the public hearing, the Commission shall review and consider the testimony of the applicant, the public, representatives from other agencies, and City officials on the proposed Variance.

B. The public hearing shall be conducted in compliance with the rules and procedures specified in Chapter 17.116 (Public Notices and Hearings).

C. The Commission may grant an application for a Variance Permit as requested or in a modified form if, based on the application and the testimony submitted, the Commission can make the following findings:

1. Any Variance Permit granted shall be subject to the conditions as will ensure that the adjustment authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.

2. Exceptional circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the zoning law is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

3. The granting of the Variance Permit will not be contrary to the intent of this Title or the public safety, health, and welfare or injurious to other properties in the vicinity.

4. A Variance has not been granted for use or activity which is not authorized by the zone regulations governing the parcel of property.

5. A Variance shall not be granted on economic grounds.

17.88.040 Action

A. The Commission by resolution may approve, approve with conditions, deny, or deny without prejudice a Variance Permit. The resolution shall describe the basis for the decision, including the findings contained in Section 17.74.030 (Actions).

B. The decision of the Commission shall be final unless appealed to the Council.

C. The Commission shall cause a copy of its resolution to be mailed to the applicant within 10 days from the adoption.

17.88.050 Appeals

A. Any person, including the Director, may appeal the Commission's decision to the Council in compliance with the procedure specified in Chapter 17.114 (Appeals).

B. Upon appeal of the Commission's action, the Council shall hold a new public hearing. It shall review the proceedings held by the Commission, and either affirm, deny, or modify the Commission's decision. The decision of the Council shall be final.

17.88.060 Conditions of Approval

A Variance Permit can be approved subject to the conditions. The conditions shall ensure that the Variance does not constitute a grant of special privileges and that the purpose and intent of this Zoning Code and the General Plan are met.

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Chapter 17.90

Minor Deviation Permit

Chapter 17.90 Minor Deviation Permit

17.90.010 Application

A Minor Deviation Permit may be granted, upon written request, as an administrative matter by the Director and subject to the conditions they may impose.

17.90.020 Review and Action

A. The granting of a Minor Deviation Permit shall not be subject to the notice or public hearing procedures specified in this Zoning Code.

B. A Minor Deviation shall be defined as a variance of 20 percent or less from zone standards specified in Article 2 (Zones, Allowable Uses, and Development Standards) of this Title, not including density but including parcel area, parcel dimensions, setback distance, parcel coverage, height limitations, parking requirements, or other zone standard requirements.

C. The Director shall prepare an administrative agreement approving, approving with conditions, or denying the request. A copy of this agreement shall be sent to the applicant within five working days of the decision. The decision of the Director is final unless appealed to the Commission in compliance with the procedures described in Chapter 17.114 (Appeals).

Chapter 17.92

Development Agreements

Chapter 17.92 Development Agreements

17.92.010 Purpose and Intent

A. The purpose of this Chapter is to ensure persons developing property in the City that upon approval of a development project, the persons may proceed with the project in compliance with existing policies, rules and regulations, and conditions that were applicable at the time of the project approval.

B. The intent is to allow larger scale and longer term development projects that provide benefits to the City be allowed to have some guarantees and commitments from the City provided that the development provides commitments and guarantees to the City in return.

17.92.020 Authority

Government Code Section 65865 provides that a city may enter into a development agreement with any person having a legal or equitable interest in real property for the development of the property.

17.92.030 General Plan Consistency

The development agreement shall be consistent with the General Plan, Zoning Code, and any applicable specific plan.

17.92.040 Application

A development agreement shall not be granted until an application has been submitted and approved. An application for a development agreement shall include the following:

A. Name and address of the agent, if applicable, and proof of authority of the agent to act for the property owner;

B. Name and address of property owner(s) and proof of interest in the property for which the development agreement is being applied;

C. Assessor's parcel number;

D. Legal description;

E. A narrative description of the proposed development is as follows:

1. Project description,

2. Provisions for reservation or dedication of land for public purposes,

3. Method of project financing,
4. Construction phasing,
5. Conditions, restrictions, or terms that will be attached to the development agreement.

17.92.050 Review and Approval

Approval of a development agreement shall require the approval of the Commission and Council. Where a discretionary permit or Zoning Map Amendment is required for the project in which the development agreement is to apply, the application may be considered part of that permit or Zoning Map Amendment request and reviewed and approved in conjunction with that permit or Zoning Map Amendment. A public hearing as specified in Chapter 17.116 (Public Notices and Hearings) shall be held when a development agreement is considered by the Commission or the Council.

17.92.060 Commission Hearing

The Commission shall hold a public hearing on the proposed development agreement. After the public hearing, which may be held in conjunction with other discretionary planning permits, the Commission shall make its recommendation in writing to the Council. The recommendation shall include the Commission's determination whether the development agreement proposed:

A. Is consistent with the objectives, policies, general land uses, and programs specified in the General Plan and any applicable specific plan;

B. Is compatible with the uses authorized in, and the regulations prescribed for, the zone in which the real property is located;

C. Conforms with public convenience, general welfare, and good land use practice;

D. Will not be detrimental to public health, safety, and general welfare. Will not adversely affect the orderly development of property;

E. Will provide sufficient benefit to the City to justify agreeing.

17.92.070 Council Hearing

A. The Council shall hold a public hearing on the proposed development agreement. It may accept, modify, or disapprove the recommendation of the Commission. The Council shall not approve the development agreement unless it adopts the findings contained in Section 17.92.060 (Commission Hearing), above, to support its action.

B. If the Council approves the development agreement, it shall do so by the adoption of an ordinance in compliance with Government Code Section 65867.5.

17.92.080 Initiation of Amendment or Cancellation

A development agreement may be amended, or canceled in whole or in part, by mutual consent of the parties to the agreement or their successors in interest. Notice of intention to amend or cancel any portion of the agreement shall be given in the manner provided by Section 65867. An amendment to an agreement shall be subject to the provisions of Section 65867.5.

17.92.090 Recordation of Agreement

A. Within 10 days after the City enters into the development agreement, the Director shall have the agreement recorded with the county recorder.

B. If the parties to the agreement or their successors in interest amend or cancel the agreement, or if the City terminates or modifies the agreement for the failure of the applicant to comply in good faith with the terms or conditions of the agreement the Director shall have notice of the action recorded with the county recorder.

17.92.100 Review of Agreement

The Director shall review the development agreement at least once every twelve months from the date the agreement is entered into. The Director shall report the findings of their review to the Commission and Council. The time for review may be modified by agreement between the parties.

Chapter 17.94

Permit Amendment, Modification, and Revocation

Chapter 17.94 Permit Amendments, Modification, and Revocation

17.94.010 Amendments to Approved Permits

The approval body which approved the entitlement, permit, or approval in questions (i.e., Director, Commission, Council) may modify any permit, approval, or entitlement by amending drawings and plans, and any conditions of approval imposed upon it.

A. Application.

1. A development or land use allowed through an Administrative Use Permit, Conditional Use Permit, Home Occupation Permit, Minor Deviation, Development Plan Review Permit, Sign Permit, Sign Program, Site Plan Review, Temporary Use Permit, or Variance shall be in substantial compliance with the approved drawings and plans, and any conditions of approval imposed by the review authority.

2. An applicant shall request desired changes in writing and shall also furnish appropriate supporting materials and an explanation of the reasons for the request.

3. Requested changes may involve changes to one or more conditions imposed by the review authority or actual changes to the project (i.e., hours of operation, expansion of a use) as originally proposed by the applicant or approved by the review authority.

4. Changes shall be approved before implementation of the changes and may be requested either before or after construction or establishment and operation of the approved use or development.

B. Notice and Hearing. If the matter originally required a notice public hearing, the review authority shall hold a public hearing, except for the minor Modification established in Subsection C of this section, and shall give notice, in compliance with Chapter 17.96.030 (Noticing Requirements for Permits).

C. Minor Modification. The Director may authorize minor modifications to an approved site plan, architecture, or the nature of the approved use only if the changes:

1. Are consistent with all applicable provisions of this Title and the spirit and intent of the original approval; and

2. Do not involve a feature of the project that was:

a. A basis for findings in a negative declaration or environmental impact report for the project;

b. A basis for conditions of approval for the project; or

c. A specific consideration by the reviewing authority (i.e., Director, Commission, Council) in granting the permit or approval.

D. Major Modification. Major changes include changes to the project involving features specifically described in subsection (C)(2) of this section and shall only be approved by the review authority through a new application or modification, processed in incompliance with this Title.

17.94.020 Grounds for Revocation or Modification

Any planning permit may be revoked if any of the following apply:

A. The planning permit was obtained by fraud;

B. One or more of the terms or conditions upon which a permit was granted has been violated;

C. The use for which the permit was granted is conducted in a manner that is detrimental to the public health, safety, or welfare or that creates a nuisance.

17.94.030 Modification of Permits

Instead of revocation, the Director, Commission, or Council may modify any permit by amending existing or adding new conditions.

17.94.040 Initiation

The hearing to revoke or modify a permit may be initiated by order of the Commission or the Council, or at the request of the Director. The order shall contain the grounds for revocation or modification.

17.94.050 Public Hearing Requirements

The applicable review authority shall hold a public hearing to revoke or modify any permit or approval granted in compliance with the provisions of this Title. Before the date of any hearing to revoke or modify a permit, the Director shall:

A. Give notice of a public hearing no less than 10 days before the hearing;

B. Serve a copy of the order and a written notice of the time and place of the hearing upon the person whose name and address appear as the owner of the premises on the latest tax roll of the County and upon the person in possession of the premises involved. Service of the notice and the order shall be made in the manner required by law for the service of a summons, or by registered or certified mail, postage prepaid;

C. Cause a copy of the order and a notice of the time and place of the hearing and a copy of the order to be sent to the public offices, departments, or agencies who, in the opinion of the Director, may be interested in the proceedings.

17.94.060 Hearings

A. Planning Commission. The Commission shall have authority over all permit revocations or modifications originally approved by the Commission. The Commission shall also have the authority to revoke any permit approved by the Director. Upon considering evidence and testimony presented at the public hearing, the Commission shall render its decision as to whether the permit should be revoked or modified.

B. Director. The Director has the discretion to modify, but not revoke, any permit originally approved by the Director. Modifications to planning permits granted by the Director shall not require a public hearing. The Director's decision shall be final unless appealed to the Commission.

17.94.070 Appeal

Any person dissatisfied with the decision of the Director may appeal the decision to the Commission. Any person dissatisfied with the decision of the Commission may appeal the decision to the Council. All appeals must be submitted to the City Clerk within five working days after the decision was made.

17.94.080 Hearing by Council

Following the appeal of the Commission's decision on the revocation or modification of a permit, the Council shall hold a public hearing on the revocation or modification action. Upon considering evidence and testimony presented at the public hearing, the Council shall render its decision as to whether the permit should be revoked or modified. The decision of the Council is final.

Chapter 17.96

Development Plan Review Permit

Chapter 17.96 Development Plan Review Permit

17.96.010 Purpose

The purpose of the Development Plan Review Permit is to provide the City with a planning and design "tool" that can be used in assisting developments in Planned Development and Smart Development Combining Districts achieve comprehensive development that is superior to traditional development of the recent past by increasing walkability and connectivity while achieving the higher net density and preservation of open space goals set forth by the General Plan.

17.96.020 Applicability

A. An application for a Development Plan Review Permit shall be required for all proposed developments in a Combining Zone District.

B. The provisions of this subchapter shall apply to the following activities within the jurisdiction of the City:

1. Applicable Development Projects. A Development Pan Permit shall be required for all residential and non-residential development projects within a Combining Zone District.

2. Development Plan Review Permit Precedes Building or Grading Permits. For projects proposed within a Combining Zone District, a Building or Grading Permit shall not be issued until the Development Plan Review Permit has been approved in compliance with this Chapter.

3. Activities Only Allowed in Base Zoning District. A Development Plan Review Permit shall not authorize a land use activity that is not allowed in the base zoning district.

C. Modify Standards. The Development Plan Review Permit may adjust or modify, where necessary and justifiable, all applicable development standards (i.e., parcel coverage, structure height, setbacks, fence and wall heights, landscaping, open space) identified in this Zoning Code, with the exception of an increase in the applicable General Plan density.

1. If public dedicated streets are used, then the total area of all streets within the property shall be subtracted from the gross area of the property. The net area remaining shall be divided by the minimum size parcel area required by the underlying zone. The quotient shall be the number of dwelling units allowed.

2. If all the streets and roadways are private, then the gross area of the property shall be divided by the minimum size parcel area required by the underlying zone. The quotient shall be the number of dwelling units allowed.

3. If a combination of public and private streets is used, then only that total area of all public streets shall be subtracted from the gross area of the property. The net area remaining shall be divided by the minimum size parcel area required by the underlying zone. The quotient shall be the number of dwelling units allowed.

D. Development Plan Review shall comply with Chapter 17.46 (Multi-Unit Dwelling Objective Design Standards), Chapter 17.48 (Single-Unit Dwelling Design Standards), and any other development guidelines adopted by resolution of the City Council.

E. Residential development projects with increased density or intensity standards may only be approved in compliance with State law (Government Code Section 65915 and Chapter 17.42 (Density Bonuses).

17.96.030 Building Permit Required

A. Before a Building Permit is issued for any building or structure that is subject to a Development Plan Review, the Director shall determine that the proposed structure conforms with the approved development plan.

B. The City Engineer shall determine that all required dedications have been recorded; a letter has been furnished by the applicant from all appropriate utilities that all necessary utilities will be installed in compliance with the City standards; and all off-site improvements (within the City right-of-way) have provided appropriate improvement security, the as a bond, cash deposit or instrument of credit.

C. Before a certificate of occupancy is issued, the Building Official shall determine if all the applicable conditions of the development plan have been complied with.

17.96.040 Application Filing and Contents

A. The applicant shall submit sets of prints of the development plan to the Division, as deemed necessary by the Director. The development plan review application materials shall include the following:

1. Site Plan drawn to scale with the following information:

   a. Legal description and boundary survey map of the exterior boundaries of the parcel to be developed;

   b. Plot plan of land to be developed, showing residential uses by type, number, and size; residential parcels by type, number and size; open space uses; streets, rights-of-way and easements; and proposed on-site and off-site improvements, including

landscaping, walls and fences, street and sidewalk improvements, lighting and infrastructure;

2. A grading and drainage plan, showing elevations, directions of water flow and storm drainage improvements;

3. Concept plans that demonstrate the overall scope of the development including general arrangement of all open space and landscaping;

4. A preliminary utility plan;

5. Preliminary title report;

6. The anticipated timing of each development phase;

7. Elevation drawings and floor plan drawings of proposed structures in the development; and

8. Document requesting specific modifications to development standards and justification or information demonstrating how the proposed development is superior to traditional development of the recent past by increasing walkability and connectivity.

17.96.050 Action

A. Before setting a public hearing for the Commission on an application for a Development Plan Review Permit, the Director shall first review the application to determine if it is complete. A complete Development Plan Review Permit shall be noticed in compliance with Section 17.116.030 (Noticing Requirements for Permits), of the date, time, place, and project description. Before the public hearing, a staff report, environmental determination, and General Plan finding for the Development Plan Review Permit shall be made available to the Commission, interested agencies, and the public.

B. The Commission shall hold a public hearing on the proposed Development Plan Review Permit. At the public hearing, the Commission shall review and consider the testimony of the applicant, the public, representatives from other agencies, and city officials on the proposed Development Plan Review Permit.

C. The public hearing shall be conducted in compliance with the rules and procedures specified in Chapter 17.96 (Public Notices and Hearings).

D. The Commission may approve a Development Plan Review Permit as requested, or in a modified form, if, based on the application and the testimony submitted, the proposed development is demonstratively superior to the development that could occur under the standards applicable to the underlying base district, and will achieve superior community design, environmental

preservation, and other substantial public benefit. In making this determination, the following factors should be considered:

1. Appropriateness of the use(s) at the proposed location;
2. The mix of uses, housing types, and housing price levels;
3. Provision of infrastructure improvements are adequate to meet the needs of the development;
4. Provision of open space. For example, a greater amount of open space or unique community amenities that would otherwise be provided under the strict application of this code.
5. Connectivity to public trails, schools;
6. Compatibility of uses within the development area;
7. Creativity in design and use of land;
8. Quality of design, and adequacy of light and air to the interior spaces of the buildings; and
9. Overall contribution to the enhancement of neighborhood character and to the built and natural environment of the City in the long term.

17.96.060 Resolution for Decision

The Commission, by resolution, may approve, approve with conditions, or deny without prejudice a Development Plan Review Permit application based on compliance with the provisions of this Chapter. The resolution shall describe the basis for the decision, including the findings contained in Section 17.96.060 (Action). The decision of the Commission shall be final unless appealed to the Council. The Commission shall cause a copy of its resolution to be mailed to the applicant within 10 days from the adoption.

17.96.070 Appeals

A. Appeals to the Commission's decision shall be made to the Council in compliance with Chapter 17.114 (Appeals).

B. Upon an appeal of the Commission's action, the Council shall hold a new public hearing and notice such public hearing in compliance with Chapter 17.116 (Public Notices and Hearings). It shall review the proceedings held by the commission, and either affirm, deny, or modify the Commission's decision. The decision of the Council shall be final.

17.96.080 Conditions of Approval

A. The Commission can approve a Development Plan Review Permit subject to conditions to protect the public's health, safety, and welfare. Conditions may include, but are not limited to, requirements involving the following development features:

1. Architectural appearance, design, and materials;
2. Building setbacks, heights, and coverage;
3. Fences, walls, and hedges;
4. Parking requirements;
5. Location of service/common use areas;
6. Open space, landscaping, and irrigation;
7. Facilities, improvements, and utilities;
8. Vehicular ingress, egress, and internal circulation,
9. Grading, surfacing, and drainage improvements;
10. Regulation of signs;
11. Fire prevention equipment and measures;
12. Regulation of noise, vibration, odors, electrical discharge, or interference;
13. Regulation of lighting;
14. Easements, street dedication and improvements; and
15. Any other conditions deemed necessary to make development of the site conforming with the intent and purposes contained in this Title.

B. Conditions contained in a Development Plan Review Permit can only be required to achieve the objectives of this Title.

17.96.090 Development Standards

The Commission shall designate the development standards for which a project is being considered under the Development Plan Review Permit. Whenever development standards are not designated by the Commission, such standards specified within Chapter 17.18 (Combining Zones) shall apply to all land and structures.

17.96.100 Lapse of Development Plan Review Permit

A. The Development Plan Review Permit shall lapse and become void 24 months from the date it became effective if the use is not utilized within that time unless a lesser or greater time was prescribed by the resolution granting the permit or unless, before the expiration, a Building Permit was issued by the Building Division and construction has commenced.

B. A Development Plan Review Permit may become null and void if, both the property owner and the benefactor submit in writing to the Director their intent to extinguish allowed development under the Development Plan Review Permit. The Development Plan Review Permit shall become null and void immediately without further notice.

17.96.110 Revocation or Modification

A Development Plan Review Permit may be revoked or modified in a manner specified in Chapter 17.94 (Permit Modification and Revocation).

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Chapter 17.98

California Environmental Quality Act (CEQA) Procedures

Chapter 17.98 California Environmental Quality Act (CEQA) Procedures

17.98.010 Purpose

A. The purpose of this section is to comply with Public Resources Code, Section 21082 *et seq.* that mandates local agencies to adopt by ordinance, resolution, rule or regulation, objectives, criteria, and procedures for the evaluation of projects and the preparation of environmental impact reports, and negative declarations. As part of the review to determine whether an application for a development project is complete, the Director shall conduct a preliminary assessment of potential environmental issues.

B. The purpose of this review is to help the City decide if the project is subject to environmental review and, if so, which issues may require analysis. An application subject to environmental review pursuant to the California Environmental Quality Act (CEQA) shall not be considered complete until the applicant has submitted all studies and other documentation the Director has deemed necessary to make an environmental determination.

17.98.020 Applicability

The California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., applies to all projects, activities, or actions as defined under Public Resources Code Section 21000 et seq.,.

17.98.030 Administration

The Director shall be charged with the responsibility of coordinating and directing the environmental review and preparation of environmental documents pursuant to the procedures established by the Public Resources Code Section 21000 et seq.

17.98.040 Exemptions

If the Director determines that a development application is subject to review under CEQA, within 30 days after determining that the application is complete, the Director shall determine if the project is exempt from environmental review pursuant to State law, CEQA Guidelines and any environmental guidelines that the City has adopted in compliance with CEQA.

1. If the Director determines that a project is exempt from environmental review under CEQA, such determination shall be supported with necessary written findings and substantial evidence and included in any public notice required for the project. The notice shall include a citation to the applicable statute or CEQA Guideline section under which it is found to be exempt.

2. Following approval of a project that is exempt from CEQA review, the Director or the applicant may file a Notice of Exemption with the Fresno County Clerk and State Clearinghouse, or as may be required by statue. The applicant for a project shall be responsible for any fees required to file such notice.

17.98.050 Environmental Review

A. Initial Study. If a project is not exempt from environmental review, the Director shall prepare or cause the preparation of an Initial Study composed of applicable technical studies at the applicant's expense. The Director shall then determine whether to require preparation of an Environmental Impact Report (EIR), Negative Declaration or Mitigated Negative Declaration or whether the project is within the scope of a Master EIR, or other appropriate document authorized by CEQA.

B. Determination of Findings. Based on the Initial Study, the Director will make one of the following findings and prepare the appropriate environmental documentation in compliance with State law, CEQA Guidelines and any environmental guidelines that the City has adopted in compliance with CEQA.

1. The project will have "No Significant Impacts" on the environment, and a Negative Declaration will be prepared;

2. The project has been modified to mitigate potential environmental impacts to a level of insignificance and a Mitigated Negative Declaration will be prepared;

3. The project is within the scope of a Master EIR or other appropriate document authorized by CEQA, no additional significant environmental effect will result, and no additional mitigation measures or alternatives may be required; or

4. The proposed project will have, or may have, significant impact(s) and an EIR will be required.

17.98.060 Review Authority for the CEQA Finding

A. Prior to approving a project, the decision-making body shall consider the proposed negative declaration, mitigated negative declaration, or Environmental Impact Report, together with any comments received during the public review process. The decision making body shall adopt the proposed negative declaration or mitigated negative declaration only if it finds on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the negative declaration or mitigated negative declaration reflects the lead agency's independent judgment and analysis [CCR Title 14, Section 15074].

B. When adopting a negative declaration or mitigated negative declaration, the lead agency shall specify the location and custodian of the documents of other material which constitute the record of proceedings upon which its decision is based.

C. When adopting a mitigated negative declaration, the lead agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to mitigate or avoid significant environmental effects.

17.98.070 Application and Payment of Fees

No review or request for review of an environmental determination shall be considered for a development application until the required fee set by resolution of the city council has been paid.

17 – Zoning Code

Article 7 – Zoning Code Administration

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Chapter 17.110

Administrative Responsiblity

Chapter 17.110 Administrative Responsibility

17.110.010 Purpose

The persons and entities designated in this Chapter shall be responsible for the administration and implementation of this Zoning Code.

17.110.020 City Council

The powers and responsibilities of the City Council as the legislative body under this Zoning Code include, but are not limited to the following:

A. Adopt and amend the Zoning Map and the text of this Zoning Code following a public hearing and recommended action by the Commission.

B. Initiate new community and specific plans and updates to the general plan.

C. Initiate the rezoning of property.

D. Consider and make decisions on land use entitlements.

E. Hear and decide appeals from decisions of the Director or Commission on Conditional Use Permits, variances, and any other permits that can be appealed pursuant to this Zoning Code.

F. When decisions or interpretations of the Commission are appealed, the City Council is the final decision-making body.

17.110.030 Planning Commission

A. The Commission shall be the hearing body vested with the authority to approve, approve with conditions, modify, revoke, or deny a development application for a Planning Division permit, including Variance Permits, Development Plan, Conditional Use Permits, land divisions, and environmental studies and reports.

B. The Commission shall serve as an appellate body for all permit decisions made by the Director and for all interpretations of this Zoning Code made by the Director.

C. The Commission shall be the original hearing body to recommend approval or denial of the Zoning Code Text amendments and Zone Map amendments (rezones) to the Council. The Commission shall also regularly review development agreements and report their findings and recommendations to the Council.

17.110.040 Community Development Director

The Director shall be the administrative head of the Planning Division. The Director is vested with the authority to approve or deny ministerial permits including: Administrative Use Permits, Temporary Use Permits, Home Occupation Permits, Site Plan Review Permits, Minor Deviation Permits, and Sign Permits; interpret the Zoning Code; enforce the provisions of the Zoning Code and other codes and statutes regarding the use of land and structures; prepare the application forms for planning permits and carry out other duties as directed by this Zoning Code or Council.

17.110.050 Development Review Committee (DRC)

A. **Development Review Committee (DRC) Established.** The City shall establish and maintain a Development Review Committee (DRC), an advisory body, to review and recommend actions and conditions on development applications when deemed necessary by the Director, for either discretionary or ministerial permits.

B. **Composition and Number of Members**. The DRC shall consist of any three or more members, as follows

1. Chief Building Official;
2. City Engineer;
3. Fire Marshal;
4. Public Works Director;
5. Parks, Recreation, and Community Services Director;
6. A representative from the Police Department; and
7. A representative from any other State Agency, School District, or Utility Service District.

C. **Actions and Responsibilities.**

1. The DRC shall review development applications for either discretionary or ministerial permits and provide the Director with a recommendation to modify or modify with conditions, of such applications for a permit.
2. The DRC shall be an advisory body with no decision making authority.

D. **Rules and Procedures.** The Director may adopt rules of procedure for the DRC. A quorum shall not be required for a DRC.

17.110.060 Administrative Responsibility Overview

Table 17.90-1
Governing Authorities for Planning Division Permits and Entitlements

Type of Action	Role of Authority		
	Director	Commission	Council
Minor Deviation	Approves/Denies	Appellate Body	Appellate Body (Second Appeal)
Director Interpretation and Classification of Use (see Chapter 17.04 – Interpretation of the Zoning Code)	Approves/Denies	Appellate Body	Appellate Body (Second Appeal)
Home Occupation Permit	Approves/Denies	Appellate Body	Appellate Body (Second Appeal)
Site Plan Review Permit	Approves/Denies	Appellate Body	Appellate Body (Second Appeal)
Conditional Use Permit	Reviews and Makes Recommendations	Approves/Denies	Appellate Body
Administrative Use Permit	Approves/Denies	Appellate Body	Appellate Body (Second Appeal)
Variance Permit	Reviews and Makes Recommendations	Approves/Denies	Appellate Body
Development Plan Permit	Reviews and Makes Recommendations	Approves/Denies	Appellate Body
Zoning Code Text Amendment	Reviews and Makes Recommendations	Reviews and Makes Recommendations	Approves/Denies
Rezone (Zoning Map Amendment)	Reviews and Makes Recommendations	Reviews and Makes Recommendations	Approves/Denies
Sign Permit	Approves/Denies	Appellate Body	Appellate Body (Second Appeal)
General Plan Amendment	Reviews and Makes Recommendations	Reviews and Makes Recommendations	Approves/Denies

Chapter 17.112

Amendments and Rezones

Chapter 17.112 Amendments and Rezones

17.112.010 Purpose

The purpose of this Chapter is to establish procedures for an amendment to the Zoning Code text and rezones of real property.

17.112.020 Initiation of Code Text Amendment and Rezones

A. **Types.**

1. **Code Text Amendment.** A change to the text of the Zoning Code.
2. **Rezone (Map Amendment).** An application to change the zoning for a site from one zone district to another.

B. **Initiation.** An amendment to the Zoning Code may be initiated by any of the following actions:

1. **Council Resolution.** The filing of a resolution of initiation by the Council with the Commission.
2. **Commission Resolution.** The adoption of a resolution of initiation by the Commission.
3. **Director Action.** The written action of the Director filed in the Division.

C. **Application.** The filing with the Director of an application signed by one or more owners of record or the owner's authorized agents, of which property is the subject of the proposed amendment or rezone. The names of all records owners of all land involved must be stated.

17.112.030 Public Hearings

A. Whenever a public hearing is required to be set, the Director shall set a date for a public hearing on the amendment. The public hearing shall comply with the provisions specified in Chapter 17.116 (Public Notices and Hearings).

B. **City Council Hearing.** Upon receipt of the recommendation of the Commission, the Council shall hold a public hearing consistent with the provisions specified in Chapter 17.116 (Public Notices and Hearings). If the proposed amendment changes property from one zone to another, and the Commission has recommended against the adoption of the amendment, the Council need not take any action, unless an interested party appeals the decision within five working days after the Commission action.

17.112.040 Commission's Action

A. After the close of the public hearing, the Commission shall act on the proposed amendment. The hearing may be continued by the majority of Commission members present. Before the conclusion of the meeting in which the proposed amendment is being considered, the presiding Commissioner shall announce the time and place to which the hearing is to be continued. No further public notice shall be required.

B. The Director shall transmit a resolution to the Council containing the Commission's recommendation and findings. Findings outlined in the resolution shall refer to the project's consistency with the General Plan, its impact on the health, safety and welfare of the community, and its potential impact on the environment.

C. If the Commission recommends denial of the amendment, the decision may be appealed to the Council in compliance with the provisions specified in Chapter 17.114 (Appeals). Failure to appeal the recommendation shall make the decision of the Commission final.

D. Within 10 working days of adopting a resolution on an amendment, the Commission shall transmit a copy of its resolution to the applicant.

17.112.050 Council Action

A. Following a public hearing, the Council may approve, modify, or deny the recommendation of the Commission.

B. Any significant modifications of the proposed amendment by the Council not previously considered by the Commission during its hearing, shall be referred back to the Commission for its review and recommendation. The Commission shall not be required to hold a public hearing on the referral. Failure of the Commission to report within 40 working days after the referral shall cause the Council to proceed with the introduction of ordinance with modifications to be approved.

17.112.060 New Application

Following the denial of an amendment, no application for the same or substantially the same amendment shall be filed with the City within 12 months from the date a final decision was rendered, unless the denial action was without prejudice.

17.112.070 Mapping

Within 30 working days of a Rezone (Map Amendment) which reclassifies property from one zone to another, the Director shall indicate the change on the City's official Zoning Map.

17.112.080 Urgency Zoning Ordinance Amendments

In accordance with Government Code Section 65858, as amended, without following the procedures otherwise required prior to the adoption of an amendment to the Zoning Code, the City Council may adopt as an urgency measure an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the City Council, Planning Commission or the Director is considering or studying or intends to study within a reasonable time. The term, vote, public hearing, findings, extension, and report requirements under Government Code Section 65858 shall be followed.

Chapter 17.114

Appeals

Chapter 17.114 Appeals

17.114.010 Purpose

This Chapter establishes procedures for the appeal of determinations and decisions rendered by the Commission and Director.

17.114.020 Applicability

Any person aggrieved by the decision of the Director may appeal the decision to the Commission upon submittal of fee and appeal statement. Further, any person dissatisfied with a decision or interpretation of the Commission may appeal the decision to the Council upon submittal of fee and appeal statement.

17.114.030 Appeal Timeline

Director or Commission determinations may be appealed by filing a written notice of appeal with the City Clerk. All appeals must be made no later than 10 working days after the day on which the decision was made. Upon receipt of a notice of appeal in proper form, the City Clerk shall set a hearing date. A public hearing consistent with the requirements of Chapter 17.116 (Public Notices and Hearings) shall be held at appeal hearings of permits that require a public hearing before the original action.

17.114.040 Effect of Filing Notice of Appeal

The timely filing of an appeal shall stay all proceedings in the matter appealed including, but not limited to, the issuance of land use entitlements, development (construction) permits, and business licenses.

17.114.050 Contents of Notice

The notice of appeal shall state the decision being appealed, its identification number, and the identity of the appellant. Further, the appellant shall set forth the reasons for which the decision is unjustified or inappropriate.

17.114.060 Actions

The appellate body shall review the proceedings held by the Director or Commission in which a decision or interpretation was made. At the discretion of the appellate body, a hearing may be continued.

17.114.070 Director Appeal

The Director may, at their discretion, appeal decisions of the Commission to the Council if any of the following occurs:

A. Where the action of the Commission constitutes new policies for the City;

B. Where actions are contrary to established Council policy;

C. Where actions have significant budget or financial impact for the City;

D. Where actions are not in compliance with State law or in compliance with the Kerman Municipal Code.

17.114.080 Automatic Appeals

If the Commission is unable to take action because of disqualification or abstentions or failure of a quorum for two consecutive regular meetings, the Director shall refer the matter to the Council for a public hearing. Appeals made in compliance with this Section shall not be subject to any fees. The Council may make any decision it deems just and equitable, including the granting of any permit.

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Chapter 17.116

Public Notices and Hearings

Chapter 17.116 Public Notices and Hearings

17.116.010 Purpose

This Chapter provides procedures for noticing public hearings required by this Zoning Code. When advance notice is required and/or when a public hearing is required, the noticing and hearing shall be conducted in compliance with this Chapter.

17.116.020 Noticing Requirements for Zoning Ordinance Amendments

Before the Commission or Council hearing on an amendment to or adoption of the ordinance, a notice of the public hearing shall be published one time, in at least one newspaper of general circulation within the jurisdiction of the City at least 10 days before the hearing. The notice shall include the information specified in Section 17.116.030 (Noticing Requirements for Permits, Entitlements, and Development). If the proposed amendment or adoption of the ordinance affects the uses of real property, notice shall be given in compliance with Section 17.116.030 (Noticing Requirements for Permits, Entitlements, and Development).

17.116.030 Noticing Requirements for Permits, Entitlements, and Development

A. Before a hearing on a permit for which a public hearing is required, a single notice of hearing shall be given not less than 10 days before a hearing by publication in a newspaper of general circulation which is distributed in or near, the general area of the property which is affected by the proposed land use, permit, or entitlement. If there is no newspaper of general circulation, the notice shall be posted at least 10 days before the hearing in at least three public places within the City.

B. The newspaper publication and the mailed notices shall include information regarding the date, time and place of the public hearing, the planning body or officer who will consider the permit application and, a general description in text or by diagram, of the location of the real property that is the subject of the hearing. Surrounding properties shall be defined as those properties that fall within the outer property boundary of the proposed land use, permit, entitlement, or development as follows:

   1. If the subject property is 20 acres or less, notices shall be given to all properties within 300 feet of the property line.

   2. If the subject property is more than 20 acres, notice shall be given to all properties within 500 feet of the property line.

17.116.040 Failure to Receive Notice

Failure of any person or entity to receive a notice given in compliance with Section 17.9116.030 (Noticing Requirements for Permits, Entitlements, and Development) shall not invalidate any proceedings for amendment to this Zoning Code nor any permits authorized by this Zoning Code.

17.116.050 Notification of More than 1,000 Property Owners

If the number of property owners to whom notice would be mailed or delivered in compliance with Section 17.116.030 (Noticing Requirements for Permits, Entitlements, and Development), is greater than one thousand, the Director may provide notice by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation, distributed in or near the general area of the property which is affected by the proposed development, permit, entitlement, or land use and posted on the City's website at least 10 days before the hearing.

17.116.060 Notification of Public Agencies

In addition to providing written and/or published notice to affected property owners, a notice of the hearing shall be mailed or delivered at least 10 days before the hearing to each local agency expected to provide water, sewage, streets, roads, schools or other essential facilities or services whose ability to provide those facilities and services may be significantly affected.

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Chapter 17.118

Enforcement and Violations

Chapter 17.118 Enforcement and Violations

17.118.010 Purpose

This Chapter establishes provisions that are intended to ensure compliance with the requirements of this Zoning Code and any conditions of Division permit approval, to promote the City's planning efforts, and for the protection of the public health, safety, and welfare of the City.

17.118.020 Administrative Officials

This Zoning Code shall be administered by the Director and other persons designated by the Director. The Director, Building Official, or Code Enforcement Officer (collectively referred to as "Enforcement Officers" shall be responsible for identifying structures and uses that exist or are conducted in a manner that violates this Zoning Code. If an Enforcement Officer finds that any provision of this Zoning Code is being violated, the Enforcement Officer shall notify, in writing, the responsible party indicating the nature of the violation and the action necessary to correct it consistent with the provisions of Chapter 1.18 (Code Enforcement Authority and Procedures).

17.118.030 Compliance with Code

A. All officials, Departments, Divisions, and employees of the City vested with the authority or duty to issue permits, certificates, or licenses shall comply with the provisions of this Zoning Code and shall not issue any permit, certificate, or license which conflicts with the provisions of this Zoning Code. Any permit, certificate, or license issued in conflict with the provisions of this Zoning Code shall be null and void.

B. No permits for the development of real property shall be issued until the Director determines whether the real property involved, and the proposed development are in compliance with the provisions of the Subdivision Map Act, the General Plan, Specific Plan, and this Zoning Code.

17.118.040 Inspection

In compliance with the provisions of Chapter 1.18 (Code Enforcement Authority and Procedures), an Enforcement Officer may, upon the presentation of credentials to the owner or, occupant, enter any premises or structure at any reasonable time for the purpose of determining if the site is being used in compliance with the provisions of this Zoning Code. If admission or entry is refused, the Director may apply for an inspection warrant consistent with the provision of the Kerman Municipal Code.

17.118.050 Complaint Regarding Violation

Whenever a violation of this Zoning Code occurs or is alleged to have occurred, any person may file a written complaint with the Director, stating fully the causes and basis for the complaint. The Director shall record the complaint, investigate, and take action as provided by this Zoning Code and the City Municipal Code.

17.118.060 Penalty

A violation of the Zoning Code or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of Variances, Conditional Use Permits, or other development permits) may constitute an infraction or misdemeanor per Chapter 1.18 of the Municipal Code and shall constitute a public nuisance per Chapter 8.32.050 of the Municipal Code. A person shall be deemed guilty of a separate offense for each day a violation of this Zoning Code is committed or continued. The City may enforce pursuant to criminal citations, administrative citations, abatement, civil court action, a stop work order, and other remedies available by law.

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17 – Zoning Code

Article 8 – Definitions

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Chapter 17.120

Definitions

Chapter 17.120 Definitions

17.120.010 "A" Definitions

Abandonment. The cessation of the use of the property for a period of 12 months or more.

Abatement. Eliminating a zoning violation.

Abut. To physically touch or border upon; or to share a common property line.

Access. The place, means, or way by which pedestrians and vehicles shall have safe, adequate, and usable ingress and egress to a property, parcel or natural feature or use as required by this title.

Accessory Dwelling Unit (ADU).

Accessory Dwelling Unit (ADU). Attached or detached residential dwelling unit, on the same parcel as the principal dwelling, which provides complete independent living facility for one or more persons and includes permanent provisions for living, sleeping, eating, cooking, and sanitation as may be amended by the California Government Code.

Junior Accessory Dwelling Unit (JADU). An accessory dwelling unit that is located entirely within a detached single unit dwelling that shall meet the requirements in Article 4 (Standards for Specific Uses), as may be amended by the California Government Code.

Accessory Structure. A structure (i.e., carport, garage, storage shed, barns, workshop,) that is clearly incidental, related, secondary, and subordinate to a primary structure. The accessory structure shall contain no kitchen and shall not change the character of the primary structure. All accessory structures shall be constructed with, or after, the construction of the primary structure. For accessory dwelling unit, see "Accessory Dwelling Unit (ADU)".

Accessory Use. A use that is clearly accessory, incidental, and secondary to the primary use of the land, or any use that is determined by the Director to customarily part of or related to the primary use of the land does not change the character of the primary use or primary structure. Does not include the storage of building materials and construction equipment. See "Contractor Storage Yard".

Access Way. See "Access".

Acre. A land area unit containing 43,560 square feet.

Addition. Any construction which increases the size of an existing building (i.e., porch, attached garage or carport, new room). An addition is a form of alteration.

Adjacent. Near, close, or abutting (i.e., an industrial zone across a street or highway from a residential zone).

Adjoin. See "Abut".

Adult Oriented Business. See Chapter 9.20, Adult Oriented Business, Section 9.20.040.

Advertising Structure. Any notice or advertisement, pictorial or otherwise, and all structures used as an outdoor display, regardless of size or shape, for the purpose of advertising property or the establishment or enterprise, including goods and services which are not located on the same property as the advertising structure.

Aesthetic. The perception of artistic elements, or elements in the natural or manmade environment which are pleasing to the eye.

Agriculture. The practice of farming, including tilling of soil, the raising of crops, horticulture, viticulture, aviculture, apiculture, livestock grazing, the raising of small animals and poultry, domestic livestock farming, dairying, and animal husbandry.

Agriculture, Animal Husbandry. The raising, breeding, and caring of farm animals (e.g., cattle, horses, goats, sheep, chickens, hogs, rabbits, birds) as a commercial agricultural venture or minor occupation.

Agriculture, Dairies. An agricultural establishment raising large animals for the primary purpose of milking, including cattle, goats, and sheep.

Agriculture, Horticulture. Agricultural crops, fruit trees, hay crops, nurseries for producing trees, vines and other horticultural stock, orchards, pasture crops, nut trees, row crops, vineyards, and other plant crops. Horticulture activities exclude marijuana and hemp cultivation.

Agricultural Processing. A facility engaged in the refinement, treatment, or conversion of agricultural products. Illustrative examples of examples of agricultural processing include, packing sheds, fruit dehydrators, feed grain and flower mills, cold storage houses and hulling operations and the sorting, cleaning, packing, and storing of agricultural products preparatory to sale and/or shipment in their natural form when the products are produced on the premises, including all uses customarily incidental thereto, but not including a slaughter house, fertilizer works, commercial packing or processing plant for the reduction of animal matter or any other use which is similarly objectionable because of odor, smoke, dust, fumes, vibration or danger to life or property. This use is further categorized by size, as follows:

Agricultural Processing, Large. A processing facility exceeding 5,000 square feet.

Agricultural Processing, Small. A processing facility 5,000 square feet or less.

Agriculture Service Establishment. An agriculturally oriented establishment which provides support service to agricultural operations including the following: agricultural laboratory services, farm machinery and equipment repair (excluding trucks and other motor vehicles), irrigation equipment sales and repair, equestrian supplies, large animal veterinary practices, farm management offices, and similar support services as determined by the Director.

Agricultural use. The tilling of soil, the raising of crops, horticulture, viticulture, aviculture, apiculture, livestock grazing, the raising of small animals and poultry, domestic livestock farming, dairying, and animal husbandry.

Airport. A complex of runways and buildings regulated by the Federal Aviation Administration for the takeoff, landing, and maintenance of civil aircraft, with facilities for passengers.

Aisle. The traveled way by which cars enter and depart parking spaces.

Alcohol Beverage Sales. Any retail activity which includes the sale or dispensing of alcoholic beverages for either on-site or off-site consumption. Alcoholic beverage sales shall include those beverages requiring licensing for sale or dispensing by the California State Department of Alcoholic Beverage Control.

Alley. A public or private thoroughfare which affords a secondary. of access to abutting property and not intended for general traffic circulation.

Alteration. See "Structural Alteration".

Altered. See "Structural Alteration".

Ambulance Service. A commercial facility where ambulances are stored, and from which ambulances and emergency personnel are dispatched to emergencies.

Ambulatory Person. A person who is able to walk about assisted; a patient who is not bedridden.

Amendment. A change in the working, context, or substance of this title, as addition or deletion, or a change in zone boundaries or classifications upon the Zoning Map which imposes any regulation not theretofore imposed or removes or modifies any regulation theretofore imposed.

Animal Hospital. See "Veterinary Clinic".

Annexation. The incorporation of land into the city with a resulting change in the boundaries of the City.

Antenna. A device used in communication which transmits or receives radio signals. Common forms of antennas are panel arrays and whip antennas. Panel arrays are designed to concentrate a radio signal in a particular area and are typically flat and rectangular in design. Whip antennas transmit a signal three hundred sixty degrees and are cylindrical with an eighteen-foot height limit.

Antenna, Dish. A dish-like antenna used to link communication sites together by wireless transmission of voices or data. Also called microwave antenna or microwave dish antenna.

Antenna, Satellite. A dish-like antenna used to link communications sites together by wireless transmission of voice or data. Also called microwave antenna or microwave dish antenna.

Antenna, Telecommunication Facility. A land use facility supporting antennas and microwave dishes that sends and/or receives radio-frequency signals. Communication facilities include structures (e.g., monopoles, towers) and accessory structures.

Antenna, Telecommunication Tower. A mast, pole, monopole or guyed or lattice, freestanding tower designed and primarily used to support antennas, to include dishes, arrays, or similar devices.

Antique. Items of furniture or furnishings, utensils, equipment, objects of art, objects having aesthetic value, ornamental objects, curios and like objects of personal value, all of which by reason of age, antiquity, obsolescence, or rarity, are valued items, as proposed to the utility value or purpose for which originally manufactured or produced. An antique shall have an age of at least 40 years.

Apartment. A room or suite of two or more rooms with a single kitchen in a multi-family dwelling, occupied or suitable for occupancy as a residence for one family.

Applicant. A person submitting an application for an entitlement or permit in compliance with this Title.

Arterial Street. A major street which provides for through traffic movement on a continuous route joining major traffic generators, other arterials, expressways, and freeways.

Assessor. The county assessor of the county of Fresno.

Assisted Living Facility. See "Community Care Facility".

Association. A nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.

Athletic Club. Membership facility that provides indoor and outdoor recreation (i.e., outdoor pools, tennis courts), exercise classes and courses, and health and lifestyle training for members who belong to the organization.

Attached. Two structures which are structurally integrated with each other by supporting members.

Auction Establishment. Indoor or outdoor facilities devoted to the sale of property (i.e., merchandise, vehicles, etc.) to bidders under the supervision of an agent or entity.

Auto Mall. A group of 10 or more commercial land uses engaged in the sale and service of motor vehicles, planned and developed in a joint manner covering an area of 90 acres or more.

Automated Vending and Dispensing Machine. Computerized, self-service machines, and self-contained appliance, machine, or mechanical device located outside or in a non-enclosed space used to dispense a retail product or service. Examples of automated vending and dispensing machines include but are not limited to canned or bottled beverage dispensers, ice machines, filtered water dispensers, and/or ice machines, occupying an aggregate area of no more than 50 square feet.

Automobile Repairs, Major. See "Vehicle Repair and Service".

Automobile Repairs, Minor. See "Vehicle Repair and Service".

Automobile Sales. See "Vehicle Sales, New and Used".

Automobile Service Station. See "Fueling Station".

Automobile Wrecking Yard. See "Industrial, Major".

17.120.020 "B" Definitions

Bakery, Retail. See "Retail Sales, General".

Bank and Financial Institution. Commercial establishment, including a federally chartered bank, savings and loan association, industrial loan company, or credit unions, that provides retail banking services to individuals and businesses. Excludes payday lending and/or check cashing businesses.

Banquet Hall. See "Place of Assembly".

Bar. A commercial establishment or part of an establishment devoted to the sale and on-site consumption of alcoholic beverages. This establishment may be a singular use, or in combination with other allowable uses (e.g., a restaurant).

Barbed Wire. Wire for fences or barriers having sharp barbs or points of metal twisted into smooth wire at regular intervals.

Basement. A story partly or wholly underground. A basement shall be counted as a story for purpose of height measurement where more than one-half of its height is above the average level of the adjoining ground.

Beauty College. See "School, Technical and Vocational".

Bed and Breakfast Establishment. A commercial use within a residential dwelling, where six or fewer rooms or suites located in the principal dwelling providing overnight sleeping and breakfast accommodations available to the public for hire on an overnight or limited term basis with a 30-day maximum stay. The use may also include a continental breakfast if limited to guests.

Beekeeping. The keeping and maintenance of a collection of hives or colonies of bees. Also known as "apiary."

Bicycle Rack. A fixed or immovable device or series of devices which permit nonmotorized bicycles to be stood upright and secured from theft.

Bicycle Shop. See "Retail Sales, General".

Billboard. See "Advertising Structure".

Blacksmith. See "Industrial, Minor".

Block. All property fronting on one side of a street between intersecting and intercepting streets, or between a street and a right-of-way, waterway, dead-end street, end of a cul-de-sac, or unsubdivided land. An intercepting street shall determine only the boundary of the block on the side of a street which it

intercepts. Where the city-county boundary intersects or intercepts a street in a block, the block shall be considered to end at the city-county boundary.

Block Frontage. See "Block".

Boarding House. A dwelling other than a hotel, motel, emergency shelter, group housing facility, rest home, or bed and breakfast inn, where lodging is provided with or without meals for three or more persons for compensation, but not more than 15 people.

Body Art. Body art includes the adornment of a physical body by means of tattooing, body piercing, or permanent cosmetics.

Bookstore. See "Retail Sales, General".

Bookstore, Adult. See Chapter 9.20, Adult Oriented Business, Section 9.20.040.

Botanica. An establishment that sells herbal and other traditional remedies, together with charms, incense, candles, or other items used as alternative medicine, for religious or spiritual purposes. Establishment may also include palm and card readings and other forms of religious or spiritual services to include those described as restricted personal care.

Breezeway. A roofed passageway, open on at least two sides, connecting the main structure on a site with another main structure or accessory use on the same site.

Brewery, Distillery, Microbrewery, and Winery.

Brewery. Establishments where malt beverages are manufactured on the premises.

Distillery. Establishments where distilled spirits are manufactured on the premises.

Winery. A bonded establishment primarily used for the purpose of processing grapes or other fruit products. Processing includes, but is not limited to, crushing, fermenting, blending, aging, storage, bottling, and wholesale/retail sales of wine produced and bottled on the premises. Accessory uses include tasting rooms and incidental retail sales of wine related products, including but not limited to glasses, bottle openers, advertisements, and previously prepared packaged foods.

Broadcasting and Film Recording Studio. Commercial and public communication establishment that broadcasts or records radio, motion picture, film, television, and other digital productions entirely within a structure. Does not include transmission and receiving apparatus (i.e., antennas and towers), which are included under the definition of "Wireless Telecommunications Facilities."

Buildable Area. Area of a parcel left for structures when all the development standards and setback requirements have been met.

Building. Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature, but

shall not include temporary buildings as defined in Structure, Temporary. Mobile homes, travel trailers and other vehicles, even though permanently immobilized, shall not be deemed to be buildings. Temporary structures (e.g., tents) are not buildings, but houses, garages, factories, barns, etc., are.

Building, Accessory. See "Accessory Structure".

Building, Main. A building or buildings within which is conducted the principal use of the parcel on which it is situated.

Building, Temporary. See "Structure, Temporary".

Building Coverage. The relationship between the ground floor area of the building or buildings and the net area of the site. Swimming pools or any portion of a structure which is open on at least one side and is an extension of the exterior open space, shall not constitute a building for the purpose of this definition.

Building Height. The vertical distance of a building measured from the average elevation of the finished grade within 20 feet of the structure to the highest point of the roof, exclusive of chimneys and ventilators.

Building Setback Line. A development standard which establishes buildable and non-buildable areas. The building setback line will often be a specific distance from a natural feature (i.e., a creek or stream), property line or a right-of-way line on a parcel map, subdivision map, or follow a contour line on a topographic map. This line is used to separate conflicting uses, provide a buffer, or protect a resource.

Building Site. The ground area of a building together with all the open space required by this title. A building site may encompass more than one parcel.

Building Material Sales and Storage. Indoor and/or outdoor retail establishment selling hardware, tools, appliances, lumber and other building materials, plants, and other landscaping materials. May also include the rental of tools and equipment used in the building trades.

Bungalow Court. See "Multi-Unit Dwelling".

Business. See "Commerce".

Business, Retail. See "Retail Sales, General".

Business, Wholesale. See "Warehousing and Distribution Facility".

17.120.030 "C" Definitions

California Environmental Quality Act (CEQA). A State law which requires local and agencies to determine the potential environmental impacts of a proposed project.

Camper. A structure designed and constructed to be mounted on a vehicle with motive power to travel on the public thoroughfare, and to be used for temporary human habitation.

Campground. A commercial establishment providing spaces and facilities for the temporary placement of tents, travel trailers, motor homes, and other recreational vehicles for recreational use and overnight lodging. May also include an on-site accessory retail establishment that directly serves the needs of guests.

Car Wash. A facility having the following definitions:

Drive-through. A facility that provides for washing of vehicles through a low noise fully automated car wash facility without vacuum cleaners unless located within a completely enclosed noise attenuated room, and where the customer drives the vehicle into the facility and remains in the car during the wash process. A drive-through car wash shall only be allowed in conjunction with and subordinated to a fueling station. It shall not be allowed as a sole or primary use of property in any zone.

Mechanical. A facility that provides for the washing of vehicles through the use of mechanical equipment (e.g., conveyor chains, blowers, steam guns, roller brushes, and high-pressure vacuum units). The customer exits the vehicle and waits for the attendant to complete the washing, cleaning, and driving of the vehicle. This car wash has a waiting area for the customer and a designated finishing and/or detailing area to complete the car care service.

Self-service. A facility that provides vehicle washing to be done by the customer. There are no employees other than service people who check and maintain the equipment, open, and close the facility, and provide general supervision of the use of the facility. Equipment shall be limited to a water softener, water heater, soap mixing tank, low pressure vacuum units, and a one horsepower electric motor and pump for each stall or similar equipment which shall produce only a low volume of sound.

Card Room. A commercial establishment where legal gambling and/or gaming is conducted.

Caretaker's Residence. A residence that is accessory to a nonresidential primary use and that is used for security, 24-hour care or supervision, or monitoring facilities, equipment, or other conditions on the site.

Carport. A permanent roofed structure, or a portion of a building, enclosed on not more than three sides primarily for the parking of vehicles belonging to the occupants of the property.

Cemetery. A facility dedicated to the burial of the dead, including crematoriums, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of the premises.

Certificate of Occupancy. A document issued by the Building Director allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all the applicable municipal codes and ordinances.

Change of Use. Any use which substantially differs from the previous use of a building or land. The Director shall determine whether a change is substantial or not. Change of ownership shall not be considered a change of use.

Chapel. See "Place of Assembly".

Childcare Center. See "Day Care Center".

Childcare Facilities. See "Day Care Center".

Childcare Provider. A person who operates a day care center, large family day care home or small family day care home and who is licensed for operations by the State Department of Social Services.

Child Day Care Home. A single-unit dwelling used by the occupant to provide day care and supervision for up to 14 children in compliance with Health and Safety Code Section 1597.465. Children under the age of 10 years who reside in the home count as a part of the 14-child maximum.

Church. See "Place of Assembly".

City. The city of Kerman.

City Manager. The City Manager of the City of Kerman or the designee or designees of the City Manager.

Clear Vision Triangle. See "Sight Distance Triangle".

Clinic. See "Office, Medical".

Clothes Cleaning and Dyeing Plant. See "Industrial, Minor".

Club. An association of persons (whether or not incorporated) for a common purpose, but not including groups organized solely or primarily to render service carried on as a business for profit.

Cocktail Lounge. See "Bar".

Coin-Operated Cleaning Service. Any premises with coin-operated dry cleaning machines with a capacity not to exceed eight pounds, using nonvolatile materials provide a retail service similar to that provided at a self-service Launderette.

College, Trade. See "School, Technical and Vocational".

Columbarium. A structure of vaults lined with recesses for cinerary urns.

Commerce. The purchase, sale or other transaction involving the handling or disposition (other than that included in term Industry) of any article, substance or commodity for profit or a livelihood, including in addition, operation of automobile or trailer courts, tourists courts and motels, public garages, office buildings, offices of doctors and other professionals, outdoor advertising signs and structures, public stables, recreational and amusement enterprises conducted for profit, shops for the sale of personal services, places where commodities or services are sold or are offered for sale, either by direct handling of merchandise or by agreements to furnish them, but not including dumps and junkyards.

Commercial Office. See "Office".

Commercial Recreation and Entertainment Facility.

- **Commercial Recreation and Entertainment Facility, Indoor.** Indoor establishment where entertainment (participant or spectator) is provided for a fee (admission or membership) for the pleasure of the patrons, either independent of or in conjunction with another use. Does not include adult entertainment businesses or bars. Illustrative examples of commercial recreation and entertainment use include:
    - Arcade
    - Axe throwing or indoor archery
    - Bowling alley
    - Indoor cinema and amphitheater
    - Indoor ice/roller skating rink
    - Pool and billiard room
- **Commercial Recreation and Entertainment Facility, Outdoor.** Outdoor establishments where entertainment (participant or spectator) is provided for a fee (admission or membership) for the pleasure of the patrons, either independent of or in conjunction with another use. Does not include adult entertainment businesses or bars. Illustrative examples of commercial recreation and entertainment use include:
    - Amusement Park
    - Golf course and driving range
    - Miniature golf course
    - Outdoor cinema and amphitheater
    - Outdoor ice/roller skating rinks
    - Paint ball course
    - Sports stadium and arena
    - Tennis/racquetball court

Commission. The Planning Commission of the city of Kerman.

Communication Equipment Buildings. See "Utility Facility and Infrastructure".

Community Care Facility. Any facility, place or building which is maintained and operated to provide nonmedical residential care, emergency shelters, adult day care, or home-finding agency services for children, adults, or children and adults, including, but not limited to, the physically handicapped, mentally impaired, or incompetent persons. "Community care facility" shall include residential facility, residential care facility for the elderly, adult day care facility, home finding agency, and social rehabilitation facility, as defined in Section 1502 of the Health and Safety Code, and includes the following:

A. Adult Residential Facility. Provides twenty-four-hour-a-day nonmedical care and supervision to adults who are mentally disordered or otherwise handicapped except elderly persons, who are in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual.

B. Residential Care Facility for the Elderly. A group housing arrangement chosen voluntarily by residents who are at least sixty-two years of age and who are provided varying levels of supportive services of care, as agreed upon at the time of admission, based upon their varying needs.

C. Rehabilitation Facility. Provides twenty-four-hour-a-day nonmedical care and supervision in a group setting to adults and/or emancipated minors recovering from alcohol and/or drug misuse, who are currently or potentially capable of meeting their life support needs independently; but who temporarily need assistance, guidance, and counseling.

D. Foster Family Home. Any residential facility providing twenty-four-hour care for six or fewer foster children which is owned, leased or rented and is the residence of the foster parent or parents, including their family, in whose care the foster children have been placed. Such placement may be by a public or private child placement agency or by a court order, or by voluntary placement by a parent, parents or guardian.

Adult Day Care Facility. Facility that provides care to persons 18 years of age or older in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis.

Child Therapeutic Day Services Facility. Facility that provides care, counseling, educational or vocational support, or social rehabilitation services on less than a 24-hour basis to persons under 18 years of age who would otherwise be placed in foster care or who are returning to families from foster care.

Community Composting. Any activity that composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and compost on-site at any one time does not exceed 100 cubic yards and 750 square feet, as specified in 14 CCR Section 17855(a)(4); or, as otherwise defined by 14 CCR Section 18982(a)(8).

Community Treatment Facility. Facility that provides care and mental health treatment services to children in a group setting. Program components shall be subject to program standards developed by the State Department of Mental Health.

Foster Home. Facility that provides 24-hour care for foster children which is owned, leased, or rented and is the residence of the foster parent(s), including their family, in whose care the foster children have been placed.

Residential Care Facility. Group care facility for 24-hour care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual. Includes residential care facilities for the elderly assisted living establishments, and memory care for both short- and long-term care.

Social Rehabilitation Facility. Residential facility which provides social rehabilitation services for no longer than 18 months in a group setting to adults recovering from mental illness who temporarily need assistance, guidance, or counseling.

Community Plan. A refinement of the General Plan for a component geographic area of the General Plan. A community plan shall advance the provisions of the General Plan to a more precise level of detail and

shall contain goals, policies, maps, and standards that implement the recommendations of the General Plan. A community plan shall contain those plan elements which are essential to the implementation of the General Plan and may contain additional components, including specific plans, which are necessary to the development of the goals, policies, and standards for the community plan area. A community plan shall be adopted, amended, or repealed by resolution of the Council upon the recommendation of the commission.

Community Sewer System. See "Public Sewer System".

Concertina Wire. Any barbed physical barrier or obstacle that is manufactured from steel strip or tape and converted from a helical pattern by attaching alternate adjacent loops at multiple points around the circumference, so that when the coil is extended, instead of a simple helix, a series of diamond shape openings are present.

Condominium. See "Multi-Unit Dwellings".

Conflict of Interest. A situation when the personal interest of a public official places them in a position where he or she cannot execute their public duties without affecting their private interests, thus denying the public the fair, impartial, and objective judgment to which it is entitled.

Conservatory. A school specializing in one of the fine arts.

Contiguous. See "Abut".

Contractor Storage Yard. A facility which provides storage for a contractor licensed by the State for large equipment, vehicles, or other materials commonly used in the individual contractor's type of business; storage of scrap materials used for repair and maintenance of contractor's own equipment; and buildings or structures for uses, including but not limited to, offices and repair facilities. Excludes junk yard.

Convalescent Home. See "Community Care Facility".

Convenience Store. See "Retail Sales, General".

Conversion. A change in the use of land, structure, or activity.

Conviction. A finding of guilty by a jury or court, or a plea of guilty or nolo contendere.

Cottage Food Operation. As defined in California Health and Safety Code Section 113758(a).

Corner Cut-Off. See "Sight Distance Triangle".

Council. The City Council of the city of Kerman.

Country Club. Any occupancy by an association of persons (whether or not incorporated) with a permanently located building primarily for social activities and a combination of recreational facilities (e.g., a golf course, or swimming pool, or tennis court), and commercial or noncommercial incidental or accessory uses.

County. The county of Fresno.

County Recorder. The county recorder of the county of Fresno.

Court. An open, unoccupied space, other than a yard, on the same parcel with a building or buildings and bounded on two or more sides by buildings.

Court, Enclosed. A court surrounded on all sides by exterior walls of a building and parcel lines on which fences, hedges and walls are allowed.

Court, Inner. A court enclosed on all sides by the exterior walls of a building or buildings.

Coverage. See "Parcel coverage".

Cul-De-Sac. See "Parcel, Cul-de-Sac".

Curb Level. The level of the established curb at the center or the front of the building. Where no curb level has been established, the city engineer shall establish a curb level or its equivalent for the purpose of this title.

17.120.040 "D" Definitions

Day Care Center. Commercial facility that provides nonmedical care and supervision of minor children for periods of less than 24 hours; including the following subtypes, all of which are required to be licensed by the State Department of Social Services:

Day Care Center, Accessory Use. A day care facility that is operated in conjunction with a business, school, housing development, or religious facility. Includes infant centers, preschools, and extended child day care facility.

Day Care Center, Primary Use. A standalone day care facility not operated as a child day care home or accessory day care center. Includes infant centers, preschools, and extended child day care facility.

Day Care, Large. See "Child Day Care Home".

Day Care, Small. See "Child Day Care Home".

Day Spa and Salon. See "Personal Service, General" and "Personal Service, Restricted".

Dedication. A gift or donation of property by the owner to another party.

Density. The maximum number of dwelling units allowed per a specified area of land.

Density Bonus. A density increase over the otherwise maximum allowable gross residential density as of the date of application by the applicant to the city, county, or city and county, or, if elected by the applicant, a lesser percentage of density increase, including, but not limited to, no increase in density.

Developer. The legal or beneficial owner or owners of a parcel or of any land included in a proposed development including the holder of an option or contract to purchase, or other persons having enforceable proprietary interests in the land.

Development. Any change to unimproved or improved real property including, but not limited to, the placement, construction, reconstruction, conversion, structural alteration or enlargement of any structure; any mining, excavation, landfill or land disturbance. Agriculture is not defined as development within this title.

Development Plan. (A) a site plan depicting building locations, internal circulation including pedestrian and bicycle pathways, parking, required public dedications and improvements, signs and advertising structures, and all proposed public amenities outside of buildings; (B) elevations of all sides of all proposed buildings including materials and colors to be used on all facades; (C) floor plans for every building stating all proposed uses and their square footages; and (D) a landscape plan depicting species, size at time of planting, and location of all plants and trees.

Development Standard. Those development requirements of each zone or overlays which apply to allowable uses by setting forth minimum requirements or specifications for parcel dimensions, setbacks, and height limits; amount of land covered by buildings and structures; animal densities; parking and signs. A development standard can only be modified by a variance or zoning ordinance amendment.

Director. The director of planning and development services of the city of Kerman.

District. See "Zone."

Division. Refers to the operating divisions within the Department e.g. Planning, Building, and Engineering Division.

Dormitory. A building intended or used principally for sleeping accommodations, where the building is related to an educational or public institution, including places of assembly, fraternities, and sororities.

Drainage Channel. See "Drainageway".

Drainageway. Any natural or artificial watercourse, trench, ditch, swale, or similar depression into which surface water flows.

Department Store. See "Retail Sales, General".

Detached. Not sharing a common wall or roof.

Drive-Through Sales and Service. Facilities where products and services are purchased by or distributed to patrons without leaving their vehicles. These facilities include, but are not limited to, pharmacies, ATMS, banks, photo stores, and other retail or service commercial uses.

Driveway. Any vehicular access to an off-street parking or loading facility.

Drug Store. See "Retail Sales, General".

Drug Store, Super. See "Retail Sales, General".

Dump. A place used for the disposal, abandonment or discarding by burial, incineration, or by any other means, of any garbage, sewage, trash, refuse, rubble, waste material, offal, or dead animals. Dumps shall not involve any industrial or commercial process.

Duplex. See "Two-Unit Dwelling".

Dwelling. See "Multi-Unit Dwelling" and/or "Single-Unit Dwelling".

Dwelling Group. See "Multi-Unit Dwelling" and/or "Single-Unit Dwelling".

17.120.050 "E" Definitions

Easement. A grant of one or more property rights by the property owner to and/or for the use by the public, a corporation, or another person or entity.

Eave. The projecting lower edges of a roof overhanging the wall of a building.

Educational Institution. See "School".

Egress. A point of vehicle exit from a parking area, parcel, garage or driveway.

Electrical Distribution and Transmission Substation. See "Utility Facility and Infrastructure".

Electric Vehicle Charging Station or Charging Station. An electric vehicle supply equipment station that is designed and built in compliance with Article 625 of the California Electrical Code, as it reads on the effective date of this Chapter and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

Electronic Submittal. The submittal of the application utilizing electronic mail, the internet, or facsimile.

Emergency Shelter. Temporary housing, including interim intervention facilities, with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person, where no individual or household may be denied emergency shelter because of an inability to pay as defined and used in Section 508019 of the California Health and Safety Code.

Eminent Domain. The right of a government unit to take private property for public use with appropriate compensation to the owner.

Employee Housing. Housing for six or fewer employees in a single unit dwelling in zones where single unit dwellings are allowed. Employee housing shall not be included within the definition of a boarding house, rooming house, hotel, dormitory, or other similar term that implies the employee housing differs in any way from a dwelling and shall not constitute a change in occupancy for purposes of local building codes.

Additionally, employee housing shall not be subject to any fees to which other dwellings of the same type in the same zone are not likewise subject.

Essential Service. The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead electrical, gas, steam, water transmission or distribution systems, collection, communication, supplying, or disposal systems including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings reasonably necessary for the furnishing of adequate service by public utilities or municipal governments or commissions, or for the public health or safety or general welfare.

Equipment Sales and Rental Facility. Service establishment with or without outdoor storage/rental yards, which offer a wide variety of equipment types, including construction equipment.

Event Venue. A building used for the hosting of weddings, conferences, galas, and other similar celebratory events. An event venue may include outdoor use of an area including decks or patios. Such use may include an area for catering preparation and storage but may not contain a commercial kitchen for cooking.

Expressway. See "Freeway".

17.120.060 "F" Definitions

Fabrication. The manufacturing from standardized parts of a distinct object differing from the individual components.

Factory. A building in which semi-finished or finished materials are converted to a different form or state or where goods are manufactured, assembled, treated, or processed.

Factory Built Housing. See "Mobile/Manufactured Home".

Family. Family. one or more persons occupying a premises and living as a single housekeeping unit as distinguished from a group occupying a hotel, club, fraternity, or sorority house. The family shall be deemed to include necessary servants.

Family Care Home. See "Community Care Facility".

Farm Labor Quarters. See "Employee Housing".

Farmers Market. A temporary commercial use at which small commodities and food items are sold by persons who typically grow, harvest, or process products offered for sale directly on their farm or agricultural operation.

Farmworker Housing. See "Employee Housing".

Federal. The government of the United States of America.

Feed Lot. A parcel, or portion of a parcel, used for the enclosing and fattening of livestock for market, and not operated in connection with a bona fide farm.

Feed Yard. See "Feed Lot".

Fence. See "Wall".

Filling Station. See "Fueling Station".

Firearm. A weapon, especially a pistol or rifle, capable of firing a projectile and using an explosive charge as a propellant.

Fishery. Any premises upon which breeding, hatching, or fish rearing facilities are situated when the premises are required to have a license by the State Fish and Game Code, including ponds for commercial use.

Floodplain. The relatively flat area adjoining the channel of a natural stream or river which has been or may be covered by floodwater.

Floodplain, Primary. The area within the designated floodway.

Floodplain, Secondary. The area of the floodplain outside of the primary flood-plain, that on the average is likely to be flooded once every 100 years (i.e., that has a one percent chance of flood occurrence in any one year).

Floodway, Designated. A stream, channel and portions of the adjacent floodplain as reasonably required to efficiently carry the flood of the stream; and on which properties special regulations are necessary for minimum protection of the public health, safety, and of property and improvements from hazards and damage resulting from floodwaters.

Floor Area, Gross. A development standard defined as the total area of all floors of a building as measured to the surfaces of exterior walls and including corridors, stairways, elevator shafts, attached garages, porches, balconies, basements, and offices.

Floor Area, Net. A development standard defined as the gross floor area excluding vents, shafts, stairs, corridors, attics, equipment rooms, garages, and unenclosed porches and balconies.

Floor Area Ratio (FAR). The ratio of gross building floor area to total parcel area. Example: two square feet of gross floor area for each three square feet of total parcel area would result in a floor area ratio of 2:3.

Foot-Candle. A measurement unit used in determining lighting levels.

Food Commissary. An establishment where food is stored, prepared, portioned, and/or packaged, where the food is intended for consumption at another establishment or place.

Foster Family Home. See "Community Care Facility".

Fowl. A bird of any kind, cock, hen of the domestic or domesticated or wild gallinaceous bird (turkey, pheasant, and grouse).

Freeway. A divided arterial highway for through traffic with full or partial control access and generally with grade separations at intersections. For the purposes of this title, the word freeway shall include expressway.

Frontage Street. Roads which parallel freeways, expressways, or important highways, providing for access to abutting property or for circulation, and being separated from the highway by a dividing strip.

Front wall. The wall of a building or structure nearest the street which the building fronts, but excluding certain architectural features, as cornices, canopies, eaves or embellishments.

Fueling Station. A commercial facility that sells gasoline, diesel, or alternative fuel for the on-site fueling of individual motor vehicles. May include incidental "minor" maintenance and repair (i.e., battery charging and tire changing and repair) of automobiles and light duty trucks, vans, or similar size motor vehicles. May also include a convenience store operated by the service station owner.

Funeral Home. See "Mortuary".

Furrier. The retail sales of fur garments and the provision of related services. The use may include the retail sales of related merchandise, including but not limited to garments and accessories comprised of materials other than fur; provided, that the display of the related merchandise shall not exceed twenty-five percent of the sales floor area. Related services provided by furriers are designed to provide support to the customers of the retail sales and may include, but are not limited to, custom alterations, repairs, cleaning and storing of fur garments.

17.120.070 "G" Definitions

Game Rooms/Amusement Arcades. See "Commercial Recreation and Entertainment Facility, Indoor".

Garage, Private. A detached accessory building or a portion of a main building on the same parcel for the parking or temporary storage of vehicles of the occupants of the premises.

Garage, Public. Any garage other than a private garage.

Garage, Repair. See "Vehicle Repair and Service".

Garage, Residential. An accessible and usable covered and completely enclosed space of not less than 10 by 20 feet per vehicle for storage of automobiles.

Garage, Storage. Any premises, used exclusively for the storage of vehicles.

Garage Sale. Any sale, conducted on premises within a residential zone upon which is located a dwelling, by any occupant of the dwelling, of any personal property which is owned and has been used by the occupant. May not last more than three consecutive days and may not exceed a total of six days per

calendar year. The term garage sale does not include a sale of one or two items of personal property which is not part of a general sale of items of personal property.

General Plan. An integrated, internally consistent, comprehensive, and long-range set of goals and policies for the general physical development of the city and any land outside the city's boundaries which bears relation to the city's planning. The General Plan shall include maps that recommend the general locations and types of land uses that are consistent with the goals and policies of the plan. The General Plan and its recommendations shall address physical, social, economic, environmental, design, and public service delivery system issues that have a bearing on the growth and change of the city. The General Plan shall contain the mandatory elements prescribed by the State Planning and Zoning Law (Title 7, Division 1, commencing with Section 6500, of the California Government Code), which may be combined when appropriate. The General Plan may also include other elements or address any other subject which, in the judgment of the Council, is needed for appropriate physical development of the city. The General Plan shall be adopted or amended by resolution of the Council.

Glare. A harsh dazzling light.

Golf Course. See "Commercial Recreation and Entertainment Facility, Outdoor".

Government Agency. Any department, commission, independent agency or instrumentality of the United States, the state of California, the county of Fresno, the City, or any special district, authority, or other governmental agency which may have jurisdiction or provide services to the city of Kerman.

Grade. The gradient, the rate of incline or decline expressed as a percent. E.g., a rise of twenty-five feet in a horizontal distance of one hundred feet would be expressed as a grade of twenty-five percent. (See also "Slope")

Green Building. The practice of increasing the efficiency with which buildings use resources — energy, water, and materials — while reducing building impacts on human health and the environment during the building's life cycle, through better siting, design, construction, operation, maintenance, and removal. Green buildings are designed to reduce the overall impact of the built environment on human health and the natural environment.

Greenhouse. See "Accessory Use and Structure".

Gross Area. The total horizontal area within the parcel lines of a parcel of land before public streets, or other areas to be dedicated or reserved for public use are deducted from the parcel.

Group Home. A facility which provides 24-hour care and supervision to children, provides services specified in this chapter to a specific client group, and maintains a structured environment, with such services provided at least in part by staff employed by the licensee. The care and supervision provided by a group home shall be nonmedical except as permitted by Welfare and Institutions Code Section 17736(b). Since

small family and foster family homes, by definition, care for six or fewer children only, any facility providing 24-hour care for seven or more children must be licensed as a group home.

Guest. Any transient person who occupies a room for sleeping purposes.

Guest House. A detached living quarters of a permanent type of construction without kitchen or cooking facilities of any kind, intended and used primarily for temporary guests of the occupants of the main building on the parcel on which the guest house is located, and not rented or otherwise used as a separate dwelling. Guest houses shall not have a net floor area greater than 640 square feet.

Guest Room. A room which is designed to be occupied by one or more guests for sleeping purposes, not including dormitories.

Group Housing Facility. See "Group Home."

Gunsmith. See "Retail Sales, Restricted".

17.120.080 "H" Definitions

High-Rise Buildings. a building or structure which exceeds seventy-five feet in height above the lowest level of Fire Department vehicle access.

Height, Maximum. See "Maximum Height".

Heliport. Any area of land, water or a structure which is used or intended for use for the landing and taking off of helicopters.

Home for the Aged. See "Rest Home".

Home Improvement Center. See "Retail Sales, General".

Home Occupation. An accessory use of a dwelling unit conducted entirely within the dwelling unit, and carried on by one or more persons, all of whom reside within the dwelling unit. The use is clearly incidental and secondary to the use of the dwelling and does not change the dwelling unit's character or adversely affect the uses allowed in the residential zone of which it is part.

Homeowners Association (HOA). A community association which is organized in a development, in which individual owners share common interests in open space or facilities.

Hospital. Facility providing medical, physical, psychiatric, or surgical services on a 24-hour basis for sick or injured persons primarily on an in-patient basis and including ancillary facilities for out-patient and emergency treatment, diagnostic services, training, research, administration, and ancillary services to patients, employees, or visitors (i.e., cafeteria, gift/flower shop, waiting rooms, etc.).

Hotel/Motel. Facility with guest rooms or suites, provided with or without kitchen facilities, rented to the public for transient lodging for up to one month, excluding hourly lodging. A hotel typically provides access

to most guest rooms from an interior walkway, and typically include a variety of services in addition to lodging, including meeting facilities, personal services, meeting/banquet rooms, and restaurants. A motel typically provides access to guest rooms from an exterior walkway and may include accessory guest facilities (e.g., accessory retail uses, indoor athletic facilities, and swimming pools). Does not include group housing facilities, emergency shelters, community care facilities, or rooming or boarding facilities.

Household Pet. Animals, birds, or fowl ordinarily allowed in a dwelling and kept only for the pleasure and enjoyment of the occupants, not being kept or raised for meat, eggs, milk, hides, fur, fiber, or feathers. Household pets shall not include horses, cows, goats, sheep, nor other equine, bovine, ovine or ruminant animals; predatory wild animals; chickens, roosters, ducks, geese, turkeys, game birds or fowl which normally constitute an agricultural use; nor pigs, except for potbellied pigs. The keeping of household pets or other animals is lawful only in those zones where the use is listed as an allowed use. Not more than four household pets are allowed per dwelling unit.

17.120.090 "I" Definitions

Incidental. Secondary, accessory and subordinate to another use, structure or activity.

Industrial. Establishment engaged in the manufacturing of finished parts or products either from raw materials or previously prepared materials, within an enclosed structure. Includes processing, fabrication, assembly, treatment, testing (e.g., laboratories), packaging, storage/warehousing, incidental office space, sales, and distribution of the parts or products. Excludes vehicle/equipment rentals, vehicle repair and service, vehicle sales.

Industrial, Major. The manufacturing, processing, storing, and/or testing of goods using large quantities of raw materials, and generally requiring high capitalization and production of large quantities of output. Major industrial uses often sell products to other businesses rather than consumers. Characteristics of major industrial uses include, but are not limited to, heavy trucking activity, noise, emissions requiring Federal or State environmental permits, use of large quantities of raw materials. Examples of major industrial uses include chemical manufacturing, automotive dismantling, sheet metal fabrication, glass product manufacturing, paving and roofing materials manufacturing, plastics, other synthetics and rubber product manufacturing, primary metals industries, pulp and pulp paper product manufacturing, textile and leather product manufacturing, metal processing, and assembly and manufacturing of vehicle and/or vessels.

Industrial, Minor. The manufacturing, processing, storing, and/or testing of consumer-oriented goods in a manner that does not produce noticeable odors, air emissions, noise, or other environmental effects, and that has limited associated trucking activity. Minor industries generally require limited amounts of raw materials to produce goods. Examples of minor industrial uses include artisan/craft product manufacturing, bottling plant, clothing and fabric product manufacturing, electronics, equipment and

appliance manufacturing, handcraft industries, small-scale manufacturing, clothes cleaning and dyeing plant, paper product manufacturing, machine shop, cabinet shop, and assembly of small electronics and medical equipment.

Industrial Park. See "Planned Industrial Park".

Industry. The manufacture, fabrication, processing, reduction and/or destruction of any article, substance or commodity, including storage elevators, truck storage yards, warehouses, wholesale storage and other similar types of enterprise.

Infectious Nonclinical Laboratory. Any laboratory facility other than a Clinical Laboratory Improvement Amendments (CLIA) as defined by 42 USC § 263(a) and not subject to 42 CFR 493 CLIA regulations, engaging in the research, examination, or handling of infectious biological agents, substances, or vectors as defined by 42 CFR 71.54.

Infill. Development or redevelopment of land that has been bypassed, remained vacant, and/or is underused as a result of the continuing urban development process.

Infrastructure. Facilities and services needed to sustain industry, residential, commercial activities and all other land use activities, including water, sewer lines, and other utilities, streets and roads, communications, and public facilities (e.g., fire stations, parks, schools).

Ingress. a point of vehicle entrance to a parking area, parcel, garage or driveway.

Interior Court, Residential. Residential interior court. the open area between residential structures.

Interior Lot. See "Parcel, Interior".

Interim Agriculture. The tilling of the soil for the raising of grains, crops, orchards, horticulture and/or viticulture. Interim agriculture shall not include small livestock farming, dairying and/or animal husbandry, nor any other uses customarily incidental thereto such as slaughter houses, fertilizer yards, or rendering plants.

Island. built-up structures, usually curbed, placed at the end of parking rows as a guide to traffic and also used for landscaping, signs, or lighting.

17.120.100 "J" Definitions

Junk. Any worn out, cast-off or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to some use. Any article or material which is unaltered or unchanged and, without further reconditioning, can be used for its original purpose as readily as when new, shall not be considered junk.

Junkyard. See "Scrap and Dismantling Yard".

17.120.110 "K" Definitions

Kennel. Commercial facility where dogs, cats, or other small, domesticated animals are kept, whether keeping is for profit, breeding, or exhibiting, including places where the animals are boarded, kept for sale or hire. May also include daytime boarding and activity for animals (e.g., "doggie daycare") and ancillary grooming facility.

Kitchen. Any room in a building or dwelling unit which is used for cooking or preparation of food.

17.120.120 "L" Definitions

Labor Camp, Farm. See "Employee Housing".

Landscape Mound. Any location on a parcel of land where dirt, soil, topsoil, or pile of earth is placed, or otherwise elevated, above grade of surrounding land for any decorative architectural purpose.

Landscaping. The planting and continued maintenance of suitable plant materials or a combination of plant materials within minimum areas of paving, gravel, otherwise dust-free. An adequate irrigation system is required.

Landscaping, Screen. Screen landscaping. the planting and continued maintenance of a compact screen of evergreen shrubbery forming a physical barrier or enclosure not less than six feet in height, composed of materials selected from the city's list of acceptable screen landscaping plant materials. The minimum size of materials planted shall be specified on the city list. An adequate irrigation system is required.

Launderette. A business premises equipped with individual clothes washing and drying machines either coin-operated or attendant operated for the use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment house or an apartment hotel.

Laundromat. See "Personal Service, General".

Loading. The removal or placement of any commodity in, on, or from a vehicle of any type.

Loading Space. An off-street space or berth on the same parcel with a main building, or contiguous to a group of buildings, for the temporary parking of commercial vehicles while loading or unloading, and which has access from a street, alley or other permanent. of ingress and egress.

Lot. See "Parcel".

Lot Area. See "Parcel Area".

Lot Coverage. See "Parcel Coverage".

Lot Depth. See "Parcel Depth".

Lot Line. See "Parcel Line".

Lot Width. See "Parcel Width".

Low Barrier Navigation Center. Housing or shelter in which a resident who is homeless or at risk of homelessness may live temporarily while waiting to move into permanent housing.

Low Income Housing. Housing that is economically feasible for families whose income level is categorized as low within the standards promulgated by the California Department of Housing and Community Development (HCD).

17.120.130 "M" Definitions

Manufactured Home Sales and Repair. A commercial establishment that sells mainly manufactured and mobile homes and structures. May include incidental maintenance and limited on-site construction activities directly related to the sale of units.

Marquee. A roofed structure or awning or canopy attached to the building.

Massage or Body Work. The application of various techniques to the muscular structure and soft tissues of the human body as defined in Business and Professions Code Section 4601(e). Application of massage and bodywork techniques may include, but is not limited to, stroking, kneading, tapping, compression, vibration, rocking, friction, pressure, and similar techniques. Examples of massage include Swedish massage, sports massage, shiatsu, polarity therapy, rolfing, hellerwork and reflexology. "Massage" and "bodywork" have the same meaning.

Maximum Height. A development standard which limits the height of buildings and structures.

Maximum Parcel Coverage. The amount of parcel area coverage allowed for buildings and structures.

Meat Jobber. The wholesaling of meat, conducted wholly within an enclosed building, shall include portion control and the packaging of ground or chopped meat, but shall not include slaughtering, skinning, packing, smoking, or sausage manufacture.

Medical Office. Any building or portion of a building used or intended to be used as an office for the practice of any type of medicine including chiropractic, dentistry, or optometry. It shall also include clinics of a medical or dental nature.

Microbrewery. A small-scale brewery operating with a Type 23 Small Beer Manufacturer's License as defined by the California Department of Alcohol and Beverage Control which produces 15,000 barrels or less per year on the premises.

Microenterprise Home Kitchen. A food facility that is operated by a resident in a private home where food is stored, handled, and prepared for, and may be served to consumers.

Minimum Parcel Size. A development standard which is the smallest area a parcel may be divided into.

Mining. The removal of minerals, rock, or sand and gravel from the earth by extraction.

Mini-Warehouse. See "Storage Facility, Personal".

Minor Deviation. See "Minor Modification".

Minor Modification. A Variance of 20 percent or less from zone standards specified in this Title, including parcel area, parcel dimensions, setback distances, parcel coverage, height limitations, parking requirements, or other zone standard requirements.

Mixed Use Development. A parcel, or a series of adjacent parcels, developed as a unit containing more than one land use type.

Mobile Food Vendor. Licensed motorized or nonmotorized vehicles used for the preparation, sales, and/or distribution of food and beverages to the general public.

Mobile Home Park. Improved area that provides spaces and utilities for mobile and manufactured homes to be used for residential purposes. Does not include temporary lodging sites for travel trailers or other recreation vehicles (see "Camping").

Mobile Home Space. A plot of land for placement of a single mobile home within a mobile home park.

Mobile Office Structure. A structure, including trailers, mobile homes and modular trailers, which is fabricated off-site in whole or modules, in conformance with the Uniform Building Code, that is designed to be transported to a site and which can be readily relocated to another site.

Mobile/Manufactured Home. A structure intended for human habitation manufactured or constructed under authority of 42 U.S.C. Sec 5403, Federal Manufactured Home Construction and Safety Standards, or California law (Health and Safety Code Sections 18007 and 18008). The structure is typically manufactured either in whole or in substantial part at an off-site location, transported to and assembled on-site, and placed on a permanent foundation.

Moderate Income Housing. Housing that is economically feasible for families whose income level is categorized as moderate within the standards promulgated by the California Department of Housing and Community Development.

Mortuary. Facility where deceased persons are prepared for burial or cremation, and funeral services are conducted.

Motel. See "Hotel/Motel".

Motion Picture Theater. See "Commercial Recreation and Entertainment Facility, Indoor".

Motion Picture Theatre, Adult. See Chapter 9.20, Adult Oriented Business, Section 9.20.040.

Motorized Home. A structure designed as an integral part of a self-propelled vehicle to be used as a temporary dwelling for travel, recreation and vacation uses.

Multi-Family Dwelling. A residential structure containing three or more residential dwelling units, each of which is for the occupancy by one or more persons living as a single housekeeping unit, including triplexes, fourplexes, apartments, and townhouses, but not including trailer courts, mobile home parks or camps, motels, or hotels.

17.120.140 "N" Definitions

Net Parcel Area. The gross parcel area minus any ultimate street rights-of-way, areas within fifteen feet of a stream bank, areas within the designated floodway, and all easements, except open space easements, that prohibit the surface use of the parcel in question by persons other than the easement holder.

Nonconforming Building or Structure. A structure which was lawfully established and maintained before the adoption of the ordinance codified in this Title, but under this Title does not conform with the development standards, including parcel coverage, height, setback, etc., of the zone in which it is located.

Nonconforming Parcel. A parcel, the area dimensions or location of which were lawful before the adoption of the ordinance codified in this title or any amendments hereto, or previously adopted City ordinances, and which does not conform to the present regulations of the zone or overlays in which it is situated.

Nonconforming Sign. Any sign lawfully existing on the effective date of the ordinance codified in this title or an amendment thereto, which renders a sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended ordinance.

Nonconforming Status, Illegal. A parcel, structure, or use that was not legally established under the provisions of any adopted policy or regulation at the time of establishment or has not remained in substantial compliance with any conditions imposed on the parcel, structure, or use at the time of establishment but does currently not comply with the provisions of this Zoning Code.

Nonconforming Status, Legal. A parcel, structure, or use that was legally established under the provisions of any adopted policy or regulation at the time of establishment and has remained in substantial compliance with any conditions imposed on the parcel, structure, or use at the time of establishment but does currently not comply with the provisions of this Zoning Code.

Nonconforming Use. A use which was lawfully established and maintained before the adoption of the ordinance codified in this title, but under this title does not conform with the development standards, including parcel coverage, height, setback, etc., of the zone in which it is located.

Notice Of Appeal. A document which indicates that an applicant for a permit or zoning amendment, or an affected party, wishes to appeal a decision of a planning officer or body of the City.

Nursery School. See "Day Care Center".

17.120.150 "O" Definitions

Off Sale Liquor. See "Alcohol Beverage Sales".

Off-Street Parking. An approved vehicle parking area, whether covered or uncovered, which is not located on a dedicated street right-of-way.

Office. Facility or business that predominantly offers medical, professional, or business services.

Office, Accessory. Office that is incidental to and a part of another business, manufacturing, or sales activity that is the primary use.

Office, Medical. Facility primarily providing outpatient medical, mental health, minor surgical, and other similar personal health services, but which is separate from a hospital, including: medical, dental, and psychiatric offices, outpatient care facilities, acupuncture, and other allied health services.

Office, Professional. Facility and business that predominantly offers professional and/or business services including architects, attorneys, accountants, advertising, computer support, land use planners, and other similar professional services and uses.

On Sale Liquor. See "Bar".

Open Space, Common. Areas in a development reserved for the use of the residents or guests of a development (e.g., tennis courts, swimming pools, playgrounds, community gardens, landscaped areas for common use), or other open areas of the site needed for the protection of the habitat, archaeological, scenic, or other resources.

Open Space, Private. Usable open space intended for use of occupants of one dwelling unit, normally including yards, decks, and balconies.

Open Space, Usable. One or more open areas adjacent to residential uses designed for outdoor living and recreation, and which is located at, below, or above grade.

Open Storage. The storage of supplies, materials, products, motor vehicles or other appurtenances which is open or viewable by the public. Open storage is a form of outdoor storage.

Open To The Public. A term applied to commercial uses which are available for use by persons other than employees.

Outdoor Advertising. See "Advertising Structure".

Outdoor Dining. An area located entirely outside the walls of a contiguous structure or enclosed on one or two sides by the walls of the structure, set up with tables, chairs, and other furnishings associated with and in the immediate vicinity of a restaurant, cafe, or other allowed establishment that serves food or drinks for on-site consumption.

Outdoor Sales. Either permanent or temporary outdoor display of merchandise incidental and ancillary to an adjacent indoor retail use, and certain independent outdoor retail sales facilities (e.g., auction yards, flea markets, lumber, and other material sales yards). Includes news and flower stands, and barbeque and rotisserie pits. Does not include the sale of motor vehicles, boats, and recreational vehicles ("Vehicle, Boat, and Trailer Sales, New and Used"), or the rental of vehicles ("Vehicle Rental Facility").

Outdoor Storage. The storage of supplies, materials, products, motor vehicles or other appurtenances which is outside of an enclosed building, open or viewable by the public. Open storage is a form of outdoor storage.

Outer Highway. See "Frontage Street".

Owner. An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of a given parcel of land.

17.120.160 "P" Definitions

Parcel. Defined as fulfilling both: (A) Real property with a separate and distinct number of other designations shown on a plat recorded in the office of the county recorder. (B) Real property delineated on an approved record of survey, parcel map or subdivision map, in conformance with applicable state and local subdivision laws in effect at the time of its creation, as filed in the office of the county recorder or in the office of the Division, and abutting at least one public street or right-of-way, or easement determined by the commission to be adequate for the purpose of access.

Parcel, Corner. A parcel abutting upon two or more streets at their intersections.

Parcel, Cul-de-Sac. A parcel fronting on, or with more than one-half of its parcel width fronting on, the turnaround of a cul-de-sac street.

Parcel, Curve. A parcel fronting on the outside curve of the right-of-way of a curved street with a centerline radius of one hundred feet or less.

Parcel, Flag. A parcel so shaped and designed that the main building site area is set back from the street on which it fronts and includes an access strip to the frontage street. The access strip of each parcel shall not be considered in calculating the minimum parcel area and dimension requirements of subject parcel.

Parcel, Interior. A parcel whose front setback abuts a street.

Parcel, Reverse Corner. A corner parcel, the side line of which is substantially a continuation of the front parcel lines of the parcels to its rear, whether across an alley or not.

Parcel, Through. A parcel having frontage on two parallel streets.

Parcel Area. The total area within the parcel lines, excluding any street right-of-way.

Parcel Coverage. The portion of a parcel that is covered by buildings and structures.

Parcel Depth. The horizontal distance between the front and rear parcel-lines measured in the mean direction of the side parcel lines.

Parcel Width. A development standard defined as the horizontal distance between the side parcel lines, measured at right angles.

Parcel Line. A line of record bounding a parcel, which divides one parcel from another parcel, from a public or private street, or any other public space.

Parcel Line, Front. On an interior parcel, the front parcel line is the property line abutting the street except in those cases where the latest tract deed restrictions specify another line as the front line. On a corner or reversed corner parcel, the front parcel line is the shorter property line abutting a street. On a through parcel or parcel with three or more sides abutting a street or a corner or reversed corner parcel with parcel lines of equal length, the Director shall determine which property line shall be the front parcel line, for purposes of compliance with setback provisions of this title.

Parcel Line, Rear. A parcel line not abutting a street which is opposite and most distant from the front parcel line. In the case of an irregular, triangular or gore shaped parcel, a line within the parcel, parallel to the and at maximum distance from the front parcel line, having a length of not less than 10 feet; a parcel which is bound on all sides by streets may have no rear parcel line.

Parcel Line, Side. Any parcel line that is not a front parcel line or rear parcel line.

Parcel Line, Side Front. Any parcel line that is not a front parcel line or a rear parcel line which abuts a street.

Parcel Line, Zone Boundaries. Where the zone boundaries are not shown to be streets or alleys and where the property has been or may hereafter be divided into blocks or parcels, the zoning boundaries shall be construed to be parcel lines; and where the indicated boundaries on the Zoning Map are approximate parcel lines, exact parcel lines shall be construed to be the boundaries of identified zones, unless the boundaries are otherwise indicted on the map. Where a zone boundary, as shown on the Zoning Map, divides a parcel in single ownership at the time of passage of the ordinance codified in this title, the use, height and area regulations of the less restrictive portion of the identified parcel shall be construed as extending to the entire parcel; provided the parcel does not extend more than 50 feet beyond the accepted boundary line.

Parking Area. An accessible and usable area on the building site located off the street with access for the parking of automobiles. See Off-street parking.

Parking Area, Private. An area, other than a street, restricted from general public use and used for the parking of automotive vehicles capable of moving under their own power.

Parking Area, Public. An area, other than a private parking area or street, used for the parking of vehicles capable of moving under their own power, either free or for remuneration.

Parking Area, Residential. An area, other than a street, located on the subject parcel for the parking of vehicles owned by the residents of the parcel.

Parking, Covered. An accessible and usable parking space within a carport or garage.

Parking Space, Automobile. A clearly marked space for the parking of a motor vehicle within a public or private parking area.

Parking Space, Bicycle. An area, other than a street, alley, pedestrian way, or automotive parking space, reserved and improved for the parking and securing of a bicycle, plus additional area as is necessary to afford adequate access and protection for bicycles.

Parkway. An arterial highway with full or partial control of access, and located within a park or ribbon of park-like development.

Patio, Covered. See "Structure".

Pawn Shop. See "Retail Sales, Restricted".

Performance Standard. A minimum requirement or maximum allowable limit on the effects or characteristics of a use and used to define compatibility.

Permit. Written governmental permission issued by an authorized official, empowering the holder to do some act not forbidden by law, but not allowed without explicit authorization.

Permit, Discretionary Projects. Projects that would require one or more of the following entitlements or approvals: Rezone, Tentative Subdivision Map, Conditional Use Permit, Variance, Exception, Development Plan Review, Special Development Permit, or some public works projects that require design review.

Permit, Nondiscretionary Projects. Projects that are consistent with the applicable zone in planned use and development standards and propose new construction, exterior remodeling or additions (e.g., requires Building Permit only).

Person. Any individual, firm, co-partnership, joint venture, corporation, company, association, joint association, or body politic, including any trustee, receiver, syndicate, assignee or other similar representative.

Personal Service, General. Commercial establishment that provides personal services. May also include accessory retail sales of products related to the personal services. General personal services include:

- Alterations
- Barber and beauty shop
- Clothing rental shop
- Laundromat (self-service laundry)
- Locksmith
- Nail salon

- Dry-cleaning
- Hair Salon
- Shoe repair

Personal Service, Restricted. Commercial establishments that may tend to have a blighting and/or deteriorating effect upon surrounding areas/uses and that may need to be dispersed from other similar uses to minimize adverse impacts. These uses may also include accessory retail sales of products related to the personal services provided. Restricted personal services include:

- Internet cafe
- Massage Establishment
- Palm and card reader
- Tattoo and body piercing
- Permanent makeup

Place of Assembly. Facility intended for public or private assembly and meetings, including civic and private auditoriums, banquet halls, community centers, conference, and convention facilities, meeting halls for clubs and other membership organizations, and places of worship.

Planned Development. A large, integrated residential development located on a single building site, or on two or more building sites. The land and structures on the site shall be planned and developed as a whole in a single development operation or a series of developments in compliance with a master plan.

Population Density. The number of residential dwelling units on a site. The maximum permissible density shall be the number of dwelling units on a parcel or per parcel area as specified for the applicable zone, exclusive of any area utilized or required to be utilized or dedicated for public street purposes.

Poultry. Domesticated birds reared for egg or meat production.

Power Generation. Any electrical generating facility using thermal, wind, or water energy but not limited to, biomass plants, wind farms, coal-fired plants, or thermal power plants with a generating capacity of less than 50 megawatts.

Premises. A parcel or tract together with the buildings and structures thereon.

Principal Structure. A structure in which is conducted the principal use of the parcel on which it is situated, except for agricultural uses. In any residential zone, any dwelling shall be deemed to be the principal structure on the parcel on which it is situated.

Principal Use. The primary, predominate, or initial use of any parcel. For guidance, in an agricultural zone, the principal use of the land would be farming or ranching. An accessory use would be the farm house.

Printing Shop. A commercial establishment that provides duplicating services using photocopy, blueprint, and/or offset printing equipment, including collating of booklets and reports, for individual orders from a business, profession, service, industry, or government organization. Also referred to as “Copy Shop”.

Private Utility. Any utility which is not a public utility.

Produce Stand. Temporary commercial establishment, operated for a specific time period, selling unprocessed fruits, vegetables, nuts, and other agricultural products in a raw or natural state, grown or produced on-site, and that is accessory to an on-site or adjacent agricultural operation.

Professional Office. See "Office".

Property Development Standards. Any definitive measurable characteristic or aspect of a development, specified by this title, including but not limited to setbacks, parking, building height, space between buildings, parcel area and dimensions, defined linear distances for signs, spacing requirements, and size of districts.

Property line. See "Lot Line".

Provisions. All regulations and requirements referred to in the text of this title.

Public Art Work.

Public art work for purposes of inclusion in the development process shall be defined as follows:

1. Sculptures: freestanding, wall supported or suspended; kinetic, electronic; in any appropriate material or combination of materials.
2. Murals or portable paintings: in any appropriate material or variety of materials, with or without collage or the addition of nontraditional materials or means.
3. Photography, original works of graphic art, limited edition prints, works on/of paper, original paintings.
4. Earthwork, fiber works, waterworks, neon, glass, mosaics, or any combination or forms of media including sound, literary elements, holographic images, or hybrids of media and new genres.
5. Furnishings or fixtures, including but not limited to, gates, railings, streetlights or seating, if created by artists as unique elements.
6. Artistic or aesthetic elements of overall architecture or landscape design if created by a professional artist or a design team that includes a professional visual artist.

The following items shall not be eligible for inclusion as public art work:

7. Directional elements (e.g., supergraphics, signs or color coding) except where these elements are integral parts of an overall design created by a professional visual artist. Art objects which are mass produced or of standard manufacture (e.g., playground equipment, fountains or statuary elements) unless incorporated into an art work by a project artist.
8. Mass-produced reproductions by mechanical or other means, of original works of art.

9. Decorative, ornamental, architectural or functional elements which are designed by the building architect, as opposed to elements created by an artist commissioned for that purpose.

Publicly Maintained Road. Any road in the city maintained by public funds.

Public Notice. The announcement of a public hearing in a letter or newspaper of general circulation in the area, indicating the time, place and nature of the public hearing.

Public and Quasi-Public Use.

Library. Public facility that provides the use, but not sale, of literary, musical, artistic, or reference materials.

Public Building. Structure used (either owned and rented) by public agencies, including city, county, State, and Federal administration buildings; fire stations, and other fire prevention and firefighting facilities; police and sheriff substations and headquarters, including interim incarceration facilities, and post offices. Does not include facilities specifically identified under another land use category, including schools.

Public Park and Recreation Area. Noncommercial outdoor recreation facility that provides a variety of recreational opportunities including playground equipment, open space areas for active and passive recreation and picnicking, and sport and active recreational facilities. May also include enclosed structures providing for recreational opportunities and community gardens.

Publicly Maintained Road. Any road in the city maintained by public funds.

Public Notice. The announcement of a public hearing in a letter or newspaper of general circulation in the area, indicating the time, place and nature of the public hearing.

Public Sewer System. Any sewage disposal system of one hundred or more connections operated and maintained by any municipality, special district, public or private corporation, organized and existing under and by virtue of the laws of the State.

Public Utility. Production, storage, transmission, switching and recovery facilities for water, sewerage, energy, communications and other similar utilities owned or operated by a business organization and subject to the jurisdiction of the public utilities commission.

Public Water System. Any water system, other than an individual well, spring, or mutual water system that is operated by a municipality, governmental agency, or a public utility for the furnishing of potable water.

17.120.170 "Q" Definitions

Quarry. A surface mining operation from which rock, sand, gravel and similar resources are being removed or are intended to be removed.

Quasi-Public. See "Public and Quasi-Public Use".

17.120.180 "R" Definitions

Radio Transmitter. The same as a radio tower, including broadcasting studio facilities and any other equipment necessary in the operation of a radio station.

Ramada. A roofed area open on all sides; arbor or pergola-like structure.

Reasonable Accommodation. Providing individuals with disabilities, or developers of housing for individuals with disabilities, flexibility in the application of land use, zoning and building regulations, policies, practices and procedures or waiving enforcement, if necessary, to ensure equal access to housing for individuals with disabilities in compliance with State and Federal fair housing laws; provided, however, that the requested accommodation does not impose an undue financial or administrative burden on the city and does not require a fundamental alteration in the nature of any city plan, policy, rule, regulation, or code.

Recreation, Active. Leisure time activities, usually of a more formal nature and performed with others, often requiring equipment and taking place at a prescribed place, site, or field.

Recreation, Passive. Leisure time activities of a less formal nature (e.g., bicycle riding, hiking, or picnicking) and not requiring a prescribed place, site, or field.

Recreational Facilities, Commercial. See "Commercial Recreation and Entertainment Facility".

Recreational Vehicle (RV). Any of, but not limited to, the following: motor home, mini-motor home, camper/truck combination, house trailer, camp trailer, boat, boat trailer, all-terrain vehicle or dune buggy.

Recreational Vehicle Park. Any area or tract of land, where one or more parcels are rented or leased or offered for rent, or leased to owners or users of recreational vehicles or tents and which is occupied for temporary purposes.

Recyclable Material. Reusable material including but not limited to metals, glass, plastic and paper, which are intended for reuse, remanufactured or reconstitution for the purpose of using the altered form. Recyclable Material does not include refuse or hazardous materials. Recyclable Material may include used motor oil collected and transported in accordance with California. Health and Safety Code.

Recycling Collection Facility. A center for the acceptance by donation, purchase, or redemption of recyclable materials from the public, which may include the following:

Small Collection Facilities. Occupy an area of 350 square feet or less and may include:

- A mobile unit;
- Bulk reverse vending machines or grouping of reverse vending machines occupying an aggregate area of more than 50 square feet but no more than 350 square feet;
- Kiosk-type units which may include permanent structures.

Large Collection Facilities. Occupy an area of more than 350 square feet and may include permanent structures.

Recycling Processing Facility. A building or enclosed space used for the collection and processing of recyclable materials. "Processing" means the preparation of material for efficient shipment or to an end user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning and remanufacturing. Processing facilities include the following:

Recycling Processing Facility, Heavy. Any processing facility that occupies an area greater than 4,500 square feet not specifically defined as a light processing facility.

Recycling Processing Facility, Light. A facility that occupies an area of 4,500 square feet gross collection, processing and storage area and has up to an average of two outbound truck shipments per day. Light processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding, and sorting of source separated recyclable materials and repairing of reusable materials sufficient to qualify as a certified processing facility. A light processing facility shall not shred, compact, or bale ferrous metals other than food and beverage containers.

Scrap and Dismantling Yards. Outdoor establishments primarily engaged in disassembling, breaking up, sorting, and the temporary storage and distribution of recyclable or reusable scrap and waste materials, including motor vehicle wreckers engaged in dismantling vehicles for scrap, and the incidental wholesale or retail sales of parts from those vehicles.

Recycling Unit, Mobile. An automobile, truck, trailer or van, licensed by the Department of Motor Vehicles which is used for the collection of recyclable materials. A mobile recycling unit also. the bins, boxes or containers transported by trucks, vans, or trailers, and used for the collection of recyclable materials.

Rental Unit. Any property or portion of property leased to a tenant for any period more than one month with a room, bath, and an entrance to a public space or access hallway.

Reservation. A provision in a deed or other real estate conveyance which preserves a right for the existing owner even if other property rights are transferred.

Residence. A building used, designed, or intended to be used as a home or dwelling place for one or more families.

Restaurant. Retail establishment (i.e., cafes, coffee houses, diners, food services) selling/serving food and beverages prepared for both on-site and off-site, sit-down consumption and service.

Cafeteria. A restaurant where food primarily is preprepared (not cooked to order) and served to the customer by direct visible selection, for consumption principally (but not necessarily) upon the premises.

Coffee shop. A restaurant where food, generally cooked to order, is served to the customer seated at a table or counters for consumption principally (but not necessarily exclusively) upon the premises, the

establishment being open for all three meals of the day, and sometimes on a twenty-four-hour basis.

Dinner House. A restaurant where meals are generally cooked to order and served to the customers seated at tables or counters for consumption on the premises, and the establishment is open for service of the dinner meal only, although it may also open for service of the midday meal.

Restaurant, Drive-Through. Restaurant facility which serves patrons in vehicles from a window adjacent to a drive aisle or lane operated in conjunction with a restaurant or a food and beverage sales business. Includes, but not limited to, fast-food restaurants, coffee shops, dairy products.

Restaurant, Fast Food. A restaurant where food not displayed for selection as in a cafeteria, and which food may or may not be cooked to order or be preprepared, is served to the customer at a window or over a counter for consumption elsewhere on the premises or away from the premises as the customer prefers.

Convenience Food and Beverage Service. The same as a fast-food service establishment except that the preparation of food shall not require a full kitchen or a grease trap.

Rest Home. Premises used for the housing of and caring for the ambulatory, aged, or infirm, which premises require a license from the State or County.

Restriction. A limitation on property which may be created in a property deed, lease, mortgage, through certain zoning or subdivision regulations, or as a condition of approval of an application for development.

Retail Sales, General. Commercial establishment within a structure, engaged in selling goods or merchandise to the public for profit. Examples of these establishments and types of merchandise include but not limited to:

- Appliances
- Art studio and gallery
- Artists' supplies
- Bakeries (retail only)
- Bicycle sales and rentals
- Books
- Cameras and photographic supplies
- Carpeting and floor covering
- Clothing and accessories
- Convenience market
- Drug and discount stores
- Electronic equipment
- Fabrics and sewing supplies
- Kitchen utensils
- Luggage and leather goods
- Medical supplies and equipment
- Motor vehicle parts and accessories
- Musical instruments
- Newsstands
- Office supplies
- Orthopedic supplies
- Paint and wallpaper
- Pet supplies and grooming
- Pharmacies
- Religious goods
- Shoe stores

- Florists and houseplant stores (indoor sales only)
- Gift shops
- Handcrafted items
- Hardware
- Hobby materials
- Jewelry
- Small wares
- Specialty shops
- Sporting goods and equipment
- Stationery
- Toys and games
- Travel services
- Thrift Store / Secondhand retail sales

Retail Sales, Grocery or Supermarket. Commercial establishment offering for sale fresh and prepackaged food products, household items, and similar products, and having a gross floor area of 6,000 square feet or more. Includes ancillary delicatessens, bakeries, optical, financial services (e.g., banks tellers or automated teller machines), and other retail related sales

Retail Sales, Neighborhood Market. Pedestrian-oriented commercial establishment with a gross floor area of less than 6,000 square feet offering for sale a variety of fresh and prepackaged food and beverages products, ethnic, specialty or imported items, consistent with the needs of the surrounding neighborhood it is intended to serve.

Retail Sales, Nursery and Garden Supply. Commercial agricultural establishment engaged in the production of ornamental plants and other nursery products, grown under cover or outdoors. Includes stores selling nursery stock, lawn and garden supplies, and commercial scale greenhouses. The sale of house plants or other nursery products entirely within a building is also included under “Retail Sales, General.” Home greenhouses are included under "Accessory Structure."

Retail Sales, Secondhand. Commercial establishment principally engaged in the buying, selling, or accepting on consignment, secondhand tangible personal property and other activities as defined in California Business and Professions Code Sections 21626 and 21626.5, and in which at least 50 percent of the gross sales are from the sale of a secondhand property. Includes secondhand clothing and antique stores, but not pawn shops.

Retail Sales, Restricted. Commercial establishment within a structure, engaged in selling goods or merchandise to the general public for profit that are subject to heighten public regulation due to the nature of the product. Examples of these establishments and lines of merchandise include:

- Firearms Sales. Retail establishments selling firearms, ammunition, and related accessories and equipment under Federal laws governed by the Bureau of Alcohol, Tobacco, and Firearms.
- Tobacco and Nicotine Sales. Establishments that either: (1) devote more than 15 percent of their total floor space to smoking or tobacco paraphernalia, or (2) devote more than a two foot by four-foot (two feet in depth maximum) section of shelf space for display for sale and sale of

smoking and/or tobacco paraphernalia. Smoking and/or paraphernalia include, but are not limited to, the follow:

1. Kits intended for use or designed for use in planting, propagating, cultivating, growing or harvesting of any species of tobacco plant.
2. Kits intended for use or designed for use in manufacturing, compounding, converting, producing, processing, or preparing tobacco.
3. Isomerization devices intended for use or designed for use in increasing the potency of any species of tobacco plant. Testing equipment intended for use or designed for use in identifying, or in analyzing the strength, effectiveness or purity of tobacco.
4. for use or designed for use in weighing or measuring tobacco. Separation gins and sifters intended for use or designed for use in removing twigs, stems, seeds, or other foreign material from, or in otherwise cleaning or refining, tobacco.
5. Blenders, bowls, containers, spoons, and mixing devices intended for use or designed for use in compounding tobacco substances.
6. Envelopes, pouches, capsules, balloons, and other containers intended for use or designed for use in packaging small quantities of tobacco.
7. Containers and other objects intended for use or designed for use in storing or concealing tobacco.
8. Objects intended for use or designed for use in ingesting, inhaling, or otherwise introducing tobacco into the human body, including, but not limited to:
    a. Metal, wood, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, or punctured metal bowls.
    b. Water pipes.
    c. Carburetion tubes and devices.
    d. Smoking and carburetion masks.
    e. Clips or other devices intended to hold burning materials (e.g., marijuana or a cigarette) that has become too small or too short to be held in the hand.
    f. Miniature cocaine spoons, and cocaine vials.
    g. Chamber pipes, carburetor pipes, electric pipes, air-driven pipes, chillums, bongs, ice pipes or chillers.

- Pawn Shop. Commercial establishment engages in retail sales of new or second hand merchandise and offering loans secured by personal property, and as further defined in California Financial Code

Section 21000. For secondhand sales which do not involved the offering and acceptance of loans, see "Retail Sales, Secondhand."

Retail Sales, Wholesale. A commercial establishment engaged in selling wholesale merchandise to retailers; to industrial, commercial, institutional, agricultural, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to persons or companies.

Reverse Vending Machine(s). An automated mechanical device which accepts at least one or more types of recyclable materials including, but not limited to, aluminum cans, electronics, glass and plastic bottles, and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as determined by the State. A reverse vending machine may sort and process containers mechanically; provided, that the entire process is enclosed within the machine. In order to accept and temporarily store all three containers types in a proportion commensurate with their relative redemption rates, and to meet the requirements of certification as a recycling facility, multiple grouping of reverse vending machines may be necessary.

Rezoning. See Zone, Change Of.

Right-Of-Way. A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses.

Room. An unsubdivided portion of the interior of a dwelling unit, excluding bathroom, kitchen, closets, hallways and service porches.

Rummage Sale. See "Garage Sale".

Run With the Land. A covenant or restriction to the use of land contained in a deed and binding on the present and all future owners of the property.

17.120.190 "S" Definitions

Sanitarium. See "Hospital".

Sanitary Landfill. A site for solid waste disposal in which the solid waste is spread in thin layers, compacted to the smallest practical volume, and covered with soil at the end of each working day.

Satellite Dish Antenna. Any accessory structure capable of receiving, for the sole benefit of the principal use, radio or television signals from a transmitter or transmitter relay located in planetary orbit.

Scenic Area. An open area, the natural features of which are visually significant or geologically or botanically unique.

School. Educational institution, including elementary, middle, junior high, and high schools, serving transitional kindergarten through 12th grade students, offering general academic instruction equivalent to

the standards prescribed by the State Board of Education, and including denominational and sectarian, boarding schools, charter schools, and military academies. Also includes community colleges, public or private colleges, universities, and professional schools granting associate arts degrees, certificates, undergraduate and graduate degrees, and requiring for admission at least a high school diploma or equivalent general academic training.

School, Private. Privately owned and operated elementary, middle, secondary, or high school, or other institution providing academic instruction for students from kindergarten through 12th grade in compliance with the California Education Code. Includes special education and alternative learning schools.

School, Private/Public College, and University. A post-secondary institution for higher learning that grants associate or bachelor's degrees and may also have research facility and/or professional schools that grant master and doctoral degrees. This may also include community colleges that grant associate or bachelor's degrees or certificates of completion in business or technical fields. These institutions require at least a high school diploma or equivalent general academic training for admission. Includes community colleges, public or private colleges and universities, and technical schools.

School, Technical and Vocational. A public or private post-secondary school providing occupational, job training, or recreational activities. Recreational activities include music, dance, or martial arts, or art lessons.

Secondhand Store. A commercial establishment which sells used merchandise.

Second Residential Unit. See "Accessory Dwelling Unit".

Senior Citizen. Defined under the Unruh Civil Rights Act of California Civil Code Section 51.3(b), as may be amended from time to time and not inconsistent with the Federal Fair Housing Act (42 U.S.C. Sections 3601 through 3631) as may be amended from time to time.

Senior Citizen Housing. Any residential accommodation other than a mobile home developed, substantially rehabilitated, or substantially renovated for senior citizens.

Service (Gasoline) Station. See "Fueling Station".

Service Road. See "Frontage Street".

Setback. Any open space on the same parcel with a building or dwelling group, which open space is unoccupied and unobstructed except for the projections allowed by this title.

Setback, Front. A space extending the full width of a parcel between a building and the front parcel line and measured perpendicular to the building at the closest point to the front parcel line.

Setback, Rear. A space extending across the full width of a parcel between the principal building and the rear parcel line and measured perpendicular to the building at the closest point to the rear parcel line.

Setback, Required. The open space between the parcel line and the buildable area within which no structure shall be located except as provided in this title.

Setback, Side. A space between the sideline of a parcel and the nearest line of the principal building, extending from the front setback to the rear setback.

Setback, Side. A space extending from the front setback, or from the front parcel line where no front setback is required by this title, to the rear setback, or rear parcel line, between a side parcel line and the side setback line.

Shopping Center. See "Retail Sales, General".

Shopping Center, Regional. See "Retail Sales, General".

Short-term Transient. See "Transient, Short-Term".

Shrub Border. A thick, continuous, strip-planting of shrubs along a boundary or division lines which create an enclosure, barrier, or screen.

Sidewalk Café. See "Restaurant".

Sight Distance Triangle. The area created by drawing an imaginary line between points 30 feet back from where the curb lines of the intersection quadrant meet. Provides area for and maintenance of adequate and safe visibility for vehicular and pedestrian traffic at all intersections of streets, alleys, or private driveways.

Sign. See Chapter 17.30 (Sign Regulations).

Significant Buildings. A building which has special historic, cultural, or aesthetic interest, and by virtue of that may have significant value to the community. A significant building shall be characterized by one or more of the following: (A) a building at least 50 years old; or (B) a building listed on the National Register of Historic Places or California Register of Historic Places; or (C) a building determined by the Council to be notably associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of Kerman.

Single-Family Dwelling. See "Single-Unit Dwelling".

Single Room Occupancy (SRO). Any residential structure containing more than five units intended or designed to be used, rented, or hired out to be occupied for sleeping purposes, generally for one person per unit. Individual units typically share communal features, (e.g., kitchen, bathroom, or entertainment area).

Single-Unit Dwelling. Residential structure containing one dwelling unit located on a single parcel of land for occupancy by one single household, including manufactured housing and mobile homes, when placed on a permanent foundation system.

Site. Any parcel of land or combination of contiguous parcels of land.

Site Distance Area. The provision for and maintenance of adequate and safe visibility for vehicular and pedestrian traffic at all intersections of, streets, alleys, or private driveways.

Site Plan. A plan, prepared to scale, showing proposed uses and structures for a parcel of land, including details necessary to illustrate the final proposed use and development.

Site Plan Review. A permit process that establishes criteria for the layout, scale, appearance, safety, and environmental impacts of a proposed development to ensure conformance to city standards and criteria.

Smart Growth. An approach to land use planning and growth management that recognizes connections between development and quality of life. Smart growth stresses guidelines and incentives for growth instead of regulations, to encourage development that is sensitive to quality of life factors.

Smoke Shop. See "Tobacco and Nicotine Sales".

Solar Energy Generation Facility. Commercial energy generation facility that generates electricity from the via photovoltaic arrays, solar thermal systems, or concentrated solar power facilities.

Major Energy Generation Facility, Major. A facility that is 2,001 sq. ft. or larger in size.

Solar Energy Generation Facility, Minor. A facility that is 2,000 sq. ft. or less in size.

Solid Waste Disposal Facility. Any location or facility or dump used for the disposal of solid, semi-solid and liquid wastes including, but not limited to, garbage, trash, refuse, paper, rubbish, ashes, industrial waste, demolition and construction wastes, discarded home and industrial appliances, manure, vegetable or animal solid and semisolid wastes and other discarded and semisolid wastes and including solid waste processing facilities as a secondary activity in conjunction with a disposal operation.

Solid Waste Transfer Station. A facility for receiving and temporarily holding solid wastes for transfer to a solid waste disposal facility or waste-to-energy plant. A solid waste transfer station may include scales, compactors, wash racks, facilities for the transfer of solid from small to larger containers or vehicles for transport, and facilities for incidental separation of recoverable resources.

Spa. A facility which provides an integrated combination of fitness, beauty, rejuvenation, and relaxation programs. A primary use spa is one where the minimum facilities provided shall be beauty salon, and steam room and/or sauna, showers and therapy pool, and sequestered rooms for massage and body treatments. An accessory spa use is one where the focus is relaxation and therapeutic programs rather than fitness and beauty. If a facility is an accessory use spa, the provisions for minimum facilities are not required.

Spandrel. The area located between the top window or architectural feature of a floor or story and the window or architectural feature on the next higher floor in buildings of more than one story.

Specialty Shop. The use, rental or lease of stalls or areas inside of an enclosed building by vendors offering new goods or materials, or antiques, for sale. Where allowed, the goods or materials offered for sale shall be those ordinarily offered for sale by the allowed use in the zone in which the specialty shop is located.

Specific Adverse Impact. A significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

Sprawl. A low-density land use pattern that is automobile dependent, energy and land consumptive, and requires a very high ratio of road surface to development served.

Stable, Commercial. A stable for horses, mules or ponies which are let, hired, used or boarded on a commercial basis and for compensation.

Stable, Private. A detached accessory building for the keeping of horses, mules or ponies owned by the occupants of the premises and not kept for remuneration, hire or sale.

State. The state of California.

Storage Facility, Personal. Facility with structures generally containing small individual compartmentalized areas or lockers rented as individual storage spaces or outdoor storage for recreational vehicles and boats. Also referred to as “mini storage” or “self-storage”.

Storage Facility, Restricted. Facility used for storage and distribution of generally dangerous and hazardous materials, including, but not limited to, chemicals, gasoline, propane, explosives, and fireworks.

Story. The portion of a building including between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and ceiling next above it.

Street. A public thoroughfare or right-of-way dedicated, deeded, or condemned for use as access, or approved private thoroughfare or right-of-way, other than an alley, which affords the principal method of access to abutting property including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfares, except as excluded in this title. The word street shall include all major and secondary thoroughfares, collector streets, and local streets.

Street Centerline. The centerline of a street right-of-way as established by official survey.

Street, Local. Any designated street serving as the principal route to access property, which is not shown as a freeway, major or secondary thoroughfare or collector on the General Plan for the city.

Street, Private. A right-of-way or easement used for vehicular, equestrian and/or pedestrian traffic that is privately owned and maintained.

Street, Public. See “Publicly Maintained Road”.

Street, Side. The street bounding a corner or reversed corner parcel and which extends in the same general direction as the line determining the depth of the parcel.

Structural Alteration. Any change in or alteration to the structure of a building involving a bearing wall, column, beam or girder, floor or ceiling joists, roof rafters, roof diaphragms, foundations, piles, retaining walls, or similar components.

Structural Wall. Any bearing wall of a building.

Structure. Anything constructed or erected, the use of which requires location on the ground or the attachment to something having location on the ground including awnings, gas storage containers and patio covers, but excluding walls and fences six feet in height or less, and outdoor areas (e.g., uncovered paved areas, patios, walks, tennis courts, and swimming pools).

Structure, Advertising. See "Advertising Structure".

Structure, Temporary. A structure which is readily movable and used or intended to be used for a period not to exceed 90 consecutive days. The structure shall be subject to all applicable property development standards for the zone in which it is located.

Subdivision Sales Office. A temporary office use located within a subdivision used to facilitate the sale and showing of dwellings and/or parcels.

Supportive/Transitional Housing. Housing with no limit on length of stay, that is occupied by persons with disabilities or those experiencing homeless, and that is linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving their health status, and maximizing their ability to live, and when possible, work in the community. Supportive housing units are residential uses allowed in any zone allowing residential uses, subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone.

Sustainable Development. Development that maintains or enhances economic opportunity and community well-being while protecting and restoring the natural environment upon which people and economies depend. Sustainable development meets the needs of the present without compromising the ability of future generations to meet their own needs.

Swap Meet. The use, rental or lease of stalls or areas outside of an enclosed building by vendors offering goods or materials for sale or exchange, not including public fairs, art exhibits or farmer's markets.

Swimming Pool. Any permanent structure containing a body of water, having a depth of at least eighteen inches, intended for recreational uses, and shall include wading pools.

Swimming Pool, Private. Includes all pools which are used or intended to be used in connection with a single-family residence, and available only to the family or householder and their private guests.

Swimming Pool, Public or Semi-Public. Any pool other than a private swimming pool.

17.120.200 "T" Definitions

Target Populations. Persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided in compliance with the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

Tasting Room. A commercial establishment that is operated in conjunction with a separate alcoholic beverage production facility licensed under a Type 02 license issued by the California Department of Alcoholic Beverage Control, which facilitates the sampling and sale of alcoholic beverages and is located on a different parcel of land than the production facility.

Temporary Dwelling. A travel trailer or motor home which serves as a dwelling unit for the owner/builder for one year while building the principal dwelling unit.

Temporary Job Site Office. A temporary job site office which serves as commercial office for one year while the principal structure is being built.

Temporary Tract Office. See "Subdivision Sales Office".

Temporary Use. Use established for a specified period of time, typically less than one to seven days for outdoor special events, and three months to one year for other uses/activities, with the intent to discontinue the use at the end of the designated time period.

Tenant. An occupant of land or premises who occupies, uses, and enjoys real property for a fixed time, usually through a lease arrangement with the property owner and with the owner's consent.

Term, Long. A time frame without the intent to be permanent, may occur for an unknown measurable period of time, and may not have a set end date.

Term, Short. A time frame without the intent to be permanent, occurring for a portion of measurable period of time e.g. day, week, month, year, and with a set end date.

Thrift Store. A commercial establishment typically operated by and in benefit of a non-profit or charitable organization, engaged in the sale of used articles such as clothes, furniture, kitchen utensils and other used home goods, primarily sourced from donations.

Tobacco Store. See "Retail Sales, Restricted".

Townhouse. See "Multi-Family Dwelling".

Traffic Calming. A concept fundamentally concerned with reducing the adverse impact of motor vehicles on built-up areas. Usually involves reducing vehicle speeds, providing more space for pedestrians and cyclists, and improving the local environment.

Trailer. A vehicle without motive power, designed and constructed to travel on the public thoroughfares in compliance with the provisions of the State Vehicle Code, and to be used for human habitation or for carrying property, including a trailer coach.

Trailer Coach. A recreational vehicle designed or used for human habitation, including travel trailers, motor homes, house cars and campers, with a maximum gross occupied ground area of less than 320 square feet.

Trailer Court. See "Trailer Park".

Trailer Park. Land or premises used or intended to be used for one or more trailer coaches on the basis of lease, rental or other consideration.

Transient. A person who is receiving accommodations for a price, with our without meals, for a period of not more than one hundred eighty continuous days in any one year.

Transient, Short-Term. A person who is receiving accommodations for a price, with or without meals, for a period of not more than twenty-nine continuous days in any one year.

Transit Stations and Terminal. Facility where buses, trains, and other rail mass transit options regularly stop to load and unload passengers and goods.

Transportation Corridor. A combination of discrete, adjacent surface transportation networks (e.g., freeway, arterial roads, rail networks) that link the same major origins and destinations.

Transportation Plan. A document that provides the rationale, goals, objectives, strategies, and standards for the implementation of transportation improvements.

Travel Trailer. A recreational vehicle without motor power designed for human habitation for residential, recreational, industrial, professional, or commercial purposes, but shall not include camper, truck camper, or mobile home.

Truck And Trailer Sales Lot. An open area where trucks or trailers are sold, leased or rented, and where no repairs, painting or remodeling is done.

Truck Service Station. An establishment which provides services specifically for trucks, with incidental operations.

Truck Stop. A place of business primarily engaged in providing service station facilities for cargo vehicles or trailer trucks. Truck stops may include accessory food services.

Truck Storage and Parking Yard. An area used as a staging and point of operation for trucking operations and their accessory equipment. Truck means a vehicle or combination of vehicles with a gross vehicle weight rating of ten thousand pounds or more, but shall not include recreational vehicles.

Two-Unit Dwelling. A single detached dwelling designed for and occupied by two families alone and having but two kitchens.

17.120.210 "U" Definitions

Unique natural feature. A part of the natural environment which is rare or not duplicated in the community or region.

Use. the purpose or activity for which land or buildings are designed, arranged, or intended or for which it is occupied or maintained.

Use, Accessory. See "Accessory Use".

Use, Conditional. Conditional use is a use which is listed as a conditional use in any given zone in this title. Conditional uses may be required to meet certain requirements as a condition precedent to the granting of a Use Permit which will allow the establishing of a conditional use in any given zone.

Use Permit, Conditional or Temporary. Conditional or Temporary Use Permit. a discretionary permit authorizing a particular use often for a specified period of time and often including conditions of approval which run with the land, regardless of ownership.

Use Area. A measured area occupied by principal and accessory buildings, structures, and appurtenant uses. For guidance, the use area of an agricultural processing facility would include measurements of the gross floor area of all buildings and structures plus the area, in square feet, occupied by all outdoor storage areas, all parking areas, and any other area of ground affected by the processing of agricultural products.

Uses, Permitted. A use which is listed as a permitted use in any given zone in this title. Permitted uses need not meet special requirements as a condition precedent to be allowed in a given zone subject to the restrictions applicable to that zone. Also known as an allowable or allowed use.

Utility Facility and Infrastructure. Facility supporting electric and telecommunication services.

17.120.220 "V" Definitions

Variance. Permission to depart from the literal requirements of this title.

Vehicle, Boat, and Trailer Sales, New and Used. A commercial establishment that sells automobiles, boats, motorcycles, recreational vehicles, trailers, trucks, and similar vehicles and equipment, including display, and storage. May include incidental minor maintenance (e.g., oil changes, fluid flushes). All incidental minor maintenance activities shall be conducted within a fully enclosed structure. Vehicle repairs, including, but not limited to engine repairs, transmission services, brake replacement, wheel and tire alignment, and electrical installation, are not allowed (see "Vehicle Repair and Service").

Vehicle Rental Facility, General. Commercial establishment that rents automobiles, construction equipment, motorcycles, recreational vehicles, trucks, trailers, and similar vehicles and equipment, including on-site storage and incidental maintenance that does not require pneumatic lifts, and only when conducted within a fully enclosed structure.

Vehicle Rental Facility, Limited. Commercial establishment that rents small vehicles, including, bicycles, mopeds, scooters, and Segway's), and similar sized vehicles with electric power, engines less than 100cc, or are human powered. May also include the maintenance, minor repair, and on-site storage of the equipment offered for rent, and only when conducted within fully enclosed structure.

Vehicle Rental Facility, Office Only. Commercial establishment that rents automobiles, motorcycles, recreational vehicles, trucks, and other types of transportation vehicles that are not stored on-site.

Vehicle Repair and Service. The repair, servicing, alteration, restoration, towing, painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, water vessels, golf carts, and other motor vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This includes the following categories:

Vehicle Repair and Service, Major. Major repair of automobiles, motorcycles, recreational vehicles, or trucks including light duty trucks (i.e., gross vehicle weight of less than 10,000 pounds) and heavy-duty trucks (i.e., gross vehicle weights more than 10,000 pounds). Examples of uses include full-service motor vehicle repair garages; body and fender shops; brake shops; machine shops; paint shops; and transmission shops.

Vehicle Repair and Service, Minor. Minor repair of automobiles, motorcycles, recreational vehicles, or light duty trucks, vans, or similar size motor vehicles (i.e., vehicles that have gross vehicle weights less than 10,000 pounds) including detailing services; installation of electronic equipment (e.g., alarms, stereos, etc.); servicing of cooling, electrical, fuel and exhaust systems; brake adjustments; relining and repairs; oil and lube shops; smog shops, tire and battery sales and installation (not including recapping); and wheel alignment and balancing. Does not include any type of car washing service.

Vehicle Salvage and Dismantling Facility. See "Scrap and Dismantling Yard".

Vehicle Repair and Service. The repair, servicing, alteration, restoration, towing, painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, water vessels, golf carts, and other motor vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This includes the following categories:

Vehicle Sales, New and Used. A commercial establishment that sells new or used automobiles, motorcycles, recreational vehicles, trucks, boats, and similar vehicles and equipment, including display, and storage. May include incidental minor maintenance (e.g., oil changes, fluid flushes), and accessory retail sales. All incidental minor maintenance activities and accessory retail sales shall be conducted within a fully enclosed structure. Vehicle repairs, including, but not limited to engine repairs, transmission services, brake replacement, wheel and tire alignment, and electrical installation, are not permitted (see "Vehicle Repair and Service"). Does not include: the sale of auto parts/accessories separate from a vehicle sales establishment (see "Retail Sales, General"), or commercial establishments dealing exclusively in used parts (see "Vehicle Salvage and Dismantling Facility").

Veterinary Clinic, Large. A commercial establishment providing medical care and treatment of large domestic animals including horses, cattle, goats, sheep, and similar animals with all medical operations being conducted wholly within a building, except for holding pens or corrals used to house animals while they are under care of the veterinarian.

Veterinary Clinic, Small. A commercial establishment providing medical care or surgical treatment to domestic animals or household pets. Use as a kennel shall be limited to short time boarding incidental to medical care. For standalone long-term boarding facilities, see "Kennel".

Video Game Arcade. See "Commercial Recreation and Entertainment Facility, Indoor".

17.120.230 "W" Definitions

Wall. Any structure or device, not including landscape features, forming a physical barrier. This shall include concrete, concrete block, wood, metal, or other materials that are so assembled as to form a barrier. Where a solid wall is specified, one hundred percent of the vertical service shall be closed, except for approved gates or other access ways. Where a masonry wall is specified, the wall shall be concrete block, brick, stone or other masonry material and one hundred percent of the vertical surface shall be closed, except for approved gates or other access ways.

Warehousing and Distribution. Facility for the storage of furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include warehouse, storage or personal storage facilities offered for rent or lease to the public (see "Storage Facility, Personal").

Watercourse. Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows in a definite direction or course, either continuously or intermittently, and has a definite channel, bed and banks, and includes any area adjacent thereto subject to inundation by reason of overflow or floodwater.

Wholesale. The selling of any type of good for purpose of resale, including incidental storage and distribution.

Wireless Telecommunication Facility. Facility that includes equipment which supports the transmission and/or receipt of electromagnetic/radio signals. Telecommunication facilities include cellular radiotelephone service facilities, personal communications service facilities (including wireless internet), specialized mobile radio service facilities, and commercial paging service facilities. Components of these types of facilities can consist of the following: antennas, repeaters, microwave dishes, horns, and other types of equipment for the transmission or receipt of the signals, telecommunication towers or similar structures supporting the equipment, equipment structures, parking area, and other necessary development.

17.120.240 "X" Definitions

No terms defined.

17.120.250 "Y" Definitions

Yard Sale. See "Garage Sale."

17.120.260 "Z" Definitions

Zero Lot Line. The location of a structure on a parcel where one or more of the structure's sides rest directly on a parcel line.

Zone. A specifically delineated area or zone in a municipality within which regulations and requirements uniformly govern the use, placement, spacing and size of land and buildings.

Zone, Change of. The legislative act of removing one or more parcels of land from one zone and placing them in another zone on the official zone map of the city.

Zone Map. See "Zoning Map".

Zoning Map. The Official Zoning Map of the City of Kerman, which is a part of the ordinance codified in this title.

Attachment 'B'

Resolution 2024-11

A RESOLUTION OF THE CITY OF KERMAN PLANNING COMMISSION REPORTING AND RECOMMENDING ADOPTION OF ORDINANCE TEXT AMENDMENT 2024-01 WITH THE CITY COUNCIL'S REFERRED MINOR MODIFICATIONS

WHEREAS, on March 18, 2024, the Planning Commission adopted Resolution No. 2024-07, recommending that the City Council adopt Ordinance Text Amendment 2024-01, repealing Title 17 and adding a new Title 17 to the Kerman Municipal Code; and

WHEREAS, on April 24, 2024, City Council considered said resolution along with other minor modifications to Ordinance Text Amendment 2024-01 proposed by Staff not originally considered by the Planning Commission; and

WHEREAS, the City Council introduced Ordinance Text Amendment 2024-01 with minor modifications included as **Exhibit 'A'**, subject to the Planning Commission's report and recommendation back to the City Council on the minor modifications consistent with KMC 17.26.060; and

WHEREAS, the Planning Commission reviewed all the evidence, staff report analysis, and associated revisions and determined that the proposed minor modifications to Ordinance Text Amendment 2024-01 substantially comply with the City's goals and policies, and will not be detrimental to the public health, safety, and welfare of the persons residing or working in the City of Kerman; and

WHEREAS, the Planning Commission now desires to recommend to the City Council to move forward with adoption of Ordinance Text Amendment 2024-01 with the proposed minor modifications.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, as follows:

SECTION 1. The foregoing recitals are true and correct and incorporated by reference.

SECTION 2. Based upon the evidence in the staff report, staff's presentation, public testimony, and the project file, the Planning Commission recommends that the City Council move forward with adoption of Ordinance Text Amendment 2024-01 with the proposed minor modifications included herein as **Exhibit 'A'**.

SECTION 3. This resolution is effective upon adoption.

The foregoing resolution was adopted at a regular meeting of the City of Kerman Planning Commission held on May 13, 2024, by the following vote:

AYES: S. Bishop, K. Nehring, R. Bandy, C. Molloy
NOES: NONE
ABSTAIN: NONE
ABSENT: R. Felker

The foregoing resolution is approved.

Scott Bishop
Chairperson

Attest:

Jesus R. Orozco
Planning Commission Secretary

Exhibit 'A'

SECTION	PAGE	MODIFIED FROM	MODIFIED TO
17.10.020	3	TERM MOD. (Table17.10-1)| (Dwelling, Multi-Unit (Up to 40 units)	Dwelling, Multi-Unit *(three or more units)*
17.10.020	3	TABLE MOD. (Table17.10-1)|remove; *Dwelling, Multi-Unit (41 or more units)*	Remove Use
17.10.020	3	TABLE MOD. (Table17.10-1)|remove; *Dwelling, Multi-Unit (20%)*	Remove Use
17.12.030	18	TABLE MOD. (Table17.10-1)|remove; *Retail Sales, Secondhand*	Remove Use
17.12.060 (A)	20	TEXT MOD.| Fences, walls, and hedges shall be consistent with the requirements for *residential zones* as established in Chapter 17.24 (Fences, Walls, and Hedges).	Fences, walls, and hedges shall be consistent with the requirements for *the zone* as established in Chapter 17.24 (Fences, Walls, and Hedges).
17.14.020	26	TERM MOD. (Table17.14-1)|*infectious Disease Laboratory*	*Infectious Nonclinical Laboratory*
17.14.020	27	TERM MOD. (Table17.14-1)|*Wireless Telecommunication Facility, Tower*	Remove duplicate text
17.18.020 (G) (3)	42	TEXT MOD. | *36* inches	*42* inches
17.18.020 (A) (2)	39	TEXT MOD.| Existing uses in PD combining zones shall continue to be governed by this Section, but no additional PD combining zones shall be established. *Modifications, expansions, or changes of use within existing PD zones shall require rezoning to be compatible with adjacent uses, and may be, but is not required to be, rezoned to the SD combining zone as specified in Section 17.18.030 (Smart Development combining Zone).*	Existing uses in PD combining zones shall continue to be governed by this Section, but no additional PD combining zones shall be established. *Modifications or expansions to an existing use within an existing PD zone shall require an amendment to the Development Plan Permit approved for the use and any other applicable planning permit. New uses within an existing PD zone may be allowed as permitted by Subsection 17.18.020 (B) (PD Combining Zone Land Use Regulations.*
17.18.020 (I)	42	TEXT MOD.| Delete subsection	
17.40.040(C) (2)	18	TEXT MOD.|*There shall be no employment help. Permanent residents of the dwelling are the*	*The home occupation business may employ help. Employees not residing within the home occupation residence*

		only persons permitted to engage or be employed in the home occupation at the residence. Workers shall not be allowed to physically report for activities such as dispatching or assignment to off-site locations.	*shall not be allowed to physically report to the home occupation residence for business activities.*
17.40.040(C)(7)	19	TEXT MOD.| *Vehicles used to conduct the home occupation, such as tow trucks or other maintenance vehicles, shall be stored in a fully enclosed garage or behind a six-foot wall.*	*Large vehicles, trailers, and other forms of commercial vehicles used to conduct the home occupation may be required to be stored at an off-site location.*
17.120.090	25	TEXT MOD.| *Infectious Disease Laboratory*	*Infectious Nonclinical Laboratory*
17.120.160	34	Remove Text: Parking Space	Remove text
17.120.160	34	TERM MOD.| Pawn Shop: see "Retail Sales, *General"*	Pawn Shop: see Retail Sales, Restricted
17.120.180	42	TERM MOD.| *Thrift store*	Thrift Store */ Secondhand retail sales*
17.120.180	42	TEXT MOD.| *Retail sales, Secondhand*	Includes secondhand clothing and antique stores, *but not pawn shops.*
17.120.200	51	TERM MOD.| *Thrift Shop*	*Thrift Store*
17.120.200	51	TEXT MOD.|*See "Retail Sales, General"*	*A commercial establishment typically operated by and in benefit of a non-profit or charitable organization, engaged in the sale of used articles such as clothes, furniture, kitchen utensils and other used home goods, primarily sourced from donations.*

Attachment 'C'

OTA Analysis

General Plan Consistency

The zoning code update will bring the City's Zoning Code into compliance with California Government Code Section 65860(a), which requires that a jurisdiction's zoning regulations be consistent with its General Plan and subsequent updates to its General Plan. The City is proposing to amend its existing Zoning Code to ensure (1) compatibility with its adopted 2040 General Plan (adopted July 2020); (2) create consistency with State housing law and reduce regulatory barriers to the construction of housing; and (3) reflect changes in State law. The City's updated Zoning Code would therefore implement the goals, policies, and programs of the General Plan by regulating the use of land and structures within the City. Below is an excerpt from the General Plan that is germane to OTA 2024-01:

Policies

LU-1.2: Location of Neighborhood Commercial Sites. The City shall designate neighborhood commercial sites in proper locations so that they meet the needs of the neighborhood and do not negatively impact adjacent residential uses.

LU-1.3: Mixed Use Development. The City shall provide for the establishment of offices in existing residential structures, adjacent to Madera Avenue in the original historic townsite.

LU-1.5: High Density Residential Development Near Goods and Services. The City shall encourage the development of high-density residential uses near commercial uses, parks, and schools.

LU-3.5: Increase Density and Intensity within City Limits. The City shall prioritize increasing overall residential densities and building intensities within current City limits to prevent development on surrounding agricultural lands.

LU-3.6: Infill and Renovation. The City shall encourage infill of vacant commercial properties and renovation of existing commercial structures to reduce the rate at which surrounding agricultural land is urbanized and to provide for a more efficient use of existing infrastructure.

LU-4.1: Agricultural Land Preservation. The City shall preserve and protect agricultural lands by directing development to areas within City limits that are designated for urban-level development, and away from agriculturally designated land to preserve open space and agricultural areas.

LU-5.4 New Incompatible Land Uses. The City shall prohibit the introduction of new incompatible land uses and environmental hazards into existing residential areas.

Programs

Land Use Element Program A, Zoning [Code] Consistency. The City shall update the Zoning [Code] to ensure consistency with the General Plan Land Use Map and the policies in the General Plan.

Public Safety Element Program G, Zoning Code Update. The City shall update the Zoning Code to include standards that mitigate noise through site and building design features, such as building location and orientation, setbacks, natural barriers and vegetation, and building construction.

OTA 2024-01: ZONING CODE UPDATE ANALYSIS

The Zoning Code format has been modified from the existing Title, Chapter, and Section format into a Title, Article, Chapter, and Section format. Specific modifications to the Zoning Code are described by Article to include but may not be limited to as follows:

Article 1 – Enactment and Applicability

General

- Implemented new Zoning Code template and format style.
- Updated all in-text cross references throughout the Article.
- Reorganized and restructured Article 1 consistent with the approved Master Table of Contents.
- In text amendment and resolution references were removed since the Code will be adopted in its entirety.

Zoning Code Enactment and Applicability

- New language further clarifying the applicability of the Zoning Code.
- New language clarifying the relationship between the Zoning Code and General Plan, and their hierarchy. In the event of any inconsistencies, the General Plan shall control.
- Updated language from existing Section 17.02.010 (Adoption of the Zoning Ordinance) to better specify the City's authority in adopting the revised Zoning Code.
- New language expressing the City's intent for all provisions established in the Zoning Code to be consistent with the City's General Plan.
- Included new provision establishing severability and partial invalidation of Zoning Code in cases where portions of the Code are found to be unenforceable.
- Created a new process in which the Community Development Director can make determinations on the classification of land uses that are not classified and/or defined in the Zoning Code. In the event the Community Development Director makes a determination, that determination is to be considered final and official unless appealed to the Planning Commission.
- Clarified the City's Uncertainty of Boundary process to be consistent with current City staff procedures.

- Added a provision describing the purpose and intent of the headings and illustrations provided in the Zoning Code. Illustrations are inserted as a matter of convenience and are for illustrative purposes only and in no way define, limit, or enlarge the scope or meaning of the Zoning Code or its provisions. Should a conflict arise between the Zoning Code text and any diagram, illustration, or image contained in the Zoning Code, the text shall govern.
- Revised the zone classifications table accordingly:
    - Updated the Zoning Map symbols based on changes to zoning districts.
    - Updated the names of zoning districts based on General Plan direction.
    - Updated minimum and maximum density and nonresidential intensity standards in compliance with the General Plan.
    - Updated the list of corresponding General Plan land use designations.
- Created new language that adopts the Zoning Map.

Article 2 – Zones, Allowable Uses, and Development Standard

General

- Implemented new Zoning Code template and format style.
- Updated all in-text cross references throughout the entire Article.
- In text amendment and resolution references were removed since the Code will be adopted in its entirety.
- Reorganized and restructured Article consistent with the approved Master Table of Contents.
- Updated the allowed density range for every zoning district where applicable per the 2040 General Plan.
- Updated the purpose statements for all zoning districts to include the maximum density and intensity standards established in the 2040 General Plan.
- Created a tabular list of allowable land uses and associated permit requirements.
- Above ground fuel tanks require a Conditional Use Permit in all zone districts.

Residential Zone Districts

- Deleted agriculture as an allowed land use in the RR zone.
- Eliminated R-1 as a standalone zone.
- Single-unit dwellings now require the approval of a Conditional Use Permit in the R-2 and R-3 zone districts.
- Removed the 7-foot wall requirements when R-2 and R-3 projects are adjacent to alleyways.
- Created a new Rural Residential (RR) Zone to be consistent with the General Plan's RR land use designation.

- Modified permit requirements to eliminate constraints to housing development.
- Added new housing types to encourage missing middle housing.
- Included new State mandated land uses and established permit requirements consistent with State law:
    - Accessory dwelling units
    - Junior accessory dwelling units
    - Employee housing
    - Agricultural employee housing
    - Community care facilities
    - Emergency shelters
    - Low barrier navigation centers
    - Supportive and transitional housing
    - Single-room occupancy
    - Facades
- Relocated the Smart Residential Development Combining District development standards with other residential zoning districts.
- Updated the R-2 zone density from one unit per 3,500 sq. ft. to one unit per every 2,250 sq. ft.
- Eliminated the required space between buildings development standard, allowing the California Building Code to govern the separation.

Commercial, Office, and Mixed-Use Zones

- Combined Chapters 17.48, 17.46, 17.50, 17.44, and 17.45.
- Removed "lumber yards" from the feed and fuel stores, lumber yards, garden supply stores, and nurseries; section of CS zone allowed uses.
- Added a requirement for a Conditional Use Permit for twenty-four hour uses next to, or within 200 feet of residential uses.
- Added a requirement for a Conditional Use Permit for drive-thru land uses in all commercial zones.
- Twenty-four-hour drive-thru land uses are prohibited adjacent to residential uses.
- Commercial zone setbacks are now measured from property line after any dedications, not a distance from the centerline of the street.
- Removed the Commercial Specific Plan requirement.
- Added a requirement for a Conditional Use Permit for self-wash car washes.
- Eliminated "All required yards may be used for parking, loading or access driveways."
- Created a standard 10-foot front setback for all Commercial General parcels. Exceptions for parcels along Madera and Whitesbridge Roads remain.
- Removed the allowance for parking, loading, and driveways in all yard areas.

Industrial Zones

- Eliminated automotive repair land uses as allowed in the Light Industry zone.
- Added a requirement for a Conditional Use Permit for twenty-four hour uses within 300 feet of residential zones or land uses.
- Add a Site Plan Review requirement for new uses proposed for a site that does not have adequate parking or site improvements or which will increase in occupancy intensity.
- Renamed the zones to be consistent with Zoning Map. The current Zoning Code refers to the M-1 as the Light Industry District, and the M-2 as the General Industry District.
- Removed the existing allowable land use classification system for the General Industry Zone which uses the Executive Office of the President's Standard Industrial Classification Manual.

Public and Quasi-Public Zones

- Combined Chapters 17.32 and 17.34.
- Added "Community Composting" as allowed with a Conditional Use Permit in the O and UR zones per State law and Ordinance No. 22-01. This use was also added to the land use definitions list.

Article 3 – Regulations Applicable to All Zones

General

- Implemented new Zoning Code template and format style.
- Updated all in-text cross references throughout the Article.
- Reorganized and restructured the Article consistent with the approved Master Table of Contents.
- In text amendment and resolution references were removed since the Code will be adopted in its entirety.

General Development Standards

- Created new clear vision triangle safety standards for parcels containing or abutting a right-of-way easement, intersection, private drive, or alley. Structures, signs, objects, and landscaping are limited to three feet in height when located in a clear vision triangle.
- Removed Section 17.62.020 (Definitions) and prepared new Article 8, Definitions.
- Moved Section 17.62.080 (Satellite Dish Antenna) to Article 4 under the wireless telecommunications section.
- Specified that attached garages and carports shall comply with zone development standards and are not considered an accessory use.
- Added a requirement for a Conditional Use Permit for fences in excess of seven feet in height.
- Seven-foot block walls may be required by the Community Development Director between a MU zone and a residential zone or use to mitigate noise impacts.

Landscaping Provisions

- Created provisions for the use of artificial turf, including:
    - Locations allowed
    - Materials and style
    - Installation requirements
    - Appearance and maintenance
- Referenced the Model Water Efficient Landscape Ordinance Municipal Code Section and specified the provisions of this Chapter are in addition to the requirements in the Model Water Efficient Landscape Ordinance.
- Specified that applicants may be required to pay additional fees for deferred landscaping in the R1 district at the Community Development Director's discretion upon making findings.

Parking Provisions

- Combined the provisions in Chapter 17.74 (Parking) and Section 17.78.030 (off-Street Parking).
- Updated the list of allowed land uses to reflect the uses established in the land use definitions and Article 2.
- Clarifying language requiring all off-street parking to be provided on the same site as the land use for which the parking is being provided unless otherwise allowed by an exception approved by the Community Development Director.
- Reduced the number of employee parking spaces to one for each employee for any given shift, as opposed to one space for every employee, for the following land uses:
    - Childcare facilities
    - Day care centers
    - General industrial and processing uses
    - Warehousing and distribution
    - Commercial stables
    - Outdoor sales
- New language requiring applicants to provide accessible parking in compliance with Title 24 of the California Building Code.
- Create additional development standards regarding the allowance of common parking facilities for accessible parking spaces.
- New restriction on RV parking:
    - Recreational vehicles shall not be connected, either on a permanent or temporary basis, to any utility services, such as electrical (including extension cords), water, or sewer connections for the purposes of living or sleeping for any period of time, unless explicitly permitted by the City.
    - Recreational vehicles shall not be stored on any property that does not have a legal residential structure.

- Reformatted all parking requirements into a tabular format for ease of use and updating.

Sign Standards

- Updated all sign regulations to remove restrictions on sign copy in compliance with State and Federal law.
- Added a requirement for a Conditional Use Permit for electronic reader board signs.
- Vehicle fueling station signs required to be posted at fuel stations pursuant to California Business and Professions Code Sections 13530 et seq.
- Added a requirement that freestanding vehicle service station price signs shall not exceed six feet in height and shall have a maximum sign area of 30 square feet per side.
- On-structure identification signs shall be allowed for frontages with public entrances. Each business frontage having a public entrance shall be permitted on-building identification signs.
- Created a tabular format for specific use signs for ease of use and readability.
- Created new regulations regulating projecting signs and specified that such signs shall not project into the property line or public sidewalk over two feet.

Article 4 – Standards for Specific Land Uses

General

- Implemented new Zoning Code template and format style.
- Updated all in-text cross references throughout the Article.
- Reorganized and restructured the Article consistent with the approved Master Table of Contents.
- In text amendment and resolution references were removed since the Code will be adopted in its entirety.

Standards for Specific Land Uses

- Overhauled the accessory dwelling unit and junior accessory dwelling unit provisions to ensure compliance with State housing law.
- Added new provisions and operational standards for recycling facilities, including:
  - Reverse vending machines
  - Small collection facilities
  - Large collection facilities
  - Recycling processing facilities
- Updated emergency shelter development and operations standards to ensure compliance with State law.
- Clarified that any public or private improvement within a mobile home park shall comply with State law and City of Kerman engineering standards.

- Eliminated landscaping requirements for mobile office structures.
- Rescinded the Interim Agricultural Ordinance.
- Overhauled the wireless telecommunication standards in compliance with Federal regulations and co-location requirements.
- Updated the density bonus provisions in compliance with State law.
- Created comprehensive objective residential design standards for qualifying mixed-use and multi-unit dwelling projects. Design standards include:
    - Structure orientation and location (e.g., vehicular entries, staggered setbacks, separation between structures)
    - Entries and stairwells (e.g., entryway design, exterior stairwells, entry connections)
    - Parking and circulation (e.g., vehicular circulation, parking facility screening, carports, parking are landscaping)
    - Lighting (e.g., type and color, shielding and spill, fixture height)
    - Utility and service areas (e.g., screening, refuse enclosures)
    - Open space (i.e., amount required, passive amenities, active amenities)
    - Massing and articulation (e.g., façade design, blank walls)
    - Colors and materials
    - Windows and door design
    - Fences and walls

Article 5 – Nonconformities

General

- Implemented new Zoning Code template and format style.
- Updated all in-text cross references throughout the Article.
- Reorganized and restructured the Article consistent with the approved Master Table of Contents.
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Nonconforming Procedures

- Clarified and refined the purpose and intent statements.
- Added an applicability statement that specifies to what parcels, structures, and uses the nonconforming use provisions apply.
- Added new provisions for the establishment and determination of nonconformities.
- Specified the Community Development Director makes the determination of nonconforming status that can be appealed to the Planning Commission.

- Increased the discontinuance period for legal nonconforming parcels from 90 days to 12 months.
- Clarified and created new standards for nonconforming parcels.
- Added new procedures for the continuation and maintenance of legal nonconforming land uses (e.g., determination process, time frames, types of activities allowed).

Article 6 – Permit Processing Procedures

General

- Implemented new Zoning Code template and format style.
- Updated all in-text cross references throughout the Article.
- Reorganized and restructured the Article consistent with the approved Master Table of Contents.
- In text amendment and resolution references were removed since the Code will be adopted in its entirety.

Zoning Code Administration.

- Added a new ministerial entitlement: Administrative Use Permit (AUP). The AUP entitlement allows certain projects to be reviewed and approved by City staff, resulting in a more time and cost-efficient development process.
- Added new reasonable accommodations standards to ensure compliance with State law.
- Added new permit processing procedures for Development Plan Review Permits.
- Temporary Use Permits (TUP) are now allowed up to six months.
- Added new Temporary Use Permit standards, allowed at the discretion of the Community Development Director, including:
    - Limit to four times per year.
    - Limited to private property.
- Temporary uses located in the public right-of-way shall also require the approval an Encroachment Permit.

Article 7 – Zoning Code Administration

General

- Implemented new Zoning Code template and format style.
- Updated all in-text cross references throughout the Article.
- Reorganized and restructured the Article consistent with the approved Master Table of Contents.
- In text amendment and resolution references were removed since the Code will be adopted in its entirety.

Administrative Responsibilities

- Clarified the role of the Development Review Committee (DRC)
    - Establishment
    - Composition and number of members
    - Actions and responsibilities
    - Rules and procedures
- Clarified that a Zone Amendment by application may only be submitted for the purpose of a zone change on real property, and not for an amendment to the language of the Zoning Code.

Article 8 – Definitions

General

- Implemented new Zoning Code template and format style.
- Updated all in-text cross references throughout the Article.
- Reorganized and restructured the Article consistent with the approved Master Table of Contents.
- In text amendment and resolution references were removed since the Code will be adopted in its entirety.

New Definitions

Accessory dwelling unit	Commercial Recreation and Entertainment Facility, Indoor	Office
Accessory dwelling unit, junior	Commercial Recreation and Entertainment Facility, Outdoor	Outdoor dining and sales
Accessory structure	Community care facility	Parcel line
Agriculture, Animal Husbandry	Community composting	Personal service, general and restricted
Agriculture, Dairies	Community treatment facility	Place of assembly
Agriculture, Horticulture	Cottage food operation	Printing shop
Agricultural Processing	Day care center	Produce stand
Agriculture Service Establishment	Drive-through sales and service	Public and quasi-public uses
Airport	Electric Vehicle Charging Station or Charging Station	Recycling collection facility
Alcohol beverage sales	Electronic Submittal	Retail sales, general and restricted
Ambulance service	Equipment Sales and Rental Facility	Retail Sales, Grocery or Supermarket
Animal hospital	Farmers Market	Retail Sales, Neighborhood Market

Assisted living facility	Food Commissary	Retail Sales, Nursery and Garden Supply
Association	Frontage Street	Retail Sales, Secondhand
Athletic club	Fueling Station	Retail Sales, Wholesale.
Auction establishment	Hospital	School
Automated Vending and Dispensing Machine	Hotel/Motel	Sight Distance Triangle
Bank and financial institution	Industrial, Major	Single Room Occupancy (SRO)
Beekeeping	Industrial, Minor	Single-Unit Dwelling
Brewery, Distillery, Microbrewery, and Winery	Interim agriculture	Solar Energy Generation Facility
Broadcasting and Film Recording Studio	Kennel	Storage facility
Building Material Sales and Storage	Low-barrier navigation center	Transitional Housing
Bungalow Court	Manufactured Home Sales and Repair	Vehicle Rental Facilities
Business	Mobile food vendor	Vehicle Repair and Service
Campground	Mobilehome park	Veterinary Clinic.
Caretaker's residence	Multi-Unit Dwelling	Warehousing and Distribution
Child day care home	Nonconforming Status, Illegal	

Existing Definitions which were revised:

Abandonment	Commerce	Minor Modification
Adjacent	Community plan	Nonconforming Parcel
Agriculture	Conflict of interest	Parcel
Alcohol use	Contractor storage yard	Parcel coverage
Annexation	Court	Power generation
Antique	Density	Recycling unit
Apartment	Development standard	Reverse Vending Machine(s)
Auto mall	Front wall	Senior Citizen
Bar	Furrier	Significant Buildings
Bed and breakfast	Garage sales	Sorority
Boarding house	Government agency	Specialty Marketplace
Buildable area	Grade	Street
Building	Gross area	Subdivision Sales Office
Building height	Group home	Temporary Dwelling

Car wash	Height, maximum	Trailer Coach
Cemetery	Home occupation	Trailer Park
Certificate of occupancy	Homeowner's association	Unique natural feature
Change of use	Industrial park	Uses, Permitted.
Coin operated cleaning service	Island	Wall
College, trade	Landscape mound	

Attachment 'D'

City of Kerman Comprehensive Zoning Code Update

Addendum to Program Environmental Impact Report Prepared for the City of Kerman 2040 General Plan

State Clearinghouse No.: SCH #2019049018

Prepared by:

City of Kerman
Community Development Department
850 S. Madera Avenue
Kerman, CA 93630
Contact: Jesus R. Orozco, Community Development Director
jorozco@cityofkerman.org

With assistance from:

Mintier Harnish
Planning Consultants
1415 20th Street,
Sacramento, CA 95811

March 2024

Introduction and Project Summary

Project Title

City of Kerman Comprehensive Zoning Code Update

Lead Agency/Project Sponsor Name and Address

City of Kerman
Community Development Department
850 S. Madera Avenue
Kerman, CA 93630

Contact Person

Contact: Jesus R. Orozco, Community Development Director
jorozco@cityofkerman.org

Project Location

The City of Kerman is in the northwest portion of Fresno County in the central San Joaquin Valley. The city is at the junction of State Route (SR) 180 (Whitesbridge Avenue) and SR 145 (South Madera Avenue), approximately 15 miles west of the City of Fresno and 20 miles south of the City of Madera. West Jensen Avenue is located just to the south of Kerman, South Modoc Avenue to the west, and South Goldenrod Avenue to the east. SR 180 runs across the north edge and SR 145 bisects the city. The city is bordered by unincorporated areas of Fresno County. The nearest cities are Fresno to the east, San Joaquin to the southwest, and Madera to the north.

Project Description

The project consists of a comprehensive update to the City of Kerman Zoning Code (herein referred to as "Zoning Code Update" or "project"). The project would bring the City's Zoning Code into compliance with California Government Code Section 65860(a), which requires that a jurisdiction's zoning regulations be consistent with its General Plan and subsequent updates to its General Plan. Therefore, the City is proposing to amend its existing Zoning Code to ensure (1) compatibility with its adopted 2040 General Plan (adopted July 2020); (2) create consistency with State housing law and reduce regulatory barriers to the construction of housing; (3) reflect changes in State law; (4) create contemporary zoning provisions; (5) make the Zoning Code easier to use and implement; and (6) implement changes to address issues identified by City staff. The City's updated Zoning Code would therefore implement the goals and policies of the General Plan by regulating the use of land and structures within the city.

Background

The City of Kerman is considering adoption of the updated Zoning Code (Title 17 of the Kerman Municipal Code). The City has prepared this update to implement the recently adopted 2040 General Plan and comply with new State laws intended to increase housing supply and affordability. Because this action requires City Council approval, and such approval will establish new development regulations, the action is considered a Project under the California Environmental Quality Act. As such, the City is required to make an environmental determination for the Project prior to any action on the Project. To make this determination, the following elements are considered here: the project description, applicable California Environmental Quality Act (CEQA) requirements, relevant State Housing Law, the 2040 General Plan, and the 2040 General Plan program environmental impact report (PEIR or EIR). The Zoning Code Update will amend the Kerman Municipal Code as Title 17.

This Addendum analyzes the changes and potential impacts related to the adoption of Zoning Code Update and Zoning Map amendments. This Addendum is intended to demonstrate the consistency of the project with the existing General Plan to comply with CEQA. The City's 2040 General Plan underwent extensive environmental review in the form of a program environmental impact report, which was certified in July 2020. The EIR for the Kerman General Plan is a comprehensive document and includes discussion of alternatives and growth-inducing impacts associated with urban development in the city at the time it was developed. In particular, and in line with Section 15183 of the CEQA guidelines, pursuant with Public Resources Code Section 21083.3, this Addendum assesses whether the Zoning Code Update, as a policy and programs document, includes impacts not addressed or previously analyzed in the General Plan EIR.

Discretionary Action

Implementation of the Zoning Code Update would require the following discretionary actions by the city of Kerman Planning Commission and City Council:

- Amendment of the Municipal Code to add the updated Zoning Code (Title 17)
- Adoption of this Addendum to the certified EIR

Prior Environmental Document

City of Kerman, 2040 General Plan Environmental Impact Report (General Plan Update EIR). State Clearinghouse Number 2019049018, certified in July 2020.

Location of Prior Environmental Document

City of Kerman, Community Development Department Website:
https://kermangp.com/images/docs/kpgu_general_plan_final_eir_2020_04_rev.pdf

Project Context

City of Kerman General Plan

State law mandates that each city, and county in California adopt "a comprehensive, long-term general plan," for the physical development of its planning area. The Kerman General Plan planning area includes all lands within the city limits and Sphere of Influence (SOI). The purpose of the General Plan is to plan for important community issues such as new growth, housing needs, and environmental protection. Furthermore, the General Plan is used to project future demand for services such as sewer, water, roadways, parks, and emergency services.

The Kerman General Plan, adopted in July 2020, is a long-term document which identifies the community's vision for the future and provides a framework that will guide decisions on growth, development, and conservation of open space and resources in a manner that is consistent with the quality of life desired by the city's residents and businesses.

The General Plan policy document contains the goals and policies that will guide future decisions within the city and identifies action items (implementation measures) to ensure the vision and goals of the General Plan are carried out. The General Plan also contains a revised Land Use Map, which serves as a general guide to the distribution of land uses throughout the city.

State law requires that every General Plan, at a minimum, address certain subject categories (called "elements"), which include land use, circulation, housing, conservation, open space, noise, safety, and environmental justice. A General Plan may also address other subjects that are of importance to the community future, such as sustainability, community design, and public art. Kerman's General Plan includes the following elements:

- Land Use
- Economic Development
- Circulation
- Housing
- Conservation, Open Space, and Recreation
- Public Health and Safety
- Public Facilities and Services

The City of Kerman 2040 General Plan EIR (herein called the General Plan EIR) addressed the potential environmental effects of the planned buildout of Kerman through the 20-year period and concluded that implementation of the General Plan would result in environmental impacts as detailed in Table 1. Actions and policies were incorporated into the General Plan EIR to reduce potential impacts from project development under the General Plan.

The Land Use Element describes the general distribution, location, and extent of various land uses. It contains a statement of the purpose of the designation, standards for dwelling units density and non-

residential building square footage intensity, types of typical uses, and special development and permit review requirements. Eighteen separate land use designations have been established to provide a mixture of land uses for the city, as shown on the General Plan Land Use Map (Figure 2-4). The 2040 General Plan contemplated that the City will subsequently need to review the Zoning Ordinance, including its Zoning Map, to make sure it is consistent with the new General Plan.

Table 1: Summary of Areas of Potential Impact under the 2040 General Plan EIR

Impact	Mitigation Measure(s)	Residual Impact
Aesthetics		
Impact AES-3. Development facilitated by the proposed 2040 General Plan would incrementally increase the amount of light and glare in Kerman, through the introduction of new development and increased number of vehicles. The effects of this gradual increase would be reduced by the policies in the 2040 General Plan as well as the Kerman Municipal Code. Therefore, the project would have a less than significant impact associated with light and glare that would adversely affect daytime or nighttime views.	None required.	Less than significant.
Air Quality		
Impact AQ-2. Construction of new development under the 2040 General Plan would potentially generate significant impacts to air pollutant emissions of ozone precursors, CO, SO2, PM10, and PM2.5. However, implementation of 2040 General Plan policies would result in compliance with SJVAPCD Guidelines and reduce these impacts to a less than significant level.	None required.	Less than significant.
Impact AQ-3. Buildout of the 2040 General Plan may expose sensitive receptors to substantial pollutant concentrations. Construction-related emissions associated with the 2040 General Plan would generate short-term emissions of carbon monoxide and toxic air contaminants, which can contribute to human health hazards. However, implementation of 2040 General Plan policies would reduce sensitive receptors exposure to pollutant concentrations. Impacts would be less than significant (Class II).	None required.	Less than significant.

Table 1: Summary of Areas of Potential Impact under the 2040 General Plan EIR

Cultural Resources		
Impact CUL-1. Development facilitated by the 2040 General Plan has the potential to impact historical and unique archaeological resources. However, implementation of 2040 General Plan policies would reduce impacts to a less than significant level.	None required.	Less than significant.
Greenhouse Gas		
Impact GHG-1. Implementation of the 2040 General Plan would substantially increase GHG emissions at buildout compared to existing conditions. Implementation of 2040 General Plan policies would not reduce GHG emission impacts to below the projected locally appropriate threshold. Impacts would be significant and unavoidable.	None required. It is highly unlikely implementation of the 2040 General Plan policies specifically for GHG reduction emissions and impacts related to short-term GHG emissions would be capable of a 20 MT CO2e/SP/year reduction to below the locally appropriate threshold.	Significant and unavoidable.
Noise		
Impact N-1. Construction-related, operational, and transportation noise generated by development facilitated under the 2040 General Plan would potentially expose sensitive receivers to substantial temporary and permanent increases in ambient noise levels. Implementation of 2040 General Plan policies would be required to reduce impacts to a less than significant level.	None required	Less than significant.
Transportation		
Impact T-2. The 2040 Kerman General Plan sets forth VMT as the standard for the evaluating impacts under CEQA (CIRC-2.1) and a VMT significance threshold of 15 percent below baseline conditions based on the FCOG Regional Transportation Model for addressing transportation impacts (CIRC-2.5) for projects within expansion areas. Even with the incorporation of policies to reduce VMT and promoting alternative transportation (Goal CIRC-5). Impacts would remain significant and unavoidable.	None required. Implementation and adherence to 2040 General Plan policies would not reduce VMT impacts to a less than significant level.	Significant and unavoidable.

Table 1: Summary of Areas of Potential Impact under the 2040 General Plan EIR

Tribal Cultural Resources		
Impact TCR-2. The 2040 Kerman General Plan sets forth VMT as the standard for the evaluating impacts under CEQA (CIRC-2.1) and a VMT significance threshold of 15 percent below baseline conditions based on the FCOG Regional Transportation Model for addressing transportation impacts (CIRC-2.5) for projects within expansion areas. Even with the incorporation of policies to reduce VMT and promoting alternative transportation (Goal CIRC-5). Impacts would remain significant and unavoidable.	None required.	Less than significant.
Utilities		
Impact UTL-4. Development facilitated by the 2040 General Plan would increase demand for solid waste went to landfills. Landfills serving Kerman have adequate capacity to accept additional waste until August 2036. The City has met the target disposal rate under SB 1016 in 2017. It is anticipated that any additional growth would increase the population disposal rate to above allowable levels. This impact would be significant and unavoidable as the City does not have jurisdiction over County landfill operations and therefore cannot mitigate this impact.	No mitigation measures are available as Kerman does not jurisdiction or control over County landfills.	Significant and unavoidable.

General Plan Assumptions

The General Plan buildout analysis assumes a 20-year horizon to the year 2040. The General Plan will accommodate future growth in Kerman, including new businesses, expansion of existing businesses, and new residential uses.

The General Plan EIR addresses the buildout scenario to evaluate the reasoned density assumption using actual development intensities that have occurred in the city and not maximum allowable densities. The General Plan could yield up to 5,715 new housing units within the city, 31 acres of new commercial development, and nine acres of new industrial development.

Project Description

The proposed Project is to revise and update the Zoning Code (Title 17 of the Kerman Municipal Code) consistent with the adopted 2040 General Plan. Specifically, this includes the following:

Article 1 – Enactment and Applicability

General

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- Updated language from existing Section 17.02.010 (Adoption of the Zoning Ordinance) to better specify the City's authority in adopting the revised Zoning Code.
- New language expressing the City's intent for all provisions established in the Zoning Code to be consistent with the City's General Plan.
- Included new provision establishing severability and partial invalidation of Zoning Code in cases where portions of the Code are found to be unenforceable.
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- In text amendment and resolution references were removed since the Code will be adopted in its entirety.
- Reorganized and restructured Article consistent with the approved Master Table of Contents.
- Updated the allowed density range for every zoning district where applicable per the 2040 General Plan.
- Updated the purpose statements for all zoning districts to include the maximum density and intensity standards established in the 2040 General Plan.
- Created a tabular list of allowable land uses and associated permit requirements.
- Above ground fuel tanks require a Conditional Use Permit in all zone districts.

Residential Zone Districts

- Deleted agriculture as an allowed land use in the RR zone.
- Eliminated R-1 as a standalone zone.
- Single-unit dwellings now require the approval of a Conditional Use Permit in the R-2 and R-3 zone districts.
- Removed the 7-foot wall requirements when R-2 and R-3 projects are adjacent to alleyways.
- Created a new Rural Residential (RR) Zone to be consistent with the General Plan's RR land use designation.
- Modified permit requirements to eliminate constraints to housing development.
- Added new housing types to encourage missing middle housing.
- Included new State mandated land uses and established permit requirements consistent with State law:
    - Accessory dwelling units
    - Junior accessory dwelling units
    - Employee housing
    - Agricultural employee housing
    - Community care facilities
    - Emergency shelters
    - Low barrier navigation centers
    - Supportive and transitional housing
    - Single-room occupancy
    - Facades
- Relocated the Smart Residential Development Combining District development standards with other residential zoning districts.
- Updated the R-2 zone density from one unit per 3,500 sq. ft. to one unit per every 2,250 sq. ft.

- Eliminated the required space between buildings development standard, allowing the California Building Code to govern the separation.

Commercial, Office, and Mixed-Use Zones

- Combined Chapters 17.48, 17.46, 17.50, 17.44, and 17.45.
- Removed "lumber yards" from the feed and fuel stores, lumber yards, garden supply stores, and nurseries; section of CS zone allowed uses.
- Added a requirement for a Conditional Use Permit for twenty-four hour uses next to, or within 200 feet of residential uses.
- Added a requirement for a Conditional Use Permit for drive-thru land uses in all commercial zones.
- Twenty-four-hour drive-thru land uses are prohibited adjacent to residential uses.
- Commercial zone setbacks are now measured from property line after any dedications, not a distance from the centerline of the street.
- Removed the Commercial Specific Plan requirement.
- Added a requirement for a Conditional Use Permit for self-wash car washes.
- Eliminated "All required yards may be used for parking, loading or access driveways."
- Created a standard 10-foot front setback for all Commercial General parcels. Exceptions for parcels along Madera and Whitesbridge Roads remain.
- Removed the allowance for parking, loading, and driveways in all yard areas.

Industrial Zones

- Eliminated automotive repair land uses as allowed in the Light Industry zone.
- Added a requirement for a Conditional Use Permit for twenty-four hour uses within 300 feet of residential zones or land uses.
- Add a Site Plan Review requirement for new uses proposed for a site that does not have adequate parking or site improvements or which will increase in occupancy intensity.
- Renamed the zones to be consistent with Zoning Map. The current Zoning Code refers to the M-1 as the Light Industry District, and the M-2 as the General Industry District.
- Removed the existing allowable land use classification system for the General Industry Zone which uses the Executive Office of the President's Standard Industrial Classification Manual.

Public and Quasi-Public Zones

- Combined Chapters 17.32 and 17.34.
- Added "Community Composting" as allowed with a Conditional Use Permit in the O and UR zones per State law and Ordinance No. 22-01. This use was also added to the land use definitions list.

Article 3 – Regulations Applicable to All Zones

General

- Implemented new Zoning Code template and format style.
- Updated all in-text cross references throughout the Article.
- Reorganized and restructured the Article consistent with the approved Master Table of Contents.

- In text amendment and resolution references were removed since the Code will be adopted in its entirety.

General Development Standards

- Created new clear vision triangle safety standards for parcels containing or abutting a right-of-way easement, intersection, private drive, or alley. Structures, signs, objects, and landscaping are limited to three feet in height when located in a clear vision triangle.
- Removed Section 17.62.020 (Definitions) and prepared new Article 8, Definitions.
- Moved Section 17.62.080 (Satellite Dish Antenna) to Article 4 under the wireless telecommunications section.
- Specified that attached garages and carports shall comply with zone development standards and are not considered an accessory use.
- Added a requirement for a Conditional Use Permit for fences in excess of seven feet in height.
- Seven-foot block walls may be required by the Community Development Director between a MU zone and a residential zone or use to mitigate noise impacts.

Landscaping Provisions

- Created provisions for the use of artificial turf, including:
  - Locations allowed
  - Materials and style
  - Installation requirements
  - Appearance and maintenance
- Referenced the Model Water Efficient Landscape Ordinance Municipal Code Section and specified the provisions of this Chapter are in addition to the requirements in the Model Water Efficient Landscape Ordinance.
- Specified that applicants may be required to pay additional fees for deferred landscaping in the R1 district at the Community Development Director's discretion upon making findings.

Parking Provisions

- Combined the provisions in Chapter 17.74 (Parking) and Section 17.78.030 (off-Street Parking).
- Updated the list of allowed land uses to reflect the uses established in the land use definitions and Article 2.
- Clarifying language requiring all off-street parking to be provided on the same site as the land use for which the parking is being provided unless otherwise allowed by an exception approved by the Community Development Director.
- Reduced the number of employee parking spaces to one for each employee for any given shift, as opposed to one space for every employee, for the following land uses:
  - Childcare facilities
  - Day care centers
  - General industrial and processing uses
  - Warehousing and distribution
  - Commercial stables
  - Outdoor sales

- New language requiring applicants to provide accessible parking in compliance with Title 24 of the California Building Code.
- Create additional development standards regarding the allowance of common parking facilities for accessible parking spaces.
- New restriction on RV parking:
    - Recreational vehicles shall not be connected, either on a permanent or temporary basis, to any utility services, such as electrical (including extension cords), water, or sewer connections for the purposes of living or sleeping for any period of time, unless explicitly permitted by the City.
    - Recreational vehicles shall not be stored on any property that does not have a legal residential structure.
    - Reformatted all parking requirements into a tabular format for ease of use and updating.

Sign Standards

- Updated all sign regulations to remove restrictions on sign copy in compliance with State and Federal law.
- Added a requirement for a Conditional Use Permit for electronic reader board signs.
- Vehicle fueling station signs required to be posted at fuel stations pursuant to California Business and Professions Code Sections 13530 et seq.
- Added a requirement that freestanding vehicle service station price signs shall not exceed six feet in height and shall have a maximum sign area of 30 square feet per side.
- On-structure identification signs shall be allowed for frontages with public entrances. Each business frontage having a public entrance shall be permitted on-building identification signs.
- Created a tabular format for specific use signs for ease of use and readability.
- Created new regulations regulating projecting signs and specified that such signs shall not project into the property line or public sidewalk over two feet.

Article 4 – Standards for Specific Land Uses

General

- Implemented new Zoning Code template and format style.
- Updated all in-text cross references throughout the Article.
- Reorganized and restructured the Article consistent with the approved Master Table of Contents.
- In text amendment and resolution references were removed since the Code will be adopted in its entirety.

Standards for Specific Land Uses

- Overhauled the accessory dwelling unit and junior accessory dwelling unit provisions to ensure compliance with State housing law.
- Added new provisions and operational standards for recycling facilities, including:
  - Reverse vending machines
  - Small collection facilities
  - Large collection facilities
  - Recycling processing facilities
- Updated emergency shelter development and operations standards to ensure compliance with State law.
- Clarified that any public or private improvement within a mobile home park shall comply with State law and City of Kerman engineering standards.
- Eliminated landscaping requirements for mobile office structures.
- Rescinded the Interim Agricultural Ordinance.
- Overhauled the wireless telecommunication standards in compliance with Federal regulations and co-location requirements.
- Updated the density bonus provisions in compliance with State law.
- Created comprehensive objective residential design standards for qualifying mixed-use and multi-unit dwelling projects. Design standards include:
  - Structure orientation and location (e.g., vehicular entries, staggered setbacks, separation between structures)
  - Entries and stairwells (e.g., entryway design, exterior stairwells, entry connections)
  - Parking and circulation (e.g., vehicular circulation, parking facility screening, carports, parking are landscaping)
  - Lighting (e.g., type and color, shielding and spill, fixture height)
  - Utility and service areas (e.g., screening, refuse enclosures)
  - Open space (i.e., amount required, passive amenities, active amenities)
  - Massing and articulation (e.g., façade design, blank walls)
  - Colors and materials
  - Windows and door design
  - Fences and walls

Article 5 – Nonconformities

General

- Implemented new Zoning Code template and format style.
- Updated all in-text cross references throughout the Article.
- Reorganized and restructured the Article consistent with the approved Master Table of Contents.
- In text amendment and resolution references were removed since the Code will be adopted in its entirety.

Nonconforming Procedures

- Clarified and refined the purpose and intent statements.
- Added an applicability statement that specifies to what parcels, structures, and uses the nonconforming use provisions apply.
- Added new provisions for the establishment and determination of nonconformities.
- Specified the Community Development Director makes the determination of nonconforming status that can be appealed to the Planning Commission.
- Increased the discontinuance period for legal nonconforming parcels from 90 days to 12 months.
- Clarified and created new standards for nonconforming parcels.
- Added new procedures for the continuation and maintenance of legal nonconforming land uses (e.g., determination process, time frames, types of activities allowed).

Article 6 – Permit Processing Procedures

General

- Implemented new Zoning Code template and format style.
- Updated all in-text cross references throughout the Article.
- Reorganized and restructured the Article consistent with the approved Master Table of Contents.
- In text amendment and resolution references were removed since the Code will be adopted in its entirety.

Zoning Code Administration.

- Added a new ministerial entitlement: Administrative Use Permit (AUP). The AUP entitlement allows certain projects to be reviewed and approved by City staff, resulting in a more time and cost-efficient development process.
- Added new reasonable accommodations standards to ensure compliance with State law.
- Added new permit processing procedures for Development Plan Review Permits.
- Temporary Use Permits (TUP) are now allowed up to six months.
- Added new Temporary Use Permit standards, allowed at the discretion of the Community Development Director, including:
    - Limit to four times per year.
    - Limited to private property.
- Temporary uses located in the public right-of-way shall also require the approval an Encroachment Permit.

Article 7 – Zoning Code Administration

General

- Implemented new Zoning Code template and format style.
- Updated all in-text cross references throughout the Article.
- Reorganized and restructured the Article consistent with the approved Master Table of Contents.
- In text amendment and resolution references were removed since the Code will be adopted in its entirety.

Administrative Responsibilities

- Clarified the role of the Development Review Committee (DRC)
  - Establishment
  - Composition and number of members
  - Actions and responsibilities
  - Rules and procedures
- Clarified that a Zone Amendment by application may only be submitted for the purpose of a zone change on real property, and not for an amendment to the language of the Zoning Code.

Article 8 – Definitions

General

- Implemented new Zoning Code template and format style.
- Updated all in-text cross references throughout the Article.
- Reorganized and restructured the Article consistent with the approved Master Table of Contents.
- In text amendment and resolution references were removed since the Code will be adopted in its entirety.

New Definitions

Accessory dwelling unit	Commercial Recreation and Entertainment Facility, Indoor	Office
Accessory dwelling unit, junior	Commercial Recreation and Entertainment Facility, Outdoor	Outdoor dining and sales
Accessory structure	Community care facility	Parcel line
Agriculture, Animal Husbandry	Community composting	Personal service, general and restricted
Agriculture, Dairies	Community treatment facility	Place of assembly
Agriculture, Horticulture	Cottage food operation	Printing shop
Agricultural Processing	Day care center	Produce stand
Agriculture Service Establishment	Drive-through sales and service	Public and quasi-public uses
Airport	Electric Vehicle Charging Station or Charging Station	Recycling collection facility
Alcohol beverage sales	Electronic Submittal	Retail sales, general and restricted
Ambulance service	Equipment Sales and Rental Facility	Retail Sales, Grocery or Supermarket

Animal hospital	Farmers Market	Retail Sales, Neighborhood Market
Assisted living facility	Food Commissary	Retail Sales, Nursery and Garden Supply
Association	Frontage Street	Retail Sales, Secondhand
Athletic club	Fueling Station	Retail Sales, Wholesale.
Auction establishment	Hospital	School
Automated Vending and Dispensing Machine	Hotel/Motel	Sight Distance Triangle
Bank and financial institution	Industrial, Major	Single Room Occupancy (SRO)
Beekeeping	Industrial, Minor	Single-Unit Dwelling
Brewery, Distillery, Microbrewery, and Winery	Interim agriculture	Solar Energy Generation Facility
Broadcasting and Film Recording Studio	Kennel	Storage facility
Building Material Sales and Storage	Low-barrier navigation center	Transitional Housing
Bungalow Court	Manufactured Home Sales and Repair	Vehicle Rental Facilities
Business	Mobile food vendor	Vehicle Repair and Service
Campground	Mobilehome park	Veterinary Clinic.
Caretaker's residence	Multi-Unit Dwelling	Warehousing and Distribution
Child day care home	Nonconforming Status, Illegal	

Existing Definitions which were revised:

Abandonment	Commerce	Minor Modification
Adjacent	Community plan	Nonconforming Parcel
Agriculture	Conflict of interest	Parcel
Alcohol use	Contractor storage yard	Parcel coverage
Annexation	Court	Power generation
Antique	Density	Recycling unit
Apartment	Development standard	Reverse Vending Machine(s)
Auto mall	Front wall	Senior Citizen

Bar	Furrier	Significant Buildings
Bed and breakfast	Garage sales	Sorority
Boarding house	Government agency	Specialty Marketplace
Buildable area	Grade	Street
Building	Gross area	Subdivision Sales Office
Building height	Group home	Temporary Dwelling
Car wash	Height, maximum	Trailer Coach
Cemetery	Home occupation	Trailer Park
Certificate of occupancy	Homeowner's association	Unique natural feature
Change of use	Industrial park	Uses, Permitted.
Coin operated cleaning service	Island	Wall
College, trade	Landscape mound	

CEQA Requirement

At its base, CEQA requires public agencies to evaluate the potential physical impacts of proposed projects prior to approving the Project and, if necessary, impose feasible mitigation measures to reduce significant Project impacts to a less than significant level. Once a proposed action is determined to be a Project as defined by CEQA, a Lead Agency can make one of four basic determinations: the project is statutorily or categorically exempt; the Project impacts have already been addressed as a part of another project impact analysis; prepare a negative declaration or mitigated negative declaration; or prepare an environmental impact report (for which there are several sub-categories).

If the City determines the proposed Project is part of a larger project (e.g., the 2040 General Plan) it must make certain additional determinations. When an EIR has been certified or a negative declaration adopted for a project, in this case the 2040 General Plan PEIR, no subsequent EIR or Negative Declaration needs to be prepared for that project unless the lead agency makes one of more of the following determinations:

1. Substantial changes are proposed in the Project which will require major revisions of the previous EIR or negative declaration;
2. Substantial changes will occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration; or
3. New information of substantial importance shows any of the following:
    a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project; or
d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment.

The City has prepared this Addendum Evaluation, pursuant to CEQA Guidelines Sections 15162 and 15164, to evaluate whether the project's environmental impacts are covered by and within the scope of the City of Kerman 2040 General Plan Final EIR (certified July 2020, State Clearinghouse Number 2019049018). The following Addendum Evaluation details any changes in the project, changes in circumstances under which the project is undertaken, and/or "new information of substantial importance" that may cause one or more effects to environmental resources.

The responses herein substantiate and support the City's determination that the Zoning Code update policies and programs are within the scope of the General Plan EIR, do not require subsequent action under CEQA Guidelines Section 15162 and, in conjunction with the EIR, adequately analyze potential environmental impacts.

Environmental Effects and Determination

Environmental Areas Determined to Have New or Substantially More Severe Significant Effects Compared to Those Identified in the Previous EIR

The subject areas checked below were determined to be new significant environmental effects or to be previously identified effects that have a substantial increase in severity either due to a change in project, change in circumstances, or new information of substantial importance, as indicated by the checklist and discussion on the following pages.

■	NONE				
☐	Aesthetics	☐	Agriculture and Forestry Resources	☐	Air Quality
☐	Biological Resources	☐	Cultural Resources	☐	Energy
☐	Geology and Soils	☐	Greenhouse Gas Emissions	☐	Hazards and Hazardous Materials
☐	Hydrology and Water Quality	☐	Land Use and Planning	☐	Mineral Resources
☐	Noise	☐	Population and Housing	☐	Public Services
☐	Recreation	☐	Transportation	☐	Tribal Cultural Resources
☐	Utilities and Service Systems	☐	Wildfire	☐	Mandatory Findings of Significance

Determination

Based on this analysis:

☐ Substantial changes are proposed in the project or there are substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Or there is "new information of substantial importance," as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, a SUBSEQUENT or SUPPLEMENTAL EIR is required.

■ No substantial changes are proposed in the project and there are no substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Also, there is no "new information of substantial importance" as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, the previously certified EIR is adequate and this evaluation serves as an ADDENDUM to the 2040 General Plan Final Environmental Impact Report (General Plan FEIR). State Clearinghouse Number 2019049018 dated July 2020.

Jesus R. Oroszco
Signature

March 7, 2024
Date

Jesus R. Oroszco
Printed Name

Community Development Director
Title

Addendum Evaluation

In order to make a determination for the appropriate CEQA analysis for the proposed Project, the City has considered the adopted 2040 General Plan and Program EIR, which are described here. The Zoning Code Update, in and of itself, does not propose specific development projects, but rather codifies zoning rules, processes, and procedures that guide future growth in Kerman. The General Plan contemplated the update to the zoning ordinance as a later activity, which was also contemplated by the PEIR prepared for the General Plan. As such, under CEQA Guidelines Section 15168(c) the Zoning Code Update may rely on the PEIR as it is furtherance of the plans and other general criteria established by the General Plan.

Each future development project would be subject to separate review to determine potential impacts on the environment related to each project as potential impacts are location-specific and cannot be assessed in a meaningful way until a project site and development proposal are identified. When a specific development proposal is considered for approval, that project would be subject to adopted development standards and be required to incorporate applicable mitigation measures and alternatives developed in the 2040 General Plan EIR certified in 2020 (in accordance with CEQA Guidelines Section 15168[c][3]). If a subsequent activity (in this case a specific development proposal that requires discretionary approval) would have effects not identified in the program EIR (the 2040 General Plan EIR and this Addendum), the lead agency must prepare additional CEQA documentation.

This Addendum Evaluation is intended to demonstrate the project's consistency with the existing Kerman 2040 General Plan and Final EIR to satisfy the requirements of CEQA. In particular, and in compliance with Section 15183 of the CEQA guidelines, pursuant with Public Resources Code Section 21083.3, this Addendum Evaluation assesses whether the updated Zoning Code, as a policy and programs document, includes impacts not addressed or analyzed as significant effects in the certified EIR.

2040 General Plan Policies and Programs

Since a key purpose of this Zoning Code update is to implement the 2040 General Plan, it is important to confirm that the Project is consistent with that Plan. According to the General Plan, the City of Kerman Zoning Code is the primary method of implementing the General Plan. Adoption of the 2040 General Plan required a review and possible revision of the Zoning Code and Zoning Map to ensure consistency with the updated General Plan. This revision would incorporate any changes to land use, density or intensity, and design and development standards from the 2040 General Plan. There are several policies and two implementation programs that are addressed by the Zoning Code update.

Policies

LU-1.2: Location of Neighborhood Commercial Sites. The City shall designate neighborhood commercial sites in proper locations so that they meet the needs of the neighborhood and do not negatively impact adjacent residential uses.

LU-1.3: Mixed Use Development. The City shall provide for the establishment of offices in existing residential structures, adjacent to Madera Avenue in the original historic townsite.

LU-1.5: High Density Residential Development Near Goods and Services. The City shall encourage the development of high-density residential uses near commercial uses, parks, and schools.

LU-3.5: Increase Density and Intensity within City Limits. The City shall prioritize increasing overall residential densities and building intensities within current City limits to prevent development on surrounding agricultural lands.

LU-3.6: Infill and Renovation. The City shall encourage infill of vacant commercial properties and renovation of existing commercial structures to reduce the rate at which surrounding agricultural land is urbanized and to provide for a more efficient use of existing infrastructure.

LU-4.1: Agricultural Land Preservation. The City shall preserve and protect agricultural lands by directing development to areas within City limits that are designated for urban-level development, and away from agriculturally designated land to preserve open space and agricultural areas.

LU-5.4 New Incompatible Land Uses. The City shall prohibit the introduction of new incompatible land uses and environmental hazards into existing residential areas.

Programs

Land Use Element Program A, Zoning [Code] Consistency. The City shall update the Zoning [Code] to ensure consistency with the General Plan Land Use Map and the policies in the General Plan.

Public Safety Element Program G, Zoning Code Update. The City shall update the Zoning Code to include standards that mitigate noise through site and building design features, such as building location and orientation, setbacks, natural barriers and vegetation, and building construction.

2040 General Plan Program Environmental Impact Report

The City prepared a Program Environmental Impact Report (PEIR) for the 2040 General Plan to assess the potential significant environmental impacts that could result from implementation of the General Plan. The PEIR evaluated the existing environmental resources in the vicinity of the City, analyzed potential impacts on those resources due to the General Plan, and identified mitigation measures that could avoid or reduce the magnitude of those impacts. The PEIR has subsequently been used to evaluate the direct and indirect environmental effects of development under the General Plan (i.e., residential development, rezones, commercial structures, park sites, recreation facility development, and infrastructure improvements).

The 2040 General Plan PEIR analyzed potential environmental impacts of General Plan implementation. That analysis included an evaluation of the impacts of implementing the policies and programs related to, among other subjects, land use, housing, traffic, air quality, noise, cultural resources, and natural resources. These subjects are typically associated potential impacts of new development projects, including projects that may be facilitated by the adoption and implementation of the proposed Zoning Code. The PEIR thoroughly analyzed these impacts, identified policies and programs that contributed to impact mitigation, included additional mitigation measures, and in two instances, concluded impacts to

be significant and unavoidable. In those instances, subsequent City action includes findings and statements of overriding circumstances. Consistent with one of its stated purposes, the PEIR serves as the primary environmental analysis for subsequent City actions.

Based on a review of the Zoning Code Update considering the PEIR, no additional environmental documentation needs to be prepared as none of the criteria of CEQA Guidelines Section 15168(c) have been met in that:

- The update would not have effect that were not examined in the PEIR;
- Under CEQA Guidelines sections 15162 and 15164, none of the findings for a subsequent EIR would be required;
- Any feasible mitigation developed in the PEIR were incorporated in the zoning ordinance update, or there were no applicable mitigation;
- The Zoning Code Update does not involve site-specific operations for which evaluation of a checklist would be warranted, as the ordinance is of City-wide effect; and
- The update of the Zoning Code was a specifically planned activity to implement in the General Plan.

Conclusion

As noted previously, the Lead Agency can make one of four basic determinations for a Project as to the appropriate action to comply with CEQA:

1. the project is statutorily or categorically exempt;
2. the Project impacts have already been addressed in an environmental analysis as a part of a larger project;
3. prepare a negative declaration or mitigated negative declaration; or
4. prepare an environmental impact report (for which there are several sub-categories).

Considered here is whether the 2040 General Plan PEIR addressed the potential environmental effects of the proposed Project – adoption of the updated Zoning Code. While the proposed Project subject to this present analysis is not a "subsequent development project," it is both a subsequent project governed by the General Plan and will enable subsequent development projects subject to the new Zoning Code. And since some these subsequent projects will not be subject to discretionary review and therefore, not subject to additional CEQA analysis, the question is whether the 2040 General Plan PEIR adequately addresses the potential Project environmental impacts. The proposed Project is consistent with and implements the 2040 General Plan. General Plan policies call for the City to:

- Designate neighborhood commercial sites in proper locations so that they meet the needs of the neighborhood and do not negatively impact adjacent residential uses (Policy LU-1.2);
- Provide for the establishment of offices in existing residential structures, adjacent to Madera Avenue in the original historic townsite (Policy LU-1.3);

- Encourage the development of high-density residential uses near commercial uses, parks, and schools (LU-1.5);
- Prioritize increasing overall residential densities and building intensities within current City limits to prevent development on surrounding agricultural lands (LU-3.5);
- Encourage infill of vacant commercial properties and renovation of existing commercial structures to reduce the rate at which surrounding agricultural land is urbanized and to provide for a more efficient use of existing infrastructure (LU-3.6);
- Preserve and protect agricultural lands by directing development to areas within City limits that are designated for urban-level development, and away from agriculturally designated land to preserve open space and agricultural areas (LU-4.1);
- Prohibit the introduction of new incompatible land uses and environmental hazards into existing residential areas (LU-5.4);
- Update the Zoning [Code] to ensure consistency with the General Plan Land Use Map and the policies in the General Plan (Land Use Element Program A); and
- Update the Zoning Code to include standards that mitigate noise through site and building design features, such as building location and orientation, setbacks, natural barriers, and vegetation, and building construction (Public Safety Element Program G).

Findings

The City of Kerman, acting as the lead agency, has determined that an addendum to the certified EIR is the appropriate environmental document under CEQA because the proposed project is a later activity specifically contemplated by the 2040 General Plan, which was assessed by the General Plan EIR, and would not require revisions to the certified General Plan EIR due to the involvement of new significant environmental effects or substantial increases in the severity of significant effects previously identified in the General Plan EIR.

There are no changed circumstances or new information that meet the standards requiring further environmental review under CEQA Guidelines Section 15162. These circumstances and information would not result in new or more severe impacts beyond what were addressed in the General Plan EIR and would not meet any other standards under CEQA Guidelines Section 15162(a)(3). No additional analysis is required based on the discussions throughout this addendum. The proposed Zoning Code Update would not involve development in areas not assumed for development in the General Plan EIR, nor would it result in population growth and density beyond what was analyzed in the General Plan EIR. The project would not result in significant or substantially more severe impacts that were not discussed in the General Plan EIR.

The potential environmental impacts of all the 2040 General Plan policies, as well as the implementation of those policies, were addressed in the 2040 General Plan PEIR. The proposed Project is consistent with the 2040 General Plan and directly implements several of the Plan policies and programs. Based on this analysis, the 2040 General Plan PEIR fully and adequately addresses the potential environmental impacts of the proposed Project. With regard to CEQA Guidelines sections 15162,

- No subsequent review is required given that since that time no substantial changes have been proposed in the project which will require major revisions of the previously approved EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
- Likewise, no substantial changes have occurred since that time with respect to the circumstances under which the zoning ordinance update is undertaken which will require major revisions of the PEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
- There is also no new information, which was not known and could not have been known at the time of the PEIR was prepared that the Project will have significant effect not discussed in the PEIR.

Based on these findings, it is recommended City Council adopt an Addendum for the project and find that the Zoning Code Update has already been fully assessed in accordance with CEQA, no subsequent review is required under CEQA Guidelines sections 15162, 15162, and 15168, and no further action or review is required under CEQA.

Finally, based on the forgoing analysis, none of the circumstances described in CEQA Guidelines Section 15162 have occurred that would require the preparation of a subsequent EIR or Negative Declaration. There are no substantial changes proposed in the original project (the 2040 General Plan). This proposed Project serves as implementing several General plan policies and programs. No substantial changes will occur with respect to the circumstances under which the Project will be undertaken. Finally, no new information has become available that would indicate new or more severe impacts would occur as a result of the project.

Recommendation

It is recommended that the City Council find that:

1. The proposed Zoning Code update (Project) was contemplated by, is consistent with, and is a specifically planned activity to implement the 2040 General Plan;
2. The 2040 General Plan PEIR fully addresses the potential environmental impacts of the proposed Project, all potentially significant environmental impacts can be mitigated to a less than significant level or are subject to overriding social or economic considerations;
3. The Zoning Code Update does not involve site-specific operations for which evaluation of a checklist would be warranted, as the ordinance is of City-wide effect; and

4. Under CEQA Guidelines sections 15162 and 15164, none of the findings for a subsequent EIR would be required;
5. No substantial changes are proposed as a part of the Project which will require major revisions of the 2040 General Plan PEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
6. No substantial changes will occur with respect to the circumstances under which the project is undertaken which will require major revisions of the 2040 General Plan PEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
7. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the 2040 General Plan PEIR was certified as complete, that would show any of the following:
    a. The Project would have one or more significant effects not discussed in the 2040 General Plan PEIR;
    b. Significant effects previously examined would be substantially more severe than shown in the 2040 General Plan PEIR;
    c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project; or
    d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment measure or alternative; and
8. No further environmental analysis for the proposed Project is required.

Based on the foregoing it is recommended that the City Council adopt this Addendum to the Environmental Impact Report prepared for the City of Kerman 2040 General Plan for the Project.

STAFF REPORT

MEETING DATE: May 22, 2024

PRESENTER: Jesus R. Orozco, Community Development Director

SUBJECT: Second Reading and Adoption of Ordinance Text Amendment 2024-02 repealing Chapters 15.28 and 15.32 from Title 15 of the Kerman Municipal Code (JRO)

RECOMMENDATION: Council waive full reading and adopt Ordinance Text Amendment 2024-02 repealing Chapter 15.28 relating to Mobile Home Parks and Chapter 15.32 relating to Environmental Quality Protection Procedures from Title 15 of the Kerman Municipal Code.

EXECUTIVE SUMMARY:

At the April 24, 2024 meeting, the Council held a public hearing and introduced Ordinance Text Amendment 2024-02 repealing Chapter 15.28 relating to Mobile Home Parks and Chapter 15.32 relating to Environmental Quality Protection Procedures from Title 15 of the Kerman Municipal Code. Said chapters have been revised and incorporated into the appropriate chapters of the new Zoning Code being considered as part of OTA 2024-01.

Chapter 15.28: Mobile Home Parks

Chapter 15.28 relating to Mobile Homes Parks has been revised and incorporated into Section 17.40.050 of the new Zoning Code. Physical construction of mobile home parks is regulated by the State of California and therefore any building permit provisions for mobile homes within Title 15 no longer apply. The provisions within the new Zoning Code are specific to land use and development of mobile home parks consistent with State housing law. As a result of the aforementioned, Chapter 15.28 is obsolete and must be repealed.

Chapter 15.32: Environmental Quality Protection Procedures

Chapter 15.32 relating to Environmental Quality Protection Procedures has been revised and incorporated into Chapter 17.98 of the new Zoning Code. Environmental procedures commonly referred to as the California Environmental Quality Act or “CEQA” are specific to land use and development. As a result of the aforementioned, Chapter 15.32 is obsolete and must be repealed.

ENVIRONMENTAL REVIEW:

A preliminary environmental assessment has been performed for this project (OTA 2024-02) pursuant to the California Environmental and Quality Act (CEQA). There are findings to determine with certainty that, pursuant to CEQA Guidelines Section 15061(b) (3), there is no possibility that this project may have a significant, adverse, impact on the environment. This is

because this project involves purely procedural policies with no impact on the environment. Therefore, this project is not subject to CEQA.

FISCAL IMPACT:

Costs associated with publication and public hearing notices have been accounted for as part of the Department's annual budget.

ATTACHMENTS:

A. Ordinance for OTA 2024-02

Attachment 'A'

ORDINANCE NO. 24-___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KERMAN REPEALING CHAPTER 15.28 RELATING TO MOBILE HOME PARKS AND CHAPTER 15.32 RELATING TO ENVIRONMENTAL QUALITY PROTECTION PROCEDURES FROM TITLE 15 OF THE KERMAN MUNICIPAL CODE

The City Council of the City of Kerman does ordain as follows**:**

SECTION 1. Chapter 15.28 of Title 15 of the Kerman Municipal Code relating to Mobile Home Parks is hereby repealed.

SECTION 2. Chapter 15.32 of Title 15 of the Kerman Municipal Code relating to Environmental Quality Protection Procedures is hereby repealed.

SECTION 3. **CEQA**. A preliminary environmental assessment has been performed for this project pursuant the California Environmental and Quality Act (CEQA). The City Council finds and determines with certainty that, pursuant to CEQA Guidelines Section 15061(b)(3), there is no possibility that this project may have a significant, adverse, impact on the environment. This is because this project involves purely procedural policies with no impacts on the environment. Therefore, this project is not subject to CEQA.

SECTION 4. **Severability**. If any section, subsection, phrase, or clause of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5. **Publication**. This ordinance shall be published in accordance with the provisions of Government Code Section 36933.

SECTION 6. **Effective Date**. This ordinance shall become effective thirty (30) days after the date of adoption.

****

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Kerman on the 24th day of April 2024, and was passed and adopted at a regular meeting of the City Council of the City of Kerman on the 22nd day of May 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

The foregoing ordinance is hereby approved.

_____
Maria Pacheco
Mayor

Attest:

_____
Josie Camacho
Interim City Clerk

STAFF REPORT

MEETING DATE: May 22, 2024

PRESENTER: Jesus A. Gonzalez, City Engineer

SUBJECT: Approval of Contract Change Order No. 1 for the Well 33 Pilot Hole Project (JG)

RECOMMENDATION: Council by motion adopt the resolution:

1. Approving contract change order no. 1 for the Well 33 Pilot Hole Project to South Valley Companies Inc. in the amount of $225,000 and;

2. Authorizing an additional construction contingency in the amount of $38,700.00 (10% of original construction contract) and;

3. Authorizing the City Manager to sign the change order and subsequent change orders, up to the additional contingency amount, on behalf of the City.

EXECUTIVE SUMMARY:

On August 06, 2021, the State Water Resources Control Board Division of Drinking Water (DDW) issued the City a compliance order for exceeding the 1,2,3-TCP Maximum Contaminant Level (MCL) at Well 12. Subsequently on August 25, 2022, the DDW issued the City a compliance order for exceeding the Uranium MCL at Well 12. The second order caused the City to re-evaluate improvements to Well 12 with a decision ultimately made for its replacement with Well 33 on the northside of Kearney Boulevard at its intersection with Kenneth Avenue.

On February 14, 2024, following a public bids procurement process, the Well 33 Pilot Hole Project (Project) was awarded by City Council to South Valley Companies Inc. The Project is the first step in the well's development process, consisting of a hydrogeological investigation including well drilling and water testing activities, to a depth of 950 feet, for assessing water quality and production capacity at the proposed Well 13 site.

On February 26, 2024, a construction Notice to Proceed was issued to South Valley Companies Inc. Results from the water sampling activities indicated the presence of Hexavalent Chromium in excess of recent State established MCL levels. Hexavalent Chromium being an expensive contaminant to mitigate, as a result of continuous off-hauling operational costs, there is now a need to perform hydrogeological investigations at a depth of 1,200 feet. Based on other City wells testing results, it is anticipated that the groundwater at the deeper elevation will be less than the established MCL for Hexavalent Chromium.

The additional cost for the hydrogeological investigation to a depth of 1,200, inclusive of contractor re-mobilization, drilling, water sampling, and pilot hole abandoning is in the amount of $225,000.

FISCAL IMPACT:

The funding to cover the necessary cost will be through the proceeds received from litigation against the Dow Chemical Co, et al. There are sufficient accounts funds in the FY 23/24 Budget to cover the expense. If the Project does not move forward at this time, the City will be unable to meet the hydrogeological investigation timeline approved by the DDW for replacing Well 12. Additionally, DDW could impose administrative penalties including a drastic revocation of water permit.

ATTACHMENTS:

A. Resolution
B. Change Order No. 1

Attachment 'A'

RESOLUTION NO. 24-___

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KERMAN APPROVING CONTRACT CHANGE ORDER NO. 1 FOR THE WELL 33 PILOT HOLE PROJECT TO SOUTH VALLEY COMPANIES INC.

WHEREAS, the Project consists of a hydrogeological investigation including well drilling and water testing activities, to a depth of 950 feet, for assessing water quality and production capacity at the proposed Well 13 site; and

WHEREAS, on February 14, 2024, following a public bids procurement process, the Project was awarded by the City Council to South Valley Companies Inc.; and

WHEREAS, following issuance of a February 26, 2024, construction Notice to Proceed, the hydrogeological investigation identified the need for additional drilling and water sampling to a depth of 1,200 feet; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KERMAN RESOLVES AS FOLLOWS:

1. Upon the recommendation of the City Engineer, approval is granted for Change Order No. 1, for the Well 33 Pilot Hole Project, in the amount of Two Hundred and Twenty-Five Thousand Dollars and Zero Cents ($225,000).

2. Approval is granted for an additional Thirty-Eight Thousand and Seven Hundred Dollars and Zero Cents ($38,700) contingency (10% of the original contract cost) for use on unforeseen construction needs.

3. The City Manager is authorized to sign Change Order No. 1, and subsequent change orders up to the additional contingency amount.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Kerman held on the 22nd day of May, 2024, and passed at said meeting by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

The foregoing resolution is hereby approved.

Maria Pacheco
Mayor

ATTEST:

Josie Camacho
Interim City Clerk

ORDER NO.	1
DATE	5/6/2024
STATE	CA
COUNTY	Fresno

CONTRACT CHANGE ORDER

CONTRACT FOR WELL 33 PILOT HOLE

FEDERAL PROJECT NO.

OWNER CITY OF KERMAN

TO: SOUTH VALLEY COMPANIES, INC.
CONTRACTOR

Original Contract Amount:	$386,500.00
Contract Contingency Amount:	$38,650.00
Original Contract Time:	45
Original Contract Completion Date:	4/29/2024

You are hereby requested to comply with the following changes from the contract plans and specifications:

Description of Changes (Supplemental Plans and Specifications Attached)	DECREASE in Contract Price	INCREASE in Contract Price
1.0 Change Order 01		
1.1 Drill 1,200 FT at $65.00/FT		$78,000.00
1.2 Mobilization of equipment for additional work: $20,000.00 LS		$20,000.00
1.3 Two(2) Additional Zone Test: $25,000 EA Zone Test		$50,000.00
1.4 Abandon Well: Additional 300FT at $40.00/LF		$12,000.00
1.5 Install 200 LF of Soundwall: $60,000.00 LS		$60,000.00
1.6 Perform Additional Electric Logging: $5,000.00 LS		$5,000.00
TOTALS	$0.00	$225,000.00
NET CHANGE IN CONTRACT PRICE		$225,000.00

SCOPE OF WORK
See Report Attached.

JUSTIFICATION
See MEMO and back up documentation attached.

The amount of the Contract will be **Increased** by the sum of: $225,000.00

The Contract Total including this and previous Change Orders will be: $611,500.00

The Contract period provided for completion will be (Increased): **0***

***There are 24 contract working days left in the contract, the contract has been on hold since 3/25/2024 due to the change of scope per the hydrologist's recommendations. The contract days will resume once the contractor can remobilize to start the extra work.**

This document will become a supplement to the contract and all provisions will apply hereto.

Requested _____ (Date)
Contractor

Recommended _____ (Date)
City Engineer

Accepted _____ (Date)
City Manager

STAFF REPORT

MEETING DATE: May 22, 2024

PRESENTER: Josefina Alvarez, Finance Director

SUBJECT: Budget Workshop Fiscal Year 2024/2025 (JA)

RECOMMENDATION: Council to review and consider proposed draft of City of Kerman Fiscal Year 2024/2025 Operating and Capital Budgets and provide comments.

EXECUTIVE SUMMARY:

The budget workshop for Fiscal Year (FY) 2024/2025 is to provide Council the opportunity to review and comment on the proposed Operation and Capital Budgets for FY 2024/2025 prior to adoption of the final budget on June 12, 2024.

General Fund

The General Fund is primarily used to fund Police, Community Services, Community Development and Administrative services budgets. Revenues are projected to increase 0.13% or $13,660 when compared to estimated year end FY 2023/2024 and operating expenditures are projected to increase 33.95% or $3,586,147 creating a General Fund operational deficit of $3,485,323. This deficit generated for FY 2024/2025 is because Hart Ranch Park has an estimated 3,670,933 allocated in which Measure M reserves will be used as park would need to be completed this FY.

The revenue increase is attributed to different factors such as the increase in property tax, VLF building permits and SRO reimbursement and new revenues such as the Transient Occupancy Tax. Below is a summary of Sales Tax and Property Tax revenues, our two main sources of revenue.

Category	Increase/Decrease	Amount	Total Revenue FY 2024/2025
General Sales Tax	Decrease	-$10,500	$2,341,100
Measure M Sales Tax	Decrease	-$91,000	$2,958,000
Sales Tax-Public Safety	Increase	$3,493	$24,332
Total		-$98,007	$5,323,432

Category	Increase/Decrease	Amount	Total Revenue
General Property Tax	Increase	$118,230	$1,197,639
Real Estate Property Transfer Tax	Increase	$10,935	$62,423
Property Tax In-Lieu of VLF Backfill	Increase	$58,911	$1,911,315
Homeowners Prop Tax Relief	Decrease	-$831	$6,000
Total		$187,245	$3,177,377

Below is a recap of the projected revenues for Fiscal Year 2024/2025 along with prior fiscal years.

Description	Audited 2021/2022	Audited 2022/2023	Adopted 2023/2024	Estimated Year End	Budget 2024/2025
Sales Tax	$5,061,243	$5,832,968	$5,417,100	$5,427,015	5,322,100
Property Tax	2,607,065	2,909,241	2,990,131	2,990,131	3,177,377
Admin & Overhead Fees	310,771	310,771	310,771	310,771	310,771
Building Fees	134,265	145,226	119,971	323,060	237,560
Franchise Taxes	219,555	239,843	206,691	206,691	222,030
Rents	181,857	248,875	158,508	162,162	164,177
Licenses and Permits	100,350	106,647	108,085	109,735	114,231
Fines and Penalties	390,016	377,804	383,854	393,232	446,624
Interest & Misc Revenue	199,065	403,413	147,330	272,249	218,240
Youth & Rec Program Fees	56,132	40,802	58,090	58,090	55,170
Reimbursements	13,952	22,344	11,278	12,453	16,219
Other Fees for Services	692,917	402,883	375,400	375,693	370,445
Total Revenues	$9,967,189	$11,040,815	$10,287,208	$10,641,282	$10,654,943

Below is a summary of the General Fund expenditures by department.

Description	Audited 2021/2022	Audited 2022/2023	Adopted 2023/2024	Estimated Year End	Budget 2024/2025
City Council	$48,189	$32,401	$37,550	$41,550	$ 40,991
City Legal Services	175,534	220,170	250,000	250,000	195,000
General Administration	724,729	478,084	480,207	508,571	614,759
Administrative Services	99,895	125,121	149,389	150,030	147,444
Debt Service-Gateway Villa	95,339	95,339	95,339	95,339	95,339
City Clerk	47,398	84,751	161,548	163,329	156,489
Measure M	1,373,066	725,162	2,072,831	2,158,913	4,784,844
Planning	192,499	254,997	268,991	275,453	391,624
Code Compliance	-	-	218,160	225,562	194,473
Transfer Measure M-Code	-	-	(218,160)	(218,160)	(194,473)
Engineering	171,181	160,835	165,000	214,000	260,000
Building	283,200	231,135	327,131	329,725	422,717
Recreation Administration	233,059	190,745	363,732	379,346	443,807
Building Maintenance	380,091	519,310	690,726	693,460	771,039

Description	Audited 2021/2022	Audited 2022/2023	Adopted 2023/2024	Estimated Year End	Budget 2024/2025
Senior Center Services	184,764	168,361	158,156	158,612	169,074
Aquatics Program	34,545	46,325	79,827	80,155	82,564
Planned Recreation	41,062	56,848	-	-	-
Youth & Teen Services	68,201	57,440	-	-	-
Community Teen Center	152,469	151,336	175,967	178,696	183,007
Police Operations (ACT/SRO)	3,915,661	3,788,746	4,685,693	4,747,209	5,336,239
Transfer from Measure M-PD	(226,502)	(251,131)	(247,568)	(247,568)	(388,422)
Animal Control	72,970	98,860	130,469	130,829	163,908
Parks Landscape Maint	171,599	203,531	229,056	239,067	269,843
Total Expenditures	$8,238,947	$7,438,365	$10,274,043	$10,554,118	$14,140,265

The expenditures increase is primarily due to the construction of Hart Ranch Park. The increase is also due to personnel and operational costs. Personnel cost include an estimated COLA increase for both the KMEA and KPOA members as both organizations have not come to an agreement. There are also four new additions that are planned for Fiscal Year 2024/2025 and ongoing recruitments for nine vacant positions.

Enterprise Funds

The Enterprise Funds provide utility services such as water, sewer, solid waste, storm drain and street sweeping to the residents of Kerman. Revenues help cover the operating costs, debt obligations, repairs and replacement of infrastructure. A water, wastewater and storm drain rate study was conducted in Fiscal Year 2023/2024 in order to establish a five-year schedule for these rates that would help cover all the costs.

The total combined budgeted revenues of the Enterprise Funds for FY 2024/2025 are $7,160,627, which represents an increase of 3.66% percent or $252,564 when compared to estimated year end FY 2023/2024 budget. The increase is attributed to the Prop 218 rates that were approved this current FY. The table below has a summary of FY 2024/2025 and other prior fiscal years.

Description	Audited 2021/2022	Audited 2022/2023	Adopted 2023/2024	Estimated Year End	Budget 2024/2025
Water	$2,640,969	$5,644,773	$2,494,589	$2,615,913	$2,703,559
Sewer	1,907,400	2,050,026	1,892,985	1,951,870	1,969,897
Solid Waste	1,791,293	2,142,744	2,166,170	2,253,085	2,401,948
Storm Drain	82,201	86,259	82,430	87,212	85,224
Total Revenue	$6,421,863	$9,923,801	$6,636,175	$6,908,081	$7,160,627

The operational expenditures of the Enterprise Funds are $7,252,997 for FY 2024/2025, compared to $6,936,325 estimated year end for FY 2023/2024, an increase of $316,672 or 4.6%. The table below has a summary of Fiscal Year 2024/2025 and other prior fiscal years.

Description	Audited 2021/2022	Audited 2022/2023	Adopted 2023/2024	Estimated Year End	Budget 2024/2025
Water	1,960,140	2,138,364	2,257,157	2,329,294	2,583,583
Sewer	1,654,553	1,929,822	2,019,763	2,072,207	2,254,964
Solid Waste	1,735,398	2,030,649	2,087,748	2,066,302	2,245,668
Storm Drain	112,666	101,076	464,269	468,522	168,781
Total Expenditures	$5,462,757	$6,199,910	$6,828,938	$6,936,325	$7,252,997

Internal Service Fund

Internal Service Funds provide goods and services to other funds, departments or agencies of the City. The charges to each City Operating Department is the source of income to cover the maintenance and operation costs for vehicles serviced by the Funds, such as gasoline, tire replacements, periodic maintenance/repair, and other operating costs for equipment such as computer supplies. It is also used to accumulate funds over time for the replacement of equipment.

The Fiscal Year 2024/2025 Internal Service Funds budget includes funding of $1,626,066 for personnel, contract services, operating supplies and the replacement of scheduled vehicles and computer equipment as needed. It also includes $1,208,848 in total revenues.

The table below illustrates Fiscal Year 2024/2025 and other prior fiscal years.

Description	Audited 2021/2022	Audited 2022/2023	Adopted 2023/2024	Estimated Year End	Budget 2024/2025
Revenues					
O & M	$629,916	$582,482	$616,343	$616,343	$689,226
Replacements	265,040	168,650	383,517	383,517	399,426
Misc/Grants	60,450	117,840	101,887	1,887	120,059
Interest Earnings	46	166	200	200	137
Total Revenues	$955,453	$869,137	$1,101,946	$1,001,946	$1,208,848
Expenditures					
O & M	777,125	766,301	828,056	817,143	992,404
Replacements	387,134	488,974	776,022	559,964	633,662
Total Expenditures	$1,164,259	$1,255,275	$1,604,077	$1,377,107	$1,626,066
Net to/From Revenues	-$208,806	-$386,138	-$502,131	-$375,161	-$417,217

Special Revenue Funds and CIP

Special Revenue Funds are funded by grants, contributions, assessments and other sources that require the funds to be used for specific purposes or have special reporting requirements. A small portion of the revenue in these funds is used in the operational budgets, while most of the funds are transferred for use in the Capital Project budgets. The specific operational Special Revenue Funds budgets are included in the section of the department that manages the respective budget.

The following projects are scheduled for Fiscal Year 2024/2025;

Water

1. Well No. 18
2. Well No. 14 Emergency Generator
3. Lions Park Recharge Project
4. Water Storage Tanks Maintenance
5. Water Meter Installation Project
6. Well No 12 TCP/Uranium Mitigation
7. Well No's 14, 15 and 10 Rehabilitations
8. Basin C Groundwater Recharge Project
9. Well No 33 Test Well

Sewer

1. WWTP Office Expansion
2. WWTP Animal Shelter Demo/Shop Expansion
3. Goldenrod Lift Station Rehabilitation
4. T-8 Gorman Rupp Pump w/VFD
5. WWTP Impr Planning Grant

Storm Drain

1. Regrade B Street Basin
2. Basin J Expansion

Streets

1. Street Sealing Project(19/20), (21/22) (22/23)
2. Street Sealing Project (24/25)
3. FY 24/25 Street Rehabilitation Project - Various Streets
4. Annual Streets Lights Installation (1st Phase)
5. RSTP - Vineland Ave Widening (North) (025)
6. CMAQ - California Ave Sidewalk 9th to Vineland
7. Siskiyou Ave Rehab 180/Kearney
8. Goldenrod Ave Rehab Kearney/RR
9. HSIP Kearney Blvd Ped Crossing Improvements
10. Siskiyou Rehab - Kearney to California
11. Kearney Rehab - 16th to Goldenrod
12. Goldenrod Rehab - Stanislaus to Kearney
13. Kenneth Street Improvements
14. San Joaquin and Park Raised Crosswalk
15. Kerman ST ADA Transition Plan

FISCAL IMPACT: None

ATTACHMENTS: None