

CITY OF DINUBA ZONING ORDINANCE



Adopted _____, 2008

CITY OF DINUBA ZONING ORDINANCE

Submitted to:



405 East El Monte Way
Dinuba, California 93618
Phone: (559) 591-5906
Fax: (559) 591-5902

By:



Quad Knopf

P.O. Box 3699
5110 West Cypress
Visalia, California 93278
Phone: (559) 733-0440
Fax: (559) 627-2336

Adopted _____, 2008

TABLE OF CONTENTS

Chapter 17.01 – Purpose and Intent	17.01-1
Chapter 17.02 – Definitions	17.02-1
Chapter 17.03 – Establishment of Zoning Districts	17.03-1
Chapter 17.04 – Procedures	17.04-1
Chapter 17.10 – RCO Resource Conservation, Public Use and Open Space District	17.10-1
Chapter 17.14 – An Agricultural District	17.14-1
Chapter 17.16 – RA Residential Acreage District	17.16-1
Chapter 17.20 – R One-Family Residential Districts	17.20-1
Chapter 17.24 – RM Multifamily Residential Districts	17.24-1
Chapter 17.26 – Uses Allowed in Residential Districts	17.26-1
Chapter 17.32 – PO Professional Office District	17.32-1
Chapter 17.40 – C-1 Neighborhood Commercial District	17.40-1
Chapter 17.42 – C-2 Downtown Commercial District	17.42-1
Chapter 17.44 – C-3 Community Commercial District	17.44-1
Chapter 17.46 – C-4 General Commercial District	17.46-1
Chapter 17.48 – Uses Allowed in Office and Commercial Districts	17.48-1
Chapter 17.50 – M-1 Light Industrial District	17.50-1
Chapter 17.52 – M-2 Heavy Industrial District	17.52-1
Chapter 17.54 – Uses Allowed in Industrial Districts	17.54-1
Chapter 17.56 – PA Off-street Parking Overlay District	17.56-1
Chapter 17.60 – PUD Planned Unit Development Overlay District	17.60-1
Chapter 17.61 – Downtown Residential Overlay District	17.61-1

Chapter 17.62 – Precise Plan Overlay District	17.62-1
Chapter 17.63 – BA Boulevard Overlay District.....	17.63-1
Chapter 17.64 – Off-street Parking and Off-street Loading.....	17.64-1
Chapter 17.70 - Manufactured Housing, Secondary Residential Units, Home Occupations, Garage Sales and Mobile Home Parks	17.70-1
Chapter 17.71 - Special Provisions and Development Standards.....	17.71-1
Chapter 17.72 - Development Standards—Signs	17.72-1
Chapter 17.73 - Communication Towers and Facilities.....	17.73-1
Chapter 17.76 - Adult-Oriented Businesses	17.76-1
Chapter 17.80 - Discretionary Permits and Procedures	17.80-1
Chapter 17.82 - Design Guidelines.....	17.82-1
Chapter 17.84 - Density Bonus.....	17.84-1
Chapter 17.92 - Planned Unit Developments.....	17.92-1
Chapter 17.93 - Modifications to Development Standards	17.93-1
Chapter 17.96 - Nonconforming Uses	17.96-1
Chapter 17.98 – Enforcement	17.98-1

Chapter 17.01 PURPOSE AND INTENT

Sections:

17.01.010	Purpose
17.01.020	Short title
17.01.030	Components of the zoning ordinance
17.01.040	Severability
17.01.050	Compliance with other ordinances and laws
17.01.060	Compliance required
17.01.070	Violation as nuisance
17.01.080	Interpretation
17.01.090	Application

17.01.010 PURPOSE

The purpose of this title is to promote and protect the public health, safety and general welfare of the people of the city by adopting a zoning plan and regulations provided generally for:

- A. The classification of areas of the city, including further annexations thereto, into several zones;
- B. The protection of the established character of various zoned areas within the city and to insure orderly development by regulating the use of land and improvements thereon and the location, size and character of structures or improvements to be erected or placed thereon, including alterations or additions to existing structures or improvements.

17.01.020 SHORT TITLE

The ordinance codified in this title shall be known as the “zoning ordinance.” The words “ordinance” and “code” as used herein shall have the same meaning.

17.01.030 COMPONENTS OF THE ZONING ORDINANCE

The zoning title shall consist of a zone plan designating certain districts and a set of regulations controlling the uses of land; the density of population; the uses and locations of structures; the height and bulk of structures; the open spaces around structures, the appearance of certain uses and structures; the areas and dimensions of sites; the location, size and illumination of signs; and requiring the provision of off-street parking and off-street loading facilities.

17.01.040 SEVERABILITY

If any provisions or portion of any provision of this title, or the application thereof to any person or circumstances, is held invalid, the remainder of this title and the application of such provisions to other persons or circumstances shall not be affected thereby.

17.01.050 COMPLIANCE WITH OTHER ORDINANCES AND LAWS

Nothing in this title shall be construed to authorize the use of any lot or parcel of land in violation of this title or any other applicable statute, ordinance, rule or regulation. Any permit or other entitlement issued in violation of any provisions of this title shall be void.

17.01.060 COMPLIANCE REQUIRED

No building or structure shall be constructed or reconstructed, moved, altered, converted or located nor shall any building or land be used for any purpose other than as permitted by and in conformance with this title, and all other applicable statutes, ordinances, rules and regulations, maps, plans and other requirements and documents referred to herein.

17.01.070 VIOLATION AS NUISANCE

Any building or structure constructed or reconstructed, altered, converted, moved, located or maintained contrary to the provisions of this title and any use of any land, building or premises established, conducted, operated or maintained contrary to the provisions of this title shall be and is hereby declared to be unlawful and a public nuisance. The city attorney or building official may, as authorized, commence proceedings for the abatement and removal thereof in the manner provided by law, and shall take such other steps and shall apply to such courts as may have jurisdiction to grant such relief as well as abate and remove and enjoin any person from setting up, building, maintaining or using any such building contrary to the provisions of this title.

17.01.080 INTERPRETATION

- A. In the interpretation and application, the provisions of this title are held to be minimum requirements except where they are expressly stated to be otherwise. No provision of this title is intended to abrogate, repeal, annul, impair or interfere with any existing ordinance of the City of Dinuba, except as specifically repealed herein, or deed restriction, covenant, easement or other agreement between parties; provided that where this title imposes greater restrictions or regulations than are imposed or required by an existing ordinance, deed restriction, covenant, easement or agreement between parties, this title shall control.
- B. In event of need for clarification or interpretation, the planning commission shall ascertain all pertinent facts and by resolution shall set forth its findings. Said resolution shall be transmitted to the city council and, if approved by the council, said clarification or interpretation shall govern until modified by resolution adopted in like manner or by appropriate amendment of this title. The foregoing shall apply in the following cases:
1. If ambiguity arises concerning the appropriate classification of a particular use within the meaning and intent of this title;
 2. If ambiguity exists with reference to matters of height, yard, area and other requirements;
 3. If uncertainty exists with reference to a zone boundary;

4. If unforeseen conditions arise or technological changes have been introduced;
5. If ambiguity or uncertainty arises as to the meaning of any word or provision contained in this title.

17.01.090 APPLICATION

This title shall apply to all property whether owned by private persons, firms, corporations or organizations; by the United States of America or any of its agencies; by the State of California or any of its agencies or political subdivisions; by any county or city, including the City of Dinuba or any of its agencies; or by any authority or district organized under the laws of the state of California, all subject to the following exceptions:

- A. Public streets and alleys;
- B. Underground utility lines and facilities;
- C. Overhead communication lines;
- D. Overhead and underground electric and gas distribution and transmission facilities;
- E. Railroad rights-of-way;
- F. Other exemptions specifically allowed by state law or amendments thereto.

Chapter 17.02 DEFINITIONS

Sections:

- 17.02.010 Application
- 17.02.020 Format
- 17.02.030 Definitions

17.02.010 APPLICATION

For purposes of this title, certain words and terms are defined, and certain rules of construction and interpretation are set forth in this chapter.

17.02.020 FORMAT

The following rules of format apply, unless inconsistent with the plain meaning of the context of the title:

- A. Headings. In the event that there is any conflict or inconsistency between the headings of a chapter, section or subsection of this title and the context thereof, the heading shall not be deemed to affect the scope, meaning or intent of such context.
- B. Verification. The word “verification” includes declaration under penalty of perjury.
- C. Any words or phrases not defined in this chapter shall be defined in the manner set forth in a dictionary, or in the terminology in common use by planning and zoning professionals.

17.02.030 DEFINITIONS

Abandoned. “Abandoned” means to cease or suspend from developing or maintaining a building, structure or use for ninety (90) days or lesser time as may be specified herein.

Abandoned Activity. “Abandoned activity” means a business or activity with no reported sales or activity for a period of at least 180 days. Exceptions are temporary closures for repairs, alterations, or other similar situations.

Abut, Abutting (Adjacent). “Abutting” means two (2) or more parcels sharing a common boundary, of at least one (1) point. To physically touch, border upon border, or to share a common corner or property line, except where two (2) or more lots adjoin only at a corner or corners, they shall not be considered as abutting unless the common property line between the two (2) parcels measures not less than eight (8) feet in a single direction. For the purposes of this title, abutting properties shall include those properties separated by any road, street, walkway, easement, alley right-of-way or highway, except a Major Highway as defined by Circulation Element of the General Plan.

Access. “Access” means safe, adequate, and useable ingress or egress to a property or use.

Access Drive or Access Way. “Access-drive” means a way or means of approach to provide entrance to a property that is safe, adequate and useable as ingress or egress for pedestrians and vehicles.

Accessory building. “Accessory building” means a building or structure which is subordinate to, and the use of which is customarily incidental to, that of the main building structure or use on the same lot; if an accessory building is attached to the main building by a common wall or a connecting roof, such accessory building shall be deemed to be a part of the main building.

Accessory living quarters. “Accessory living quarters” means living or sleeping quarters within an accessory building for the sole use of occupants of the premises, guests of such occupants or persons employed on the premises. Such quarters shall have no kitchen facilities, and shall not be rented.

Accessory use. “Accessory use” means a use customarily and normally incidental to, subordinate to and devoted exclusively to the main use of the premises.

Airport or Heliport. “Airport” means any area of land designated and set aside for the landing and taking off of any aircraft regulated by the Federal Aviation Administration.

Airport, Private. “Private airport” means an airport or airstrip intended for the sole use of the airport owner and his or her invitees.

Airport, Public Use. “Public airport” means a publicly or private owned airport that offers the use of its facilities to the public without prior notice or special invitation or clearance, and that has been issued a California Airport Permit by the Division of Aeronautics of the California Department of Transportation.

Alley. “Alley” means a public or private way permanently dedicated or reserved as a secondary means of access to abutting property.

Amendment. “Amendment” means a change in the wording, context or substance of this title, addition or deletion or a change in the zone district boundaries or classifications upon the zoning map.

Amusement Park. “Amusement park” means an outdoor facility, which may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sales of items, and buildings for shows and entertainment.

Apartment. For a definition of “apartment,” see “Dwelling, multiple.”

Auto or automobile. “Auto or automobile” includes trucks, unless otherwise specifically provided.

Auto Accessory Parts (new) Retail Sales. “Auto accessory parts (new) retails sales” means the sale of differential and transmission assemblies, engine blocks or heads and similar head parts, radiators, and tires and wheels, and tail pipes and mufflers. There shall be no machine work or repairs or

installation of merchandise neither permitted on the premises, nor there a service garage or automobile service of any kind.

Automobile Sales Lot. “Automobile sales lot” means an open area used for the display, sale and/or rental of new or used automobiles.

Automobile Wrecking. “Automobile wrecking” means the dismantling or wrecking of motor vehicles or trailers, and/or the storage, sale or dumping of dismantled or wrecked vehicles or their parts.

Bed and breakfast inn. “Bed and breakfast inn” means a building or portion thereof occupied as a residence, intended for occupancy by transient visitors wherein guest rooms, including the serving of breakfast, are provided for compensation.

Bedroom. “Bedroom” means any room in a residential living unit designated as separated sleeping quarters or suitable for that purpose.

Bicycle Shop. “Bicycle shop” means a business devoted to retail sales, service or repair of bicycles which are not powered by any type of mechanical device.

Billboard. “Billboard” means a sign which advertises any business, food, product or service not conducted, sold, manufactured or distributed from the premises or facilities on which the sign is located.

Block. “Block” means all property fronting on one (1) side of a street between points where such street is intersected or intercepted by streets, railroad rights-of-way or city boundaries or terminated by a dead end; an intercepting street shall determine only the boundary of the block on the side of the street from which it so intercepts.

Boarding, Lodging House. “Boarding or lodging house” means a building where lodging and/or meals are provided for compensation for five (5) but not more than fifteen (15) persons, not including rest homes.

Breezeway. “Breezeway” means a roofed structure not enclosed on more than two (2) sides attached to and connecting portions of a main building, or a portion of a main building and accessory building.

Building. “Building” means a permanently located structure having a roof; house trailers and other vehicles, even though permanently immobilized, shall not be deemed to be buildings.

Building Area. “Building area” means the net portion of the lot remaining after deducting all required setbacks from the gross area of the lot.

Building Coverage. “Building coverage” means the percent of lot area which may be covered by all the footprints of buildings or structures on a lot.

Building Height. “Building height” means the vertical distance from the average level of the highest and lowest point of that portion of the lot covered by the building to the highest point of the roof.

Building Site. “Building site” means the ground area of one (1) or more lots, as defined in this chapter, when used in combination for a building or permitted group of buildings, together with all open spaces as required by this title. When so combined as a single building site, the common line dividing any two (2) or more contiguous lots may be exempt from the provisions requiring side yards with respect thereto.

Business, Retail. “Retail business” means the retail sale of any article, substance or commodity for profit or livelihood, conducted within a building, but not including the sale of lumber or other building materials or the sale of used or secondhand goods or materials of any kind.

Business, Wholesale. “Wholesale business” means the wholesale handling of any article, substance or commodity for profit or livelihood, but not including the handling of lumber or other building materials, or the open storage or sale of any material or commodity and not including the processing or manufacture of any product or substance.

Campground. “Campground” means a plot of ground upon which two (2) or more campsites are located, established, or maintained for occupancy by camping units of the general public as temporary living quarters for recreation, education, or vacation purposes.

Camp Site. “Camp site” mean an area within a campground prepared and maintained for the purpose of occupancy by camping units of the general public as temporary living quarters for recreation, education, or vacation purposes.

Caretaker’s Residence. “Caretaker’s residence” means a single-family residence on the same property with, or an abutting property owned by the owner of, a commercial or manufacturing use which residence is occupied by one (1) or more persons charged with care or protection of facilities used in such commercial or manufacturing use, and which residence is provided to the occupant as compensation for such services and for which he does not pay money or any other thing of value other than his services.

Carnival. “Carnival” means a group of two (2) or more devices or acts, operated or conducted for five (5) days or less from time of set up and, in conjunction with an established business for the purpose of attracting the public, or to advertise a product, idea or program.

Carport. “Carport” means a detached accessory building not enclosed on more than three (3) sides and designed for and used to shelter or house automobiles. When attached to the main building, a carport becomes a part thereof.

Centerline. “Centerline” means a line designated by official survey to be the center of the future or existing fully developed easement, street, road or highway, which may or may not coincide with the construction centerline.

Central Business District. “Central business district” means a section of the city which is the principal shopping, commerce area and focal point of many individual stores and businesses individually owned and/or operated.

Child Care Facility. “Child care facility” means a facility, other than a home, which provides regular care, protection and supervision to children for a period of less than twenty-four (24) hours a day, while the parents or guardians are away.

Child Care Home. “Child care home” means a home in which the occupant provides regular care, protection and supervision to twelve (12) or fewer children, inclusive, including children who reside at the home, if any, for a period of less than twenty-four (24) hours a day, while the parents or guardians are away.

Church. “Church” means and includes, but is not necessarily confined to, any building; structure or open space where a group of two (2) or more persons, not immediate members of one (1) family only, regularly gather for purposes of divine worship.

Club. “Club” means an association of persons for some common nonprofit purpose, but not including groups organized primarily to render a service which is customarily carried on as a business.

College. “College” means an educational institution offering advanced instruction in any academic field beyond the secondary level, but not including trade schools or business colleges.

Columbarium. “Columbarium” means a structure of vaults lined with recesses for cinerary urns for the ashes of cremated bodies.

Commercial Farm Building. “Commercial farm building” means a farm building used in connection with agricultural operations conducted for a profit, not including dwellings.

Commission. “Commission” means the planning commission of the city.

Communications Equipment Building. “Communications equipment building” means a building housing electrical and mechanical equipment necessary for the conduct of a public utility communications business, with or without personnel.

Convalescent Home. “Convalescent home” means an establishment or home for the care and nursing of convalescents, invalids and aged persons, excluding cases of communicable diseases, mental sickness or disorder and surgical or obstetrical operations.

Crematory. “Crematory” means a building or structure operated in conjunction with a columbarium, mausoleum, cemetery, or mortuary containing one (1) or more furnaces for the reduction of bodies of deceased persons to cremated remains.

Dairy Farm. “Dairy farm” means any place or premises upon which milk is produced for sale or other distribution and where more than two (2) cows or six (6) goats are in location.

Detached. “Detached” means any building or structure that does not have a wall or roof in common with any other building or structure.

Director. “Director” means an individual, designated by the city manager, with authority to carry out the responsibilities as contained in this title.

District Zoning. “District zoning” means a portion of the city within which certain uses of land and buildings are permitted or prohibited and within which certain yards and other open spaces are required and certain height limits are established for buildings, all as set forth and specified in this title.

Dormitory. See “rooming and boarding house.”

Drive-through. “Drive-through” means a facility in which a portion thereof is designed and constructed to provide goods or services to patrons while they remain in their vehicles.

Dump. “Dump” means a place used for the disposal, abandonment or discarding of garbage, sewage, trash, refuse, waste material, or dead animals.

Duplex. “Duplex” means a detached building designed for or occupied exclusively by two (2) families living independently of each other. Of which structure is joined by a common wall or roofline.

Dwelling, Multiple. “Multiple dwelling” means a building or buildings or portion thereof used and designed as a residence for two (2) or more families or individuals living independently of each other, with separate kitchen and bathroom facilities. Multiple dwelling shall not include trailers, mobile homes or residential manufactured housing.

Dwelling, Single-Family. “Single-family dwelling” means a building designed for and/or occupied as a residence by one (1) family or individual. Single-family dwelling shall not include trailers, mobile homes or residential manufactured housing.

Easement. “Easement” means a grant of one (1) or more property rights by the property owner for use by the public, a corporation or another person or entity.

Educational Institution. “Educational Institutional” means a school, college, or university, supported wholly or in part by public funds or giving general academic instruction equivalent to the standards prescribed by the State Board of Education.

Electric Distribution Substations. “Electric distribution substation” means an assembly of equipment which is part of a system for the distribution of electric power where electric energy is received at a sub transmission voltage and transformed to a lower voltage for distribution for general public use.

Electric Transmission Substation. “Electric transmission substation” means an assembly of equipment which is part of a system for the transmission of electric power where electric energy is received at a very high voltage from its source of generation by means of a network of high voltage lines and where, by means of transformers, said high voltage is transformed to a low sub transmission voltage for purposes of supplying electric power to large individual customers, interchange connections with other power-producing agencies, or electric distribution substations for transformation to still lower voltages for distribution to smaller individual users.

Emergency Shelter. “Emergency shelter” means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

Employee Housing. “Employee housing” means living quarters including dwellings, tents, bunkhouses, railroad maintenance cars, trailer coaches or other housing accommodations maintained in connection with any work or place where work is being performed and the site on which they are located, and/or a site set aside providing for camping of five (5) or more employees by a labor contractor, excepting farm employee housing as defined in this section.

Family. “Family” means an individual, or two (2) or more persons who are related by blood or marriage, or a group of not more than six (6) persons not necessarily related by blood or marriage, living together in a dwelling unit; full-time domestic servants of any such persons may reside on the same premises, and shall not be counted with respect to the foregoing definition.

Farm Employee Housing. “Farm employee housing” means living quarters, including dwellings with sleeping accommodations and dining facilities, maintained for occupancy by persons employed principally in farming and related pursuits on land owned, leased or rented by the owner, lessee or tenant of the site on which the farm employee housing is located; excepting a labor camp or trailer park.

Farmers Market. “Farmers market” means a retail market where agricultural produce is offered for sale to the general public, either within an enclosed building or outdoors.

Feed Lot or Feed Yard. “Feed lot” means a lot or portion of a lot used for the enclosing of livestock for market, and not operated in connection with a bona fide farm.

Fence, Open or Lattice Type. “Open or lattice type fence” means a fence, fifty (50) percent or more of the surface of which is open to the passage of air.

Fence, Screen. “Screen fence” means a fence, ninety (90) percent or more of the surface of which is closed to the passage of light on a horizontal plane.

Fraternity House and Sorority House. “Fraternity house and sorority house” means a dwelling occupied by members of a fraternity or sorority or used as a meeting/assembly place for a fraternity or sorority.

Frontage of Building. “Frontage of building” means the lineal length of any portion of a building facing any adjacent public street or shopping center’s common parking area.

Frontage of Parcel. “Frontage of parcel” means the lineal length of that portion of a property abutting a street or, in the case of a property which abuts and has a public entrance facing a publicly owned parking lot, that portion of a property abutting the publicly owned parking lot.

Garage, Private. “Private garage” means an accessory building or portion of a main building designed or used only for the shelter or storage of vehicles owned or operated by occupants of the premises, and includes “carport.”

Garage, Public. “Public garage” means a building other than a private garage used for the care, repair or equipping of automobiles, or where such vehicles are kept or stored for compensation, or for hire or sale.

Grade. “Grade” means the point of elevation of the finished surface of the ground, or at a location where a sign or any projection thereof is within five (5) feet of a public sidewalk, alley or other public way, the grade shall be the elevation of the sidewalk, alley or public way. Where a raised planter, earth berm or other artificial elevation of the ground exists at a location, the grade shall be the elevation at the base of such planter, earth berm or artificial elevation of the ground.

Greenhouse. “Greenhouse” means a building or structure constructed chiefly of glass, glass-like translucent material, cloth or lath, which is devoted to the protection or cultivation of flowers or other tender plants.

Group Care Facility. “Group care facility” means a community care facility licensed by the State Department of Social Services that is not a residential care home, or any other facilities providing non-medical care and supervision to children and/or adults.

Guest House. “Guest house” means a detached accessory building with a floor area less than two-hundred fifty (250) square feet which does not contain kitchen facilities and which is designed for and used to house nonpaying transient visitors or guests of the occupants of the dwelling on the lot.

Hazardous Waste. “Hazardous waste” means waste, or a combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may either:

- A. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness.
- B. Pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, disposed of or otherwise managed.

Health Care Facility. “Health care facility” means any facility, place or building which is maintained and operated to provide medical care. Health care facility shall include, but not be

limited to, hospitals, nursing homes, intermediate care facilities, psychiatric care facilities, clinics and home health agencies which are licensed by the state department of health services.

Hedge. “Hedge” means a fence or barrier, formed of bushes, set close together.

Height, Building. “Building height” means the vertical distance from the average level of the highest and lowest point of the portion of the lot covered by the building, to the top most point of the roof.

Height of Sign. “Height of sign” means the vertical distance from the grade to the highest point of a sign or any vertical projection thereof.

Home Occupation. “Home occupation” means an occupation or profession carried on by a member of the immediate family residing on the premises.

Hospital, Major Medical Facility. “Hospital” or “major medical facility” means any facility, place or building which is organized, maintained and operated for the diagnosis, care, prevention and treatment of human illness or injury, physical or mental, including convalescence and rehabilitation and including care during and after pregnancy, or for any one (1) or more of these purposes, for one (1) or more persons.

Hotel or Motel. “Hotel” or “Motel” means any building or buildings, or portion thereof, containing six (6) or more guest rooms used, designed, or intended to be used, let or hired out to be occupied on a temporary basis of not more than thirty (30) continuous days by any family or individual.

Household Hazardous Waste Collection Center. “Household hazardous waste collection center” means a city and county operated household hazardous waste collection center, a facility operated or authorized by the city and county for the collection, sorting, packing, storage and shipment of small quantities (less than five (5) gallons or fifty (50) pounds per delivery) of hazardous wastes generated in the home. Such a facility would be operated with a state-approved operating plan and would require approval of the city Fire Marshal. The facility would serve to implement the household hazardous waste recommendations of the approved Tulare County hazardous waste management plan. Such a facility would occupy an area of not more than five-hundred (500) square feet, and would not use power-driven processing equipment. The facility must be located over five-hundred (500) feet from existing residential uses. Waste materials collected would include, but not be limited to, pesticides, cleaners and polishes, oil-based paints, hobby supplies and other household items considered hazardous as a result of flammability, corrosiveness, toxicity or reactivity. Items such as used motor oil and lead-acid batteries would be collected for recycling.

Household Pets. “Household pets” means any domestic animal normally kept as a pet including cats, dogs, birds and other small animals determined by the planning commission to be appropriate as domestic pets, provided such animals are confined to the limits of the residential property occupied by the owner of the pets. Household pets shall not include any animal or bird

maintained for commercial purposes, whether or not such animal or bird may be appropriate for a domestic pet.

Junk. “Junk” means any old scrap metals, rags, papers, lumber, bottles and old parts of bicycles, automobiles, other vehicles or machinery, or other scrap materials, and also bicycles, automobiles, other vehicles or machinery, dismantled or wrecked, and similar personal property ordinarily classified as junk, all regardless of whether the same is being held for sale or storage.

Junkyard. “Junkyard” means any premises or portion thereof upon which any of the articles defined as junk in this chapter are kept for sale or storage, in the open and not entirely enclosed within a room or building, whether for profit, business use, personal use or convenience or otherwise.

Kennel. “Kennel” means any lot where four (4) or more dogs, cats, or other small animals over the age of four (4) months are kept, and where such keeping is for pleasure, profit, breeding, or exhibiting, including places where said animals are boarded, kept for sale, or hire.

Kitchen. “Kitchen” means any room, all or part of, which is designed and/or used for storage, refrigeration, cooking and/or the preparation of food.

Laundromat. “Laundromat” means an establishment providing washing, drying, or dry cleaning machines on the premises for rental use to the general public for family laundering or dry cleaning purposes.

Landscaping. “Landscaping” means an area devoted to or developed and maintained predominantly with native or exotic plant materials including turf, groundcover, trees, shrubs, and other plant materials; and also including accessory decorative outdoor landscape elements such as pools, fountains, paved or decorated surfaces (excluding driveways, parking, loading, or storage areas), and sculptural elements.

Liquor Store. “Liquor store” means a retail establishment designed and operated for the primary purpose of selling alcohol. Food stores and convenience markets for which sales of food comprise the majority of gross sales, but also sell alcohol, shall not be considered as a liquor store.

Livestock. “Livestock” means any cattle, sheep, swine, goat, horse, mule, or other equine animals.

Lot, Corner. “Corner lot” means a lot located at the intersection of two (2) or more streets.

Lot, Interior. “Interior lot” means a lot, other than a corner lot, or a reversed corner lot.

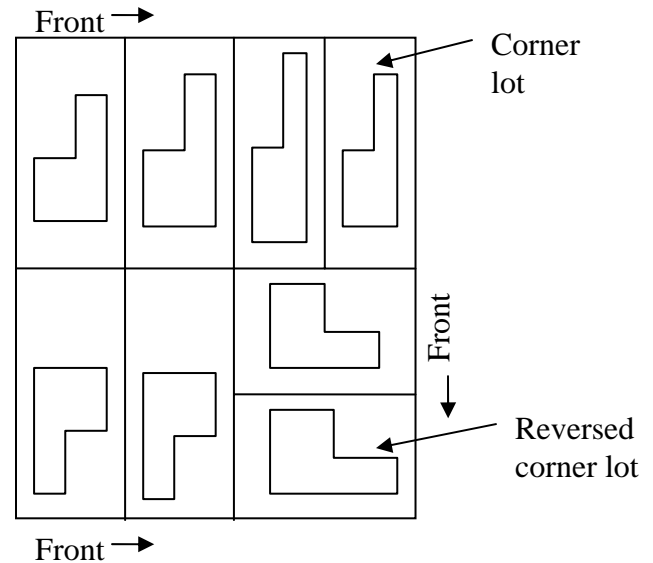
Lot, Key. “Key lot” means an interior lot where the side yard abuts the rear yard or side yard of a corner lot.

Lot Line, Front. “Front lot line” means, in the case of an interior lot, a line separating the lot from the street; in the case of a corner lot, the line separating the narrowest street frontage of the lot for the street.

Lot Line, Rear. “Rear lot line” means a lot line which is opposite and most distant from the front lot line; or in the case of an irregular, triangular or pie-shaped lot, a line ten (10) feet in length within the lot, parallel to and at a maximum distance from the front lot line.

Lot Line, Side. “Side lot line” means any lot boundary line not a front lot line or a rear lot line.

Lot, Reversed Corner. “Reversed corner lot” means a corner lot, the street side line of which is substantially a continuation of the front lot line of the lot upon which it rears.



Lot, Through. “Through lot” means a lot having frontage on two (2) parallel or approximately parallel streets.

Lot Width. “Lot width” means the horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

Medical Clinic. “Medical clinic” means an organized outpatient health facility which provides direct medical, care advice, services or treatment to patients who remain less than twenty-four (24) hours.

Mobile Home, Manufactured Home. “Mobile home” or “manufactured home” means a residential building or dwelling unit which is either wholly or partially constructed or assembled off the site in accordance with regulations adopted by the State Housing and Community Development Department. Manufactured homes shall be placed on a permanent foundation.

Mobile Home Park. “Mobile home park” means any parcel of land or portion thereof which is used or offered for use as a location for one (1) or more mobile homes or manufactured homes and is licensed by the State of California.

Multifamily. See “Dwelling, multiple.”

Nonconforming Building. “Non-conforming building” means a building or portion thereof lawfully existing at the time of the adoption of the ordinance codified in this title, and which does not conform to the applicable regulations of this title, or amendments thereto.

Nonconforming Use. “Non-conforming use” means a use which lawfully occupies any building or land at the time of the adoption of the ordinance codified in this title, and which does not conform to the applicable regulations of this title, or amendments thereto.

Nursing Home. “Nursing home” means a structure operating as a lodging house in which nursing, dietary and other personal services are rendered to convalescent, invalids or aged persons not including persons suffering from contagious or mental illness, alcoholism or drug addiction, and in which surgery is not performed and primary treatment, such as customarily is given in hospitals and sanitariums, is not provided. A convalescent home shall be deemed a nursing home.

Occupancy Use Permit. “Occupancy use permit” means a permit issued to verify the proposed use complies with the provisions of the zoning ordinance.

Off-street Parking. “Off-street parking” means an area for the temporary storage of motor vehicles that is directly accessible to but not located on a dedicated street right-of-way.

Office. “Office” means a business or commercial establishment for the rendering of service, administrative or consultation but excluding retail services.

Open Space. “Open space” means any parcel or area which is used exclusively for the parking of motor vehicles and which is accessible by such vehicles to and from an improved street or alley.

Parking Facility. “Parking facility” means a structure or an area of land, a yard or other open space on a lot fully improved with all-weather surfacing and storm drainage as approved by the department of public works and used for or designed for use by standing motor vehicles.

Parking Facility, Off-site. “Off-site parking facility” means a parking facility located on a lot other than the lot on which the use it serves is located.

Parking Space. “Parking space” means a paved area which is used exclusively for the parking of motor vehicles and which is accessible by such vehicles to and from an improved street or alley.

Paved. “Paved” means and includes either:

- A. A structural section of asphalt concrete and aggregate base rock designed for vehicle volumes and loadings, but not less than one and one-half (1 1/2) inch asphalt concrete over four (4) inch aggregate base rock;
- B. For developments with four (4) or less required parking spaces, a structural section of asphalt chip seal over four inch aggregate base rock.

Personal Service Establishment. “Personal service establishment” means a commercial or professional establishment specializing in rendering services and in which the sale of commodities is only incidental thereto.

Physical Culture Studio(s). “Physical culture studio(s)” means a facility designed and constructed for the purpose of physical exercise, including but not limited to yoga, pilates, karate, and other martial arts.

Play Area. “Play area” means a playground, not exceeding one (1) acre in area.

Playground. “Playground” means any area, including accessory buildings, used or designed for recreation and not conducted for a profit.

Premises. “Premises” means a lot or parcel or real property or any portion thereof which is used separately from other portions thereof or any building located thereon or any portion of such building which has a separate street address. Premises does not include easements in real property appurtenant to a lot.

Public Utility Service Yard. “Public utility service yard” means an area for the storage of public utility vehicles and material and office facilities for installation, maintenance and construction personnel.

Readerboard Sign. “Readerboard sign” means a sign designed and constructed so that the display surface may be changed by a person using the sign and which is used for the purpose of displaying information about the products or services offered on the premises where the sign is located, or for announcing community events, provided that readerboard signs shall not be used as an identification sign.

Recyclable Material. “Recyclable material” means reusable material including, but not limited to, metals, glass, plastic and paper, which are intended for reuse, remanufacture 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 Sections 25250.11 and 25143.2(b)(4) of the California Health and Safety Code.

Recycling Facility. “Recycling facility” means a center for the collection and/or processing of recyclable materials. A certified recycling facility or certified processor means a recycling facility certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986. A recycling facility does not include storage containers or processing activity located on the premises of a residential, commercial or manufacturing use and used solely for the recycling of material generated by that residential property, business or manufacturer.

Residential Care Home. “Residential care home” means a community care facility licensed by the State Department of Social Services as a residential facility, a residential care facility for the elderly, a foster family home or a small family home, as defined in Health and Safety Code Section 1502 or described in Welfare and Institutions Code Section 5116, that serves six (6) or fewer adults and/or children, and an alcoholism or drug abuse recovery or treatment facility as defined in Health and Safety Code Section 11834.02 serving six (6) or fewer persons.

Residential Manufactured Housing Unit. “Residential manufactured housing unit” means a mobile home which is placed on a foundation system in accordance with the provisions of Section 18551 of the California Health and Safety Code and which is used as a single-family dwelling.

Reverse Vending Machine(s). “Reverse vending machine(s)” means an automated mechanical device which accepts at least one (1) or more types of empty beverage containers, including but not limited to aluminum cans, 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 temporarily store containers and to meet the requirements of certification as a recycling facility, multiple grouping of machines may be necessary.

Right-of-way. “Right-of-way” means a strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied or is occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, waterline, sanitary storm sewer, or other similar uses.

Sanitarium. “Sanitarium” means a health station or retreat or other place where resident patients are kept and which specializes in giving clinical, temporary and emergency services of a medical or surgical nature to patients and injured persons, and is licensed by state agencies under provisions of law to provide facilities and services in surgery, obstetrics and general medical practice as distinguished from treatment of mental and nervous disorders but not excluding surgical and post-surgical treatment of mental cases.

Sanitary Landfill. “Sanitary landfill” means a disposal site employing an engineered method of disposing of solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest practical volume, and applying cover material over all exposed wastes at the end of each operating day.

School, Public or Private. “Public or private school” means a public or private academic institution of learning for children or adults, but excluding a business college.

Senior Citizens’ Housing Development. “Senior citizens’ housing development” means a development containing dwellings specifically designed for and occupied by persons sixty-two (62) years of age or older and limited to such occupancy for the actual lifetime of the building, either by the requirements of state or federal programs for housing for the elderly or in accordance with standards established by resolution of the planning commission and/or the city council.

Service Station, Full Service. “Service station, Full Service” means a retail business establishment supplying gasoline and oil and minor accessories and services for automobiles, but excluding painting, body work and steam cleaning. A full service station may include as an accessory use a convenience store.

Service Station, Gasoline Sales & Convenience Store Only. “Service station, Gasoline Sales & Convenience Store Only” means a retail business establishment supplying gasoline and providing, as an accessory use, a convenience store. Additional services such as oil changes and minor accessories and services for automobiles are not allowed in conjunction with this use.

Setback Line. “Setback line” means a line established under this title to govern the placement of buildings and improvements with respect to streets, access easements, alleys and adjoining properties.

Shopping Center. “Shopping center” means a group of three (3) or more commercial establishments planned and developed as a unit.

Sign. See Uniform Sign Code. “Sign” does not include the American flag or the flag of the State of California nor any support frame or standard which is used exclusively for display of any such flag.

Solid Waste. “Solid waste” means all putrescible and nonputrescible solid, semisolid and liquid wastes, including garbage, trash refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes.

Solid Waste Transfer Facility. “Solid waste transfer facility” means a facility for the collection, sorting, temporary storage and transfer of solid waste to a sanitary landfill.

Street. “Street” means a public or private thoroughfare, which affords principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except an alley as defined in this chapter.

Street Fineline. “Street fineline” means the boundary between a street right-of-way, private street or access easement and adjoining property.

Street Property Line. “Street property line” means that property line common to the street right-of-way or access easement.

Structural Alteration. “Structural alteration” means any change in the supporting members of a building, such as bearing walls, columns, beams or girders, and floor joists, ceiling joists or roof rafters, but not restricted to those mentioned above.

Structure. “Structure” means anything constructed or erected, the use of which requires locating on the ground or attachment to something having location on the ground.

Supermarket. “Supermarket” means a full service, self-service retail store of at least 20,000 square feet which sells a line of dry grocery, canned goods, or non-food items and some perishable items.

Swap Meets. “Swap meet” means any indoor or outdoor place, location, or activity where new or used goods or secondhand personal property is offered for sale or exchange to the general public by a multitude of individual licensed vendors, usually in compartmentalized spaces; and, where a fee may be charged for use of space for sale or exchange of goods as well as admission, and/or parking.

Tandem Parking. “Tandem parking” means two (2) parking spaces located such that one (1) of the spaces serves as the only access to and from the other space and when occupied blocks vehicular access to and from the other space.

Temporary Sign. “Temporary sign” means any sign not permanently attached to the ground or a building.

Travel Trailer. “Travel trailer” means any motor home, travel coach or other vehicle with or without motive power and less than forty (40) feet in length, designed and constructed to travel on the public thoroughfares, and designed and used for temporary human habitation.

Uniform Sign Code. “Uniform Sign Code” refers to the current edition of the Uniform Sign Code adopted by [Chapter 17.72](#) of this title.

Yard. “Yard” means land unoccupied or unobstructed, except for such encroachments as may be permitted by this title.

Yard, Front. “Front yard” means a yard extending across the full width of the lot, measured between the street line and the required front setback line. The front yard of a corner lot may face either street frontage, at the option of the owner. The front yard of a flag lot may be any yard as designated by the owner at time of development.

Yard, Rear. “Rear yard” means a yard extending between the side property lines of the lot measured from the rear property line of the lot and the required rear setback line. In the case of a corner lot or flag lot, the rear yard is that portion of the lot opposite to the front yard.

Yard, Side. “Side yard” means a yard between the side line of the lot and the required side setback line extending from the front line of the lot to the rear yard.

Vehicle Wrecking Yard. “Vehicle wrecking yard” means a site or portion of a site on which the dismantling or wrecking of used vehicles, whether self-propelled or not, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts is conducted. The presence on a site of two or more motor vehicles which have not been capable of operating under their own power for thirty (30) days or more, or in the case of vehicles not self-propelled, which have not been towable or from which parts have been removed for reuse or sale, shall constitute prima facie evidence of a vehicle wrecking yard.

Chapter 17.03 ESTABLISHMENT OF ZONING DISTRICTS

Sections:

- 17.03.010 Districts
- 17.03.020 Adoption of zone plan
- 17.03.030 Division of the zone plan
- 17.03.040 Changes in boundaries or zones
- 17.03.050 District boundaries
- 17.03.060 Effect of district regulations
- 17.03.070 Changes of district boundaries or regulations because of annexation or right-of-way abandonment
- 17.03.080 Requirements for achieving consistency with general plan

17.03.010 DISTRICTS

- A. The base districts establish the basic land use and property development regulations applicable to all property within the city as provided under [Section 17.01.090](#). The overlay districts provide additional regulations which are to be exercised over certain lands in order to meet special community health, safety, welfare, environmental or development objectives described by the general plan. Overlay district regulations apply in addition to the base zone and other regulations of this title.
- B. The base and overlay districts established by the zoning title are hereby designated as follows:
 - 1. RCO (resource conservation, public use and open space district);
 - 2. AN (agriculture);
 - 3. RA (residential acreage, twenty thousand square feet minimum parcel);
 - 4. R (one-family residential districts);
 - 5. RM (multifamily residential districts);
 - 7. PO (professional office);
 - 8. C-1 (neighborhood commercial);
 - 9. C-2 (downtown commercial);
 - 10. C-3 (community commercial);
 - 11. C-4 (general commercial);

12. M-1 (light industrial);
13. M-2 (heavy industrial);
14. PUD (planned unit development overlay district);
15. Downtown residential overlay district;
16. Precise plan overlay district;
17. Boulevard overlay district.
18. Parking overlay district

17.03.020 ADOPTION OF ZONE PLAN

- A. In order that comprehensive zoning regulations may be applied uniformly to all incorporated territory with the adoption of the ordinance codified in this title, the zoning map of the city is hereto attached and made a part of said ordinance by reference with the same force and effect as if the boundaries, together with any notations, references and information shown on said map were specifically set out and described in this title.
- B. These maps, together with such additional maps as may be adopted in accordance with the provisions of this chapter and this title shall be known as the zone plan of the City of Dinuba.

17.03.030 DIVISION OF THE ZONE PLAN

For purposes of convenience and identification, the zone plan may be divided into parts and subparts, which may be separately shown or employed for purposes of amending the zone plan or any official reference thereto.

17.03.040 CHANGES IN BOUNDARIES OR ZONES

Changes in classification of zones and boundaries of zones may be made by:

- A. Adoption of an amended zoning map, or part or subpart thereof, showing the change thereon, in the manner provided for amendment of this title; or
- B. Other amendment of this title which describes the change, without adoption of an amended map.

17.03.050 DISTRICT BOUNDARIES

Whenever any uncertainty exists as to the boundary of any zone district, the following regulations shall control:

- A. Where a boundary line is indicated as following a street, alley, railroad right-of-way, drainage channel or other watercourse, the centerline of such street, alley, railroad right-of-way, drainage channel or other watercourse shall be considered to be the boundary line.
- B. Where a boundary line is indicated as following a lot line or property line, it shall be construed as following such lot line or property ownership line.
- C. Where a boundary line is not indicated as following a street or alley and does not follow or coincide approximately with a lot line or property ownership line, the boundary line shall be determined by the use of the scale designated on the zone plan.
- D. Where further uncertainty exists, the planning commission, upon written application or on its own motion, shall determine the location of the boundary in question, giving due consideration to the location indicated on the zone plan and the objectives of the zoning code and the purposes set forth in the district regulations and the general plan.
- E. If any land is not shown on the zoning map as within a zone, or if any land is annexed to or consolidated with the city subsequent to the effective date of the ordinance codified in this title, it shall be deemed to be within the AN zone, until otherwise zoned as provided herein.

17.03.060 EFFECT OF DISTRICT REGULATIONS

Except as otherwise provided in this title:

- A. No structure or part thereof shall be erected, altered, added to or enlarged, nor shall any site or structure be used, designated or intended to be used for any purpose, or in any manner other than is included among the uses hereinafter listed as permitted or conditional in the district in which such structure, land or premises is located.
- B. No structure or part thereof shall be erected, nor shall any existing structure be altered, enlarged or rebuilt or moved into any district, nor shall any open space be encroached upon or reduced in any manner, except in conformity to the yard, site area and building location regulations hereinafter designated for the district in which such structure or open space is located.
- C. No lot area shall be so reduced or divided so that the yards, open space, buildable area or lot area shall be smaller than prescribed by this title; nor shall the density of population be increased in any manner, except in conformity with this title.
- D. No yard or other open space provided around any building shall be considered as providing the required yard, open space or buildable area for any other building; provided further, that no yard or open space on any adjoining lot shall be considered as providing a yard, open space or buildable area or lot area on any other lot.
- E. Every required yard shall be open and unobstructed from the ground to the sky, except as otherwise provided in this chapter.

- F. Two (2) or more abutting lots of record may not be combined and used as though a single site except through the lot line adjustment or merger provisions of the Subdivision Map Act.
- G. A lot, or lots, may be divided into parts, provided that each part is equal to or exceeds the minimum lot area requirements of the title, and so long as such parts are used as though separate lots they shall be deemed to be separate lots under all provisions of this title.
- H. No deed or conveyance of any portion of a site shall be made which reduces the site area, yards, off-street parking spaces or other minimum requirements of this title without the prospective grantor and grantee first recording, in the office of the Tulare County recorder, a covenant for the benefit of the City of Dinuba agreeing that such site shall continue to be maintained, operated and used as though a single site so long as any part thereof depends on the other for compliance with the provisions of this title.

17.03.070 CHANGES OF DISTRICT BOUNDARIES OR REGULATIONS BECAUSE OF ANNEXATION OR RIGHT-OF-WAY ABANDONMENT

- A. All territory annexed to the city which was previously classified by the county in a particular zoning district may be retained by the city if such classification is also provided for by this title and is consistent with the general plan.
- B. All applications for annexation shall be accompanied by an application to prezone the area proposed for annexation to zone districts consistent with the general plan as contained in [Section 17.03.080](#). Public hearings on the prezone request shall be held in the same manner prescribed in [Sections 17.04.220](#) and [17.04.230](#). The zone districts shall become effective upon annexation.
- C. The owner of the territory within the area proposed for annexation may request desired conditional uses or variances consistent with the prezoning request to become effective upon annexation.
- D. All territory which becomes unzoned through abandonment of a public street, alley or railroad right-of-way shall immediately become classified the same as the property adjoining the street, alley or railroad right-of-way.

17.03.080 REQUIREMENTS FOR ACHIEVING CONSISTENCY WITH GENERAL PLAN

- A. Zoning districts shall be applied to all public and private property in a manner consistent with applicable policies and land use arrangements set forth in the Dinuba General Plan. Zoning consistent with adopted plan designations shall be as follows:

Planning and Zoning Consistency Table

Plan Designation	Existing Consistent Zone District	Consistent Density in units per gross acre
Residential		
Low Density	AN, RA	0.00-2.00
Medium Low Density	R-1-7.5, R-1-10	2.10-4.50
Medium Density	R-1-7.5, R-1-6, RM-3	4.60-7.50
Medium High Density	RM-3, RM-2	7.60-15.00
High Density ¹	RM-2, RM-1.5	15.10-24.00
Commercial		
Neighborhood	C-1	
Downtown	C-2	
Community	C-3	
General	C-4	
Office	PO	
Parking	P	
Industrial		
Light	M-1	
Heavy	M-2	
Open/Public		
Agriculture	AN	
Parks & Open Space	RCO	
Public Buildings & Grounds	RCO	
Urban Reserve	AN	

¹ 24 (24) or more units/acre subject to a conditional use permit.

- B. All actions and procedures pertaining to the granting or denial of various permits or other entitlements provided for by this title, including use permits, site plan reviews, planned unit developments and amendments, shall be consistent with applicable policies and land use arrangements set forth by the Dinuba general plan.
- C. Where ambiguity or uncertainty exists concerning how best to achieve consistency with the general plan, the planning commission shall make a written determination in accordance with the procedures prescribed in [Section 17.01.080](#) of this title.

Chapter 17.04 PROCEDURES

Sections:

17.04.010	Applicability
17.04.020	Planning commission-Scope of authority
17.04.030	Application provisions
17.04.040	Application—Resubmittals
17.04.050	Application—Filing fees
17.04.060	Notice—Rezoning and quasi-judicial matters
17.04.070	Notice for entitlements affecting more than two hundred (250) fifty persons
17.04.080	Contents of notice
17.04.090	Mailed notice
17.04.100	Failure to receive notice
17.04.110	Written findings
17.04.120	Decisions—Finality and effective date
17.04.130	Issuance of permits
17.04.140	Appeals
17.04.150	Appeals—Action reviewed by the city council
17.04.160	Zoning—Amendment of zoning maps
17.04.170	Initiation of proceedings
17.04.180	Planning commission hearing
17.04.190	City council hearing
17.04.200	Rezone conditions
17.04.210	Occupancy use permits

17.04.010 APPLICABILITY

The provisions of this chapter govern the procedural requirements for making applications for zoning entitlements, giving notice, conducting hearings and exercising rights granted by various permits and variances issued under this title. The provisions of this chapter are directory only. Failure to follow the procedural requirements set forth herein shall not invalidate any action taken in the absence of a clear showing of prejudice.

17.04.020 PLANNING COMMISSION—SCOPE OF AUTHORITY

A. The planning commission shall hear and decide the following matters:

1. Applications for variances;
2. Applications for conditional use permits;
3. Appeals from administrative acts, where it is alleged by the appellant that there is error in any order, requirement, permit, decision or determination made by an administrative official in the administration or enforcement of this title.

- B. In the above matters, the decision of the planning commission may be appealed to the city council according to the provisions of [Section 17.04.140](#) of this chapter.
- C. Upon expiration of the time within which an appeal may be filed, and no appeal being filed within such time, the decision of the planning commission shall be final. If an appeal is filed within such time, the decision of the commission shall be stayed pending determination of the appeal or its withdrawal by the appellant.
- D. Until the decision of the planning commission or city council has become final, as provided in subsection (C) of this section, no permit or license shall be issued for any use dependent upon the granting of a variance or conditional use permit.
- E. The planning commission shall make recommendations to the city council on all legislative matters such as General Plan Amendments, Zoning Code amendments, as required by State Government Code.

17.04.030 APPLICATION PROVISIONS

- A. All applications for entitlements provided for in this title shall be in writing and shall be filed in the planning office on forms provided by the city.
- B. An application for an entitlement related to a specific parcel of property may be made by the owner of the property or by a lessee or an agent with the written consent of the owner.
- C. The city council or planning commission may initiate an application for any entitlement provided for in this title.

17.04.040 APPLICATION—RESUBMITTALS

- A. If an application for a use permit has been denied, wholly or in part, by the planning commission or city council or if an application for zoning has been denied, wholly or in part, by the city council, no new application for substantially the same use permit or zoning shall be resubmitted for a period of one (1) year from the effective date of the final denial of the application, unless the planning commission or city council, for good cause, grants permission to do so.
- B. The planning commission or the city council may initiate rezoning without restriction by this section.
- C. An application for the same variance, once denied, may not be resubmitted unless the city council or planning commission, for good cause, grants permission to do so.

17.04.050 APPLICATION—FILING FEES

The city council shall, by resolution, establish or change from time-to-time the filing fees requested upon the filing of applications pursuant to this title. Such filing fees shall be for the

purpose of defraying, in part, the expense of staff review and analysis, postage, posting, advertising or other costs incidental to the proceedings.

17.04.060 NOTICE—REZONINGS AND QUASI-JUDICIAL MATTERS

- A. Except as provided in [Section 17.04.070](#) of this chapter, when any person or body is required to hold a public hearing to consider a rezoning, use permit or revocation of same, or variance, or whenever a provision of this chapter so requires by reference to this section, notice shall be given at least ten (10) days prior to the scheduled hearing by at least one (1) publication thereof in a newspaper of general circulation within the city.
- B. Written notice shall be mailed or delivered at least ten (10) days prior to the hearing to the applicant, if any, and to all persons, including businesses, corporations or other public or private entities, shown on the last equalized assessment roll as owning real property within three-hundred (300) feet and to the occupants of any property within one-hundred (100) feet of the property which is the subject of the application or who have requested notice in writing.

17.04.070 NOTICE FOR ENTITLEMENTS AFFECTING MORE THAN TWO-HUNDRED AND FIFTY PERSONS

Whenever notice of a hearing under [Section 17.04.060](#) of this chapter would result in mailed notice to more than two-hundred and fifty (250) persons, notice may be given by placing a display advertisement of at least one-quarter (1/4) page in a newspaper of general circulation within the area affected by the proposal at least ten days prior to the scheduled hearing. Notice given under this section shall be in lieu of the notice required by [Section 17.04.060](#).

17.04.080 CONTENTS OF NOTICE

Notice given under this chapter shall include the following to the extent applicable:

- A. The date, time and place of the hearing;
- B. A general description and/or map of any specific property involved in the proceedings;
- C. A general description of the matter to be considered;
- D. The environmental determination, if any, that has been made of the application;
- E. The action that has been or may be taken;
- F. Where action has been taken, the conditions of approval, if any;
- G. Appeals or requests for review that may be made;

- H. A statement that any person may appear and be heard, and that persons are encouraged to submit typewritten statements or diagrams to the director in advance of the hearing so that they can be copied and distributed to the hearing body;
- I. A statement that any person who challenges the action taken on the application or proposal in court may be limited to raising only those issues that person or someone else raised at the public hearing or submitted to the hearing body, in writing, prior to or at the public hearing.

17.04.090 MAILED NOTICE

Whenever notice is required to be given by mail under this chapter, notice shall be deemed given when deposited in the United States mail, postage prepaid and addressed to the intended recipient at the address shown on the latest equalized assessment roll.

17.04.100 FAILURE TO RECEIVE NOTICE

Failure of any person to receive notice required to be given by this chapter shall not affect the validity of the hearing or any action taken.

17.04.110 WRITTEN FINDINGS

Written findings of fact supporting the decision of the planning commission or city council shall be prepared for all decisions on applications for use permits, variances and any other final decision which constitutes a quasi-judicial determination when requested by any interested party at or before the close of the hearing or within a specific review period.

17.04.120 DECISIONS—FINALITY AND EFFECTIVE DATE

- A. A decision not requiring adoption of findings of fact shall be final when made. A decision requiring adoption of findings of fact shall be final when the findings of fact are adopted.
- B. All decisions made at the conclusion of a public hearing or otherwise made pursuant to this chapter shall become effective upon the sixteenth (16) day after the decision is final, unless an appeal or other request for review is made in a timely manner, as provided in this chapter or title.

17.04.130 ISSUANCE OF PERMITS

No permit, certificate or other entitlement shall be issued or exercised while such permit, certificate or other entitlement is the subject of a hearing then pending or of an appeal or other request for review of the decision granting the permit, certificate or entitlement.

17.04.140 APPEALS

Any person aggrieved by a final decision of the planning commission made under this title may appeal the decision to the city council within fifteen (15) days of the date the decision is final.

Actions of the planning commission that are recommendations only shall not be considered final decisions.

17.04.150 APPEALS—ACTION REVIEWED BY THE CITY COUNCIL

- A. Within fifteen (15) days of the date an action under this title by the planning commission is final and in the absence of an appeal being filed, the city council may, on its own motion, but with not less than four (4) affirmative votes, order a review of the action by the council.
- B. The council may determine by resolution that the public interest and welfare require a further hearing and order a hearing to be conducted by the council at a time fixed in the resolution. The time fixed for the hearing shall be within thirty (30) days after the commission's decision was filed with the city clerk. Notice of such hearing shall be given in the manner set forth in this chapter.
- C. t its hearing, the council may affirm, modify or reverse the commission's decision.

17.04.160 ZONING—AMENDMENT OF ZONING MAPS

The official zoning maps of the city may be amended in the manner prescribed herein by changing the boundaries of the districts whenever necessary or convenient to the public health, safety and general welfare.

17.04.170 INITIATION OF PROCEEDINGS

The inclusion of property in a zone or a proposed change of zone, or an amendment to the text of this title, may be initiated by application or by resolution of the planning commission or city council.

17.04.180 PLANNING COMMISSION HEARING

- A. The planning commission shall hold at least one (1) public hearing on an application for rezoning or a proposed amendment to the text of this title.
- B. Following the hearing, the commission shall consider the reports, recommendations and shall make a recommendation to the city council.
- C. The provisions of the section relating to a hearing and recommendation by the planning commission on a proposed rezoning or amendment to the text of this title shall not apply to emergency ordinances adopted by the city council as provided by the Dinuba Municipal Code.

17.04.190 CITY COUNCIL HEARING

- A. Upon receipt of a recommendation from the planning commission, the city council shall hold at least one (1) public hearing on a proposed rezoning or amendment to the text of this title.

- B. Following the hearing, the city council may approve or modify and approve the proposed rezoning, including approval of a portion of a rezone or amendment to the text of this title, by adoption of an ordinance, or the city council may disapprove the proposal; however, any substantial modification proposed by the city council not previously considered by the planning commission during its hearing shall first be referred to the planning commission for its recommendation. Failure of the planning commission to report within forty-five (45) days after the referral, or within a time specified by the city council, shall be deemed a recommendation for approval.
- C. The provisions of this section relating to receipt of a recommendation from the planning commission and the conduct of a hearing and the provisions of [Sections 17.04.060](#) and [17.04.070](#) of this chapter relating to notice of the hearing shall not apply to rezonings adopted by emergency ordinance of the Dinuba Municipal Code.

17.04.200 REZONE CONDITIONS

The city council may approve a rezoning with conditions as it finds are reasonably related to the proposal and are necessary or convenient to achieve the purposes of this title and the general plan.

17.04.210 OCCUPANCY USE PERMITS

- A. An occupancy use permit shall be duly issued for such use or purpose prior to:
1. The initial occupancy or use of any new building or structure, or of a building or structure moved to a new site, or of new floor space or other addition to an existing building;
 2. The change of type or class of use of an existing building; or
 3. A change of use of any unimproved premises, except to a use involving only the tilling of land or growing thereon of farm, garden or orchard products.

Chapter 17.10 RCO RESOURCE CONSERVATION, PUBLIC USE AND OPEN SPACE DISTRICT

Sections:

- 17.10.010 Purpose
- 17.10.020 Special provisions and development standards
- 17.10.030 Permitted uses
- 17.10.040 Fences, walls and hedges
- 17.10.050 Site area
- 17.10.060 Frontage, width and depth of site
- 17.10.070 Coverage
- 17.10.080 Yard requirements
- 17.10.090 Distances between structures
- 17.10.100 Height of structures
- 17.10.110 Signs
- 17.10.120 Off-street parking and off-street loading facilities
- 17.10.130 Site plan review

17.10.010 PURPOSE

The RCO district is intended to provide for permanent open spaces in areas of the community which exhibit scenic qualities, recreation potential and which are designated as open space, school, ponding basin or public facility by the general plan.

17.10.020 SPECIAL PROVISIONS AND DEVELOPMENT STANDARDS

All uses in the RCO district shall be subject to the provisions of [Chapter 17.71](#) of this title.

17.10.030 PERMITTED USES

Uses permitted by right and subject to approval of an administrative site plan or conditional use permit in the RCO district shall be as listed in Section 17.26.030.

17.10.040 FENCES, WALLS AND HEDGES

In the RCO district, there are no limitations on fences, walls and hedges.

17.10.050 SITE AREA

In the RCO district, the minimum site area for a permitted use shall be one-half (1/2) acre.

17.10.060 FRONTAGE, WIDTH AND DEPTH OF SITE

In the RCO district, there are no limitations on frontage, width and depth of site.

17.10.070 COVERAGE

In the RCO district, there are no limitations on coverage.

17.10.080 YARD REQUIREMENTS

In the RCO district, there are no limitations on yard requirements.

17.10.090 DISTANCES BETWEEN STRUCTURES

In the RCO district, the minimum distance between a one-family (1) dwelling and another structure shall be ten (10) feet.

17.10.100 HEIGHT OF STRUCTURES

In the RCO district, no building or structure shall have a height greater than thirty-five (35) feet, except as may be approved under the provisions of [Chapter 17.80](#) of this title.

17.10.110 SIGNS

In the RCO district, no signs shall be permitted except as prescribed in [Chapter 17.72](#) of this title.

17.10.120 OFF-STREET PARKING AND OFF-STREET LOADING FACILITIES

In the RCO district, off-street parking facilities and off-street loading facilities shall be provided on the site for each use as prescribed in [Chapter 17.64](#) of this title.

17.10.130 SITE PLAN REVIEW

In the RCO district, site plan review shall be required for permitted recreation areas, parks and playgrounds and all administrative and conditional uses pursuant to the provisions of [Chapter 17.80](#) of this title.

Chapter 17.14 AN AGRICULTURAL DISTRICT

Sections:

17.14.010	Purpose
17.14.020	Special provisions and development standards
17.14.030	Permitted uses
17.14.040	Fences, walls and hedges
17.14.050	Site area
17.14.060	Frontage, width and depth of site
17.14.070	Coverage
17.14.080	Yard requirements
17.14.090	Building height
17.14.100	Signs
17.14.110	Off-street parking and off street loading facilities
17.14.120	Distance between structures
17.14.130	Location of structures containing animals or fowl

17.14.010 PURPOSE

The AN district is intended to preserve lands best suited for agriculture from the encroachment of incompatible uses; to protect lands designated for eventual urban development to ensure the orderly and beneficial conversion of these lands to nonagricultural use; and to provide appropriate areas for certain predominantly open uses of land which are not injurious to agricultural uses but which may not be harmonious with urban uses.

17.14.020 SPECIAL PROVISIONS AND DEVELOPMENT STANDARDS

All uses in the AN district shall be subject to the provisions of [Chapter 17.71](#) of this title.

17.14.030 PERMITTED USES

Uses permitted by right and subject to approval of an administrative site plan or conditional use permit in the AN district shall be as listed in Section 17.26.030.

17.14.040 FENCES, WALLS AND HEDGES

In the AN district, fences, walls and hedges shall be permitted in accordance with the provisions of [Section 17.71.100](#) of this title.

17.14.050 SITE AREA

In the AN district:

- A. Site Area. The minimum site area shall be ten (10) acres for all permitted uses. The minimum site area for a conditional use shall be specifically approved by the planning commission in granting the use permit.

- B. Site Area Per Dwelling Unit. Each site in the AN district shall have not less than five (5) acres for each dwelling unit located on the site, subject to the exception that employee housing may be located on a site with a lesser area for each dwelling unit; provided, that the area of the site and the number of dwelling units are specifically approved by the planning commission in granting the use permit.

17.14.060 FRONTAGE, WIDTH AND DEPTH OF SITE

In the AN district, there are no requirements for frontage, width and depth of site.

17.14.070 COVERAGE

In the AN district, the maximum site area covered by structures shall be ten (10) percent for permitted uses and twenty (20) percent for conditional uses.

17.14.080 YARD REQUIREMENTS

In the AN district:

- A. The minimum front yard shall be thirty-five (35) feet.
- B. The minimum rear yard shall be (15) fifteen feet.
- C. The minimum side yard shall be (15) fifteen feet.

17.14.090 BUILDING HEIGHT

Except as may be allowed under provisions of [Chapter 17.80](#) of this title, in the AN district the maximum height of a structure occupied by a permitted use shall be thirty-five (35) feet. The maximum height of accessory structures shall be thirty-five (35) feet subject to the exception that tank houses, storage tanks, windmills and silos may exceed thirty-five (35) feet in height. The maximum height of a structure occupied by a conditional use and its accessory structures shall be thirty feet unless specifically determined otherwise by provisions of the use permit.

17.14.100 SIGNS

In the AN district, no sign shall be permitted except as prescribed in [Chapter 17.72](#) of this title.

17.14.110 OFF-STREET PARKING AND OFF-STREET LOADING FACILITIES

In the AN district, off-street parking facilities and off street loading facilities shall be provided on the site of each use as prescribed in [Chapter 17.64](#) of this title.

17.14.120 DISTANCE BETWEEN STRUCTURES

Where there is more than one (1) structure on a site in an AN zone, the minimum distance between a structure used for human habitation and another structure shall be twenty (20) feet.

The minimum distance between a structure used for human habitation and a structure housing livestock or poultry shall be fifty (50) feet.

17.14.130 LOCATION OF STRUCTURES CONTAINING ANIMALS OR FOWL

Any structure in an AN zone in which animals or fowl are contained shall be at least two-hundred (200) feet distance from any lot in any RA, R, RM, PO or C district, or from any school or institution for human care.

Chapter 17.16 RA RESIDENTIAL ACREAGE DISTRICT

Sections:

17.16.010	Purpose
17.16.020	Special provisions and development standards
17.16.030	Permitted uses
17.16.040	Fences, walls and hedges
17.16.050	Site area
17.16.060	Frontage, width and depth of site
17.16.070	Coverage
17.16.080	Yard setback requirements
17.16.090	Building height
17.16.100	Signs
17.16.110	Off-street parking and off-street loading facilities
17.16.120	Distance between structures

17.16.010 PURPOSE

The RA district is intended to provide living areas within the city limited to very low density concentration of one-family (1) dwellings; where limited numbers of animals may be kept for pleasure as hobbies; where regulations are designed to promote a suitable environment for family life on large parcels, and to prohibit all activities of a commercial nature.

17.16.020 SPECIAL PROVISIONS AND DEVELOPMENT STANDARDS

All uses in the RA district shall be subject to the provisions of [Chapter 17.71](#) of this title.

17.16.030 PERMITTED USES

Uses permitted by right and subject to approval of an administrative site plan or conditional use permit in the RA district shall be as listed in [Section 17.26.030](#).

17.16.040 FENCES, WALLS AND HEDGES

In the RA district, fences, walls and hedges shall be permitted in accordance with the provisions of [Section 17.71.100](#) of this title.

17.16.050 SITE AREA

A. Site Area. In the RA district, the minimum site area shall be twenty-thousand (20,000) square feet for a permitted use. The minimum site area for a conditional use shall be twenty-thousand (20,000) square feet unless specifically approved by the planning commission in granting the use permit.

B. Not more than one (1) dwelling unit shall be located on each site in the RA district, except as otherwise provided by [Sections 17.70.020](#) through [17.70.024](#).

17.16.060 FRONTAGE, WIDTH AND DEPTH OF SITE

Each site in the RA district shall have not less than fifty (50) feet of frontage on a public street. The minimum width shall be one-hundred and twenty (120) feet. Each site shall have a depth of not less than one-hundred and twenty-five (125) feet, provided that a site fronting or rearing on a railroad right-of-way, freeway, arterial or collector street shall have a depth of not less than one-hundred and fifty (150) feet.

17.16.070 COVERAGE

In the RA district, the maximum site area covered by structures shall be twenty-five (25) percent for a permitted use and twenty (20) percent for a conditional use.

17.16.080 YARD SETBACK REQUIREMENTS

In the RA district:

- A. The minimum front yard setback shall be thirty-five (35) feet measured from the edge of the property line.
- B. The minimum rear yard setback shall be fifteen (15) feet measured from the edge of the property line.
- C. The minimum side yard setback shall be fifteen (15) feet measured from the edge of the property line.

17.16.090 BUILDING HEIGHT

In the RA district, the maximum height of a permitted use and its accessory structures shall be thirty (30) feet. The maximum height of a conditional use and its accessory structures shall be fifty (50) feet, except as may be allowed under provision of [Chapter 17.80](#) of this title.

17.16.100 SIGNS

No sign shall be permitted in the RA district except as prescribed in [Chapter 17.72](#) of this title.

17.16.110 OFF-STREET PARKING AND OFF-STREET LOADING FACILITIES

Off-street parking facilities shall be provided in the RA district on the site for each use as prescribed in [Chapter 17.64](#) of this title.

17.16.120 DISTANCE BETWEEN STRUCTURES

In the RA district, except as provided in [Section 17.71](#) of this title, the minimum distance between a structure used for human habitation and another structure shall be ten (10) feet.

Chapter 17.20 R ONE-FAMILY RESIDENTIAL DISTRICTS

Sections:

17.20.010	Purpose
17.20.020	Special provisions and development standards
17.20.030	Permitted uses
17.20.040	Fences, walls and hedges
17.20.050	Site area
17.20.060	Frontage, width and depth of site
17.20.070	One dwelling unit per site
17.20.080	Coverage
17.20.090	Yard requirements
17.20.100	Building height
17.20.110	Signs
17.20.120	Off-street parking
17.20.130	Landscaping

17.20.010 PURPOSE

- A. The R district is intended primarily to provide living areas at locations designated by the general plan for medium low and medium density, involving single-family dwellings, with regulations designed to accomplish the following:
1. To promote and encourage a suitable environment for family life;
 2. To provide space for community facilities needed to complement urban residential areas, and for institutions which require a residential environment in accordance with policies of the general plan and state law;
 3. To provide for the location of a limited number of two-family (2) and three-family (3) dwelling units within certain predominantly single-family areas.

17.20.020 SPECIAL PROVISIONS AND DEVELOPMENT STANDARDS

All uses in the R district shall be subject to the provisions of [Chapter 17.71](#) of this title.

17.20.030 PERMITTED USES

Uses permitted by right and subject to approval of an administrative site plan or conditional use permit in the R district shall be as listed in [Section 17.26.030](#).

17.20.040 FENCES, WALLS AND HEDGES

Fences, walls and hedges shall be permitted in the R district in accordance with the provisions of [Chapter 17.71.100](#) of this title.

17.20.050 SITE AREA

The minimum site area in the R district shall be as follows:

- A. Lots of record as of June 12, 1947: No minimum area requirement;
- B. Lots of record in any heretofore or hereafter annexation to the city, of record as of the time of such annexation, and which was not in violation of any county ordinance regulating subdivisions in effect at the time of such annexation: No minimum requirement;
- C. All other lots:

District	Lot Area
R-1-10	10,000 square feet
R-1-7.5	7,500 square feet
R-1-6	6,000 square feet

17.20.060 FRONTAGE, WIDTH AND DEPTH OF SITE

- A. In the R district, each site shall have not less than sixty (60) feet of frontage on a public street except that those sites which front on a cul-de-sac or loop-out street may have a frontage of not less than fifty (50) feet; provided the width of the site, as measured along the front yard setback line, is at least sixty (60) feet.
- B. The minimum width of each site shall be as follows:

District	Interior Lot	Corner Lot	Reverse Corner Lot
R-1-10	100 feet	110 feet	115 feet
R-1-7.5	70 feet	75 feet	80 feet
R-1-6	60 feet	65 feet	70 feet

- C. The minimum depth of each site shall be as follows:

District	Interior Lot	Corner Lot	Reverse Corner Lot
R-1-10	100 feet	110 feet	115 feet
R-1-7.5	100 feet	100 feet	100 feet
R-1-6	90 feet	90 feet	100 feet

- D. Lots facing on major or secondary roadways shall have a minimum depth of one-hundred and twenty (120) feet and include an on-site turn-around.

17.20.070 ONE DWELLING UNIT PER SITE

In the R district, not more than one dwelling unit shall be allowed on each site, except as provided under Sections 17.26.030 and Chapter 17.70 of this title.

17.20.800 COVERAGE

In the R district, the maximum site area covered by any and all structures shall be forty (40) percent.

17.20.900 YARD REQUIREMENTS

Yard requirements in the R district are as follows:

A. Front Yard.

1. The minimum front yard setback shall be fifteen (15) feet with the following exceptions:
 - a) A garage may be located no closer than twenty (20) feet from the front yard property line;
 - b) For project of five (5) or more lots, variable front yard setbacks shall be required for a minimum of fifty (50) percent of the total lots. For those lots with a variable setback, the minimum front yard shall range between sixteen (16) and twenty-one (21) feet.
 - c) The variable setback lots shall be evenly distributed throughout the project, subject to director review prior to approval of the final map.
2. On cul-de-sac lots where the side lot line is perpendicular to the main axis of the street, the minimum front yard shall be no less than fifteen (15) feet along the curved portions of the right-of-way, with an average of twenty-foot (20) setbacks.
3. On a site situated between sites improved with buildings where said buildings are set back less than the minimum distance required by this section, the minimum front yard shall be the average depth of the front yards on the improved sites immediately adjoining the side lines of the site.
4. Any nonpublic utility mechanical equipment located in the required front yard shall be located a minimum of twenty (20) feet from the front property line.

B. Rear Yard.

1. The minimum rear yard shall be twenty feet (20), except that for lots with a variable setback front yard requirement, the rear yard setback may be reduced a distance equal to the additional front yard setback. Such encroachment shall be permitted only if a usable, open, rear yard area of at least nine hundred (900) square feet is maintained.
2. Any mechanical equipment, including fixed pool equipment such as pumps, filters, diving boards and slides, shall not be located less than five (5) feet from an adjoining side or rear property line.

3. Where any building or structure, except swimming or wading pools, occupies space in a required rear yard, the amount of space so occupied shall be provided elsewhere on the lot, exclusive of required yard areas. Said replacement space shall have minimum dimensions of eight feet by eight feet (8 x 8), and shall be so located that it is suitable for general use by the occupant of the premises.

C. Side Yard.

1. Each lot in the R-1-6 district shall have minimum side yards of five (5) feet. Each lot in the R-1-7.5 district may have one five-foot (5) minimum side yard. The sum of the two (2) side yards shall be a minimum of fifteen (15) feet. The R-1-10 district shall have side yards of at least ten (10) feet.
2. On a reversed corner lot, the side yard adjoining the street shall be not less than fifteen (15) feet.
3. On a corner lot, the side yard adjoining the street shall not be less than ten (10) feet.
4. For cul-de-sac lots, the side yard shall be determined by the lot width measured at the front setback line.
5. Where construction involves more than one story, the minimum five-foot (5) side yard shall be increased by five (5) feet for each additional story; provided, however, that the side yard on the street side of a corner lot, that is not a reverse corner lot, shall be ten (10) feet or greater.
6. Garages or carports on the street side yard of a corner lot shall be set back twenty (20) feet from the property line. In all other cases, the garage or carport shall be set back a minimum of twenty (20) feet from the front property line. Where a garage or carport is located with access from an alley, it shall be set back a minimum of eleven (11) feet from the alley right-of-way, subject to providing a replacement area described in Subsection (B)(3) of this section.
7. The regulations of this subsection shall not be construed to reduce the buildable width to less than twenty-eight (28) feet, in cases of reversed corner lots of record on June 12, 1947, after providing the minimum side yards required of interior lots.

17.20.100 BUILDING HEIGHT

In the R district:

- A. Main Building. No main building or structure shall have a height greater than two stories or twenty-five (25) feet, except as may be allowed under provisions of Chapter [17.93](#) of this title.
- B. Accessory Buildings. Building height for accessory structures shall be regulated as prescribed in Section 17.71.050 of this title.

17.20.110 SIGNS

No sign shall be permitted in the R district, except as prescribed in [Chapter 17.72](#) of this title.

17.20.120 OFF-STREET PARKING

In the R district, off-street parking facilities shall be provided on the site for each use as prescribed in [Chapter 17.64](#) of this title.

17.20.130 LANDSCAPING

All uses in the R district shall have landscaping installed in the required front yard including irrigation, plants and ground cover within six (6) months of occupancy.

Chapter 17.24 RM MULTIFAMILY RESIDENTIAL DISTRICTS

Sections:

17.24.010	Purpose
17.24.020	Special provisions and development standards
17.24.030	Permitted uses
17.24.040	Fences, walls and hedges
17.24.050	Site area
17.24.060	Site area per dwelling unit
17.24.070	Frontage, width and depth of site
17.24.080	Coverage
17.24.090	Setback requirements
17.24.100	Distance between structures
17.24.110	Multifamily dwellings oriented to side yards
17.24.120	Building height
17.24.130	Signs
17.24.140	Off-street parking and off-street loading facilities
17.24.150	Access
17.24.160	Landscaping
17.24.170	Recreation and leisure areas

17.24.010 PURPOSE

A. The RM multifamily residential districts are intended primarily for the development of multifamily residential structures at densities consistent with policies of the general plan as follows:

1. The RM-3 district is intended for application to areas designated by the general plan for medium and medium high density, and within older, basically single-family residential areas of the community where vacant property has been bypassed because of excessive size, irregular shape or difficulty in providing public access.
2. The RM-2 district is intended for application to areas designated by the general plan for medium high and high density.
3. The RM-1.5 district is intended exclusively for application to areas designated by the general plan for high density.

B. It is the intent of the RM districts to:

1. Avoid a monotonous and undifferentiated development pattern by encouraging building designs with varied elevations and volumes.

2. Provide appropriately located areas for multiple-family residential development consistent with the policies and standards of the general plan and with the standards of public health, safety, and welfare established by the municipal code.
3. Provide an adequate supply and range of housing types to accommodate the city's future population growth.
4. Achieve a high level of design quality that contributes beneficially to the surrounding neighborhood.
5. Ensure adequate light, air, privacy, recreation and open space for each dwelling.
6. Protect residential areas from public safety hazards.
7. Ensure the provision of public services and facilities needed to accommodate the residential population.

17.24.020 SPECIAL PROVISIONS AND DEVELOPMENT STANDARDS

All uses in the RM districts shall be subject to the provisions of [Chapter 17.71](#) of this title.

17.24.030 PERMITTED USES

Uses permitted by right and subject to approval of an administrative site plan or conditional use permit in the RM district shall be as listed in [Section 17.26.030](#).

17.24.040 FENCES, WALLS AND HEDGES

Fences, walls and hedges shall be permitted in RM districts in accordance with the provisions of [Chapter 17.71.100](#) of this title.

17.24.050 SITE AREA

In RM districts, the minimum area of a lot shall be seven-thousand (7,000) square feet provided, however, that there shall be no minimum lot area requirement in the following cases:

- A. Lots of record as of the date of adoption of the ordinance codified in this title;
- B. Lots in any area heretofore or hereafter annexed to the city, of record as of the time of such annexation, and which were not in violation of any county ordinance regulating subdivisions in effect at the time of such annexation.

17.24.060 SITE AREA PER DWELLING UNIT

- A. In the RM districts, the minimum site area per dwelling unit shall be as follows:

District	Lot Area
RM-3	3,000 square feet (14.54 units/gross acre)
RM-2	2,000 square feet (21.78 units/gross acre)
RM-1.5	1,500 square feet (CUP required over 24 units/gross acre)

B. No yard space surrounding any structure shall be deemed to provide a yard for another structure, and no yard on one site shall be deemed to provide a yard space for a structure on another site.

17.24.070 FRONTAGE, WIDTH AND DEPTH OF SITE

In the RM districts:

A. Each site shall have not less than fifty (50) feet of frontage on a public street, except that those sites which front on a cul-de-sac or loop-out street may have a frontage of not less than fifty (50) feet provided that the width of the site as measured along the front yard setback line is at least fifty (50) feet. The minimum width of each site shall be fifty (50) feet. The minimum depth of each site shall be as follows:

District	Interior Lot	Corner Lot
RM-3	95 feet	100 feet
RM-2	100 feet	100 feet
RM-1.5	100 feet	100 feet

B. In order to encourage the consolidation of long, narrow and odd shaped parcels into contemporary building sites, a depth to width ratio exceeding two and one-half to one (2 ½ to 1) may be cause for site plan disapproval.

C. In a street side area of a corner lot or a front yard area of any lot which provides driveway access, the width of the driveway or any paved area shall not exceed forty (40) percent of the width of the property’s street frontage on which the driveway or any paved area faces.

17.24.080 COVERAGE

A. The maximum site area covered by roofed structures in RM districts shall be as follows:

District	Coverage
RM-3	50%
RM-2	55%
RM-1.5	60%

B. The percentage of the site covered by roofed structures shall be measured by dividing the number of square feet of horizontal floor area covered by roofed structures, (whether open or enclosed,) by the horizontal area within the property lines of the site. Areas without roofs, (including, with limitations, such as decks, patio slabs, driveways and walks,) are not counted

as site coverage. Areas covered by a trellis of less than fifty percent open, tarps, plastic and the similar impermanent materials, are considered to be roofed areas for the purposes of this calculation.

17.24.090 SETBACK REQUIREMENTS

Setback requirements in the RM districts are as follows:

- A. Front Setback. The minimum front setback shall average no less than twenty (20) feet but shall at no point be less than fifteen (15) feet; provided that the distance from the centerline of a public street to the rear of the required front setback shall not be less than forty-five (45) feet. Any mechanical equipment, including fixed pool equipment such as pumps, filters, diving boards and slides, shall not be located within the front setback or less than five (5) feet from an adjoining side property line.

On a site situated between sites improved with buildings where such buildings are set back less than the minimum distance required by this section, the minimum front setback shall be the average depth of the front setbacks on the improved sites immediately adjoining the side lines on the site. Even on such a site, notwithstanding the preceding sentence, garages and carports are to be set back a minimum of twenty (20) feet from the front property line.

- B. Rear Setback. The minimum rear setback shall be fifteen (15) feet; provided, however, that where construction involves more than one story, the rear setback shall be increased by ten (10) feet for each additional story. Where the site abuts an R district, and construction involves more than one story, including decks, balconies, garden structures and other related platforms with a floor level over five (5) feet in height, the rear setback shall be increased by ten feet for each additional story.

- C. Side Setback. The minimum side setback shall be five (5) feet, subject to the following conditions and exceptions:

1. On a reverse corner lot, the side setback adjoining the street shall not be less than fifteen (15) feet.
2. On a corner lot, the side setback adjoining a street shall not be less than ten (10) feet.
3. Where construction involves more than one story, the side setback shall be increased by five (5) feet for each additional story; provided, however, that the side setback on the street side of a corner lot need not be greater than ten (10) feet.
4. A side setback providing access to more than one dwelling unit shall be not less than ten (10) feet.
5. Garages and carports which open on the street side yard of a corner lot shall be set back twenty (20) feet from the street side property line.

6. Where a structure on the site includes a deck, balcony, garden platform or any other type of platforms with a floor level which is two (2) feet or more above grade, the minimum side yard setback shall be increased by five (5) feet over the standard which would otherwise apply.
7. Above or below ground swimming pools are to be set back a minimum of five (5) feet from the side yard property line.
8. Where a front door shall be deemed to face a side yard, the minimum building setback shall be ten (10) feet.

17.24.100 DISTANCE BETWEEN STRUCTURES IN RM DISTRICTS

A. Minimum distances between buildings used for human habitation shall be as follows:

1. Between one-story parallel buildings, front to front, twenty-five (25) feet. This distance shall be increased to five (5) feet for each story of each building in excess of one story;
2. Between one-story parallel buildings, rear to rear, twenty (20) feet. This distance shall be increased five (5) feet for each story of each building in excess of one story;
3. Between side walls parallel with the front or rear walls of other buildings, fifteen (15) feet for one-story buildings. This distance shall be increased two and one-half feet (2 ½) for each story of each building in excess of one story;
4. Between one-story parallel buildings, side to side, ten (10) feet. This distance shall be increased two and one-half (2 ½) feet for each story of each building in excess of one (1) story;
5. In order to provide for obliquely aligned buildings, the distances specified above may be decreased by five (5) feet at one building corner, if increased by an equal or greater distance at the outer corner;
6. In no event shall the minimum space between buildings be less than ten (10) feet.

B. Minimum distances for accessory buildings shall be as follows:

1. Distances between accessory buildings shall not be less than ten (10) feet.
2. Distances between buildings used for human habitation and accessory buildings shall be not less than fifteen (15) feet.
3. Distances between parking areas and the front or entrance of a building shall be not less than fifteen (15) feet unless connected.

17.24.110 MULTIFAMILY DWELLINGS ORIENTED TO SIDE YARDS

Multiple family dwellings or group houses may be oriented so as to front or rear upon either side yard. In this case, the following regulations shall apply:

- A. When such dwellings rear upon a side yard, the required width of such side yard shall be increased by one (1) foot for each such dwelling unit, but such increase need not exceed five (5) feet. Not less than five (5) feet of the width of the required side yard shall be completely free of structures.
- B. When such dwellings front upon a side yard, the required width of such side yard shall not be less than ten (10) feet.

17.24.120 BUILDING HEIGHT

Except as may be allowed under provisions of [Chapter 17.80](#), no multifamily building or structure in the RM districts shall neither:

- A. Have a height greater than thirty (30) feet; nor
- B. Exceed two (2) stories in height.

17.24.130 SIGNS

No sign shall be permitted in the RM districts, except as prescribed in [Chapter 17.72](#) of this title. Notwithstanding the foregoing, the property owner shall post signs which are in conformity with the standards set by the chief of police to the effect that the consumption of alcoholic beverages in the common areas or in the parking areas is a violation of a city ordinance and may be punishable as a misdemeanor and another sign to the effect that violation of the city's noise ordinance may be prosecuted as a misdemeanor. Said signs shall be considered exempt signs under the provisions of [Section 17.72.040](#) of this code.

17.24.140 OFF-STREET PARKING AND OFF-STREET LOADING FACILITIES

In the RM districts, off-street parking and off-street loading facilities shall be provided on the site for each use as prescribed in [Chapter 17.64](#) of this title.

17.24.150 ACCESS

In the RM districts, in order to assure adequate access and circulation in a multiple-family, residential development, frontage upon and access to less than two (2) public streets may be cause for site plan disapproval. A public alley access may qualify as one (1) mean of access to a public street, but, in such a case, the owner of the site may be required to pay for adjacent public alley improvements due to the anticipated increased traffic in the alley caused by development of this site.

17.24.160 LANDSCAPING

All multiple-family developments in the RM districts shall have landscaping including irrigation, plants and groundcover which are installed in accordance with a plan approved by the city. Landscape and irrigation plans shall be submitted to and may be approved by the city staff prior to installation and occupancy of use based upon the standards set forth in this section. If city staff does not approve a landscape and irrigation plan, that decision may be appealed in the same manner as is set forth for [Chapter 17.80.080](#), however notices are required to be sent to parties other than the owner of the site only in the event of disapproval of the plan. The purpose of this section is to establish standards for the installation of landscaping, including irrigation, plants, trees and groundcover, around multifamily dwellings in order to enhance aesthetic appearance, improve compatibility between land uses, conserve water, control soil erosion and enhance the character of existing neighborhoods.

A. Plant Location.

1. All required setbacks shall be landscaped with live plants except the walkways, driveways, parking areas and patio areas. Landscaping bordering such areas is encouraged. Non-organic groundcover shall not be used in place of plant material in planter areas unless utilized as a decorative accent.
2. Plants shall be grouped according to similar water needs.
3. Plants shall not interfere with safe sight distances or otherwise block vehicular, bicycle or pedestrian traffic, or conflict with the installation, maintenance, or repair of any public utility.
4. A planting area a minimum of four (4) feet in width shall separate a building from a driveway or parking area as feasible.
5. Parking lots shall be separated from street frontages and from abutting uses by planting areas. In addition, planting areas shall be interspersed among the parking stalls as feasible, including provision of trees for appearance and shade.

B. Plant Type.

1. Drought-tolerant plants shall be used where feasible.
2. Plants shall complement the architectural design of structures on the site, and shall be suitable for the soil and climatic conditions specific to the site.

C. Plant Size.

1. Plants shall be sized and spaced to achieve immediate effect and shall normally not be less than a fifteen-gallon (15) container for trees, five-gallon (5) container for shrubs, and a one-gallon (1) container for mass planting. Groundcover coverage must be one-hundred

(100) percent in one year, with rooted cuttings from flats planted no more than twelve (12) inches on center and containerized woody, shrub ground cover planted no more than three (3) feet on center.

2. Landscape plans shall incorporate existing mature trees with trunk diameters of six (6) inches or greater that are compatible with the proposed grades, structures and hardscape. Specimen trees, fifteen-gallon (15), or larger may be used to replace an existing mature tree that cannot feasibly be saved.

D. Planting Areas.

1. All planting areas shall be served by a permanent underground automatic, timed, water-efficient irrigation system. A drip irrigation system or other water conserving irrigation system may be required where feasible.
2. A six-inch (6) high stone masonry or concrete curb shall be placed between any paved area and a landscaped area to prevent erosion.

E. Landscape Coverage.

1. The landscape coverage of the entire site shall be a minimum of ten (10) percent.
2. Approved street trees shall be planted along street frontages in accordance with the city of Dinuba street tree master plan.

F. Landscape and Irrigation Plans Required. A landscape plan and irrigation plan shall be submitted in accordance with [Chapter 17.80](#).

17.24.170 RECREATION AND LEISURE AREAS

In the RM districts, on each building site, there shall be provided landscaped and usable recreational and leisure areas equaling at least three-hundred (350) fifty square feet per dwelling unit. Said area shall be conveniently located and readily accessible to each dwelling unit. Of this area, at least twenty-five (25) percent shall be designed as recreation area dedicated to promoting athletics and physical activity and at least another twenty-five (25) percent shall be designed as leisure area. The actual percentage of leisure area and recreation area shall be dependent upon the anticipated renter profile (family oriented, senior citizen, single non-parent, etc.). Examples of active areas include children's play areas, swimming pools, tennis courts, basketball courts and putting greens. Examples of leisure areas include barbecue/picnic areas, club houses and private balconies and patios.

A. The following areas only shall contribute to required, recreational and leisure areas:

1. Each square foot of private balcony and patio space shall count as one-and-one half (1 ½) square feet provided that the private balcony or patio in question has overall dimensions of at least seven (7) feet by nine (9) feet, but does not exceed one-hundred (100) square

feet and is located immediately adjacent to a kitchen, dining room or other living space within the residential unit of which it is a part. No private balcony or patio may be faced entirely on one or more sides by a concrete block privacy fence.

2. For developments of five (5) units or more, barbecue/picnic areas and play areas shall be provided. Play areas and barbecue/picnic areas shall be located adjacent to each other and shall be interspersed throughout the development. Location of these areas is subject to review and approval by the development review committee.
 - a. Barbecue/picnic areas shall each be at least four-hundred (400) square feet and shall be interspersed throughout the development. Each barbecue/picnic area shall be equipped with a minimum of one (1) picnic table and one barbecue grill that is permanently affixed to a foundation.
 - b. Play areas shall also be a minimum of four-hundred (400) square feet and interspersed through the development. Each play area shall be equipped with at least two (2) pieces of playground apparatus such as jungle gyms, slides and swings.
 - c. The minimum number of barbecue/picnic areas and play areas to be provided shall be as follows:

5-50 units	1 children's play areas and 1 barbecue/picnic areas
51-99 units	2 children's play areas and 2 barbecue/picnic areas
100-149 units	3 children's play areas and 3 barbecue/picnic areas
150-199 units	4 children's play areas and 4 barbecue/picnic areas
200-249 units	5 children's play areas and 5 barbecue/picnic areas

3. Roof area designed to accommodate recreational and leisure activities.
4. Fifty (50) percent of the following spaces between buildings, exclusive of required yards, provided that such spaces shall have minimum dimensions of ten (10) feet:
 - a. Between buildings parallel to or obliquely aligned with one another when arranged front to front or front to rear when unified with other recreational and leisure area;
 - b. Any yard or space between buildings in excess of that which is required.
5. Common Exterior Courts, Pools and Activity Areas.
 - a. Public exterior courts, swimming pools, spas and activity areas shall qualify if they have a minimum dimension of twenty (20) feet by twenty (20) feet, and have not less than twenty (20) percent of their total area devoted to decorative landscaping. Any portion of a common exterior court or activity area which is not devoted to decorative landscaping shall be either surfaced with decorative architectural materials or developed as sports, game, and/or play equipment areas, putting greens, gardens, or other similar uses.

- b. Common exterior courts, swimming pools and activity areas shall be counted at one-hundred (100) percent of their actual area, but shall not comprise more than thirty (30) percent of a total outdoor living space requirement for the development.

6. Public Interior Recreation Rooms.

- a. Recreation rooms shall qualify if they are located immediately adjacent to a common space that qualifies as outdoor living space under the provisions of this section, such as an exterior court or swimming pool, and have a minimum dimension of twenty (20) feet by twenty (20)feet. Interior recreation rooms shall be furnished and maintained with indoor recreational facilities and/or equipment, such as gymnastic equipment, sauna baths, and game tables, which are accessible to all tenants within the development.
- b. A recreation room shall be counted at one-hundred (100) percent of its actual area, but shall not comprise more than twenty-five (25) percent of the total outdoor living space requirement for the development.

7. Required and Nonrequired Setbacks.

- a. Required side setbacks, required rear setbacks, required building separations, and nonrequired setback areas on the ground level shall qualify as outdoor living space if they are ten (10) feet or more in width. Required and nonrequired setbacks counted as outdoor living space shall be developed in accordance with the standards of one (1) or more of the above specified types of outdoor living space.
- b. The creditable area of required and nonrequired setbacks, where they are for the sole use of one (1) dwelling, shall be calculated in the same manner used for private patios and decks.

8. Other Types of Outdoor Living Space. Space which does not fall within the above categories of outdoor living space may qualify as outdoor living space if:

- a. It conforms to the purpose and intent of this section; and
- b. It is not specifically prohibited in this section.

B. Unqualified Outdoor Living Space. The following types of space shall not, under any circumstances, qualify as outdoor living space:

- 1. Required front setbacks;
- 2. Areas that do not have the minimum dimensions to qualify as outdoor living space under the provisions of this section;
- 3. Pedestrian access ways, walkways, corridors, ramps, and catwalks if not an integral part of a space that qualifies as outdoor living space under the provisions of this section;

4. Areas beneath pedestrian access ways, walkways, corridors, ramps, and catwalks if not an integral part of a space that qualifies as outdoor living space under the provisions of this section;
5. Areas devoted to automobiles and other vehicles, including, but not limited to, driveways, parking spaces, turning radii, aisles, and required planters within open parking areas;
6. Areas devoted to trash enclosures or containers;
7. Areas devoted to public utility vaults, meters, pumps, and similar apparatus unless their existence is visually unapparent and functionally unobtrusive to an area that otherwise qualifies as outdoor living space under the provisions of this section;
8. Areas devoted to ventilation and air shafts unless their existence is visually unapparent and functionally unobtrusive to an area that otherwise qualifies as outdoor living space under the provisions of this section.

Chapter 17.26 USES ALLOWED IN RESIDENTIAL DISTRICTS

Sections:

- 17.26.010 Purpose
- 17.26.020 Matrix Symbols
- 17.26.030 Use Matrix, Residential Districts

17.26.010 PURPOSE

The Zoning Use matrix below provides a listing of the various land uses which are allowed by right, by administrative site plan, or by use permit and those which are prohibited within the city's zoning districts. In addition to the matrix below, individual Precise Plans provide a listing of various land uses allowed by right or use permit within each of the Precise Plan's zoning categories. Refer to individual precise plans, as referenced in Chapter 17.62.

17.26.020 MATRIX SYMBOLS

The following symbols are used to describe the relationship of the listed uses to each of the zones. If a use is not listed in the use matrix (17.26.030), then that use is prohibited in residential districts.

- “P” indicates that a use is permitted by right;
- “A” indicates that an Administrative Site Plan is required;
- “U” indicates that a Use Permit is required;
- “ ”, or a blank box, indicates that a use is prohibited.

17.26.030 USE MATRIX

Uses	RCO	AN	RA	R	RM
A second (2) housing unit in accordance with the provisions of Chapter 17.70 of this title			P	P	P
A use which was legally operating on or before the effective date of the amendment to zoning map which encompasses the property and is no longer listed as "permitted" within this title	P	P	P	P	P
Accessory buildings or structures, located on the same site with a permitted use	P	P	P	P	P
Accessory structures and uses located on the same site as a conditional use	U	U	U	U	U
Accessory structures located on the same site with a permitted use, including private garages and carports, one (1) guest house, storehouses, garden structures, green-houses, recreation rooms and hobby shops			P		
Additional one-family (1), two-family (2) or three-family (3) dwellings per site located south of North Avenue within areas designated medium density on the general plan up to a maximum of four housing units per site, with a minimum of three-thousand square feet of site area per dwelling unit on parcels which are seven-thousand, five-hundred (500) square feet or greater in area. Parking access to the additional units is to be from an existing alley when available; if no ally exists and only street access is available, the additional parking is to be located behind the front unit with access limited to a maximum sixteen-foot (16) wide paved driveway. All parking requirements for the additional units are				U	U

Uses	RCO	AN	RA	R	RM
subject to the provisions of Chapter 17.64 of this title.					
Bed and breakfast inns.				U	U
Cemeteries, crematories and columbariums		U			
Commercial kennels and animal hospitals		U			
Communications equipment buildings	U		U		
Developments with modified residential standards in the R-1-6 zone in conformance with Chapter 17.93 of this title.				U	
Employee housing (six (6) or fewer employees)		U	P	P	P
Employee Housing (seven (7) or more employees)		U	U	U	U
Electric transmission lines, transmission substations and distribution substations		U	U		
Emergency shelter					U
Enclosed temporary construction materials storage yards required in connection with residential development					A
Enclosed temporary construction materials storage yards required in connection with the development of a subdivision, and temporary subdivision sales offices and signs and model home display areas				A	
Expansion or remodeling of an existing nonconforming use of a structure or land, limited to fifty (50) percent or less of the value of existing structure, or reestablishment of a nonconforming use which has been damaged, except nonconforming signs and outdoor advertising structures, nonconforming uses occupying a structure with an assessed valuation of less than one-hundred (100) dollars and nonconforming fences, walls and hedges			U	A	A
Expansion, remodeling or additions to a conditional use that are not considered an incidental or accessory use	U				U
Farm equipment service and repair establishments		U			
Fertilizer plants and yards		U			
Flood control channels, water pumping stations and reservoirs, irrigation ditches and canals, settling and water conservation recharge basins, drainage ponds and streets and roads necessary for access to permitted uses	P				
Flower and vegetable gardens, agricultural crops, orchards and vineyards, horticultural collections, nursery stock (but excluding the following: any sign or structure for the purpose of sale of any product, commercial green-houses and commercial farming buildings)			P	P	P
Gas and electric transmission lines, electrical transmission and distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations and elevated pressure tanks				A	A
Gas and oil wells		U			
Gas regulator stations		U	U		
Grain elevators		U			
Group Care Facility (six (6) or fewer persons)		P	P	P	P
Home occupations subject to the provisions of Chapter 17.70 of this title			P	P	P
Household pets limited to a maximum of four (4) in any combination		P	P	P	P
Licensed family day care centers for seven (7) to twelve (12) children as an accessory use				A	A
Lodge halls					U
Manufactured homes on permanent foundations				P	A
Mobile home parks, in accordance with the provisions of Chapter 17.70 of this title		U	U	U	U

Uses	RCO	AN	RA	R	RM
More than twenty-four (24) units per gross acre in the RM-1.5 zone					U
Multifamily dwellings					P
One-family dwellings and farm employee housing which are incidental to a permitted use or a conditional use		P			
One-family dwelling, consisting of not more than one such one-family dwelling per lot			P	P	P
Penal institutions		U			
Planned unit development subject to provisions of Chapter 17.92 of this title				U	U
Private clubs and lodges				A	A
Private noncommercial clubs and lodges; private or public golf courses; cemeteries, columbariums and crematories	U		U		
Processing of products produced on the premises, except commercial animal slaughter		P			
Public and private charitable institutions, hospitals, sanitariums, nursing homes, including a state authorized, certified or licensed family care home, foster home or group home serving six (6) or fewer mentally disordered or otherwise handicapped persons, including rehabilitation homes for alcoholics and drug addicts, or dependent and neglected children, where such homes provide care on a twenty-four hour basis		U	U	U	U
Public and private open recreational facilities operated for profit or otherwise, including golf courses, golf driving ranges, swimming pools, riding academies, drive-in theaters, race tracks, or strips used for the racing of horses, automobiles or motorcycles, playgrounds, parks, community centers and stadiums, but not including commercial recreation uses within buildings.	U	U			
Public and quasi-public uses of an educational or religious type including schools, nursery schools, private nonprofit schools and colleges, churches, parsonages, and other religious institutions;	U	U	U	U	U
Public or private dump using sanitary land fill only and allowing no burning of refuse	U	U			
Public service pumping stations		U	U		
Public uses of an administrative, recreational, public service or cultural type including city, county, state or federal administrative centers and courts, libraries, museums, art galleries, police and fire stations and other public buildings, structures and facilities, public playgrounds, parks and community centers	U	U	U	U	U
Quarrying and extraction of minerals		U			
Raising of fruit and nut trees, vegetables and horticultural specialties	P	P	P	P	P
Raising of livestock	P	P			
Recreation areas, parks, playgrounds and such buildings, structures and facilities as are appropriately related thereto	P	P	P	P	P
Renting rooms and boarding; provided that not more than two rooms in a dwelling are rented to not more than a total of six (6) persons				P	P
Renting rooms and boarding, provided that not more than two paying guests may be lodged or boarded.			P		
Reservoirs	U	U	U		
Rest home and nursing homes, boarding or rooming houses					A
Roadside stands for the sale of agricultural produce grown on the site		U			
Senior citizen residential developments					U
Sewage treatment plants for primary and secondary treatment		U			
Single-family dwellings when all street improvements are not yet completed				A	

Uses	RCO	AN	RA	R	RM
Stockyards		U			
Swimming pools used solely by persons residing on the site and their guests; provided that no swimming pool shall be located in a required front or side yard; and further provided, that all fencing comply with the Uniform Building Code or city standards.		P	P	P	P
Tennis courts, including related fencing over seven (7) feet in height located on the same site as a permitted or conditional use	A		A	A	A
Transitional use, consisting of a dwelling or dwellings for not more than three (3) families, under the following conditions: 1. When on a lot with a side line abutting a lot or lots zoned RM-3, RM-2, C-1, C-2, C-3, C-4, M-1 or M-2 2. Such use shall not occupy more than seventy feet of the width of the lot, and 3. Subject to all of the yard, buildable area, space and off-street parking requirements which apply in the RM-3 and RM-2 zone;				U	U
Twenty-four (24) hour care facilities for foster homes, for a maximum of six (6) individuals in addition to the residing family				A	A
Vehicle parking, if used for personal transportation by occupants of the dwelling, their guests and employees, located on the same lot or building site, but in no case shall a commercial vehicle exceed a curb weight of six-thousand pounds		P	P	P	P
Veterinarians' offices		U			

*Any other use is permitted in each zoning district that the Planning Commission finds consistent with the purpose and intent of that district subject to the Use Permit per Chapter 17.80.

Chapter 17.32 PO PROFESSIONAL OFFICE DISTRICT

Sections:

- 17.32.010 Purpose
- 17.32.020 Special provisions and development standards
- 17.32.030 Permitted uses
- 17.32.040 Fences, walls and hedges
- 17.32.050 Site area
- 17.32.060 Frontage, width and depth of site
- 17.32.070 Coverage
- 17.32.080 Yard requirements
- 17.32.090 Distance between structures
- 17.32.100 Building height
- 17.32.110 Off-street parking and off-street loading facilities
- 17.32.120 Signs
- 17.32.130 Site plan review

17.32.010 PURPOSE

The PO district is intended to provide for the location of professional and commercial offices in close relationship to one another in areas designated for professional office use by the general plan; to provide adequate space to meet the needs of such offices for off-street parking and loading space; and to protect offices from noise, disturbances, traffic hazards and other objectionable influences which would adversely affect professional and business practices.

17.32.020 SPECIAL PROVISIONS AND DEVELOPMENT STANDARDS

All uses in the PO district shall be subject to the provisions of [Chapter 17.71](#) of this title.

17.32.030 PERMITTED USES

Uses permitted by right and subject to approval of an administrative site plan or conditional use permit in the PO district shall be as listed in [Section 17.48.030](#).

17.32.040 FENCES, WALLS AND HEDGES

In the PO district, fences, walls and hedges shall be permitted in accordance with provisions of [Section 17.71.100](#) of this title.

17.32.050 SITE AREA

The minimum site shall be six-thousand square feet in the PO district.

17.32.060 FRONTAGE, WIDTH AND DEPTH OF SITE

- A. Each site in the PO district shall have not less than sixty feet of frontage on a public street, except that those sites which front on a cul-de-sac or loop-out street may have a frontage of not less than fifty (50) feet; provided that the width of the site as measured along the front yard setback line is at least sixty (60) feet. The minimum width of each site shall be fifty (50) feet at all other locations on the site which lie to the rear of the front yard setback line.
- B. The minimum depth of each site in the PO district shall be one-hundred (100) feet.

17.32.070 COVERAGE

The maximum site area covered by any and all structures in the PO district shall be sixty-five (65) percent.

17.32.080 YARD REQUIREMENTS

Yard requirements in the PO district are as follows:

- A. Front Yard. The minimum front yard shall be fifteen (15) feet; provided, however, the director may approve, under [Chapter 17.80](#) of this title, within any part of the front yard for nonresidential uses, ornamental covers such as a sidewalk or entry awning, trellis or other similar improvements when said improvement is intended solely as an improved passageway or for aesthetic purposes, providing architectural integrity with the building to which it is attached.
- B. Rear Yard. The minimum rear yard shall be ten (10) feet; provided, however, that where construction involves more than one story and the site lies adjacent to a site in an R district, the rear yard shall be increased by five (5) feet for each additional story.
- C. Side Yard. The minimum side yard shall be five (5) feet, subject to the following conditions and exceptions:
 - 1. On a reversed corner lot, the side yard adjoining the street shall be not less than fifteen (15) feet.
 - 2. On a corner lot, the side yard adjoining a street shall not be less than ten (10) feet.
 - 3. Where construction involves more than one (1) story, the side yard shall be increased by five (5) feet for each additional story; provided, however, that the side yard on the street side of a corner lot shall be ten (10) feet or greater.
 - 4. Garages or carports on the street side yard of a corner lot shall be subject to the provisions of [Section 17.20.090\(C\)\(6\)](#) of this title.

17.32.090 DISTANCE BETWEEN STRUCTURES

In the PO district, the minimum distance between any structure shall be ten (10) feet.

17.32.100 BUILDING HEIGHT

No building shall exceed a height of thirty-five (35) feet in the PO district, except as may be allowed under provisions of [Chapter 17.80](#) of this title.

17.32.110 OFF-STREET PARKING AND OFF-STREET LOADING FACILITIES

Off-street parking facilities and off-street loading facilities in the PO district shall be provided on the site for each use as prescribed in [Chapter 17.64](#) of this title.

17.32.120 SIGNS

No sign shall be permitted in the PO district except as prescribed in [Chapter 17.72](#) of this title.

Chapter 17.40 C-1 NEIGHBORHOOD COMMERCIAL DISTRICT

Sections:

17.40.010	Purpose
17.40.020	Special provisions and development standards
17.40.030	Permitted uses
17.40.040	Screening and landscaping—Fences, walls and hedges
17.40.050	Required conditions
17.40.060	Site area
17.40.070	Frontage, width and depth of site
17.40.080	Coverage
17.40.090	Building height
17.40.100	Yard-Front
17.40.110	Yard-Side
17.40.120	Yard-Rear
17.40.130	Distances between structures
17.40.140	Off-street parking and off-street loading facilities
17.40.150	Signs

17.40.010 PURPOSE

The C-1 district is intended primarily for the provision of retail and personal service facilities to satisfy the convenience goods needs of the consumer relatively close to residential neighborhoods.

17.40.020 SPECIAL PROVISIONS AND DEVELOPMENT STANDARDS

All uses in the C-1 district shall be subject to the provisions of [Chapter 17.71](#) of this title.

17.40.030 PERMITTED USES

Uses permitted by right and subject to approval of an administrative site plan or conditional use permit in the C-1 district shall be as listed in [Section 17.48.030](#).

17.40.040 SCREENING AND LANDSCAPING—FENCES, WALLS AND HEDGES

In the C-1 district:

- A. Where a site adjoins or is located across a street or alley from any residential district, an ornamental solid wall or fence, six (6) feet minimum in height, or such other height or type of screening device as may be required by the city, shall be located on the property line common to such districts, except in a required front yard.
- B. Open storage of materials and equipment attendant to a permitted use or conditional use shall be permitted only within an area surrounded or screened by a solid wall or fence six (6) feet

minimum in height, except as may be modified under site plan review. Said storage shall not be visible above said fence or wall.

- C. Street trees and other forms of landscaping may be required under the provisions of [Chapter 17.71](#) of this title.

17.40.050 REQUIRED CONDITIONS

In the C-1 district, the following are required conditions:

- A. All businesses, services and processes shall be conducted entirely within a completely enclosed structure, except for off-street parking and off-street loading areas, gasoline service stations, outdoor dining areas, nurseries, garden shops, signs, public utility stations, and temporary uses as prescribed in [Chapter 17.71](#) of this title.
- B. No business dealing in wholesale or used goods or commodities shall be permitted, except in the case of articles taken in trade on sale of new merchandise on the same premises.
- C. No products shall be manufactured unless incident to a permitted use and sold at retail on the same premises.
- D. When any exterior wall of a building faces a street or property classified in any residential district, all exterior walls thereof shall be treated and finished in a similar manner.
- E. When an exterior wall of a building faces abutting property in any residential district, no advertising sign shall be painted or placed on such wall, or on any portion of the lot between the wall and the residential district.
- F. No use shall be permitted and no process, equipment or materials shall be used which are found by the city to be objectionable to persons living or working in the vicinity by reasons of odor, fumes, dust, smoke, cinders, dirt, refuse, water-carried waste, noise, vibration, illumination, glare or unsightliness or to involve any hazard of fire or explosion.

17.40.060 SITE AREA

The minimum site area in the C-1 district shall be ten thousand square feet. The maximum site area shall be five (5) acres.

17.40.070 FRONTAGE, WIDTH AND DEPTH OF SITE

Each lot in the C-1 district shall have a minimum width of one-hundred (100) feet and a minimum depth of one-hundred (100) feet.

17.40.080 COVERAGE

In the C-1 district there are no coverage limitations.

17.40.090 BUILDING HEIGHT

No building in the C-1 district shall exceed a height of thirty-five (35) feet, except as may be allowed under provisions of [Chapter 17.80](#) of this title.

17.40.100 YARD-FRONT

Where a lot or lots in a C-1 zone are located in the same block as, and have a common frontage with, a lot or lots in any residential district, the minimum front yard depth of such lot or lots in such portion of such C-1 zone shall be a minimum of fifteen (15) feet. An average of ten (10) feet of the required front yard shall be landscaped.

17.40.110 YARD-SIDE

There shall be no side yard requirement in the C-1 district except as follows:

- A. Where the rear of a lot abuts upon the side of a lot in any residential district, there shall be a side yard of a minimum width of ten (10) feet, which shall be landscaped.
- B. Where the rear of a corner lot abuts upon the rear of a lot in any residential district, the side yard on the street side shall have a minimum width the same as the required side yard of such abutting lot in said residential district and shall be landscaped.
- C. Where the rear of a reversed corner lot abuts a lot in any residential district, the side yard on the street side of such reversed corner lot shall be a minimum of fifteen (15) feet and shall be landscaped.

17.40.120 YARD-REAR

There shall be no rear yard requirement in the C-1 district except as follows:

- A. Where a C-1 lot abuts a lot in any residential district, a landscaped rear yard of a minimum of ten (10) feet shall be provided.

17.40.130 DISTANCES BETWEEN STRUCTURES

In the C-1 district, the minimum distance between a structure in the C-1 district and a dwelling unit shall be ten (10) feet.

17.40.140 OFF-STREET PARKING AND OFF-STREET LOADING FACILITIES

Off-street parking facilities and off-street loading facilities in the C-1 district shall be provided on the site for each use as prescribed in [Chapter 17.64](#) of this title.

17.40.150 SIGNS

No sign shall be provided in the C-1 district except as prescribed in [Chapter 17.72](#) of this title.

Chapter 17.42 C-2 DOWNTOWN COMMERCIAL DISTRICT

Sections:

17.42.010	Purpose
17.42.020	Special provisions and development standards
17.42.030	Permitted uses
17.42.040	Screening and landscaping—Fences, walls and hedges
17.42.050	Required conditions
17.42.060	Site area
17.42.070	Frontage, width and depth of site
17.42.080	Site Coverage
17.42.090	Building height
17.42.100	Yard-Front
17.42.110	Yard-Side
17.42.120	Yard-Rear
17.42.130	Distances between structures
17.42.140	Off-street parking and off-street loading facilities
17.42.150	Signs
17.42.160	Site plan review

17.42.010 PURPOSE

The downtown commercial district is to be applied to the commercial core of the city, as may be designated by the general plan. These areas constitute the primary commercial district of the community where a wide range of retail, financial, governmental, professional, business service and entertainment activities and uses are encouraged to concentrate to serve the entire community.

17.42.020 SPECIAL PROVISIONS AND DEVELOPMENT STANDARDS

All uses in the C-2 district shall be subject to the provisions of [Chapter 17.71](#) of this title.

17.42.030 PERMITTED USES

Uses permitted by right and subject to approval of an administrative site plan or conditional use permit in the C-2 district shall be as listed in [Section 17.48.030](#).

17.42.040 SCREENING AND LANDSCAPING—FENCES, WALLS AND HEDGES

In the C-2 district:

- A. Where a site adjoins or is located across a street or alley from any residential district, an ornamental solid wall or fence, six feet minimum in height, or such other height or type of screening device as may be required by the city, shall be located on the property line common to such districts, except in a required front yard.

- B. Open storage of materials and equipment attendant to a permitted use or conditional use shall be permitted only within an area surrounded or screened by a solid wall or fence six (6) feet minimum in height, except as may be modified under site plan review. Said storage shall not be visible above said fence or wall.
- C. Street trees and other forms of landscaping may be required under the provisions of Chapter 17.71 of this title.

17.42.050 REQUIRED CONDITIONS

Required conditions in the C-2 district are as follows:

- A. All businesses, services, and processes shall be conducted entirely within a completely enclosed structure, except for off-street parking and off-street loading areas, gasoline service stations, outdoor dining areas, nurseries, garden shops, signs, public utility stations, and temporary uses as prescribed in Chapter 17.71 of this title.
- B. No manufacturing or processing of any article or commodity shall be permitted except as follows:
 - 1. Only where incidental to a permitted use;
 - 2. Only where sold at retail on the premises; and
 - 3. Only where not more than five (5) persons are engaged in such manufacturing or processing.
- C. Wholesale sales and services shall not be conducted.
- D. No use shall be permitted and no process, equipment or materials shall be used which are found by the city to be objectionable to persons living or working in the vicinity by reasons of odor, fumes, dust, smoke, cinders, dirt, refuse, water-carried waste, noise, vibration, illumination, glare or unsightliness or to involve any hazard of fire or explosion.
- E. When an exterior wall of a building faces abutting property in any residential district, no advertising sign shall be painted or placed on such wall, or on any portion of the lot between the wall and the residential district.

17.42.060 SITE AREA

There shall be no minimum site area requirements in the C-2 district, subject to the following exceptions:

- A. In the case of buildings erected or structures altered after the date of passage of the ordinance codified in this title, for purposes of residence or human habitation (such as hotels and apartment hotels), there shall be a lot area of not less than eight hundred (800) square feet per

family; provided, however, that this regulation shall not apply to hotels or apartment hotels, if no cooking is done in any individual room, suite or apartment.

- B. For lots created subsequent to adoption of this title, the minimum lot size shall be three-thousand, seven hundred and fifty (3,750) square feet.

17.42.070 FRONTAGE, WIDTH AND DEPTH OF SITE

- A. In the C-2 district, each site shall have not less than twenty-five (25) feet of frontage on a public street.
- B. There are no width or depth of site limitations in the C-2 district.

17.42.080 SITE COVERAGE

In the C-2 district, there are no site coverage limitations.

17.42.090 BUILDING HEIGHT

No building shall exceed a height of seventy-five (75) feet in the C-2 district.

17.42.100 YARD – FRONT

Where a lot or lots in a C-2 zone are located in the same block as, and have a common frontage with, a lot or lots in any residential district, the minimum front yard depth of such lot or lots in such portion of such C-2 zone shall be a minimum of fifteen (15) feet. A minimum of fifty (50) percent of the required front yard shall be landscaped.

17.42.110 YARD – SIDE

There shall be no side yard requirements in the C-2 district except as follows:

- A. Where a lot abuts upon the side of a lot in any residential district, there shall be a side yard of a minimum width of ten (10) feet, which shall be landscaped.
- B. Where the rear of a corner lot abuts upon the rear of a lot in any residential district, the side yard on the street side shall have a minimum width the same as the required side yard of such abutting lot in said residential district, which shall be landscaped.
- C. Where the rear of a reversed corner lot abuts upon a lot in any residential district, the side yard on the street side of such reversed corner lot shall be a minimum of fifteen (15) feet and shall be landscaped.

17.42.120 YARD – REAR

There shall be no rear yard requirements in the C-2 district except as follows:

A. Where a C-2 lot abuts a lot in any residential district, a landscaped rear yard of a minimum of ten (10) feet shall be provided.

17.42.130 DISTANCES BETWEEN STRUCTURES

The minimum distance between a dwelling unit and another structure in the C-2 district shall be ten (10) feet.

17.42.140 OFF-STREET PARKING AND OFF-STREET LOADING FACILITIES

In the C-2 district, off-street parking facilities and off-street loading facilities shall be provided on the site for each use as prescribed in Chapter 17.64 of this title.

17.42.150 SIGNS

No sign shall be provided in the C-2 district except as prescribed in Chapter 17.72 of this title.

Chapter 17.44 C-3 COMMUNITY COMMERCIAL DISTRICT

Sections:

17.44.010	Purpose
17.44.020	Special provisions and development standards
17.44.030	Permitted uses
17.44.040	Screening and landscaping – Fences, walls and hedges
17.44.050	Required conditions
17.44.060	Site area
17.44.070	Frontage, width and depth of site
17.44.080	Coverage
17.44.090	Yard requirements
17.44.100	Distances between structures
17.44.110	Building height
17.44.120	Off-street parking and off-street loading facilities
17.44.130	Signs

17.44.010 PURPOSE

The C-3 district is intended to provide location outside the downtown business district for unified shopping centers serving the entire community and areas surrounding the city.

17.44.020 SPECIAL PROVISIONS AND DEVELOPMENT STANDARDS

All uses in the C-3 district shall be subject to the provisions of Chapter 17.71 of this title.

17.44.030 PERMITTED USES

Uses permitted by right and subject to approval of an administrative site plan or conditional use permit in the C-3 district shall be as listed in Section 17.48.030.

17.44.040 SCREENING AND LANDSCAPING-FENCES, WALLS AND HEDGES

In the C-3 district:

- A. Where a site adjoins or is located across a street or alley from any residential district, an ornamental solid wall or fence, six (6) feet minimum in height, or such other height or type of screening device as may be required by the director, shall be located on the property line common to such districts, except in a required front yard.
- B. Open storage of materials and equipment attendant to a permitted use or conditional use shall be permitted only within an area surrounded or screened by a solid wall or fence six (6) feet minimum in height, except as may be modified under site plan review. Said storage shall not be visible above said fence or wall.

C. Street trees and other forms of landscaping may be required under the provisions of Chapter 17.71 of this title.

17.44.050 REQUIRED CONDITIONS

The following are required conditions in the C-3 district:

- A. All businesses, services and processes shall be conducted entirely within a completely enclosed structure, except for off-street parking and off-street loading areas, gasoline service stations, outdoor dining areas, nurseries, garden shops, signs, bus depots, transit stations, public utility stations, used car sales incidental to new car sales and temporary uses as prescribed in Chapter 17.71 of this title.
- B. No use shall be permitted and no process, equipment or materials shall be used which are found by the city to be objectionable to persons living or working in the vicinity to be reasons of odor, fumes, dust, smoke, cinders, dirt, refuse, water-carried waste, noise, vibration, illumination, glare or unsightliness or to involve any hazard of fire or explosion.

17.44.060 SITE AREA

The minimum site area in the C-3 district shall be five (5) acres.

17.44.070 FRONTAGE, WIDTH AND DEPTH OF SITE

In the C-3 district, there are no limitations on frontage, width and depth of site.

17.44.080 COVERAGE

In the C-3 district, there are no coverage limitations.

17.44.090 YARD REQUIREMENTS

Yard requirements in the C-3 district are as follows:

- A. The minimum front yard shall be fifteen (15) feet. An average of fifty percent of the required front yard shall be landscaped.
- B. Except as specified in subparagraphs (1) and (2) of this section, no side yards or rear yards shall be required:
 - 1. The minimum side yard abutting any residential or PO district shall be ten (10) feet and shall be landscaped.
 - 2. The minimum rear yard abutting any residential or PO district shall be ten (10) feet and shall be landscaped.

17.44.100 DISTANCES BETWEEN STRUCTURES

A. The minimum distance between any structure on a property in the C-3 district and a residential dwelling unit shall be ten (10) feet.

17.44.110 BUILDING HEIGHT

The maximum height in the C-3 district shall be fifty (50) feet, except as may be allowed under provisions of Chapter 17.80 of this title.

17.44.120 OFF-STREET PARKING AND OFF-STREET LOADING FACILITIES

Off-street parking facilities and off-street loading facilities in the C-3 district shall be provided on the site for each use as prescribed in Chapter 17.64 of this title.

17.44.130 SIGNS

No sign shall be provided in the C-3 district except as prescribed in Chapter 17.72 of this title.

Chapter 17.46 C-4 GENERAL COMMERCIAL DISTRICT

Sections:

17.46.010	Purpose
17.46.020	Special provisions and development standards
17.46.030	Permitted uses.
17.46.040	Screening and landscaping-Fences, walls and hedges
17.46.050	Required conditions
17.46.060	Site area
17.46.070	Frontage, width and depth of site
17.46.080	Coverage
17.46.090	Yard requirements
17.46.100	Distances between structures
17.46.110	Building height
17.46.120	Off-street parking and off-street loading facilities
17.46.130	Signs

17.46.010 PURPOSE

The C-4 district is primarily for establishments engaged in servicing equipment, materials and products, but which do not require the manufacturing, assembly, pack-aging or processing of articles or merchandise for distribution and retail sale. Land requirements for most general commercial uses generally dictates its application along arterial streets of the city which generally lie close to central commercial and industrial districts.

17.46.020 SPECIAL PROVISIONS AND DEVELOPMENT STANDARDS

All uses in the C-4 district shall be subject to the provisions of Chapter 17.71 of this title.

17.46.030 PERMITTED USES

Uses permitted by right and subject to approval of an administrative site plan or conditional use permit in the C-4 district shall be as listed in Section 17.48.030.

17.46.040 SCREENING AND LANDSCAPING-FENCES, WALLS AND HEDGES

In the C-4 district:

- A. Where a site adjoins or is located across a street or alley from any residential or PO district, an ornamental solid wall or fence, six (6) feet minimum in height, or such other height or type of screening device as may be required by the city, shall be located on the property line common to such districts, except in a required front yard.
- B. Open storage of materials and equipment attendant to a permitted use or conditional use shall be permitted only within an area surrounded or screened by a solid wall or fence six (6) feet minimum in height. Said storage shall not be visible above said fence or wall.

C. Street trees and other forms of landscaping may be required under the provisions of Chapter-17.71.

17.46.050 REQUIRED CONDITIONS

The following are required conditions in the C-4 district:

A. No use shall be permitted and no process, equipment or materials shall be used which are found by the City to be objectionable to persons living or working in the vicinity by reasons of odor, fumes, dust, smoke, cinder, dirt, refuse, water-carried waste, noise, vibration, illumination, glare or unsightliness, or to involve any hazard of fire or explosion.

17.46.060 SITE AREA

There are no site area limitations in the C-4 district.

17.46.070 FRONTAGE, WIDTH AND DEPTH OF SITE

There are no limitations for frontage, width and depth of site in the C-4 district.

17.46.080 COVERAGE

In the C-4 district, there are no coverage limitations.

17.46.090 YARD REQUIREMENTS

Yard requirements in the C-4 district are as follows:

- A. The minimum front yard shall be fifteen (15) feet. A minimum of fifty (50) percent of the required front yard shall be landscaped.
- B. Except as specified in this subsection, no side yard or rear yards shall be required.
- C. The minimum side yard abutting any residential or PO district shall be ten (10) feet and shall be landscaped.
 - 1. The minimum rear yard abutting any residential or PO district shall be ten (10) feet and shall be landscaped.

17.46.100 DISTANCES BETWEEN STRUCTURES

In the C-4 district, the minimum distance between a dwelling unit and another structure in the C-4 district shall be ten (10) feet.

17.46.110 BUILDING HEIGHT

The maximum building height in the C-4 district shall be fifty (50) feet.

17.46.120 OFF-STREET PARKING AND OFF-STREET LOADING FACILITIES

Off-street parking facilities and off-street loading facilities in the C-4 district shall be provided on the site for each use as prescribed in Chapter 17.64 of this title.

17.46.130 SIGNS

No sign shall be provided in the C-4 district except as prescribed in Chapter 17.72 of this title.

Chapter 17.48 USES ALLOWED IN OFFICE AND COMMERCIAL DISTRICTS

Sections:

- 17.48.010 Purpose
- 17.48.020 Matrix Symbols
- 17.48.030 Use Matrix, Office and Commercial Districts

17.48.010 PURPOSE

The Zoning Use matrix below provides a listing of the various land uses which are allowed by right, by administrative site plan, or by use permit and those which are prohibited within the city’s office and commercial zoning districts. In addition to the matrix below, individual Precise Plans provide a listing of various land uses allowed by right or use permit within each of the Precise Plan’s zoning categories. Refer to individual precise plans, as referenced in Chapter 17.62, Precise Plan Overlay District.

17.48.020 MATRIX SYMBOLS

The following symbols are used to describe the relationship of the listed uses to each of the zones.

- “P” indicates that a use is permitted by right;
- “A” indicates that an Administrative Site Plan is required;
- “U” indicates that a Use Permit is required;
- “ ”, or a blank box, indicates that a use is prohibited.

17.48.030 USE MATRIX, OFFICE AND COMMERCIAL DISTRICTS

Uses	PO*	C1	C2	C3	C4**
Addressograph services					A
Adult bookstores and adult movie theaters as provided for in Section 17.71.190 of this title					U
Ambulance service					A
Animal hospitals and kennels and veterinarians					U
Any residential use existing on the effective date of the ordinance codified in this title	A	P	P	P	P
Apparel stores		A	A	A	A
Appliance sales (household)				A	
Arcades			U	U	
Art and antique stores			A		A
Art and craft schools and colleges			A		A
Art galleries			A		A
Art supply stores		A	A	A	A
Auction rooms			A		A
Automated car wash, including use of mechanical conveyors, blowers and steam cleaning			U	U	A

Uses	PO*	C1	C2	C3	C4**
Automobile accessory parts (new) retail sales				A	
Automobile and tractor parts and equipment stores					A
Automobile detailing, hand carwash within an enclosed building			A		A
Automobile dismantling and used parts storage, provided such parts storage must be conducted wholly within a building					U
Automobile oil and lube shop					A
Automobile repair, body and fender repair					A
Automobile sales, new, including service and repair within an enclosed building			A		A
Automobile sales, used, including service and repair within an enclosed building		U	U	U	U
Automobile upholstery and top shops					A
Baker goods stores		A	A	A	A
Bakeries, retail and wholesale			A		A
Banks, including drive-in banks and other lending agencies		A	A	A	A
Barber shops and beauty shops	A	A	A	A	A
Bars and cocktail lounges			U	U	
Bars, cocktail lounges and nightclubs			U		U
Beauty colleges			A	A	
Bicycle shops			A	A	A
Blueprint and photocopy shops			A		A
Boarding and rooming houses			A		
Boat sales and service					A
Book binding					A
Book stores and rental libraries		A	A	A	A
Bottling works					U
Bowling alleys		U	A	A	A
Breweries					U
Breweries, micro			U		U
Building and loan offices			A	A	
Building materials, sales and storage					U
Bus depots and transit stations, including repair and storage					A
Bus depots and transit stations, provided that buses or other transit vehicles shall not be stored on the site and no repair work or servicing of vehicles shall be conducted on the site			A		A
Business, professional, and trade schools and colleges			A		A
Cabinet shops					A
Cafeterias	A	A	A	A	A
Camera shops, photographic supplies and photography studios		A	A	A	A
Candy and confectionery stores		A	A	A	A
Canvas shops					A
Card rooms			U		
Carnival - promotional				A	A
Carpenters' shops					U
Carpet stores		A	A	A	A
Catering shops			A		A
Ceramic and pottery works					U
Churches and other religious institutions	U	U	U	U	U

Uses	PO*	C1	C2	C3	C4**
City, county, state and federal administrative offices, libraries and police and fire stations		A	A		
Cleaning agencies (pickup and delivery only)		A	A	A	A
Cleaning, pressing and dyeing shops (retail only, dry cleaning, cleaning clothes in enclosed machines, nonflammable cleaning compounds)		A	A	A	A
Clinics (medical)	A	A	A	A	A
Clothing and costume rental establishments			A		A
Coin-operated car wash (not including mechanical car washes)				U	U
Coin-operated self-service car wash			U		
Cold storage plants					U
Columbariums and crematorium					A
Communications equipment buildings			A		A
Contractor's storage yards					U
Convenience stores, beer and wine sales only, no liquor sales allowed		U	U	U	U
Copy center			A	A	
Copying and blueprint services			A		A
Dairy products sales stores		A	A	A	A
Dance halls			A		A
Delicatessens		A	A	A	A
Department stores			A	A	A
Diaper supply services					A
Drapery and interior decorating shops			A		A
Drive-in restaurants		A		A	
Drive-in theaters, golf driving ranges, pony riding rings, racetracks, riding stables, skating rinks, sport arenas and sports stadiums, and other similar open, unenclosed commercial recreation facilities					U
Drug stores		A	A	A	A
Dry cleaning service			A	A	A
Dry goods stores		A	A	A	A
Dwellings for a caretaker or watchman and his immediate family, necessary and incidental to a use located in such zone					U
Electrical appliance and incidental repair shops			A	A	A
Electrical distribution substations, communication equipment buildings, gas regulator stations and utility pumping stations and elevated pressure tanks.			A	A	A
Electrical shops					A
Electroplating shops					U
Employment agencies			A		A
Equipment rental yards					A
Exterminators					A
Farm equipment sales and service					A
Farmers markets, including indoor and outdoor facilities			U		
Feed and seed stores					A
Fire and police stations			A		A
Florists		A	A	A	A
Food lockers (no slaughtering, handling of dressed meats only)		A	A	A	A
Food stores and delicatessens			A	A	A
Frozen food processing, storage and accessory sales					U

Uses	PO*	C1	C2	C3	C4**
Furniture stores			A	A	A
Furniture warehouse stores and van services					A
Garden supplies				A	A
Garden supply stores and nurseries, provided that all equipment, supplies and merchandise, other than plants, shall be kept within a completely enclosed building or under lather structure, and further provided that fertilizer of any type shall be stored and sold in packaged form only		A	A	A	A
Gas and electric transmission lines, electrical transmission and distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations and elevated pressure tanks.	A	A			A
Gasoline service stations, including dispensing of diesel and liquid petroleum gas fuels and complete truck service					U
Gift, novelty or souvenir shops		A	A	A	A
Glass shops					A
Gunsmith shops			A		A
Gymnasium and health studios			A		A
Hardware stores		A	A	A	A
Hatcheries					U
Health food stores			A	A	A
Heating and ventilating or air conditioning shops, including incidental sheet metal					A
Hobby supply stores		A	A	A	A
Home furnishings			A	A	A
Home improvement centers					A
Hotel and motels			A		A
Household and office equipment and machinery repair shops					A
Household appliance and repair shops			A		A
Ice and cold storage plant					U
Ice and food products dispensing machines				A	
Ice dispensers (coin-operated)		A	A	A	A
Ice storage or sale houses					A
Implement and tool rental					A
Incidental and accessory structures and uses located on the same site as a use permitted by administrative approval or conditional use	A	A	A	A	A
Incidental and accessory structures and uses located on the same site as a permitted use	A	A	A	A	A
Interior decorating shops			A		A
Jewelry stores, including clock and watch repairing			A	A	A
Kennels located not closer than five-hundred (500) feet to any residential or PO district					A
Laboratories	U				A
Laboratories, experimental and testing					U
Laundries and Laundromats			A		A
Leather goods and luggage stores			A		A
Libraries			A		A
Licensed family day care centers for thirteen or more children	U				
Linen supply services					A
Liquor stores		U	U	U	U

Uses	PO*	C1	C2	C3	C4**
Locksmiths		A	A	A	A
Lumber yards, not including planning mills or saw mills					A
Machine shops					U
Machinery sales and rentals					A
Manufacture, assembly, processing and packaging of: articles or merchandise from the following previously prepared materials:, canvas, cloth, cork, fiber and synthetic fiber, fur, glass, leather, paint (not employing a boiling process), paper, plastics, precious or semi-precious metals or stones, rubber and synthetic rubber, shell, textiles, tobacco and wood					U
Manufacture, assembly, processing and packaging of: blacksmith shops, boat building, electric motor rebuilding, machine shops, paint shops					U
Manufacture, assembly, processing and packaging of: bakery goods, candy, dairy products, food products, including fruits and vegetables (but not including fish and meat products, pickles, sauerkraut, vinegar or yeast, or refining or rendering of fats and oils)					U
Manufacture, assembly, processing and packaging of: ceramic products, such as pottery, figurines and small glazed tile					U
Manufacture, assembly, processing and packaging of: cosmetics, drugs, pharmaceuticals, and toiletries (not including refining or rendering of fats or oils)					U
Manufacture, assembly, processing and packaging of: electrical supplies such as coils, condensers, insulation, lamps, switches and wire and cable assembly					U
Manufacture, assembly, processing and packaging of: furniture, cutlery, hardware, hand tools, die and pattern making, metal stamping and extrusion of small products such as costume jewelry, pins and needles, razor blades, bottle caps, buttons and kitchen utensils					U
Manufacture, assembly, processing and packaging of: scientific, medical, dental, and drafting instruments, orthopedic and medical appliances, cameras and photographic equipment, electronic equipment, musical instruments, precision instruments, optical goods, watches and clocks					U
Manufacture, assembly, processing and packaging of: small electric appliances such as lighting fixtures, toasters, electric toys, refrigerators, washing machines, dishwashers and similar home appliances					U
Manufacture, assembly, processing and packaging of: small electrical equipment such as a home motion picture equipment, phonographs and radio and television receivers, but not including electrical machinery					U
Massage and physical culture studios			A		A
Medical and dental laboratories and clinics including out-patient facilities and prescription pharmacies in conjunction therewith, or with a hospital	A				
Medical and orthopedic appliance stores			A		A
Medical buildings, Professional medical buildings, including dentists, physicians, podiatrists, ophthalmologists, and similar practitioners.	U	A	A	A	A
Meeting halls			U		U
Messenger offices			A		A
Microwave relay stations				U	
Millinery shops			A	A	A
Mini-storage facilities			U		A
Mixed land use in conformance with Chapter 17.61 of this title			U		
Mobile home sales					A

Uses	PO*	C1	C2	C3	C4**
Mortuaries	U				A
Motorcycle sales and service			A		A
Muffler shop					A
Music and dance studios			A		A
Music stores			A	A	A
Musical instrument repair shops and incidental sales					A
Newspaper publishing			A		A
Newsstands and magazine stores		A	A	A	A
Notions				A	
Office and business machine stores			A		A
Offices	U	A	A	A	A
Office, professional, commercial or governmental offices	U	A	A	A	A
Offices which deal in professional and business services, in which goods, wares and merchandise are not commercially created, sold or exchanged	A				
One-family dwellings over or to the rear of a permitted use; provided such dwellings shall be subject to the use, site area, coverage and yard requirements of the RM-3 district		U	U		
Overnight parking for recreational vehicles					U
Paint and wallpaper stores			A		A
Parcel delivery services					A
Parking lots improved in conformity with the standards prescribed for required off-street parking facilities in Chapter 17.64 of this title	A	A	A	A	A
Pawn shops			A		A
Pet and bird stores and pet grooming, but not including boarding of pets			A		A
Pet shops				A	
Petroleum products storage; provided that gasoline, kerosene and similar highly inflammable products shall be stored underground					U
Photographic and blueprint processing ,printing, lithographing and engraving					A
Photographic supply stores			A		A
Photography studios	A		A		A
Picture framing shops			A		A
Planned unit development subject to provisions of Chapter 17.92 of this title	U	U	U	U	U
Planning mill, excluding refuse burning					U
Plumbing and sheet metal shops					A
Pool and billiards, including in conjunction with a restaurant				U	
Post offices, public and private	A	U	A	A	A
Poultry and rabbit processing					U
Prefabrication of buildings					U
Pressing, altering and repairing of wearing apparel			A	A	A
Printing shops			A		A
Private clubs and lodges			A		A
Public and private charitable institutions, hospitals, sanitariums, rest homes, nursing homes, family care homes, foster homes or group homes for the mentally disordered or otherwise handicapped person, including state authorized homes	U				
Public buildings and grounds	U		U		U
Public parking lot or structure			U	U	

Uses	PO*	C1	C2	C3	C4**
Public parks and playgrounds, public and quasi-public uses of an educational or religious type, including public and private elementary, junior and senior high schools, colleges, nursery schools, trade schools and private		A			
Public parks, playgrounds and other public recreation facilities	U				
Public uses of a cultural type, including museums and art galleries	U		U		
Public utility service yards, electrical and gas transmission stations					U
Radio and television broadcasting studios			A		A
Radio and television broadcasting studios, excluding towers	A				
Radio and television stores and repair shops			A	A	A
Railroad freight and passenger stations					A
Reading rooms			A		A
Recreation sales and service, including indoor commercial recreation					A
Rental equipment, including trailers, trucks and cars			A		A
Residential drug treatment recovery homes	U				
Restaurants serving alcoholic beverages		U	U	U	
Restaurants, including drive-in restaurants, cafes and outdoor cafes			A	U	A
Restaurants, including restaurant with bar/lounge			U	A	
Restaurants, tea rooms and cafes, including out-door cafes, but excluding the sale of alcoholic beverages		A	A	A	A
Rug and carpet cleaning and dyeing					A
Scientific instrument stores			A		A
Secretarial services			A		A
Self-service coin-operated car wash					A
Self-service laundry and dry cleaning establishments		A	A	A	A
Service stations, Full Service		U	U	U	U
Service stations, gasoline sales and convenience store only		A	U	U	U
Service stations, excluding truck service and dispensing of diesel fuel to trucks		U	U	U	A
Shoe repair shops		A	A	A	A
Shoe stores		A	A	A	A
Sign painting shops					A
Small animal veterinary hospitals and clinics, within a completely enclosed building, with no boarding except as is incidental to medical care				U	
Soda fountains		A	A	A	A
Sporting goods stores, including incidental boat sales and sporting equipment repair			A		A
Sports arenas within buildings			A		A
Stables and riding academies					U
Stamp and coin stores			A		A
Stationery stores		A	A	A	A
Stone monument works					U
Storage buildings incidental to a permitted use			A		A
Subdivision signs - off-site				A	A
Supermarkets				A	
Swap meets					U
Tailor and dressmaking shops		A	A	A	A
Taxidermists					A

Uses	PO*	C1	C2	C3	C4**
Telegraph offices			A		A
Telephone exchanges	A				
Temporary revival church services			A		A
Theaters and auditoriums			A		A
Thrift shops and secondhand stores					A
Tire rebuilding, recapping and re-treading					U
Tire sales and service			A		A
Tobacco stores		U	A	A	A
Toy stores			A	A	A
Transit and transportation equipment, storage space and yards, except freight classification yards					U
Transit terminals and truck stops					U
Travel bureaus			A		A
Trophy shops			A		A
Trucking terminals					U
Typewriter repair shops					A
Upholstery shops					A
Variety stores			A		A
Variety stores, less than ten thousand square feet in area		A	A	A	A
Veterinarian offices and small animal hospitals or clinics including short-term boarding of animals and incidental care such as bathing and trimming, provided that all operations are conducted entirely within a completely enclosed structure which complies with specifications of soundproof construction prescribed by the Uniform Building Code			A		A
Video store		A	A	A	A
Water pump stations				U	
Wedding chapels			A		A
Wholesale establishments			U		A
*Exceptions for uses in the PO district:					
<ol style="list-style-type: none"> 1. No business dealing in wholesale or used goods or commodities shall be permitted, except in the case of articles taken in trade on sale of new merchandise on the same premises 2. Any business or office shall be conducted entirely within a building, enclosed on all sides, excepting uses customarily conducted in the open. 3. No products shall be made unless incidental to a permitted use and sold at retail on the premises. 4. When an exterior wall of a building faces abutting property in an R zone, no advertising signs shall be painted or placed on such wall, or on any portion of the lot between the wall and the R zone. 5. No use shall be permitted in the PO zone which may be obnoxious or offensive by reason of noise, odor, dust, smoke, vibrations, heat, glare or refuse, or other similar causes. 					
** Offices and rental stores incidental to and on the same site with a commercial service establishment identified as a Permitted use in the C-4 district are also permitted.					
***Any other use is permitted in each zoning district that the Planning Commission finds consistent with the purpose and intent of that district subject to use permit review per <u>Chapter 17.80</u> .					

Chapter 17.50 M-1 LIGHT INDUSTRIAL DISTRICT

Sections:

17.50.010	Purpose
17.50.020	Special provisions and development standards
17.50.030	Permitted Uses
17.50.040	Screening and landscaping-Fences, walls and hedges
17.50.050	Required conditions
17.50.060	Site area
17.50.070	Frontage, width and depth of site
17.50.080	Coverage
17.50.090	Yard requirements
17.50.110	Distance between structures
17.50.110	Building height
17.50.120	Off-street parking and off-street loading facilities
17.50.130	Signs

17.50.010 PURPOSE

The M-1 district is to be applied to areas designated light industrial on the general plan in order to reserve appropriately located areas for various types of less intense industrial plants and related activities.

17.50.020 SPECIAL PROVISIONS AND DEVELOPMENT STANDARDS

All uses in the M-1 district shall be subject to the provisions of Chapter 17.71 of this title.

17.50.030 PERMITTED USES

Uses permitted by right and subject to approval of an administrative site plan or conditional use permit in the M-1 district shall be as listed in Section 17.54.030.

17.50.040 SCREENING AND LANDSCAPING-FENCES, WALLS, AND HEDGES

In addition to the landscaping requirements of Chapter 17.71 of this title, the following screening and landscaping requirements also apply in the M-1 district:

- A. Where a site adjoins any non-industrial district, a solid wall six (6) feet in height, or such other height or type of screening device as may be required by the director, shall be located on the property line common to such districts, except in a required front yard.
- B. A use not conducted entirely within a completely enclosed structure, on a site across a street or alley from any non-industrial district, shall be screened by an ornamental solid wall, not less than six (6) feet in height, if found by the director to be unsightly.
- C. Open storage of materials and equipment shall be permitted only within an area surrounded

and screened from public view by an ornamental solid wall or fence or compact evergreen hedge (with solid gates where necessary), not less than six (6) feet in height.

- D. No fence or wall shall exceed six (6) feet in height if located in a required side or rear yard or three (3) feet in height if located in a required front yard, except that a chain-link fence greater than three (3) feet in height may be located in any portion of a required front yard.

17.50.050 REQUIRED CONDITIONS

The following are required conditions in the M-1 district:

- A. All open and unlandscaped portions of any lot shall be maintained in good condition free from weeds, dust, trash and debris.
- B. No use shall be permitted and no process, equipment or materials shall be employed which is found to be injurious to persons residing or working in the vicinity by reason of odor, dust, smoke, refuse, noise, vibrations, glare, heavy truck traffic, or to involve any hazard of fire, explosion or radioactivity, or to emit electrical disturbances which adversely affect commercial or electronic equipment outside the boundaries of the site.
- C. No solid or liquid wastes shall be discharged except in compliance with applicable regulations of the regional water quality control board.
- D. No use shall emit particulate matter or other air pollutants in excess of the applicable air pollution emission standards of the San Joaquin Valley Air Pollution Control District, the state of California or of the federal government.

17.50.060 SITE AREA

There are no site area limitations in the M-1 district except that for any site created after the date this title was adopted, the minimum site area shall be one (1) acre.

17.50.070 FRONTAGE, WIDTH AND DEPTH OF SITE

There is no frontage, width or depth of site limitations in the M-1 district.

17.50.080 COVERAGE

There are no coverage limitations in the M-1 district.

17.50.090 YARD REQUIREMENTS

The following are yard requirements in the M-1 district:

- A. Front Yard. The minimum front yard shall be forty (40) feet.
- B. Rear and Side Yards. No rear yard or side yards shall be required except as provided below:

1. The minimum rear yard abutting any nonindustrial district shall be fifty (50) feet;
2. On a reversed corner lot adjoining a key lot in any nonindustrial district, the minimum side yard adjoining the street shall not be less than one-half the required front yard on the key lot;
3. The minimum side yard abutting any nonindustrial district shall be fifty (50) feet.

17.50.100 DISTANCE BETWEEN STRUCTURES

There are no limitations on the distance between structures in the M-1 district.

17.50.110 BUILDING HEIGHT

No building in the M-1 district shall exceed a height of fifty (50) feet.

17.50.120 OFF-STREET PARKING AND OFF-STREET LOADING FACILITIES

Off-street parking and off-street loading facilities in the M-1 district shall be provided on the site for each use as prescribed in Chapter 17.64 of this title.

17.50.130 SIGNS

No signs shall be permitted in the M-1 district except as provided in Chapter 17.72 of this title.

Chapter 17.52 M-2 HEAVY INDUSTRIAL DISTRICT

Sections:

17.52.010	Purpose
17.52.020	Special provisions and development standards
17.52.030	Permitted uses
17.52.040	Screening and landscaping-Fences, walls and hedges
17.52.050	Required conditions
17.52.060	Site area
17.52.070	Frontage, width and depth of site
17.52.080	Coverage
17.52.090	Yard requirements
17.52.110	Distance between structures
17.52.110	Building height
17.52.120	Off-street parking and off-street loading facilities
17.52.130	Signs

1732.010 PURPOSE

The M-2 district is to be applied to areas designated heavy industrial on the general plan and is reserved for more intense manufacturing, processing and treatment uses.

17.52.020 SPECIAL PROVISIONS AND DEVELOPMENT STANDARDS

All uses in the M-2 district shall be subject to the provisions of Chapter 17.71 of this title.

17.52.030 SPECIAL PROVISIONS AND DEVELOPMENT STANDARDS

Uses permitted by right and subject to approval of an administrative site plan or conditional use permit in the M-2 district shall be as listed in Section 17.54.030.

17.52.040 SCREENING AND LANDSCAPING-FENCES, WALLS AND HEDGES

The following are screening and landscaping requirements in the M-2 district:

- A. Where a site adjoins any nonindustrial district, a solid wall or screen fence six (6) feet in height, or such other height or type of screening device as may be required by the director, shall be located on the property line common to such districts, except in a required front yard.
- B. A use not conducted entirely within a completely enclosed structure, on a site across a street or alley from any nonindustrial district, shall be screened by an ornamental solid wall or screen fence, not less than six (6) feet in height, if found by the director to be unsightly.
- C. No fence or wall shall exceed six (6) feet in height if located in a required side or rear yard or three (3) feet in height if located in a required front yard, except that a chain-linked fence greater than three (3) feet in height may be located in any portion of a required front yard.

17.52.050 REQUIRED CONDITIONS

The following are required conditions in the M-2 district:

- A. All open and unlandscaped portions of any lot shall be maintained in good condition free from weeds, dust, trash and debris.
- B. No use shall be permitted and no process, equipment or materials shall be employed which is found to be injurious to persons residing or working in the vicinity by reason of odor, dust, smoke, refuse, noise, vibrations, glare or heavy truck traffic or to involve any hazard of fire, explosion or radioactivity or to emit electrical disturbances which adversely affect commercial or electronic equipment outside the boundaries of the site.
- C. No solid or liquid wastes shall be discharged except in compliance with applicable regulations of the regional water quality control board.
- D. No use shall emit particulate matter or other air pollutants in excess of the applicable air pollution emission standards of the San Joaquin Valley Air Pollution Control District, the State of California or of the federal government.

17.52.060 SITE AREA

The minimum site area in the M-2 district shall be one (1) acre.

17.52.070 FRONTAGE, WIDTH AND DEPTH OF SITE

There are no frontage, width and depth of site limitations in the M-2 district.

17.52.080 COVERAGE

There are no coverage limitations in the M-2 district.

17.52.090 YARD REQUIREMENTS

The following are yard requirements in the M-2 district:

- A. Front Yard. The minimum front yard shall be forty (40) feet.
- B. Rear and Side Yards. No rear yard or side yards shall be required except as provided below:
 - 1. The minimum rear yard abutting any nonindustrial district shall be fifty (50) feet;
 - 2. On a reversed corner lot adjoining a key lot in any nonindustrial district, the minimum side yard adjoining the street shall not be less than fifteen (15) feet;
 - 3. The minimum side yard abutting any nonindustrial district shall be fifty (50) feet.

17.52.100 DISTANCE BETWEEN STRUCTURES

There are no limitations on the distance between structures in the M-2 district.

17.52.110 BUILDING HEIGHT

No building in the M-2 district shall exceed a height of seventy-five (75) feet.

17.52.120 OFF-STREET PARKING AND OFF-STREET LOADING FACILITIES

Off-street parking and off-street loading facilities in the M-2 district shall be provided on the site for each use as prescribed in Chapter 17.64 of this title.

17.52.130 SIGNS

No sign shall be permitted in the M-2 district except as provided in Chapter 17.72 of this title.

Chapter 17.54 USES ALLOWED IN INDUSTRIAL DISTRICTS

Sections:

- 17.54.010 Purpose
- 17.54.020 Matrix Symbols
- 17.54.030 Use Matrix, Industrial Districts

17.54.010 PURPOSE

The Zoning Use matrix below provides a listing of the various land uses which are allowed by right, by administrative site plan, or by use permit and those which are prohibited within the city's industrial zoning districts. In addition to the matrix below, individual Precise Plans provide a listing of various land uses allowed by right or use permit within each of the Precise Plan's zoning categories. Refer to individual precise plans, as referenced in Chapter 17.62, Precise Plan Overlay District.

17.54.020 MATRIX SYMBOLS

The following symbols are used to describe the relationship of the listed uses to each of the zones.

- “P” indicates that a use is permitted by right;
- “A” indicates that an Administrative Site Plan is required;
- “U” indicates that a Use Permit is required;
- “ ”, or a blank box, indicates that a use is prohibited.

17.54.030 USE MATRIX

Uses	M1	M2
Accessory buildings and uses customarily incident to any of the below uses	A	A
Addressograph services	A	
Aircraft and aircraft accessories and parts manufacture	U*	A
Ambulance service	A	
Ammonia, bleaching powder or chlorine manufacturing	U*	A
Animal hospitals and kennels and veterinarians	A	A
Apparel stores	A	
Art and antique stores	A	
Art and craft schools and colleges	A	
Art galleries	A	
Art supply stores	A	
Asphalt and asphalt products manufacture		U
Auction rooms	A	
Automated car wash, including use of mechanical conveyors, blowers and steam cleaning	A	
Automobile and tractor parts and equipment stores	A	
Automobile detailing, hand carwash within an enclosed building	A	

Uses	M1	M2
Automobile dismantling and used parts storage, provided such parts storage much be conducted wholly within a building	A	A
Automobile oil and lube shop	A	
Automobile repair, body and fender repair	A	
Automobile sale and service	A	
Automobile sales, new and used, including repair within an enclosed building	A	
Automobile supply stores	A	
Automobile upholstery and top shops	A	
Automobile, truck and trailer accessories and parts manufacture	U*	A
Baker Goods Stores	A	
Bakeries, retail and wholesale	A	
Banks, including drive-in banks and other lending agencies	A	
Barber shops and beauty shops	A	
Bars, cocktail lounges and nightclubs	U	
Battery manufacture	U*	A
Bicycle shops	A	
Billiards and pool halls	U	
Blacksmith shops	A	
Blueprint and photocopy shops	A	
Boat sales and service	A	
Boiler works	U*	A
Book binding	A	
Book stores and rental libraries	A	
Bottling works	A	
Bowling alleys	A	
Box factories and cooperage	U*	A
Breweries	A	A
Breweries, distilleries and wineries	U*	A
Building materials manufacture and assembly including composition wallboards, partitions, panels and prefabricated structures	U*	A
Building materials, sales and storage	A	A
Building materials yards	A	
Bulk storage and delivery of fuel, including liquefied petroleum gas	U	
Bus depots and transit stations, including repair and storage	A	
Bus depots and transit stations, provided that buses or other transit vehicles shall not be stored on the site and no repair work or servicing of vehicles shall be conducted on the site	A	
Business machine manufacture including accounting machines, calculators, card counting equipment and typewriters	U*	A
Business, professional and trade schools and colleges	A	
Cabinet shops	A	
Cafeterias	A	
Camera shops, photographic supplies and photography studios	A	
Can and metal container manufacture	U*	A
Candle manufacture, not including rendering	U*	A
Candy, nut and confectionary stores		

Uses	M1	M2
Canvas shops	A	
Carnival - Promotional	A	
Carpenters' shops	A	
Carpet stores	A	
Catering shops	A	
Cement products and manufacture provided no hazard of fire or explosion is created, including adhesives, bleaching products, bluing, calcimine, dyestuffs (except aniline dyes), essential oils, soda and soda compounds and vegetable gelatin, glue and size	U*	A
Cement, lime, gypsum and plaster of paris manufacture		U
Ceramic and pottery works	A	
Charcoal, lampblack and fuel briquettes manufacture		U
Chemical products manufacture including acetylene, aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, cleaning and polishing preparations, creosote, exterminating agents, hydrogen and oxygen, industrial alcohol, nitrating of cotton or other materials, nitrates of an explosive nature, potash, pyroxlin, rayon yarn, and carbolic, hydrochloric, picric and sulphuric acids		U
Clay products manufacture including brick, fire brick, tile and pipe	U*	A
Cleaning, pressing and dyeing establishments (using noninflammable and nonexplosive cleaning fluid)	A	
Clinics (medical)	A	
Clothing and costume rental establishments	A	
Coal, coke and tar products manufacture		U
Cold storage plants	A	
Columbariums and crematorium	A	
Communications equipment buildings	A	
Concrete and concrete products manufacture	U*	A
Contractor's storage yards	A	
Convenience food stores	U	
Copying and blueprint services	A	
Cotton ginning, cotton wadding, cotton seed processing and lint manufacture	U*	A
Dairy products plants	A	
Dairy products stores	A	
Dance halls	A	
Delicatessens	A	
Department stores	A	
Detergent manufacture	U*	A
Diaper supply services	A	
Drapery and interior decorating shops	A	
Drop forges		U
Drug stores	A	
Dry cleaning service	A	
Dry goods stores	A	
Dumps and slag piles		U
Dwellings for a caretaker or watchman and his immediate family, necessary and incidental to a use located in such zone	A	A
Electrical appliance and incidental repair shops	A	

Uses	M1	M2
Electrical distribution substations, communication equipment buildings, gas regulator stations and utility pumping stations	A	A
Electrical shops	A	
Electroplating shops	U	U
Employment agencies	A	
Equipment rental yard	A	
Explosives manufacture and storage		U
Exterminators	A	
Farm equipment sales and service	A	
Feed and seed stores	A	
Fertilizer manufacture and storage		U
Film manufacture		U
Fire and police stations	A	
Fire arms manufacture	U*	A
Fireworks manufacture and storage		U
Fish products processing packaging		U
Florists	A	
Food lockers (no slaughtering, handling of dressed meats only)	A	
Food products manufacture including such processing as cooking, dehydrating, roasting, refining, pasteurization and extracting involved in the preparation of such products as casein, cereal, chocolate and cocoa products, cider and vinegar, coffee, fruits and vegetable, glucose, milk and dairy products, molasses and syrups, oleo/margarine, pickles, sauerkraut, sugar, vegetable oils and yeast	U*	A
Food stores	A	
Freight forwarding terminals	A	
Frozen food processing, storage and accessory sales	A	A
Furniture stores	A	
Furniture warehouse stores and van services	A	
Garbage and refuse dumps		U
Garden supply stores and nurseries, provided that all equipment, supplies and merchandise, other than plants, shall be kept within a completely enclosed building or under lather structure, and further provided that fertilizer of any type shall be stored and sold in packaged form only	A	
Gas and oil wells		U
Gas manufacture or storage		U
Gasoline service stations, including dispensing of diesel and liquid petroleum gas fuels and complete truck service	A	A
Gelatin, glue and size manufacture from animal or fish refuse		U
Gift, novelty or souvenir shops	A	
Glass and glass products manufacture	U*	A
Glass shops	A	
Grain rolling and storage		U
Graphite and graphite products manufacture	U*	A
Gravel, rock and cement yards	U*	A
Gunsmith shops	A	
Gymnasium and health studios	A	
Hardware stores	A	
Hatcheries	A	A
Health food stores	A	
Heating and ventilating or air conditioning shops, including incidental sheet metal	A	

Uses	M1	M2
Hobby supply stores	A	
Home furnishings	A	
Home improvement centers	A	
Home improvements supplies	A	
Hotels and motels	A	
Household and office equipment and machinery repair shops	A	
Household appliance and repair shops	A	
Ice and cold storage plant	A	A
Ice dispensers (coin operated)	A	
Ice storage or sale houses	A	
Implement and tool rental	A	
Incidental and accessory structures and uses located on the same site as a permitted use	A	
Incineration or reduction of garbage, offal and dead animals		U
Ink manufacture	U*	A
Inns, with up to fifty rooms providing temporary visitor accommodations and accessory recreational and commercial facilities	A	
Insecticides, fungicides, disinfectants and similar agricultural, industrial and household chemical compounds manufacture	U*	A
Interior decorating shops	A	
Jewelry stores, including clock and watch repairing	A	
Junk yards		U
Jute, hemp, sisal and oakum products manufacture	U*	A
Kennels located not closer than five-hundred (500) feet to any residential or PO district	A	
Laboratories	A	
Laboratories, experimental and testing	A	A
Lard manufacture		U
Laundries and Laundromats	A	
Leather and fur finishing and dyeing, not including tanning and curing	U*	A
Leather goods and luggage stores	A	
Linen supply services	A	
Linoleum and oil cloth manufacture		U
Liquefied petroleum gas bulk storage and delivery		U
Liquor stores	U	
Locksmith	A	
Lumber yards, not including planning mills or saw mills	A	
Machine shops	A	A
Machine tools manufacture including metal lathes, metal presses, metal stamping machines and woodworking machines	U*	A
Machinery manufacture including heavy electrical, agricultural, construction and mining machinery, and light machinery and equipment such as air conditioning, commercial motion picture equipment, dishwashers, dryers, furnaces, heater, refrigerators, stoves and washing machines.	U*	A
Machinery sales and rentals	A	
Magnesium foundries		U
Manufacture, assembly, processing and packaging of: articles or merchandise from the following previously prepared materials: asbestos, canvas, cloth, cork, fiber and synthetic fiber, fur, glass, leather, paint (not employing a boiling process), paper, plastics, precious or semi-precious metals or stones, rubber and synthetic rubber, shell, textiles, tobacco and wood	A	A

Uses	M1	M2
Manufacture, assembly, processing and packaging of: bakery goods, candy, dairy products, food products, including fruits and vegetables (but not including fish and meat products, pickles, sauerkraut, vinegar or yeast, or refining or rendering of fats and oils)	A	A
Manufacture, assembly, processing and packaging of: blacksmith shops, boat building, electric motor rebuilding, machine shops, paint shops	A	A
Manufacture, assembly, processing and packaging of: ceramic products, such as pottery, figurines and small glazed tile	A	A
Manufacture, assembly, processing and packaging of: cosmetics, drugs, pharmaceuticals, and toiletries (not including refining or rendering of fats or oils)	A	A
Manufacture, assembly, processing and packaging of: electrical supplies such as coils, condensers, insulation, lamps, switches and wire and cable assembly	A	A
Manufacture, assembly, processing and packaging of: furniture, cutlery, hardware, hand tools, die and pattern making, metal stamping and extrusion of small products such as costume jewelry, pins and needles, razor blades, bottle caps, buttons and kitchen utensils	A	A
Manufacture, assembly, processing and packaging of: scientific, medical, dental, and drafting instruments, orthopedic and medical appliances, cameras and photographic equipment, electronic equipment, musical instruments, precision instruments, optical goods, watches and clocks	A	A
Manufacture, assembly, processing and packaging of: small electric appliances such as lighting fixtures, toasters, electric toys, refrigerators, washing machines, dishwashers and similar home appliances	A	A
Manufacture, assembly, processing and packaging of: small electrical equipment such as a home motion picture equipment, phonographs and radio and television receivers, but not including machinery	A	A
Manure, peat and topsoil processing and storage		U
Massage and physical culture studios	A	
Meat products processing packaging, not including slaughtering and glue and size manufacture	U*	A
Medical and orthopedic appliance stores	A	
Medical buildings	A	
Meeting halls	A	
Messenger offices	A	
Metal alloys and foil manufacture including solder, pewter, brass, bronze and tin, lead and gold foil	U*	A
Metal and metal ores reduction, refining, smelting and alloying		U
Metal casting and foundries not including magnesium foundries	U*	A
Millinery shops	A	
Mini-storage facilities	A	
Mobile home sales	A	
Modest expansion or remodeling of an existing nonconforming use of a structure or land, up to fifty percent or less of the value of the structure, or reestablishment of a nonconforming use which has been damaged, except nonconforming signs and outdoor advertising structures, nonconforming uses occupying a structure with as assessed valuation of less than one hundred (100) dollars and nonconforming fences, walls and hedges	U	
Mortuaries	A	
Motor and generator manufacture and testing	U*	A
Motor vehicles wrecking yards		U

Uses	M1	M2
Motorcycle sales and service	A	
Muffler shop	A	
Music and dance studios	A	
Music stores	A	
Musical instrument repair shops and incidental sales	A	
Newspaper publishing	A	
Newsstands and magazine stores	A	
Nurseries and garden supply stores	A	
Office and business machine stores	A	
Offices	A	
Overnight parking for recreational vehicles	U	
Paint and wallpaper stores	A	
Paint manufacture including enamel, lacquer, shellac, turpentine and varnish		U
Paper mills		U
Paper products manufacture including shipping containers, pump goods, carbon paper and coated paper stencils	U*	A
Paraffin products manufacture	U*	A
Parcel delivery services	A	
Parking lots improved in conformity with the standards prescribed for required off-street parking facilities in Chapter 17.64 of this title	A	A
Pawn shops	A	
Pet and bird stores and pet grooming, but not including boarding of pets	A	
Petroleum and petroleum products refining and storage		U
Petroleum products storage; provided that gasoline, kerosene and similar highly inflammable products shall be stored underground	A	A
Photographic and blueprint processing, printing, lithographing and engraving	A	
Photographic supply stores	A	
Photography studios	A	
Picture framing shops	A	
Planned unit development subject to provisions of Chapter 17.92 of this title	U	U
Planning mill, excluding refuse burning	A	A
Plastic manufacture	U*	A
Plumbing and sheet metal shops	A	
Porcelain products manufacture including bathroom and kitchen fixtures and equipment	U*	A
Post offices, public and private	A	
Poultry and rabbit processing	A	A
Precious metals reduction, smelting and refining	U*	A
Prefabrication of buildings	A	A
Pressing, altering and repairing of wearing apparel	A	
Printing shops	A	
Private clubs and lodges	A	
Professional, commercial and governmental offices	A	
Public and private nonprofit charitable institutions	A	
Public buildings and grounds	U	U
Public utility service yards, electrical and gas transmission stations	A	A
Radio and television broadcasting studios	A	
Radio and television stores and repair shops	A	
Railroad freight and passenger stations	A	
Railroad repair shops	U*	A
Reading rooms	A	
Recreation sales and service, including indoor commercial recreation	A	

Uses	M1	M2
Rental equipment, including trailers, trucks, and cars	A	
Restaurants, including drive-in restaurants, cafes and outdoor cafes	A	
Restaurants, tea rooms and cafes, including out-door cafes, but excluding the sale of alcoholic beverages	A	
Rifle and pistol ranges		U
Rock, sand and gravel storage and distribution	U*	A
Rubber manufacture or processing including natural or synthetic rubber		U
Rubber products manufacture including tires and tubes	U*	A
Rug and carpet cleaning and dyeing	A	
Sand blasting	U*	A
Scientific instrument stores	A	
Secretarial services	A	
Self-service coin-operated car wash	A	
Self-service laundry and dry cleaning establishments	A	
Service stations (gasoline), as part of a convenience store, excluding automotive repair service not included in the definition of "service station" as provided by this title; provided that all operations, except the sale of gasoline and oil, shall be conducted in a building enclosed on at least two sides	A	
Service stations, excluding truck service and dispersing of diesel fuel to trucks	A	
Sheet metal shops	A	
Shoe polish manufacture	U*	A
Shoe repair shops	A	
Shoe stores	A	
Sign painting shops	A	
Soap manufacture including fat rendering		U
Soda and compound manufacture	U*	A
Soda fountains	A	
Solid waste recycling	U*	A
Sporting goods stores, including incidental boat sales and sporting equipment repair	A	
Sports arenas within buildings	A	
Stables and riding academies	A	A
Stamp and coin stores	A	
Starch and dextrin manufacturing	U*	A
Stationery stores	A	
Steam electric generating stations	U*	A
Steel products manufacture and assembly including steel cabinets and lockers, doors, fencing and furniture	U*	A
Steam plants		U
Stock yards, stock feeding yards and slaughter houses		U
Stone and monument yards or mills	A	
Stone monument works	A	A
Stone products manufacture and stone processing including abrasives, asbestos, stone screening and sand and lime products	U*	A
Stone quarries, gravel pits, mines and stone mills		U
Storage buildings incidental to a permitted use	A	
Storage of inflammable liquids		U
Storage of used building materials		U
Storage, storing, collecting or baling of iron, junk, paper, rags or scrap	U*	A
Structural steel products manufacture including bars, girders, rail and wire rope	U*	A
Subdivision signs - off-site	A	

Uses	M1	M2
Swap meets	U	
Tailor and dressmaking shops	A	
Tallow manufacture		U
Tanneries and curing and storage of rawhides		U
Taxidermists	A	
Telegraph offices	A	
Textile bleaching	U*	A
Theaters and auditoriums	A	
Thrift shops and secondhand stores	A	
Tire rebuilding, recapping and re-treading	A	A
Tire sales, rebuilding, recapping and re-treading	A	
Tobacco shops	A	
Toy stores	A	
Transit and transportation equipment, storage space and yards, except freight classification yards	A	A
Transit terminals and truck stops	U	
Travel bureaus	A	
Trophy shops	A	
Trucking terminals	A	A
Typewriter repair shops	A	
Upholstery shops	A	
Variety stores	A	
Veterinarian offices and small animal hospitals or clinics including short-term boarding of animals and incidental care such as bathing and trimming, provided that all operations are conducted entirely within a completely enclosed structure which complies with specifications of soundproof construction prescribed by the Uniform Building Code	A	
Video store	A	
Warehouses except for the storage of fuel oil or flammable liquids and explosives	A	
Wedding chapels	A	
Welding and blacksmithing shops, excepting drop hammer	A	
Wholesale establishments	A	
Wire and cable manufacturing	U*	A
Wood and bones distillation		U
Wood and lumber processing and woodworking including planing mills and saw mills, excelsior, plywood, veneer and wood-preserving treatment	U*	A
Wood pulp and fiber reduction and processing		U
Wool pulling or scouring	U*	A

*Use is Conditional provided that, on the basis of the use permit application and the evidence submitted, the planning commission makes the following findings in addition to the findings prescribed in Chapter 17.80 of this title

1. That consideration of all the determinable characteristics of the use which is the subject of the application indicated that the use has the same essential characteristics as the uses permitted in the M-1 district, with respect to methods of operation, type of process, materials, equipment, structures, storage and appearances,
2. If the use involves nuisance or hazardous characteristics, that the application include sufficient evidence to indicate that measures are planned to eliminate the nuisance or hazardous characteristics

**Any other use is permitted in each zoning district that the Planning Commission finds consistent with the purpose and intent of that district subject to use permit review per Chapter 17.80.

Chapter 17.56 PA OFF-STREET PARKING OVERLAY DISTRICT

Sections:

17.56.010	Purpose
17.56.020	Permitted uses
17.56.030	Permitted uses – administrative site plan approval
17.56.040	Conditional uses
17.56.050	Uses expressly prohibited
17.56.060	Lot area
17.56.070	Lot dimensions
17.56.080	Building height
17.56.090	Yards
17.56.100	Space between buildings
17.56.110	Coverage
17.56.120	Screening and landscaping
17.56.130	Access
17.56.140	Signs

17.56.010 PURPOSE

The PA off-street parking overlay district is intended to provide for permanent improved parking areas.

17.56.020 LAND SUBJECT TO A (PA) CLASSIFICATION

The off-street parking overlay district classification, denoted as a (PA) on the zoning map, may be superimposed only on those lands zoned C-2, C-3, C-4, and M-1.

17.56.030 PERMITTED USES-ADMINISTRATIVE SITE PLAN APPROVAL

The following uses shall be permitted on properties designated with a PA overlay, subject to the provisions of Chapter 17.80 of this Title:

A. A public or private parking area, provided:

1. Such parking area shall be unroofed and for the temporary parking of automobiles, and shall not be used for the regular storage of vehicles or for a car sales area,
2. Prior to the issuance of a permit thereof, the plans for such parking area shall be submitted and approved in accordance with Chapter 17.64 of this title,
3. Said area shall be designed, improved and maintained in accordance with Chapter 17.64 of this title;

- B. Buildings incidental to the operation of a parking lot, not to exceed one-hundred (100) square feet in area, to be used for purposes of maintaining the lot and to contain no provisions for residential or commercial use;
- C. Temporary (subject to temporary use permit as defined in Section 17.71.180 of this title) or permanent telephone booths.

17.56.040 CONDITIONAL USES

The following uses shall be permitted in the PA overlay district, subject to the provisions of [Chapter 17.86](#) of this title:

- A. Parking structures;
- B. Within a parking structure two (2) or more stories in height, commercial uses clearly incidental to the use of the building for parking purposes are permitted on the ground floor only in an amount not to exceed six (6) percent of the gross floor area of the parking structure.

17.56.050 USES EXPRESSLY PROHIBITED

In the PA overlay district, the following uses are expressly prohibited:

- A. Residential use;
- B. Any combination of residential and nonresidential uses;
- C. Commercial uses not listed in [Section 17.30.030\(B\)](#) of this chapter;
- D. Industrial uses;
- E. Advertising structures (billboards).

17.56.060 LOT AREA

In the PA overlay district, the minimum lot area shall be ten thousand (10,000) square feet.

17.56.070 LOT DIMENSIONS

In the PA overlay district, all lots shall have minimum dimensions of fifty (50) feet.

17.56.080 BUILDING HEIGHT

In the PA overlay district, no parking building or structure shall have a height greater than six (6) stories, not to exceed seventy-five (75) feet.

17.56.090 YARDS

Yard requirements in the PA overlay district are as follows:

- A. Front. None.
- B. Side and Rear. No parking building shall be permitted closer than ten (10) feet from any residential district.

17.56.100 SPACE BETWEEN BUILDINGS.

In the PA overlay district, there are no requirements for space between buildings.

17.56.110 COVERAGE

In the PA overlay district, there are no requirements for coverage.

17.56.120 SCREENING AND LANDSCAPING

In the PA overlay district:

- A. A minimum six (6) foot high ornamental solid wall or fence, or such other height or type of screening as may be required by the city, shall be erected along the property line or district boundary line to separate the P district from any residential district.
- B. Street trees and other forms of landscaping may be required under the provisions of Chapter 17.71.

17.56.130 ACCESS

In the PA overlay district, access to off-street parking facilities shall be not less than ten (10) feet in width for each direction of vehicular traffic movement and shall be not less than this width from intersecting or intercepting street or alley rights-of-way.

17.56.140 SIGNS

No sign shall be permitted in the PA overlay district except as prescribed in Chapter 17.72 of this title.

Chapter 17.60 PUD PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

Sections:

- 17.60.010 Purpose
- 17.60.020 Applicable regulations and procedures

17.60.010 PURPOSE

The PUD overlay district is intended for application to those residential, professional offices, commercial and industrial base zoning districts designated by the general plan or by the city council as areas to assure that property will be developed in a manner superior to that which would otherwise be achieved through regulations of the base zoning district. The PUD overlay district is also intended as an optional approach to achieving the purposes of Chapter 17.92 of this title, at the discretion of the city rather than of the landowner.

17.60.020 APPLICABLE REGULATIONS AND PROCEDURES

- A. The development of property within a PUD overlay district shall be subject to all of the regulations and procedures prescribed within Chapter 17.92 of this title.
- B. The PUD overlay district shall be designated on the zone map by use of the symbol otherwise used to designate the underlying zone district, followed by the letters (PUD).
- C. The PUD overlay district may be established at any time, either concurrently with, or as a part of, the proceedings for the establishment or change of zoning, or with respect to any established zone.

Chapter 17.61 DOWNTOWN RESIDENTIAL OVERLAY DISTRICT

Sections:

17.61.010	Purpose
17.61.020	Definitions
17.61.030	Land subject to mixed use classification
17.61.040	Zoning compatibility
17.61.050	Development standards
17.61.060	Flexibility
17.61.070	Senior projects
17.61.080	Exterior appearance

17.61.010 PURPOSE

The downtown residential overlay district is established to encourage residential development as part of a mixed use development throughout the downtown area. New residential development and the rehabilitation of existing structures are encouraged both to meet housing needs and to provide support for the growth of downtown businesses.

17.61.020 DEFINITIONS

As used in this chapter:

Mixed land use. “Mixed land use” means a development on a parcel of land consisting of commercial and/or office space uses with residential uses above them in the downtown area. The development may consist of:

- A. One (1) or two (2) floors of commercial and/or office use and a second (2nd) and third (3rd) floor of residential use; or
- B. Limited ground floor residential development if compatibility is determined with the neighborhood or other commercial development.

17.61.030 LAND SUBJECT TO MIXED USE CLASSIFICATION

The mixed use classification may be superimposed only on those lands classified C-2 within the downtown area.

17.61.040 ZONING COMPATIBILITY

Mixed land use projects shall be permitted with a conditional use permit either as a principal use or as part of a mixed use project.

17.61.050 DEVELOPMENT STANDARDS

The following minimum development standards shall apply in the downtown residential overlay district, subject to review by the planning commission:

- A. Lot Area. The minimum lot size shall be three-thousand, seven-hundred and fifty (3,750) square feet.
- B. Lot Dimensions. The minimum lot width shall be twenty-five (25) feet and depth of one-hundred fifty (150) feet.
- C. Building Height. The maximum building height shall not exceed forty (40) feet or three (3) stories.
- D. Unit Density. The number of residential units allowed in a mixed land use project shall not exceed a maximum density of twenty-four (24) units per acre, or one-thousand, eight-hundred and seventy-five (1,875) square feet per unit. All habitable floor area shall contain a reasonable combination of at least two (2) of the following unit types: studio unit, one (1) bedroom apartment and two (2) bedroom apartment.
- E. Dwelling Unit. A unit is any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation for not more than one family.
- F. Minimum Unit Size Standards. The minimum unit size of residential units in mixed land use proposals shall be:
 - 1. Studio unit, four-hundred fifty (450) square feet;
 - 2. One (1) bedroom apartment, six-hundred fifty (650) square feet;
 - 3. Two (2) bedroom apartment, eight-hundred (800) square feet;
- G. Parking Standards.
 - 1. Commercial Portion. Comply with the parking provisions of Chapter 17.64 of this title.
 - 2. Residential Portion.
 - a) One (1) covered parking space designated for studio and one (1) bedroom units;
 - b) Two (2) bedroom units, one designated covered parking space and one (1) additional space.

17.61.060 FLEXIBILITY

In the downtown residential overlay district, the planning commission may allow:

- A. Less than the required combined parking requirements for commercial and residential uses;
- B. Parking on one other site located within three-hundred (300) feet of the proposed use;
- C. Parking district spaces will be permitted to satisfy one-half (1/2) of the required parking;
- D. Shared Parking. Parking facilities may be used jointly with parking facilities for other uses when operations are not normally conducted during the same hours, or when hours of peak use vary. Requests for use of shared parking are subject to the following conditions:
 - 1. A parking study shall be presented demonstrating that substantial conflict will not exist in the principal hours or periods of peak demand for the uses which the joint use is proposed.
 - 2. Parking facilities designated for joint use should not be located further than three-hundred (300) feet from any structure or use served.
 - 3. A written agreement shall be drawn by the applicant to the satisfaction of the city and executed by all parties concerned assuring the continued availability of the number of stalls designated for joint use.
- E. In the event that the required off-street parking spaces cannot be provided, an in-lieu fee shall be assessed as established by Resolution 91.09 on a per space cost at the time a building permit is issued. This in-lieu fee shall be deposited into an account for the purpose of providing future public parking facilities which will benefit the proposed use.

17.61.070 SENIOR PROJECTS

Designated senior projects will be allowed flexibility in the standards provided a written agreement is executed between the applicant and the city guaranteeing and maintaining such a complex.

17.61.080 EXTERIOR APPEARANCE

The overall exterior appearance of mixed land use projects shall favor a commercial architectural design.

Chapter 17.62 PRECISE PLAN OVERLAY DISTRICT

Sections:

- 17.62.010 Purpose
- 17.62.020 Findings necessary for establishment
- 17.62.030 Content and scope of the precise plan
- 17.62.040 Adoption and amendment
- 17.62.050 Effect of precise plan

17.62.010 PURPOSE

The precise plan overlay district is intended for application to those residential, professional offices, commercial and industrial base zoning districts designated by the general plan or by the city council as areas to assure that property will be developed in a manner superior to that which would otherwise be achieved through regulations of the base zoning district.

17.62.020 FINDINGS NECESSARY FOR ESTABLISHMENT

A precise plan overlay district may be established after the city council has, by resolution, found as follows:

- A. That the area proposed for the precise plan overlay district is suitable for the uses permitted in the underlying zone district existing or proposed for the area. In order to promote the public health and welfare and the orderly physical growth of the city, however, it would not otherwise be appropriate to so zone the area unless the land uses permitted are subject to precise plan;
- B. That the precise plan will provide benefits and safeguards equal to or greater than those that would be provided by regulations of the applicable underlying zone district with respect to the public health and welfare and the orderly physical growth of the city.

17.62.030 CONTENT AND SCOPE OF THE PRECISE PLAN

- A. A precise plan may contain regulations and plans relating to the types of uses, location, height and bulk of buildings and other improvements; buildable area and open spaces about buildings; traffic control including arrangement, design and dimensions of streets, alleys, pedestrian ways and parking and loading areas; screening of uses from visibility from adjacent areas or public ways; landscaping; and such other matters as in the determination of the planning commission and council may be necessary to accomplish the purposes of this chapter.
- B. The precise plan shall be prepared in map or written form, or a combination of both.

17.62.040 ADOPTION AND AMENDMENT

- A. The precise plan overlay district, the approved precise plan and any amendments shall be established by resolution, and after the same proceedings as in the case of other changes of zone mentioned in this title.
- B. The precise plan overlay district shall be designated on the zone map by use of the symbol otherwise used to designate the underlying zone district, followed by the letter "(P)." The precise plan shall be designated by an identifying serial number which shall appear on any map, plan or written statement in which the precise plan is embodied.
- C. The precise plan overlay district may be established at any time, either concurrently with and as a part of the same proceedings for the establishment or change of zoning, or with respect to any established zone.

17.62.050 EFFECT OF PRECISE PLAN

The use of land and the construction, reconstruction or structural alteration and use of buildings and structures located in a precise plan overlay district shall conform with the precise plan, and shall also be subject to all other regulations and provisions which apply to the underlying zone district to the extent that they are not contrary to the express provisions or general intent of the precise plan.

Chapter 17.63 BA BOULEVARD OVERLAY DISTRICT

Sections:

- 17.63.010 Purpose
- 17.63.020 Property development standards
- 17.63.030 Administrative Site plan review

17.63.010 PURPOSE

The BA overlay district provides special land development standards which will create, protect and maintain arterial and collector streets and adjacent properties as boulevards of special quality which by reason of location, form and extent of improvements are areas of superlative public and private value. All regulations for this district are deemed to be necessary for the protection of said quality and value and for the securing of the health, safety and general welfare of pedestrian and vehicular traffic and of owners and users of adjacent private property.

17.63.020 PROPERTY DEVELOPMENT STANDARDS

The following additional property development standards shall apply to all land and structures in the BA overlay district:

- A. Lot Area. Each lot shall have the minimum areas required by the underlying district, plus sufficient additional area necessary to accommodate additional lot dimensions and yards required by this section.
- B. Lot Dimensions. Each lot shall have the minimum dimensions required by the underlying zone district, plus additional width and depth necessary to accommodate yards required by this section.
- C. Population Density. Population density shall be as required by the underlying zone district. In determining population density, full credit shall be given for the area devoted to yards required by this section or any frontage roads required upon site plan review.
- D. Yards.
 - 1. All yards required by the underlying zone district and abutting a street, shall be landscaped and maintained.
 - 2. The depth or width of front, side or rear yards, when such yards abut a street, shall be as designated on the official zone map by use of numerals appearing after the letters "(BA)," but in no case shall exceed thirty (30) feet as measured from the ultimate property line, except as follows:
 - a) Whenever a frontage road is required or where an official plan line establishes the location of a frontage road, the yard requirements of the underlying zone district shall apply.

- b) Relative to a lot held in separate ownership at the time of the adoption of the BA overlay district, no additional yard requirement shall be imposed which will reduce by more than one-third (1/3) the area usable for other than yard or driveway purposes. The yard or yards which are adjusted to meet the requirements of this subsection shall be determined upon site plan review, except that an adjusted yard may not be reduced below that required by the underlying district.
3. There shall be no parking, storage or other similar uses within required landscaped yards.
 4. Public sidewalks for the abutting streets may be between the curb and inside line of the additional required yard and may be dedicated, when the landowner so agrees.
 5. Cornices, eaves, roof overhangs, beams, joists and other roof projections which are integral parts of the building architecture may project into the landscaped yard so long as the projection does not conflict with the landscape architecture approved at the location. Said projection shall be a minimum of eight (8) feet above the finished grade of the land adjacent to the building and shall not have supporting members such as posts, pillars or walls within the landscaped yard one-third (1/3) of the depth of the yard, but not more than ten (10) feet, or the maximum projection allowed by the provisions of the underlying zoning district, whichever is less.
- E. Walls. Walls shall be as required by the underlying district, except that walls may be deleted or lowered upon the imposition of a similar protective device or technique upon approval of a site plan.
- F. Access.
1. There shall be adequate vehicular access from a dedicated and improved street, frontage road or alley.
 2. The director shall specify the location and number and means of ingress and egress to property by conditions established upon site plan review.

17.63.030 ADMINISTRATIVE SITE PLAN REVIEW

- A. Before any building or structure is erected or any parking area established on any property in the BA overlay district, an administrative site plan shall have been submitted and approved pursuant to the provisions of Chapter 17.80 of this title and this section.
- B. In the case of permitted signs, a desired deletion or lowering of a required wall or desired construction of a building over the underlying height limit, the director shall make the following findings and may establish the following conditions in addition to those of Chapter 17.80:
1. Findings. The director shall first find that the development standards of the underlying district do not accomplish the purpose and intent of the BA overlay district.

2. Conditions. The director may impose any condition necessary to assure that the development or limitation or waiver thereof will meet the purpose and intent of, the BA overlay district, which conditions shall be based strictly upon the following criteria:
 - a) The requested variation of wall or building height shall be in conformity with good taste, harmony, good design and in general contribute in a positive fashion to its immediate surroundings and the image of a boulevard area as a place of beauty, spaciousness and high quality.

Chapter 17.64 OFF-STREET PARKING AND OFF-STREET LOADING

Sections:

17.64.010	Purpose
17.64.020	Off-street parking facilities required
17.64.030	Standards for off-street parking facilities
17.64.040	Off-street loading facilities required
17.64.050	Standards for off-street loading facilities
17.64.060	Fences, barriers and lighting
17.64.070	Landscaping requirements
17.64.080	Drive-through facilities
17.64.090	Existing uses
17.64.100	Reduction of off-street parking and off-street loading facilities

17.64.010 PURPOSE

In order to alleviate or prevent traffic congestion and shortage of curb spaces, off-street parking and off-street loading facilities shall be provided incidental to new land uses and major alterations and enlargements of existing land uses. The number of parking spaces and the number of loading berths prescribed in this chapter shall be in proportion to the need for such facilities created by the particular type of land use. Off-street parking and loading areas are to be laid out in a manner which will ensure their usefulness, protect the public safety and, where appropriate, insulate surrounding land uses from their impact.

17.64.020 OFF-STREET PARKING FACILITIES REQUIRED

- A. A parking space shall be an area for the parking of a motor vehicle, plus additional areas required to provide for the safe ingress and egress from said space. The area set aside to meet these provisions must be usable and accessible for the type of off-street parking need which must be satisfied.
- B. In any residential district, recreation vehicles, boats or pick-up campers may be stored or parked within a side or front yard provided that:
1. The vehicle is operable and in good exterior repair;
 2. Pick-up campers may not be stored on temporary supports;
 3. All recreational vehicles shall conform to California Health and Safety Code Sections 5411 and 5461.
- C. In any residential district, all motor vehicles incapable of movement under their own power, other than in cases of emergency, shall be stored in an entirely enclosed space, garage or carport. In any residential district, there shall be no parking, storage or other similar uses within required front yard landscaped areas.

- D. In any residential district, there shall be no parking, storage or other similar uses within required front yard landscaped areas.
- E. The provisions of this chapter shall not require additional parking in the case of reconstruction or structural alteration of any of the following buildings, provided such building was in existence at the time the ordinance codified in this title was adopted subject to the following exceptions:
 - 1. In C or M district, provided such reconstruction or alteration does not add more than five-hundred (500) square feet of usable floor space to the building in the aggregate, and that the use is located within a parking district;
 - 2. In cases of churches, provided no addition is made to the auditorium seating capacity.
- F. Except as provided above, off-street parking facilities in accordance with the requirements of this section shall be provided at the time of initial occupancy of a site, or of construction of a building, or of a major alteration, or enlargement of a site or building, or a change in use of property that requires additional parking shall be provided
- G. Parking Space Schedule.

1. Residential Uses.

- a) One (1) family dwellings, two (2) spaces for each dwelling unit within a garage or carport;
- b) Multifamily dwellings, in accordance with the following schedule:

Type of Unit	No. of Spaces
Studio (no bedroom)	1.5
One bedroom	2.0
Two or more	2.0

- c) Guest parking, one (1) space per five (5) dwelling units for multifamily dwellings. Such spaces shall be clearly identified by the appropriate marking of each space on the asphalt/concrete surface of appropriate signage;
- d) Housing for the elderly, one (1) space for each dwelling unit, provided that sufficient space shall be set aside for one and one-half (1 ½) spaces for each dwelling unit in the event of a change of use to non-elderly housing;
- e) Private clubs, fraternity houses, sorority houses, lodging houses, bed and breakfasts, and rooming houses, one (1) space for each two (2) beds;
- f) Motels and hotels, one (1) space for each guest room, plus one (1) space for each employee.

2. Uses within the Downtown Commercial District.
 - a) Commercial and office uses within a parking district within the area designated as the downtown commercial business district by the general plan, one (1) space for each eight-hundred (800) square feet of floor area.
3. Uses within Integrated Shopping Centers.
 - a) Uses within an integrated shopping center located within an area designated neighborhood, downtown, or community commercial by the general plan, involving a combination of any three (3) or more retail uses for which building area, off-street parking, off-street loading, landscaping, lighting and other features are developed, managed and maintained as if a single unit, one (1) space for each two-hundred fifty (250) square feet of floor space;
 - b) Uses not within an integrated shopping center as defined under subsection (G)(3)(a) of this section, the number of spaces otherwise required of the type of use by provisions of this chapter.
4. Commercial and Industrial Uses.
 - a) Banks, one (1) space for each four-hundred (400) square feet of floor area;
 - b) Business and professional offices (not including medical or public administrative offices), one (1) space for each four-hundred (400) square feet of floor area;
 - c) Retail stores, food, one (1) space for each one-hundred (100) square feet of floor area; mini-market food stores, one (1) space for each three-hundred (300) square feet of floor area for stores under two-thousand (2,000) square feet of gross floor area;
 - d) Retail stores, other than food, and personal service establishments, one (1) space for each two-hundred (200) square feet of floor space;
 - e) Retail stores which handle only bulky merchandise such as furniture, household appliances, motor vehicles, farm implements and machinery, one (1) space for each six-hundred (600) square feet of floor area;
 - f) Service commercial establishments, repair shops and wholesale establishments, one (1) space for each five-hundred (500) square feet of floor space plus one (1) space for each two (2) employees;
 - g) Commercial and industrial uses conducted primarily outside of buildings, one (1) space for each three (3) employees of the maximum working shift plus one (1) space for each four-hundred (400) square feet of enclosed office or sales area;
 - h) Manufacturing plants and other industrial uses, each one-thousand (1,000) square feet of floor space plus one (1) space for each three (3) employees.

5. Utility Uses.

- a) Electric distribution substations, electric transmission substations, gas regulator stations, public utility pumping stations, reservoirs, water or gas storage tank farms, sewage treatment plants and other public utility buildings and uses, one (1) space for each three (3) employees of the maximum working shift, plus one (1) space for each company vehicle stored on the site. Where such facility is unmanned, no spaces need be provided.

6. Health Uses.

- a) Medical and dental offices or clinics, including but not limited to chiropractors, dentists, doctors, physical therapists, optometrists, psychiatrists and similar professions, three (3) spaces for each practitioner, plus one (1) space for each employee or one (1) space for each two-hundred fifty (250) square feet of floor area, whichever is greater;
- b) Rest homes, nursing homes, convalescent homes, homes for the aged, one (1) space for each employee of the daytime shift, plus one (1) space for each four (4) beds;
- c) Charitable and religious institutions providing sleeping accommodations, one (1) space for each employee and one (1) space for each four (4) beds;
- d) Hospitals, one (1) space for each four (4) beds and one (1) space for each two (2) employees of the maximum working shift, plus one (1) space for each staff doctor.

7. Places of Assembly.

- a) Cafe, restaurant or other establishments for the sale and consumption on the premises of food and beverages having less than one-thousand (1,000) square feet of gross floor area, one space for each two-hundred (200) square feet; having less than four-thousand (4,000) square feet of gross floor area, one (1) space for each one-hundred (100) square feet; having more than four-thousand square (4,000) feet of gross floor area, forty (40) spaces plus one (1) space for each fifty (50) square feet in excess of four-thousand (4,000) square feet;
- b) Drive-in restaurants, one (1) space for each two (2) seats, plus the number of additional spaces prescribed by the city;
- c) Auditoriums (except school auditoriums), churches, mortuaries, sports arenas and stadiums, dance halls, private clubs and lodges, one (1) space for each fifty (50) square feet of floor area used for seating if seats are not fixed, or one (1) space for each five (5) seats. In addition, one space for each five-hundred (500) square feet of gross floor area not considered primary hall/meeting area.
- d) Theaters, one (1) space for each five (5) seats, or one (1) space for each forty (40) square feet in the main auditorium, whichever provides the greater number of spaces;

- e) Bowling alleys, four (4) spaces for each alley, plus one (1) space for each four (4) seats devoted to restaurant and/or cocktail lounge, plus one space for each employee of the maximum working shift;
- f) Other places of assembly without fixed seats, one (1) space for each fifty (50) square feet of floor area used for assembly, plus one (1) space for each employee of the maximum working shift.

8. Educational Uses.

- a) Public and private elementary and junior high schools, one (1) space for each employee including teachers, administrators and custodians, plus sufficient space for safe and convenient bus loading and unloading of students;
- b) High schools, one (1) space for each employee including teachers, administrators and custodians, plus one (1) space for each ten students enrolled, plus sufficient space for safe and convenient bus loading and unloading of students;
- c) Colleges, one (1) space for each employee including teachers, administrators and custodians, plus one (1) space for each five (5) students enrolled;
- d) Nursery schools, one (1) space for each employee plus sufficient space for safe and convenient loading and unloading of students.

9. Public Uses.

- a) City, county, special district, state and federal administrative offices, one (1) space for each two (2) employees, plus one (1) space for each one-thousand (1,000) square feet of floor area;
- b) Public buildings and grounds other than administrative offices and educational uses, one (1) space for each two (2) employees of the maximum working shift, plus the number of additional spaces required by the planning department.

10. Miscellaneous Uses. For a use not specified in the above parking spaces schedule, the same number of parking spaces shall be provided as are required for the most similar specified use.

11. Recreation Vehicle Parking. Within multifamily developments involving fifty (50) or more units, centralized parking for recreation vehicles shall be provided at the ratio of one RV parking space for each ten (10) dwelling units. Such RV parking area shall be provided with security fencing and shall be located where it will have the least visual impact. RV parking within yard spaces of individual dwelling sites shall be prohibited, unless such parking spaces are within enclosed side or rear yards and where the yard requirements for light, air and open space are not compromised with respect to the rights of adjacent owners or tenants.

H. Units of Measurement.

1. For the purposes of this chapter, "floor space" shall mean that area used for service to the public including areas occupied by fixtures and equipment used for the display or sale of merchandise. It shall not include areas used principally for nonpublic use, including storage, or administrative offices incidental to a commercial use.
2. If, in the application of requirements, a fractional number is obtained, one (1) parking space shall be provided for a fraction one-half or more, and no parking space shall be required for a fraction of less than one-half.

I. Change in Use - Additions and Enlargements. Whenever there is a change in use, or increase in floor area, or other unit of measurement specified herein, and such change, increase or other unit of measurement is such that it creates a need for an increase in the number of off-street parking spaces by ten (10) percent or more, such increase in off-street parking facilities shall be provided on the basis of the increased requirements of the new use, or on the basis of the total increase in floor area, or in other units of measurement; provided however, that in case a change in use creates a need for an increase of two (2) or less off-street parking spaces, no additional parking facilities shall be required.

J. Joint Use. Parking facilities may be used jointly with parking facilities for other uses when operations are not normally conducted during the same hours, or when hours of peak use vary. Request for use of shared parking are subject to the following conditions:

1. A parking study shall be presented demonstrating that substantial conflict will not exist in the principal hours or periods of peak demand for the uses which the joint use is proposed.
2. Parking facilities designated for joint use should not be located further than three-hundred (300) feet from any structure or use served.
3. A written agreement shall be drawn by the applicant to the satisfaction of the city and executed by all parties concerned assuring the continued availability of the number of stalls designated for joint use.

K. In-Lieu Payments for Uses Within the Downtown Residential Overlay District. In lieu of furnishing the parking spaces and facilities required by the provisions of this section for uses within the downtown residential overlay district (Chapter 17.61 of this title), the requirements thereof may be satisfied by paying the fees stipulated in Council Resolution No. 91-51.

17.64.030 STANDARDS FOR OFF-STREET PARKING FACILITIES

Off-street parking facilities shall conform to the standards in Title 10 "Vehicles and Traffic" of the Municipal Code as well as the following standards:

- A. All parking areas shall have adequate ingress and egress to and from a street or alley. Sufficient room for turning and maneuvering vehicles shall be provided on the site. Bumper rails or other barriers shall be provided where needed for safety or to protect property, as determined by the city.
- B. Entrances and exits to parking lots and other parking facilities shall be provided only at locations approved by the city.
- C. Each parking space shall be not less than twenty (20) feet in length and nine (9) feet in width, exclusive of aisles and access drives, except that up to thirty (30) percent of all spaces may be provided for compact cars with such spaces not less than seventeen (17) feet in length and eight (8) feet in width, and marked for compact cars. Spaces for the handicapped shall meet state standards.
- D. All single-family dwellings shall have a covered off-street parking area of not less than four-hundred (400) square feet. Each parking area shall have a width of not less than twenty (20) feet and a depth of not less than twenty (20) feet, exclusive of aisles or drives.
- E. Multiple-family dwellings shall have a minimum of one-half (1/2) of the required parking spaces covered.
- F. Dwellings, including multiple-family dwellings, boarding and lodging houses, fraternities and sororities, shall have all required parking facilities on the same lot or building site.
- G. All garages and carports in an R district facing a side street shall maintain a minimum setback of twenty (20) feet from property line to face of garage or carport.
- H. Parking lot lighting shall be deflected away from abutting sites so as not to cause annoying glare to such sites.
- I. No commercial repair work or servicing of vehicles shall be conducted on a parking site.
- J. The parking area, aisles and access drives shall be paved by concrete, asphaltic concrete, asphalt, or other material which provides structural support for vehicles, so as to provide a dustless surface and shall be so graded and drained as to dispose of surface water, with the design and specifications of such work subject to city standards and the approval of the city engineer.
- K. Facilities with twenty-five (25) or more parking spaces shall provide at least one designated parking area for use by motorcycles. Developments with over one-hundred (100) spaces shall provide motorcycle parking at the rate of one space per one-hundred (100) parking spaces or increment thereof.
- L. All commercial and office areas shall provide adequate locking facilities for bicycle parking at any location convenient to the facility for which they are designated at a ratio of one bicycle facility for each twenty required parking spaces or increment thereof.

M. The requirements of this section shall apply to all uses for which an administrative site plan must be approved in accordance with the provisions of Chapter 17.80 of this title.

17.64.040 OFF-STREET LOADING FACILITIES REQUIRED

In any district, in connection with every building or part thereof hereafter erected and having a gross floor area of forty thousand (40,000) square feet or less, which is to be occupied by manufacturing, storage, retail store, whole-sale store, market, hotel, hospital, dry cleaning or other uses similarly requiring the distribution by vehicles of materials or merchandise, there shall be provided and maintained, on the same parcel with such building, at least one (1) off-street loading space. For uses greater than forty thousand (40,000) square feet, one (1) additional off-street loading space for each twenty thousand (20,000) square feet or major fraction thereof of gross floor area shall be provided.

17.64.050 STANDARDS FOR OFF-STREET LOADING FACILITIES

- A. The provisions of this chapter shall only apply to buildings erected, or reconstructed or structurally altered after the date of passage of the ordinance codified in this title, so as to add more than five-hundred (500) square feet of usable floor space to the building in the aggregate and where reconstruction is actually begun within one year following the removal of such existing building.
- B. No loading space shall be required in connection with the construction of a new building or addition on a lot on which there is an existing building being lawfully maintained so as to prevent the establishment of the loading space or access required by the provisions of this chapter, due to occupancy by such existing building of the only available space for access or required loading space.
- C. No building shall be erected or so structurally altered, or shall any other structure be erected, so as to reduce any existing space reasonably available for the purpose of loading and unloading, unless there shall remain upon said lot the loading space required by this chapter.
- D. Every required loading space shall have a minimum area of four-hundred (400) square feet. The minimum width shall be ten (10) feet.
- E. Whenever any building within the provisions of this chapter shall have a gross floor area of forty-thousand (40,000) square feet or less, the minimum required loading space above-mentioned shall be provided.
- F. Whenever any building within the provisions of this chapter shall have a gross floor area of more than forty-thousand (40,000) square feet, there shall be one (1) additional loading space for each additional twenty-thousand (20,000) square feet, or fraction thereof.
- G. On lots less than forty (40) feet in width, notwithstanding the foregoing provisions of this section, the required loading space may be reduced to less than four-hundred (400) square feet; provided that in case of such reduction, the required loading space shall extend across

the entire width of the lot parallel to the alley line or street line, but need not exceed ten (10) feet in depth.

- H. Each required loading space shall be so located and arranged that delivery vehicles may be driven into said space, to and from a public street or alley; in no case shall an access be less than ten (10) feet wide and fourteen (14) feet high.
- I. The required loading space may be within a building provided with access required by subsection (H) of this section.
- J. Required parking space shall not be counted as required loading space, and required loading space shall not be counted as required parking space.
- K. No off-street loading space shall be required where buildings are served by a public alley.

17.64.060 FENCES, BARRIERS AND LIGHTING

- A. Where any parking lot or area abuts property in any R district, it shall be separated from such property by a screen fence or wall not less than six (6) feet high; provided that such screen fence or wall shall be forty-two (42) inches high from the front property line to a depth equal to the required front yard on the abutting R district property.
- B. At all points along streets or sidewalks (except points of access to the parking lot or area), a concrete curb or timber barrier not less than six (6) inches high shall be installed and maintained.
- C. Where any parking lot or area abuts property in any R district, no lights or reflectors erected on the parking lot shall be permitted to shed light onto the property in such R district.

17.64.070 LANDSCAPING REQUIREMENTS

The submission of any plan for off-street parking facilities shall be accompanied by a detailed landscape plan as part of the permit review process. All off-street parking facilities shall conform to the landscaping standards identified in Chapter 17.71 of this title. In addition, all off-street parking facilities shall conform to the following requirements:

- A. The project plot plan shall indicate the location of all landscaping.
- B. Not less than six (6) percent of a parking lot comprising up to twenty (20) parking spaces shall be landscaped and continuously maintained.
- C. Not less than ten (10) percent of a parking lot comprising more than twenty (20) parking spaces shall be landscaped and continuously maintained.
- D. Not more than ten (10) consecutive parking stalls shall be allowed without an approved landscaped tree well of twenty (20) square feet or more.

- E. A planting list shall be shown on the required plot plan to obtain a grading permit, or building permit, for the buildings for which the parking lot is provided. The planting list shall give the botanical and common names of the plants to be used, the sizes to be planted, the quantity of each and the spacing to insure balance and design.
- F. The director shall approve all landscaping plans within a parking area and shall have the right to require additional landscaping if he deems it necessary to improve the aesthetic character of the project.

17.64.080 DRIVE-THROUGH FACILITIES

Drive-through facilities require special consideration as their design can significantly impact vehicular circulation on a site. The following requirements apply to any use with drive-through facilities:

- A. Each drive-through lane shall be separated from the circulation routes necessary for ingress or egress from the property, or access to any parking space.
- B. Each drive-through lane shall be striped, marked or otherwise distinctly delineated.
- C. The vehicle stacking capacity of the drive-through facility and the design and location of the ordering and pick-up facilities will be determined by the director and city engineer based on appropriate traffic engineering and planning data. The applicant shall submit to the city a traffic study addressing the following issues:
 - 1. Nature of the product or service being offered;
 - 2. Method by which the order is processed;
 - 3. Time required to serve a typical customer;
 - 4. Arrival rate of customers;
 - 5. Peak demand hours;
 - 6. Anticipated vehicular traffic.

17.64.090 EXISTING USES

No existing use of land or structure shall be deemed to be a nonconforming use solely because of the lack of off-street parking facilities or off-street loading facilities prescribed in this chapter; provided, however, that facilities being used for off-street parking and off-street loading at the time of the adoption of the ordinance codified in this title shall not be reduced in capacity to less than the number of spaces or reduced to less than the minimum standards prescribed in this chapter. Where an existing use is expanded, the parking requirements of this chapter shall apply only to the addition.

17.64.100 REDUCTION OF OFF-STREET PARKING AND OFF-STREET LOADING FACILITIES

- A. No existing off-street parking facility or off-street loading facility provided in compliance with this chapter shall be reduced in capacity or area without sufficient additional capacity or area being provided to comply with the regulations of this chapter.

- B. Alternative provisions to any of the off-street parking regulations may be permitted subject to the approval of a use permit application approved in compliance with the provisions of Chapter 17.80 of this title. Any such application may be approved provided the approving authority finds:
 - 1. Applicable off-street parking requirements are excessive or inappropriate due to the nature of the specific use involved or because of special circumstances applicable to the property and;
 - 2. The proposed off-street parking facilities comply with the intent of these regulations as specified by Chapter 17.64 of this title.

Chapter 17.70 MANUFACTURED HOUSING, SECONDARY RESIDENTIAL UNITS, HOME OCCUPATIONS, GARAGE SALES AND MOBILE HOME PARKS

Sections:

ARTICLE I. MANUFACTURED HOUSING

- 17.70.010 Manufactured housing
- 17.70.011 Purpose
- 17.70.012 Definitions
- 17.70.013 Requirements
- 17.70.014 Development standards and conditions

ARTICLE II. SECONDARY RESIDENTIAL UNITS IN SINGLE-FAMILY AND MULTIFAMILY ZONES

- 17.70.020 Secondary residential units in single-family and multifamily zones
- 17.70.021 Purpose
- 17.70.022 Definitions
- 17.70.023 Requirements
- 17.70.024 Development standards and conditions

ARTICLE III. HOME OCCUPATIONS

- 17.70.030 Home occupations
- 17.70.031 Purpose
- 17.70.032 Standards

ARTICLE IV. GARAGE SALES

- 17.70.040 Garage sales
- 17.70.041 Definitions
- 17.70.042 Permit required
- 17.70.043 Posting of permit
- 17.70.044 Permit fee
- 17.70.045 Location allowed
- 17.70.046 Number of sales allowed
- 17.70.047 Signs
- 17.70.048 Length of time of sale and hours permitted
- 17.70.049 Violation

ARTICLE V. MOBILE HOME PARKS

- 17.70.050 Mobile home parks
- 17.70.051 Purpose
- 17.70.052 Occupancy
- 17.70.053 Location and access
- 17.70.054 Conditional use permit required
- 17.70.055 Development standards

Article I. Manufactured Housing

17.70.010 MANUFACTURED HOUSING

See Sections 17.70.011 through 17.70.014 for manufactured housing provisions.

17.70.011 PURPOSE

- A. It is the purpose of this article to, where approved, allow manufactured homes to be placed on individual residential lots in the RA, R and RM districts. The manufactured home shall not change the provisions of the existing district, but will provide for permanent manufactured homes under development standards to assure compatibility within the block in the district.
- B. It is the intention of this article to provide another type of affordable housing, as outlined in the goals and policies in the Dinuba general plan.

17.70.012 DEFINITIONS

As used in this article:

- A. “Block” means all property fronting on one side of a street between points where such street is intersected by streets, railroad rights-of-way or city boundaries, or terminated by a dead end.
- B. “Compatible” means that the manufactured home is capable of being efficiently integrated in the neighborhood without altering the neighborhood's overall appearance.
- C. “Manufactured home” means:
 - 1. A structure, transportable in one (1) or more sections, which is eight (8) body feet or more in width, and is at least thirty-two (32) body feet in length; and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation, when connected to the required utilities;
 - 2. A living unit built to the specifications of the National Manufactured Housing Construction and Safety Standards Act of 1974, constructed after October 1976. “Site development review” consists of a plot plan of the proposed development and any other information as required on the site plan application form necessary for the evaluation of compatibility of the manufactured home.

17.70.013 REQUIREMENTS

- A. Permitted Uses. All uses listed as permitted uses in the existing district shall be permitted in the residential manufactured home zone.

- B. Conditional Uses. All uses listed as conditional uses in the existing district shall be permitted, subject to the approval of a conditional use permit.
- C. Space Between Buildings. The minimum distance between manufactured homes and accessory buildings shall be the same permitted under the existing district.
- D. Signs. No outdoor advertising structures or signs of any character shall be permitted except as permitted within the existing district.
- E. Off-Street Parking. Off-street parking facilities shall be provided on-site for each manufactured home lot, as required under the existing district.
- F. Fences, Walls and Hedges. Fences, walls and hedges in the residential manufactured home zone shall comply with the same requirements of the existing district.
- G. Buildable Area. The maximum lot coverage shall be as required within the existing district.
- H. Lot Area. The minimum lot area shall be as required within the existing district.
- I. Frontage, Width and Depth of Lot. The minimum frontage, width and depth requirements shall be as required within the existing district.
- J. One Dwelling Unit Per Lot. Not more than one (1) dwelling unit shall be allowed on each lot, except as provided within the existing district.
- K. Yard Requirements. Yard requirements shall be the same as required with the existing district.
- L. Building. The maximum height of permitted and accessory structures shall be as provided within the existing district.

17.70.014 DEVELOPMENT STANDARDS AND CONDITIONS

- A. Finish Floor Elevation. All manufactured homes shall be installed on a foundation at the same finish floor elevation compatible to existing standards established within the block in the existing district, and excavated to comply with all standards of the Uniform Building Code, approved by the building official.
- B. Foundations. All permanent manufactured homes shall be installed on a permanent foundation in accordance with city building codes; State of California Housing and Community Development regulations or a foundation designated by an engineer, licensed within the state of California. The approved method of securing the manufactured home to a permanent foundation shall be detailed when submitting plans for plan check and permit.
- C. Roof Pitch. All manufactured homes shall have a roof pitch of not less than three-inch (3") vertical rise for each twelve inches of horizontal run, or not less than what is consistent to be compatible within the block in the existing district.

- D. Roofing Material. All manufactured homes shall have a roof consisting of shingles or other material customarily used for conventional dwellings, compatible with all roofs within the block in the existing district.
- E. Roof Overhang. All manufactured homes shall have a roof overhang similar and compatible with roof overhangs within the block as in the existing district.
- F. Exterior Material. All manufactured homes shall be covered with an exterior material customarily used on conventional dwellings, compatible within the block in the existing district. The exterior covering material shall extend to the ground, except that when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation.
- G. Minimum Width of Manufactured Home. All manufactured homes shall have a minimum width of twenty feet (20), or be compatible with existing conventional dwellings within the block in the district.
- H. Alterations. The manufactured home shall not have been, or shall not be, altered in violation of applicable codes; any manufactured home altered shall not be allowed to be located into the existing district unless certified by the Department of Housing and Community Development prior to the issuance of a permit by the building official.
- I. Certification. All manufactured homes shall be certified under the National Mobile home Construction and Safety Standards Act of 1974 (42 USC Section 5401 et seq.).
- J. Residential Use. All manufactured homes shall be occupied only as a single-family residential unit.
- K. Utility Connections. All manufactured home utility connections pertaining to electrical, gas, water, mechanical and sewer shall be installed in a permanent manner applicable to a permanent single-family residential structure in the existing district. Location of water meters and gas meters shall conform to adopted standards of the city.
- L. Accessory Building. All manufactured home accessory buildings such as detached garages, carports, patios or accessory buildings shall conform to all requirements of the Uniform Building Code or Department of Housing and Community Development requirements; all materials used for roofing and exterior shall be compatible with material customarily used on conventional accessory structures within the block in the existing district.
- M. Wheels and Axles. All manufactured home tow bars, wheels and axles shall be removed when the manufactured home is installed on a residential lot, so as to be compatible with structures within the existing district.
- N. Fees. All manufactured homes shall be subject to all fees required for new single-family dwellings as adopted by the city.
- O. Zone Requirements. All manufactured homes shall meet all requirements for the zone in which they are located.

- P. Modifications. No modifications shall be granted to a manufactured home unless approved by the Department of Housing and Community Development and the building official for the city.
- Q. Administrative Site Plan Review. No manufactured home shall be constructed until a site plan has been approved as prescribed in Chapter 17.80 of this title.
- R. Permits. Prior to the installation of a manufactured home on a permanent foundation, the owners of the manufactured home or a licensed contractor shall obtain a building permit.
- S. Surrender of Registration. Subsequent to applying for the required building permits, and prior to occupancy, the owner shall request a certificate of occupancy be issued pursuant to Section 18557(a) of the California Health and Safety Code. Thereafter, any vehicle license plate, certificate of ownership and certification of registration issued by a state agency is to be surrendered to the appropriate state agencies. Any manufactured home which is permanently attached with foundation must bear a California insignia or federal label, pursuant to Section 18550(b) of the Health and Safety Code.
- T. Appeals. Any decision made by city officials on the compatibility of a manufactured home within a block in any district pursuant to this chapter, may be appealed by the applicant or an aggrieved party to the planning commission.

Article II Secondary Residential Units in Single-family and Multifamily Zones

17.70.020 SECONDARY RESIDENTIAL UNITS IN SINGLE-FAMILY AND MULTIFAMILY ZONES

See Sections 17.70.021 through 17.70.024 for provisions regarding secondary residential units in single-family and multifamily zones.

17.70.021 PURPOSE

- A. The purpose of this article is to provide a mechanism for legitimizing existing residential second units in single-family zoning districts and to allow for new residential second units as a permitted use in all single-family and multifamily residential zoning districts.
- B. The city encourages a range of housing types, styles and costs to suit the varying needs of the elderly, low and moderate income individuals, and other economic groups; and residential second units will prove a valuable source of rental housing.
- C. Secondary residential units shall be allowed as a permitted use in all RA, R and RM districts subject to development standards and conditions, as outlined in this chapter.

17.70.022 DEFINITIONS

As used in this article:

Block. "Block" means all property fronting on one side of a street between points where the street is intersected by streets, railroad rights-of-way or city boundaries or terminated by a dead-end.

Compatible. "Compatible" means that the secondary residential unit is capable of being efficiently integrated in the neighborhood without altering the neighborhood's overall appearance.

Secondary. "Secondary residential unit" means a separate residential unit containing sleeping quarters, kitchen and bathroom facilities created within an RA, R or RM district that already contains one or more legally created residential units.

17.70.023 REQUIREMENTS

- A. Permitted Uses. All uses listed as permitted uses in the existing district.
- B. Conditional Uses. All uses listed as conditional uses in the existing district shall be permitted, subject to the approval of a conditional use permit.
- C. Off-Street Parking. Off-street parking facilities shall be provided on-site for all secondary residential units as required under the existing district.
- D. Fences, Walls and Hedges. Fences, walls and hedges for secondary residential units shall comply with the same requirements of the existing district.
- E. Buildable Area. The minimum lot coverage shall be as required within the existing district.
- F. Lot Area. The minimum lot area shall be as required within the existing district.
- G. Frontage, Width and Depth of Lot. The minimum frontage, width and depth requirements shall be as required within the existing district.
- H. Yard Requirements. Yard requirements shall be the same as required in the existing district.
- I. Building Height. The maximum height of secondary residential units shall be as required within the existing district.
- J. Space Between Buildings. The minimum distance between detached secondary residential units shall be the same under the existing district.

17.70.024 DEVELOPMENT STANDARDS AND CONDITIONS

- A. A secondary residential unit may be attached or detached under the following standards:
 - 1. The addition of a separate secondary residential unit attached to an existing residential structure;
 - 2. Conversion of an existing residential structure whereby sleeping, kitchen and bathroom facilities are not shared in common;
 - 3. Conversion of an attic, basement, garage, accessory structure or any other previously uninhabited structure; or

4. Construction of a separate detached secondary residential unit on the parcel in addition to an existing residential structure.
- B. Height. A conditional use permit shall be required for all secondary residential units constructed over one (1) story in all RA, R and RM districts.
- C. Number of Units. Only one (1) secondary residential unit shall be permitted on any parcel.
- D. Facilities. The secondary residential unit shall contain separate living, kitchen and bathroom facilities.
- E. Construction. All secondary residential units shall be constructed so as to be compatible with the existing primary residence and existing residences within the neighborhood.
- F. Screening. All detached secondary residential units shall be appropriately screened so as not to be visible from the front street.
- G. Construction Within the Rear Yard. Any attached or detached secondary residential unit shall be constructed wholly within the rear yard.
- H. Mobile Homes. Mobile homes shall not be permitted as a secondary residential unit.
- I. Manufactured Homes. Manufactured homes shall be allowed as a detached secondary residential unit provided the manufactured unit complies with standards and conditions of this chapter.
- J. Owner-Occupied. The owner or owners of the parcel upon which the secondary unit is created shall occupy one of the residential units on the parcel. A covenant running with the land between the city and the owner shall be recorded prior to the issuance of a building permit.
- K. Existing Unit. A residential unit shall exist on a parcel before a secondary residential unit may be authorized unless approved by the director.
- L. Rental. The secondary residential unit may be rented as a one (1) family unit.
- M. One Family. The secondary residential unit shall provide complete independent sleeping, kitchen and bathroom facilities for one (1) family.
- N. Access. The front entrance established for the secondary residential unit shall not be located on the same street frontage of the primary residence.
- O. Floor Area. Total floor area of the secondary residential unit shall be not less than one-hundred fifty (150) square feet. The increased floor area of an attached second unit shall not exceed thirty (30) percent of the existing living area. The total area of floor space for a detached second unit shall not exceed one-thousand, two-hundred (1,200) square feet.

- P. Off-street Parking. One additional off-street parking space not less than nine (9) feet by twenty (20) feet shall be provided for the secondary residential unit. Off-street parking shall be located as prescribed per Chapter 17.64 of this title.
- Q. Address. Address standards for the secondary residential unit shall be the same as established for the existing district; one address per parcel.
- R. Mailboxes. Mailboxes for the secondary residential unit shall be the same as for the existing residential unit.
- S. Trash Disposal. Trash disposal services for secondary residential units shall be the same as for those established in the existing zoning district.
- T. Finish Floor Elevation. All secondary residential units shall be constructed on a foundation at the same level of the primary residence or compatible to existing standards established within the block and comply with all standards of the Uniform Building Code and flood zone district.
- U. Roof Pitch. All secondary residential units shall have a roof pitch equal to the primary residence and not less than what is consistent to be compatible within the block.
- V. Roof Material. All secondary residential units shall have roofing material consisting of shingles or other material customarily used for residential units; compatible with the roof of the primary residence and not less than what is consistent to be compatible within the block.
- W. Roof Overhangs. All secondary residential units shall have a roof overhang similar and compatible with the primary residence or what is consistent to be compatible within the block.
- X. Exterior. All secondary residential units shall have exterior materials compatible with the primary residence or what is consistent to be compatible within the block.
- Y. Design. The secondary residential unit shall be clearly subordinate to the principal residential unit on the parcel by size, location and appearance.
- Z. Utilities.
1. All secondary residential units shall have completely separate utilities, such as sewer, water, gas and garbage.
 2. All utilities shall be adequate to serve both residential units.
 3. Secondary units shall not be located over under-ground utilities serving the primary unit.
 4. Modifications from the above regulations may be approved by the building official if the modification is not detrimental to the health, safety and general welfare of the residence or general public and if the modifications conform to standards and adopted codes of the city.

AA. Fees. All secondary residential units shall be subject to all fees required for new construction as adopted by the city.

Article III. Home Occupations

17.70.030 HOME OCCUPATIONS

See Sections 17.70.031 and 17.70.032 for home occupation provisions.

17.70.031 PURPOSE

- A. Home occupation permits may be processed as an administrative matter by the director and no hearing shall be required.
- B. For the purpose of this article, a home occupation shall be considered any conduct for pecuniary gain by an art or profession, the offering of a service or conduct of a business, or handicraft manufacture of products within or from a lawful residential use, which is clearly incidental and secondary to the use of the structure for a dwelling purpose, and which does not change the character of the residential use. A home occupation may be permitted by issuance of a home occupation permit by the director and no business license shall be issued beforehand.

17.70.032 STANDARDS

- A. A home occupation shall be clearly incidental to the use of a structure as a dwelling.
- B. A home occupation shall not be conducted in an accessory structure. There shall be no storage or display of equipment, supplies or products in an accessory structure or outside the dwelling.
- C. There shall be no sign of whatever nature identifying the home occupation.
- D. No person, other than a resident of the dwelling, shall be employed or subcontracted on the premises in the conduct of a home occupation.
- E. No commercial vehicles in excess of one (1) ton capacity shall be used to deliver materials to or remove materials from the premises.
- F. Not more than one (1) vehicle of not more than one (1) ton capacity used in connection with the home occupation shall be kept on the site. Any trailer, wheeled equipment or any vehicle displaying or advertising the home occupation shall not be visible from off the premises.
- G. The home occupation shall not involve the use of power equipment on the premises using motors exceeding one horsepower combined capacity.
- H. There shall be no external alteration of appearances of the dwelling in which the home occupation is conducted which would reflect the existence of said home occupation.

- I. No equipment or process shall be used which creates noise, vibration, glare, fumes, odor or electrical interference detectable to the normal senses off the lot if the occupation is conducted in a single-family detached residence, or outside the dwelling unit if conducted in other than a single-family detached residence. No equipment or process shall be used which creates visual or audible electrical interference in any radio or television receiver off the premises, or causes fluctuations in line voltage off the premises.
- J. The home occupation shall not involve the storage or use of pesticides.
- K. The home occupation shall not require additional off-street parking space. Required covered or uncovered parking shall not be used for conducting home occupations.
- L. No home occupation shall be conducted between the hours of 11 p.m. and 8 a.m.
- M. Sales of goods on the premises shall be limited to the products of the home occupation, and no other merchandise or goods shall be sold, kept or displayed for the purpose of sale on the premises.
- N. The patronage of a home occupation shall not exceed eight patrons or customers for any calendar day.
- O. Additional requirements or conditions may be added as deemed necessary by the director.

A home occupation permit shall be revoked by the director upon violation of any condition or regulation, or any limitation of any permit issued, unless such violation is corrected within ten (10) days of notice of such violation. Any permit may be revoked for repeated violations.

In the event of denial or revocation, or objections to limitations placed thereon, an appeal may be made in writing to the planning commission.

Article IV. Garage Sales

17.70.040 GARAGE SALES

See Sections 17.70.041 through 17.70.049 for garage sale provisions.

17.70.041 DEFINITIONS

As used in this article:

"Garage sale" is defined as a sale, offer to sell, or holding for the purpose of selling, conducted by any person or persons, of household furnishings, goods or other tangible personal property, conducted in a noncommercial garage, yard, patio, driveway or on any portion of the premises in a residential property.

17.70.042 PERMIT REQUIRED

It is unlawful for any person, co partnership, club or association to conduct a sale without having secured a permit for such sale.

17.70.043 POSTING OF PERMIT

The permit shall be posted in a conspicuous place on the premises, outdoors or at the front entrance to the garage, patio or yard. The permit shall be posted in a place which is readily visible from the permitted address street frontage, unless the sale is taking place in a location in which the address frontage is an alley way, in which case the permit shall be posted in a place which is calculated most reasonably to give notice to anyone driving by of the content of the permit.

17.70.044 PERMIT FEE

The permit fee schedule shall be as follows:

- A. First time during calendar year, permit required (no fee);
- B. Second time during calendar year, permit fee as set by the city council;
- C. More than two (2) permit fee as set by council plus the conditional use permit fee.

17.70.045 LOCATION ALLOWED

Sales shall only be located on property that is used for residential purposes. Church rummage sales shall be located on the church property. No sales shall be permitted on properties which are adjacent to school entrances and exits where students are dropped off or picked up other than on days in which there is no school in session such as weekends and holidays.

17.70.046 NUMBER OF SALES ALLOWED

There shall not be more than two (2) sales allowed per calendar year at any one (1) address, unless a conditional use permit is filed and approved by the planning commission.

17.70.047 SIGNS

Signs advertising a sale shall be located on the property only. Individual signs shall not exceed three (3) square feet; total signs shall not exceed nine (9) square feet in the aggregate, and shall not be placed so as to block vehicular or pedestrian view from adjoining properties. Posting of signs shall be only during time of sale and in conformance with Chapter 17.72 of this title.

17.70.048 LENGTH OF TIME OF SALE AND HOURS PERMITTED

No sale shall last more than three (3) days. No sale shall start before 6:00 a.m. or continue after 8:00 p.m.

17.70.049 VIOLATION

- A. The conducting of any garage, patio or yard sale without a valid permit shall be considered an infraction.
- B. Each day of such sale without a valid permit constitutes a separate offense.

Article V. Mobile Home Parks

17.70.050 MOBILE HOME PARKS

See Sections 17.70.050 through 17.70.055 for mobile home park provisions.

17.70.051 PURPOSE

It is the purpose of this article to provide guidelines and criteria for mobile home parks, to insure their compatibility with other uses and to establish rules and regulations pertaining to their development.

17.70.052 OCCUPANCY

No mobile home shall be used for living or sleeping purposes, or be parked, other than in a mobile home sales yard or in an approved storage area, unless it is located within a licensed mobile home park; provided that a mobile home may also be used as follows:

- A. As an office for a construction project;
- B. As a residence of a watchman on the site of a construction project or an industrial use;
- C. To provide temporary living or office quarters for circus or carnival personnel in accordance with an approved conditional use permit; or
- D. As a single-family dwelling when set on a permanent foundation within any AN, RA, R or RM district.

17.70.053 LOCATION AND ACCESS

For purposes of this title, mobile home parks require the same considerations in their location as do residential dwelling units under policies of the general plan. Mobile home parks may be located within all zoning districts zoned for residential land use.

17.70.054 USE PERMIT REQUIRED

A use permit application shall be required for a mobile home park per the provisions of Chapter 17.80 of this title.

17.70.055 DEVELOPMENT STANDARDS

A. Site Area and Density.

1. The site shall contain a minimum of five (5) acres. The first phase of a mobile home development shall be not less than five (5) acres and shall include all required recreational and service amenities.
2. The maximum number of mobile home lots per gross acre shall not exceed eight.

B. Lot Area and Width. Every individual mobile home space for single units shall have a minimum lot area of twenty-eight hundred (2,800) square feet and a minimum lot width of twenty-five (5) feet. Every individual mobile home space of expandable or double wide units shall have a minimum lot area of three-thousand, two-hundred (3,200) square feet and a minimum lot width of thirty-five (35) feet.

C. Lot Coverage. No more than seventy-five (75) percent of any mobile home lot shall be covered by the mobile home, parking area, covered patio area and accessory buildings.

D. Clearances, Setbacks and Yard Spaces.

1. Mobile Home Park.

- a. Front yard, twenty (20) feet;
- b. Interior side yard, ten (10) feet;
- c. Street side yard, ten (10) feet;
- d. Interior rear yard, ten (10) feet;
- e. Street rear yard, twenty (20) feet.

2. Mobile Home Sites within the Park.

- a. Front yard, ten (10) feet;
- b. Side yard, five (5) feet;
- c. Rear yard, ten (10) feet.

3. No mobile home shall be located in any required yard space, except that tow bars may extend into such yard space.

E. Patios and Pads.

1. Each mobile home site shall have a hard surfaced patio area of not less than two-hundred (200) square feet. A permanent porch greater than twenty (20) square feet in area may be counted as part of the required patio area.

2. Each mobile home site shall have a support pad of concrete or asphalt concrete laid over a compacted surface base which, in combination, will be adequate to support the mobile home on a level plane.

F. Parking.

1. Not less than two (2) off-street parking spaces shall be provided within each mobile home site, one of which may be tandem to the other.
2. Not less than two (2) guest parking spaces shall be provided for each mobile home site at a location central to each five (5) contiguous mobile home sites.
3. Parking shall be provided for central recreation buildings, park offices and other similar buildings at a ratio of one parking space for each four-hundred (400) square feet of gross floor space.
4. Centralized storage areas shall be provided for recreational vehicles and boats, at a minimum of one (1) space per five (5) mobile home spaces. Individual storage spaces shall measure not less than ten (10) feet by thirty (30) feet, and shall have direct access to a driveway with minimum width of twenty (20) feet.
5. Storage areas shall be paved and drained in order to be usable year round and shall be completely screened from exterior view by a combination of landscaping, masonry walls, fences or other comparable screening devices six (6) feet in height.

G. Recreation Areas and Pedestrian Ways.

1. Common recreation area in an aggregate total equal to five (5) percent of the gross area of the mobile home park shall be provided at a location or locations which are easily accessible and convenient to park residents.
2. Recreation areas shall be landscaped and maintained, with all landscaped areas to be irrigated by an automatic underground sprinkler system.
3. Pedestrian ways shall be provided throughout the mobile home park, connecting all mobile home sites with each other and with common recreation areas.
4. The calculation of common recreation areas shall not include yard areas, pedestrian ways, management offices, laundry and tenant storage areas and parking areas.

H. Utility Installation.

1. Utility lines, including but not limited to, electric, communications, street lighting and cable television, shall be placed underground.
2. Each mobile home space and all interior roads shall be lighted for the safety and convenience of persons using the premises.

3. All connections for each mobile home shall be placed at the rear of the mobile home space.
- I. Signs for a mobile home park shall comply with the provisions of Chapter 17.72 of this title.
 - J. Internal Streets.
 1. All internal streets within a mobile home park shall have a minimum width of twenty-five (25) feet with no parking allowed and shall be developed to city standard specifications.
 2. No direct access shall be allowed from a public street to any mobile home lot. Each mobile home lot shall have direct access only onto a paved interior street with a right-of-way width of not less than twenty-five (25) feet.
 - K. Landscaping and Screening. Mobile home parks shall provide permanently maintained landscaped areas and site screening as follows:
 1. A landscaped border along the entire street frontage yard area and along the rear yard if such yard is adjacent to a public street;
 2. Ornamental screen wall or fencing, six (6) feet in height, along all interior side property lines and along all rear property lines which do not abut a public street;
 3. Ornamental screen wall or fencing six (6) feet in height along street side yard and street front yard setback lines.
 - L. Other Facilities Required. Each mobile home park shall provide the following additional facilities:
 1. A laundry building for clothes washing and drying;
 2. Trash enclosures shall be developed to city standard specifications.
 - M. Placement and Sales of Mobile Homes.
 1. At the time of placement on the site, all mobile homes shall be fitted with appropriate skirts to obscure stands, pads and under-carriage equipment.
 2. Mobile homes may be displayed and sold within a mobile home park provided that such mobile homes are not sold for delivery to any location other than within the park and that all mobile homes are placed on mobile home sites and connected to all utility services. No more than four mobile homes shall be offered for sale at any one time, and advertising for such sale shall be limited to one non-illuminated sign not exceeding four square feet in area on the site of each mobile home offered for sale.

Chapter 17.71 SPECIAL PROVISIONS AND DEVELOPMENT STANDARDS

Sections:

17.71.010	Addition of permitted uses
17.71.020	Public utility lines and mains
17.71.030	Building height
17.71.040	Institutional building yard requirements
17.71.050	Accessory buildings
17.71.060	Through lots
17.71.070	Outside stairways, balconies and fire escapes
17.71.080	Porches, eaves and sills
17.71.090	Fences, walls and hedges
17.71.100	Nonconforming front yards
17.71.110	Effect of eminent domain
17.71.120	Clarification or interpretation
17.71.130	Landscaping
17.71.140	Satellite dish antenna
17.71.150	Recycling facilities
17.71.160	Abandoned or converted service stations
17.71.170	Temporary uses
17.71.180	Video machine arcades
17.71.190	Garage conversions
17.71.200	Bed and breakfast facilities
17.71.210	Sight distance
17.71.220	Regulation of adult material
17.71.230	Necessity of conditional use permits for the sale of alcoholic beverages
17.71.240	Minor Changes in Property Use or Change in Occupancy
17.71.250	Street dedications and improvements

17.71.010 ADDITION OF PERMITTED USES

- A. Upon application or on its own initiative, the planning commission may add a use to the list of permitted uses in any zone district, if the commission makes the following findings:
1. That the addition of the use will be in accordance with the purposes of the district in which the use is proposed;
 2. That the use has the same basic characteristics as the uses permitted in the district;
 3. That the use will not be detrimental to the public health, safety or welfare;
 4. That the use will not create more vehicular traffic than the volume normally created by the uses permitted in the district;

5. That the use will not create more odor, dirt, smoke, noise, vibration, illumination, glare, unsightliness or any other objectionable influence than the amount normally created by any of the uses permitted in the district.

- B. When a use has been added to a list of permitted uses, the use shall be added to the text of that section of this title when it is next published.

17.71.020 PUBLIC UTILITY LINES AND MAINS

The provisions of this title shall not be construed to limit installation or maintenance of public utility pole lines, pipes, conduits and mains, and domestic water wells or require any use permit therefore.

17.71.030 BUILDING HEIGHT

- A. Height of a building shall be measured along the vertical distance from the average level of the highest and lowest point of that portion of the lot covered by the building to the highest point of the roof.
- B. Roof structures for housing elevators, stairways, tanks, ventilating fans or similar equipment, and fire or parapet walls, skylights, towers, flagpoles, chimneys, antennas or similar structures may be erected above the height limit but shall not be allowed for the purpose of providing additional floor space.

17.71.040 INSTITUTIONAL BUILDING YARD REQUIREMENTS

Any building erected, altered or used for school or church purposes or as an institutional building shall be located at least fifteen feet from every lot line of any property included in any RA, R or RM district, notwithstanding any lesser requirement in the zone where located; provided such building shall not be required to be located more than five (5) feet from any lot line adjacent to any alley.

17.71.050 ACCESSORY BUILDINGS

These regulations apply to all districts, planned communities, and specific plan areas, unless otherwise specified.

- A. Permitted accessory uses and structures.

In addition to the principal uses and structures expressly included in a zoning district, accessory uses and structures customarily associated with and subordinate to a permitted principal use on the same building site and consistent with the purpose and intent of the applicable zoning district are permitted. Whenever there is a question as to whether a specific use or structure is permitted as an accessory use, the director shall make the determination.

- B. Discretionary action required.

Accessory uses and structures shall be subject to a discretionary action when one or more of the following apply;

1. The discretionary action is required by other zoning regulations, or
2. The principal use is subject to a discretionary permit and the accessory structure is over six (6) feet in height.

C. Location of certain attached accessory structures.

Accessory structures that are attached to a main building, are enclosed, and are over eight (8) feet in height shall comply with the setback requirements for a main building.

D. Location of other accessory structures.

Accessory structures shall be permitted anywhere on the building site except within the following areas, unless as otherwise regulated by sections (E) through (I) of this section.

1. Within the ultimate right-of-way.
2. Within the front yard setback.
3. The space between a dwelling and any accessory building on the same lot, when not joined by a common wall, shall be a minimum distance of ten (10) feet.
4. A non-dwelling accessory building may be located in a required side yard area on any part of the rear one-third (1/3) of a lot, subject to the limitations of subsections (E) through (I) of this section.
5. Accessory buildings may be located in a portion of the required rear yard area in RA, R and RM districts, provided:
 - a. Such building may occupy not more than twenty percent of the length of the required rear yard, measured between side lot lines;
 - b. Such building may not be more than twelve (12) feet in height or one (1) story;
 - c. No such building may occupy any part of the required rear yard of a reversed corner lot.

E. Additional standards for accessory Structures in R zoning districts

1. Accessory structures not exceeding one story may be located in the required rear yard but not closer than three (3) feet to any lot line. On a reverse corner lot, an accessory structure shall not be located closer to the rear property line than the required side yard on the adjoining key lot. An accessory structure shall not be closer to a side property line adjoining a key lot and not closer to a side property line adjoining the street than the required front yard on the adjoining key lot. In placing accessory structures in a required

rear yard, a usable, open, rear yard area of at least seven-hundred eighty (780) square feet shall be maintained.

2. Accessory and garden structures under seven (7) feet in height may be located in any portion of a required side yard, except in the street side yard of a reversed corner lot, provided that any mechanical equipment shall be located a minimum of five (5) feet from a side property line adjoining an interior lot in any residential district.

F. Additional standards for accessory structures in RM zoning districts

1. Accessory and garden structures less than seven (7) feet in height with no roof may be located within any portion of the required rear setback.
2. Accessory and garden structures under seven (7) feet in height may be located in any portion of a required side setback, subject to administrative site plan review, except in the street side setback of a reversed corner lot.

G. Additional standards for accessory structures in the PO zoning district

1. Accessory and garden structures under seven (7) feet in height may be located within any portion of a required rear yard.
2. Accessory structures under seven (7) feet in height may be located in any portion of a required side setback, subject to administrative site plan review under the provisions of [Chapter 17.80](#), except in the street side yard of a reversed corner lot.

H. Swimming Pools

1. Swimming pools shall not be constructed within three (3) feet of an ultimate vehicular right-of-way or property line. Swimming pools shall be used solely by persons residing on the site and their guests; provided that all fencing complies with the Uniform Building Code and City standards.

I. Garages and Carports

1. Where a garage or carport is located with access from a public alley, it shall be set back a minimum of eleven (11) feet from the alley right-of-way. No garage door or roof overhang shall extend into the alley right-of-way. Above or below ground swimming pools are to be set back a minimum of five (5) feet from the rear yard property line.

17.71.060 THROUGH LOTS

On a through lot, a front yard shall be provided on each street frontage except where a waiver of access to one of the frontages applies.

17.71.070 OUTSIDE STAIRWAYS, BALCONIES AND FIRE ESCAPES

- A. Stairways, stair landings and balconies may extend into the required front or rear yard setback not more than three (3) feet, provided that all such structures shall be open, and with-out roofs, except for lattice type guard railings. Structural supports for stairways and landings may be enclosed.
- B. Fire escapes, required by law, ordinance or regulations of a public agency, may project into any front, side or rear yard not more than four (4) feet.
- C. Depressed ramps or stairways and their supporting structures, designed to permit access to parts of buildings below average ground level, may extend into any required yard not more than forty-two (42) inches.

17.71.080 PORCHES, EAVES AND SILLS

- A. Uncovered porches, platforms or landing places which do not extend above the level of the first floor of the building, may extend into required yards as follows:
 - 1. Into front yards not more than six (6) feet;
 - 2. Into side yards and rear yards not more than five (5) feet.
- B. Lattice type guard railings or walls, of not more than three feet in height, may be installed or constructed on such structures.
- C. Eaves, sills, cornices, belt courses, buttresses or similar architectural features, fireplaces not exceeding eight feet in width, and planting boxes, may extend or project no closer than three (3) feet from the side lot line, and may extend or project into the required front yard not more than three (3) feet.

17.71.900 FENCES, WALLS AND HEDGES

- A. Normal Corner Lots.
 - 1. Along the side lot line of the street or alley side.
 - a. Anywhere within any required front yard area. Fences and walls shall be fifty (50) percent or more open and shall not exceed a maximum height of forty-two inches.
 - b. Anywhere along the side lot line measured from the rear lot line to the beginning of the front yard area. Fences and walls shall not exceed six (6) feet in height; provided, however, if a garage or carport is constructed with entrance from the side street, the fence or wall shall not exceed forty-two (42) inches in height from the carport to the front line.

B. Reverse Corner Lots.

1. The same height restrictions shall apply as described for normal corner lots.
2. Hedges, trees and architectural features may be located in front yards and front the side lot lines adjacent to the front yard and along the street side, side yard, from the main structure to the front lot line and to the rear lot line, provided they are maintained in such a manner as not to create a hazard to life or limb to pedestrians or vehicular traffic.

C. When there is a difference in the ground level between two (2) adjoining lots, the height of any wall or fence constructed along any property line shall be determined by using the level lot line of the highest contiguous lot.

D. The use of barbed wire, electrified fence or razor wire in conjunction with any fence, wall or hedge, or by itself within any residential zone, is prohibited unless required by any law enforcement agency or regulation of the state of California or any agency thereof.

17.71.100 NONCONFORMING FRONT YARDS

Where more than sixty (60) percent of the lineal frontage of lots improved with residential buildings within any block is comprised of lots with less than the minimum front yard requirement, then the minimum front yard requirement for other residential buildings in such block shall be reduced to the average of the actual front yards of all of the lots in such block improved with residential buildings; provided that those lots which have front yards of greater depth than the minimum requirement shall be counted as having the minimum requirement.

17.71.110 EFFECT OF EMINENT DOMAIN

If any land, right-of-way or easement is taken by eminent domain, or is granted to the condemner under actual threat of suit in eminent domain, the following provisions and exceptions shall apply:

- A. If the area of a lot is reduced below the minimum requirement thereby, such lot shall be deemed to be a legal substandard lot, and any existing building or structure thereon shall be deemed to be nonconforming.
- B. If a required yard is reduced or eliminated there-by, any affected building or structure shall be deemed nonconforming; provided, however, that such building or structure may be structurally altered or enlarged as long as such alterations or enlargements comply with all other requirements of the zoning district.
- C. If any required parking space on a lot is reduced or eliminated thereby, the provisions of Chapter 17.64 of this title shall not be construed to require the replacement of the required parking space.

17.71.120 CLARIFICATION OR INTERPRETATION

In event of need for clarification or interpretation of this title, the planning commission shall ascertain all pertinent facts and by resolution shall set forth its findings. Said resolution shall be transmitted to the city council. If approved by the council, said clarifications or interpretation shall govern until modified by resolution adopted in like manner or by appropriate amendment to this title.

17.71.130 LANDSCAPING

A. Whenever this zoning title requires landscaping, the following standards of design, installation and maintenance shall be observed:

1. When property is undeveloped at the time landscaping requirements are imposed upon the property, all required landscaping shall be provided and maintained prior to the time a main building is occupied for any use requiring a building or when any open use, other than agricultural, occurs on the property.
2. All vegetation shall be provided with an adequate, permanent and nearby source of water by means of installed on-site water sprinklers or a flood irrigation system. The irrigation system shall be designed to irrigate all plant material and to supply adequate on-site water to grow healthy plants under Dinuba's climatic conditions. The irrigation plan shall indicate the type of heads, pipe size, valve size, backflow valve and water supply size and source.
3. Landscaping provided in conjunction with any use requiring a site plan shall be generally designated on the site plan. Prior to the issuance of any building permit, a detailed landscape planting, irrigation and grading plan (when a landscape mound is proposed) shall be submitted to a scale of not less than one (1) inch equaling forty (40) feet, which shall show the location, size and variety of all plantings, water supply, contours and similar designations as the director may require.
4. All vegetation shall be maintained free of physical damage or injury from lack of water, excess chemical fertilizer or other toxic chemical, or disease, and any such vegetation which shows signs of such damage or injury shall be replaced by the same or similar vegetation of a size and character which will be comparable at full growth.
5. Landscaping shall be kept free from weeds and undesirable grasses.
6. Every property owner or occupant shall be responsible for the maintenance and care of all trees, shrubs, plants and vegetation in the street right-of-way abutting such property.
7. Planting. Except for driveways and as otherwise provided by this title, all required yards shall be landscaped. Each residential parcel of land or lot shall have a minimum of one (1) medium-sized tree for each residential unit. Each commercial and industrial parcel of land or lot shall have a minimum of one (1) medium-sized tree for every two parking spaces. Two (2) small trees (fifteen (15) to thirty (30) feet at maturity) shall be counted as

one (1) medium-sized tree. All present and future tree planting and shrub planting shall conform to the requirements of the city.

8. Parking Lot Shading. The following provisions shall apply in all PO and C districts as well as the PA overlay district:
 - a. For new uses, fifty (50) percent of paved parking lot surfaces shall be shaded by tree canopies within fifteen (15) years of planting. This requirement may be reduced for existing development if it is demonstrated that the constraints of an existing site would make it impossible to meet the normal standard. The requirement for parking lot shading for existing development shall apply if new construction or remodeling results in an addition of two thousand five-hundred (2,500) square feet or more. The amount of shading required for existing development shall be determined during the site plan review process but shall be in keeping with the intent of the section.
 - b. A “paved parking lot” shall include parking stalls, driveways and maneuvering areas.
 - c. Trees planted to satisfy the requirements of these guidelines are subject to established landscaping requirements as identified in subsection (A)(7) of this section. This requirement may be waived if the standards for shading have been met.
 - d. A landscaping plan which details the degree of compliance with the parking lot shading is required. The plan shall show:
 - i. All landscaped areas;
 - ii. Tree canopies drawn to scale representing the estimated canopy at a fifteen (15) year growth period;
 - iii. The total area in square feet of the paved parking lot, driveways and maneuver areas and the area shaded by tree canopies. A schedule listing total parking area, shaded area and the percentage of parking area shaded should be included;
 - iv. A schedule of the specific names of proposed trees and their sizes.
 - e. To simplify the process of determining compliance, the true angle of deflection of natural sunlight shall not be considered. Shaded areas shall be assumed to be only those portions of a paved parking lot directly beneath the shading canopy or drip line.
 - f. Any portion of a paved parking lot shaded by a man-made structure (overhangs and covered parking for instance) shall be subtracted from the area of the parking lot to be shaded.
 - g. Trees planted along the perimeter of a lot may be counted as providing shade for the full area of their canopy.

- h. If the degree of overlap between trees is less than fifteen (15) percent all trees may be counted as shading one-hundred (100) percent of their canopy. If the degree of overlap is fifteen (15) percent or greater then it will be necessary to perform individual calculation to determine the area of shading.
 - i. A ten (10) percent minor deviation of the shading standard may be approved by the director if it is found that the normal standards would impose an undue hardship.
9. The director may allow minor deviations from a landscape site plan.
- B. Whenever any person neglects to conform to this title, or a site plan concerning any landscaping or landscaped area, the director may require, upon thirty days' written notice, such compliance. In the event noncompliance continues, in whole or in part, the director may cause work to be done and plantings to be made to bring the landscaping or area into compliance. The work and plantings and a lien therefore shall be accomplished as provided for in the Dinuba Municipal Code.

17.71.140 SATELLITE DISH ANTENNA

- A. Purpose. The purpose of this section is to allow the installation of dish-type satellite antenna within the city of Dinuba. Such installation shall be subject to development and location criteria outlined below.
- B. Definition. "Dish-type satellite antenna" means a satellite earth station consisting of (1) a receiving component of a disc or similar configuration whose purpose is to receive television signals from orbiting satellites or other sources, and (2) a low noise amplifier whose purpose is to magnify television signals.
- C. Residential Installation Criteria. The installation of dish-type antenna may be permitted in all AN, RA, R and RM districts, subject to the following criteria:
- 1. Antenna Size. Maximum diameter to be twelve feet.
 - 2. Setbacks.
 - a. Rear, fifteen (15) feet from center of dish;
 - b. Side, ten (10) feet from center of dish;
 - c. Street side, fifteen (15) feet from center of dish;
 - d. Front, to comply with zone regulation, dish must be screened from view if located behind setback front yard area.
 - 3. Height. Maximum height to be thirteen (13) feet, roof-mounted installations are prohibited.
 - 4. Number. One (1) dish-type satellite antenna per site. This shall be in addition to normal television and radio antenna.
- D. Commercial Installation Criteria. The installation of dish-type satellite antenna may be permitted in all PO, C and M districts subject to the following criteria:

1. Installations shall be subject to site plan review.
2. Installations shall not be permitted within required front and street-side landscape areas.
3. Installations shall, by location and design, minimize visibility from adjoining properties and right-of-way.
4. Display of antennas on trailers or at other temporary locations on the site will be considered as open display of merchandise and shall be visually screened.

17.71.150 RECYCLING FACILITIES

A. Permits Required. No person shall permit the placement, construction or operation of any recycling facility without first obtaining a permit pursuant to the provisions set forth in this section. Recycling facilities may be permitted as set forth in the following table:

Type of Facility	Zones Permitted	Permit Required
Reverse Vending Machines	All Commercial	To be approved by director
Small Collection	C-2, C-3, C-4, M-1, M-2	To be approved by director
Large Collection	C-2, C-4, M-1, M-2	Conditional Use Permit
Light Processing	C-4, M-1, M-2	Conditional Use Permit
Heavy Processing	M-1, M-2	Conditional Use Permit

B. Review Criteria. The city council is hereby empowered to adopt by resolution specific criteria and guidelines for review of applications for recycling facilities. The council may amend these standards from time to time, by resolution.

17.71.160 ABANDONED OR CONVERTED SERVICE STATIONS

A. Abandoned Service Stations. Service stations which become vacant or cease operation beyond one-hundred eighty (180) days shall be required to remove all underground storage tanks, remove all gasoline pumps and pump islands and shall remove free standing canopies. In order to prevent said action, the owner must supply the director with written verification, prior to the one-hundred eightieth (180) day from time operations ceased, that an allocation of gas has been received and that operation of the station will commence within thirty (30) days of the date of the written correspondence. If the service station is to resume operation after the one-hundred eighty (180) days, then the director shall require the processing and approval of a site plan application to ensure that the facilities will be reasonably upgraded and maintained. This could include such things as, but not limited to, replanting existing landscape areas, painting of structures, upgrading or installing trash enclosure, striping parking spaces, installation of signs in conformance with adopted sign provisions, resurfacing vehicle access and parking areas and installation of missing street improvements.

B. Converted Service Stations. Buildings and structures originally designed as a gasoline service station but proposed to be used for another use shall be subject to site plan review, administrative approval or conditional use permit, depending upon the use. The conversion of the facilities to another use may require upgrading and remodeling for such things as, but

not limited to, removal of all gasoline appurtenances, removal of canopies, removal of pump islands, removal of overhead doors, additional landscaping, additional street improvements or modification of existing improvements to conform to access regulations and exterior remodeling.

17.71.170 TEMPORARY USES

- A. Purpose. The purpose of this section is to regulate temporary land use activities which may adversely affect the public health, safety and welfare.
- B. Authority. The director is authorized to approve, approve with conditions, or to deny such request. The director may establish conditions including, but not limited to, hours of operation, parking, signage and lighting, traffic circulation and access, temporary or permanent site improvements, and other measures necessary to minimize detrimental effects on surrounding properties. The director also may require a cash deposit or cash bond to defray the costs of cleanup of a site by the city in the event the applicant fails to leave the property in a satisfactory condition, or to guarantee removal and/or reconversion of any temporary use to a permanent use allowed in the subject district.
- C. Temporary uses in all districts. Notwithstanding underlying zoning, temporary use permits may be granted for fruit and vegetable stands on properties primarily within undeveloped agricultural areas. All fruits and vegetables sold at such stands shall be grown by the owner/operator or purchased by said party directly from a grower/farmer.
- D. Temporary Uses in Residential Zoning Districts. The following temporary uses may be allowed in any residential zoning district.
 - 1. Enclosed temporary construction materials storage yards in any residential district, required in connection with the development of subdivisions,
 - 2. Model Homes and subdivision sales offices pursuant to Section 17.71.170.(F) of this title,
 - 3. Trailer coaches or mobile homes-on active construction sites pursuant to Section 17.71.170.(G) of this title.
- E. Temporary Uses in Commercial and Industrial Zoning Districts. The following temporary land use activities may be allowed in the PO, C-1, C-2, C-3, C-4, M-1, and M-2 zoning districts, unless otherwise stated below:
 - 1. Parking lot and sidewalk sales-for businesses located within a C district;
 - 2. Outdoor art and craft shows and exhibits subject to not more than fifteen (15) days of operation or exhibition in any ninety (90) day period;
 - 3. Seasonal retail sale of agricultural products raised on the premises, limited to periods of ninety (90) days in a calendar year and when parking and access is provided to the satisfaction of the director. A minimum of ten (10) off-street parking spaces shall be

provided with provisions for controlled ingress and egress to the satisfaction of the director;

4. Religious, patriotic, historic, or similar displays or exhibits within yards, parking areas or landscaped areas, subject to not more than fifteen days of display in any ninety (90) day period for each exhibit;
5. Christmas tree or pumpkin sales lots subject to the following:
 - a. All such uses shall be limited to thirty (30) days of operation per calendar year,
 - b. All lighting shall be directed away from and shielded from adjacent residential areas;
6. Circuses, carnivals, rodeos, pony riding or similar traveling amusement enterprises-subject to the following:
 - a. All such uses shall be limited to not more than fifteen (15) days, or more than three (3) weekends, of operation in any one-hundred eighty (180) day period. To exceed this time limitation shall require the review and approval of a conditional use permit,
 - b. All such activities shall have a minimum setback of one-hundred (100) feet from any residential area. This may be waived by the director if no adverse impacts would result,
 - c. Adequate provisions for traffic circulation, off-street parking and pedestrian safety shall be provided to the satisfaction of the director,
 - d. Restrooms shall be provided,
 - e. Security personnel shall be provided,
 - f. Special, designated parking accommodations for amusement enterprise workers and support vehicles shall be provided,
 - g. Noise attenuation for generators and carnival rides shall be provided to the satisfaction of the director,
7. Model homes and subdivision sales offices pursuant to Section 17.71.170.(F) of this chapter. Trailer coaches or mobile homes on active construction sites pursuant to Section 17.71.170.(G) of this title.
9. Temporary sidewalk sales and use of the public right-of-way for the display and sale of merchandise in the C-1, and C-2 Districts shall require approval by the director. Permanent use for such purposes is strictly prohibited.
10. Temporary sidewalk sales and use of the public right-of-way for the display and sales of merchandise in the C-Districts shall require approval by the city council. Permanent use for such purposes is strictly prohibited.

11. Temporary revival church services shall be permitted in the C-2 (Downtown Commercial) and C-4 (General Commercial) Districts, subject to administrative approval per Chapter 17.80 of this title;
 12. Mobile homes to provide temporary living or office quarters for circus or carnival personnel in accordance with an approved conditional use permit.
 13. The following temporary signs and nameplates may be erected without obtaining a sign permit, in accordance with Chapter 17.72 of this title:
 - a. Temporary display posters in connection with nonprofit civic and cultural events and with noncommercial health, welfare and safety campaigns (such as Red Cross, United Crusade, Tuberculosis Seals, Heart Fund, performing arts and the like). Such posters shall be removed within fourteen (14) days after the termination of the event;
 - b. 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 rights-of-way or parking lots within a business center. This section is not intended to allow additional permanent signs.
 - c. Temporary signs for the purpose of directing traffic to a residential property for sale shall be permitted provided that such signs shall have an area on any face not greater than three (3) square feet, shall be limited to two in number pertaining to any property and shall be displayed only during the hours between eight (8) a.m. and five (5) p.m.;
 14. Temporary Signs. Temporary signs of an area not greater than thirty-two (32) square feet may be erected or maintained for a period of not more than ninety (90) days upon approval of the director and the obtaining of a temporary sign permit from the building official, in accordance with Chapter 17.72 of this title, other provisions of this chapter notwithstanding.
 15. Temporary Outdoor Fireworks Sales: where such uses are approved, the sign standards allowed for such uses shall be as follows, in accordance with Chapter 17.72 of this title: temporary A-frame and I-frame signs may be used. Total number of signs per street frontage shall be one (1) not to exceed twenty-five (25) square feet in size nor six (6) feet in height. Maximum sign area for all street frontages shall not exceed fifty (50) square feet.
 16. Temporary telephone booths in the P overlay district
- F. Model Home and Subdivision Sales Offices. Model homes may be used as offices solely for the first sale of homes within a recorded tract subject to the following conditions:
1. The sales office may be located in a garage, trailer or dwelling,

2. Approval shall be for a two (2) year period, at which time the sales office use shall be terminated and the structure restored back to its original condition. Extensions may be granted by the director in one year increments up to a maximum of four (4) years or until ninety percent of the development is sold, whichever is less,
 3. A cash deposit, letter of credit or any security determined satisfactory to the city shall be submitted to ensure the restoration or removal of the structure,
 4. The sales office is to be used only for transactions involving the sale, rent or lease of lots and/or structures within the tract in which the sales office is located, or contiguous tracts,
 5. Failure to terminate the sales office and restore the structure or failure to apply for an extension on or before the expiration date will result in forfeiture of the cash deposit, a halt in further construction or inspection activity on the project site and enforcement action to ensure restoration of the structure,
 6. Street improvements and temporary off-street parking at a rate of two (2) spaces per model shall be provided prior to commencement of sales activities or the display of model homes,
 7. Flags, pennants or other on-site advertising shall be regulated pursuant to Chapter 17.72 of this title;
- G. Trailer coaches or mobile homes on active construction sites. Trailer coaches or mobile homes may be permitted on active construction sites for use as a temporary living quarters for security personnel, or temporary residence of the subject property owner subject to the following restrictions:
- a. The director may approve a temporary trailer for the duration of the construction project or for a specified period, but in no event for more than two (2) years. If exceptional circumstances exist, a one (1) year extension may be granted, provided that the building permit for the first permanent dwelling or structure on the same site has also been extended,
 - b. Installation of trailer coaches may occur only after a valid building permit has been issued,
 - c. A recreational vehicle being defined as a motor home, travel trailer, truck camper or camping trailer, with or without motive power, shall not be permitted pursuant to this section,
 - d. Any permit issued pursuant to this section in conjunction with a construction project shall become invalid upon cancellation or completion of the building permit for which this use has been approved, or the expiration of the time for which the approval has been granted.

17.71.180 VIDEO MACHINE ARCADES

A. Purpose. The purpose of this section is to set forth development and operational standards for arcades. Such standards are adopted to protect the public welfare from potential problems associated with the operation of video machine arcades.

B. Definitions. For the purpose of this section, the following definitions shall apply:

1. "Video arcade" means a commercial establishment that contains five (5) or more video machines.
2. "Video machine" means any machine, device or apparatus, the operation of which is made possible by the placing of any coin, plate, disc, slug or key into any slot or other opening, or the payment of any fee for use as a game or contest, which is operated through the use of electronic means with transmitted images and sounds.

C. Permits Required.

1. Video arcades may be approved as a conditional use in the C-2, C-3 and C-4 zones.
2. Video machines, up to four (4) in number, may be approved by the director, subject to the operational criteria set forth in Subsection (D) of this section.

D. Operational Criteria.

1. Location. Video machines and arcades shall not be located closer than six-hundred (600) feet to any public schools.
2. Hours of Operation. Normal hours of operation shall be between the hours of 10:00 a.m. and 11:00 p.m. unless alternate hours are approved as part of a conditional use permit. Machines located in businesses may be operated during normal business hours if approved by the director (four or fewer machines) or conditional use permit (arcades). In any case, school aged children shall be prohibited from operating video machines while school is in session.
3. Security/Supervision. The use shall be under the supervision of an adult during all hours of operation. Additional supervision or security may be required as deemed necessary under the terms of the conditional use permit. The work station of the adult attendant shall be such that entry and immediate outside area is visible. Supervision responsibility shall extend to the public and/or parking areas in the vicinity of the arcade.
4. Alcoholic Beverages. No alcoholic beverages shall be bought or consumed on the premises, including the public and/or private areas in the vicinity. This shall not apply to businesses which are licensed and approved for alcoholic beverage sale and use.
5. Noise. No noise or sound generated by an arcade shall be audible outside of the arcade building.

6. Loitering. Gathering and loitering of individuals in the arcade and public and/or parking areas in the vicinity of the arcade shall be prohibited.

E. Monitoring of Use. Periodic inspections, which may or may not be announced in advance, may be conducted by the city to ascertain compliance of any arcade with the conditions of the use permit under which the arcade is operating.

17.71.190 GARAGE CONVERSIONS

A. Purpose. The purpose of this section is to allow, in limited cases, the conversion of garages and carports for living space. Such conversion is deemed acceptable subject to review of available off-street parking and compatibility with surrounding development.

B. Applicability. Provisions of this section shall only apply in cases as follows:

1. The site is being used as a single-family detached residence;
2. That a replacement covered parking area of a minimum of four-hundred (400) square feet, with a minimum width of twenty (20) feet, be provided without encroaching on required front or side yard setbacks;
3. That the area converted shall be used as part of the main dwelling and shall not be used as a separate dwelling unit;
4. That the area to be converted shall be subject to all applicable building code requirements;
5. That the site be owner occupied and that such ownership shall have been in effect for a minimum of twelve (12) months prior to approval of a conversion under this title.

C. Process. All applications for garage or carport conversions shall be subject to administrative approval pursuant to Chapter 17.80 of this title.

D. Conversion Criteria. Garage or carport conversions are subject to the following criteria:

1. The garage door shall be removed from the structure, except when the applicant is retaining one parking stall to a standard width and length which would also be perpendicular with the garage door. The exterior elevation of the conversion shall be compatible in design with the existing dwelling;
2. Provision for buffering, such as a planter, shall be provided between the converted carport or garage and the remaining parking area;
3. The remaining parking area shall have a minimum depth of twenty (20) feet from property line with access to be approved by the director.

17.71.200 BED AND BREAKFAST FACILITIES

- A. Purpose. The purpose of this section is to provide for the following:
1. To allow, in limited cases, the operation of bed and breakfast facilities; and
 2. To regulate such operations for the protection of the general health, safety and welfare.
- B. Definition. "Bed and breakfast inn" means a single-family dwelling which is predominantly residential in character, containing three (3) to six (6) guest rooms offering overnight accommodations for rent, wherein a breakfast meal is customarily included in the lodging rate.
- C. Process. Applications for bed and breakfast inns shall be subject to approval of a conditional use permit pursuant to Chapter 17.80 of this title. Bed and breakfast inns shall be subject to any such condition as deemed appropriate by the planning commission.
- D. Development Criteria. Bed and breakfast facilities are permitted, pursuant to a conditional use permit, in R, RM and C-2 zoned areas. In order for a conditional use permit to be approved, the following development criteria shall be met:
1. All standards of the underlying zoning district including, but not limited to, height, lot and yard requirements and lot coverage shall apply.
 2. One (1) additional off-street parking space shall be provided for each room available for lodging purposes. Tandem parking shall not be deemed as meeting this requirement.
 3. The owner of the facility shall reside on site.
 4. Bed and breakfast facilities shall be subject to all applicable building, fire, health and safety codes.
 5. No person who is paying rent in exchange for lodging shall occupy a guest room on the premises for more than fourteen (14) consecutive nights.
 6. The scale and appearance of the bed and breakfast facility shall remain primarily residential in character; all buildings and site improvements shall be similar to and compatible in design with the surrounding neighborhood and adjacent residences. The planning commission shall have authority to grant or deny applications for bed and breakfast facilities based upon design and aesthetic criteria, as well as the other provisions of this section.
 7. One (1) externally lighted sign shall be allowed on the premises. The sign may be either wall mounted or free standing and shall not exceed six (6) square feet in area. Free standing signs shall not exceed five-feet (25) in height.
 8. Bed and breakfast facilities shall be operated by the permanent occupants of the premises. No more than two (2) persons not residing on the premises shall be employed in the

operation of the facility. One additional parking space shall be provided for each two (2) employees.

17.71.210 SIGHT DISTANCE

The following regulations shall apply to all intersections of streets, alleys and private driveways in order to provide adequate visibility for vehicular traffic. There shall be no visual obstructions within the cutoff areas established.

- A. There shall be a corner cutoff area at all intersecting and intercepting streets or highways. The cutoff line shall be in a horizontal plane, making an angle of forty-five (45) degrees with the side, front or rear property line, as the case may be. It shall pass through the points located on both the side and front (or rear) property lines at a distance of thirty feet from the intersection of such lines at the corner of a street, alley or highway.
- B. There shall be a corner cutoff area on each side of any private driveway intersecting a street or alley. The cutoff lines shall be in a horizontal plane, making an angle of forty-five (45) degrees with the side, front or rear property line, as the case may be. They shall pass through a point of not less than ten (10) feet from the edges of the driveway where it intersects the street or alley right-of-way.
- C. There shall be a corner cutoff area on each side of any alley intersecting a street or alley. The cutoff lines shall be in a horizontal plane, making an angle of forty-five (45) degrees with the side, front or rear property line, as the case may be. They shall pass through a point not less than ten (10) feet from the edges of the alley where it intersects the street or alley right-of-way.
- D. Where, due to an irregular lot shape, a line at a forty-five (45) degree angle does not provide for intersection visibility, such corner cutoff shall be defined by a line drawn from a point on the front (or rear) property line that is not less than thirty (30) feet from the intersection of the side and front (or rear) property lines and through a point on the side and front (or rear) property lines.

17.71.220 REGULATION OF ADULT MATERIAL

- A. Purpose. The adult uses and material subject to the provisions of this section are recognized as having serious objectionable characteristics which are incompatible with, and may have deleterious effects upon, adjacent areas and community values.
- B. Definitions. The following definitions shall apply:
 - 1. "Display" means to place in plain view.
 - 2. "Harmful matter" means matter, taken as a whole, which to the average person, applying contemporary statewide standards, appeals to the prurient interest, and is a matter which, taken as a whole, depicts or describes in a patently offensive way sexual conduct which, taken as a whole, lacks significant literary, artistic, political or scientific value for minors.

- a. When it appears from the nature of the matter or the circumstances of its dissemination, distribution or exhibition that it is designed for clearly defined deviant sexual groups, the appeal of the matter shall be judged with reference to its intended recipient group.
 - b. In prosecutions under this section, where circumstances of production, presentation, sale, dissemination, distribution, or publicity indicate that matter is being commercially exploited by the defendant for the sake of its prurient appeal, that evidence is prohibitive with respect to the nature of the matter and can justify the conclusion that the matter lacks significant literary, artistic, political or scientific value for minors.
3. "Matter" means any book, magazine, newspaper, video recording or other printed or written material or any picture, drawing, photograph, motion picture or other pictorial representation or any statue or other figure, or any recording, transcription or mechanical, chemical or electrical reproduction or any other articles, equipment, machines or materials.
 4. "Minor" means any person under the age of 18 years of age.
- C. Limitations Upon Display of Certain Materials. It shall be unlawful for any person, partnership, corporation or other legal entity to display harmful matter in a public or private place, other than a public or private place from which minors are excluded, without placing a device commonly known as a blinder rack in front of such matter, so that the lower two-thirds (2/3) of the material is not exposed to view.

17.71.230 NECESSITY OF CONDITIONAL USE PERMITS FOR THE SALE OF ALCOHOLIC BEVERAGES

- A. Purpose. The purpose of this section is to set forth the development and operational standards for the issuance of a conditional use permit for alcoholic beverage sales. Such standards are adopted to protect the public welfare and health from the potential problems associated with the sale of alcoholic beverages.
- B. Definitions. For the purposes of interpreting this section, the following definitions shall apply:
1. "Employee of off-sale liquor establishment" means the person, corporation, partnership, limited liability company, joint venture or group enterprise legally responsible for the day-to-day operation of the off-sale liquor establishment, who may or may not also be the owner of the off-sale liquor establishment.
 2. "Off-sale liquor establishment" means any establishment which, after the effective date of the ordinance which adopted this section, applies for or has obtained a liquor license from the California Department of Alcoholic Beverage Control (ABC), including license types 20 and 21, for the purpose of selling alcoholic beverages at a location within the city which beverages are not to be consumed on the premises where they are sold.

3. "On-sale liquor establishment" means any establishment wherein alcoholic beverages are sold, served or given away for consumption on the premises, including but not limited to any facility which has obtained a California Department of Alcoholic Beverage Control license types 41, 42, 47, 48, 51, 52 or 63, for the purpose of selling alcoholic beverages at a location within the city which are to be consumed on the premises where they are sold.
4. "Owner of off-sale liquor establishment" means the person, corporation, partnership, limited liability company, joint venture or other enterprise having lawful possession of the premises upon which the off-sale liquor establishment is operated. The owner of the off-sale liquor establishment may or may not also be an employee of the off-sale liquor establishment.
5. "Server" means any employee or an owner of either an on-sale liquor establishment or of an off-sale liquor establishment, who provides services directly to the retail customer of that establishment.
6. "Substantial change of mode or character of operation" for the purposes of this chapter, means and includes but is not limited to any one or more of the following:
 - a. A period of closure greater than thirty days (30); or
 - b. An increase in square footage of that portion of the property in which alcoholic beverages are either sold or in which the inventory is open to customers; or
 - c. The establishment changes its type of liquor license within a license classification or is required by the state, for any reason, to apply or re-apply for the same type of license or a different type of license for the sale of alcoholic beverages for this location and it does so successfully.

C. Permits Required.

1. No place wherein alcoholic beverages are sold, served or given away for on-site or off-site consumption shall be established in any zone without first obtaining a conditional use permit for alcoholic beverage sales from the city, and then, an application for such a permit shall be considered if and only if the use in question is permissible in the zone where the property is located with such a permit. No existing site which is currently used for such a purpose which then has a substantial change of mode or character of operation, as defined in this section, shall continue to operate without first obtaining a conditional use permit.
2. A conditional use permit issued under this section shall be reviewed by the director of public works annually. Should the operator fail to comply with the conditions of the conditional use permit, then the matter shall be recommended to the planning commission to initiate a procedure under Section 17.04.170 to consider revocation of the conditional use permit.

3. Any substantial change of mode or character of operation shall require a new conditional use permit.
4. In considering an application for a conditional use permit or revocation of an existing conditional use permit for alcoholic beverage sales under this section, the planning commission and, if appealed, the city council, shall consider whether the proposed use will adversely affect the health, safety or welfare of the residents of the area or will result in an undue concentration of such establishments in one area.
 - a. Whether the application is denied or granted or revoked, the planning commission and, if appealed the city council, shall make written findings based upon substantial evidence in view of the whole record to support its decision.
 - b. The planning commission, or, if the matter is appealed, the city council, shall also consider whether the proposed use will detrimentally affect nearby residentially zoned districts in the area, after giving consideration to the distance of the proposed use from the following:
 - i. Residential buildings;
 - ii. Churches, schools, hospitals, public playgrounds and other similar uses; and
 - iii. Other establishments dispensing for sale or other consideration, alcoholic beverages, including beer and wine.
 - c. In all determinations pursuant to this section, the applicant for the conditional use permit for alcoholic beverage sales shall have the burden of proving by substantial evidence that the proposed use will not adversely affect the health, safety or welfare of the public, nor result in undue concentration of alcoholic beverage outlets in that part of the city, or detrimentally affect nearby uses within the city.

D. Operational Criteria. Off-sale liquor establishments shall meet all of the following conditions both at the time of and all times while holding a conditional use permit for alcoholic beverage sales under this section. Such establishments shall not sell or store motor fuels on the same premises as alcoholic beverages, except upon the following conditions:

1. The sale of alcoholic beverages shall not be located closer than five-hundred (500) feet to any public or private school as measured from the property line of the school.
2. No beer or wine shall be displayed within five (5) feet of the cash register or the front door unless it is in a permanently affixed cooler which was affixed in the location on or before January 1, 1997.
3. No alcoholic beverage (including but not limited to beer or wine) advertising shall be located on any motor fuel islands and all advertising and signs shall comply with the Dinuba Municipal Code Chapter 17.72.
4. No sale of alcoholic beverages shall be made from a drive-up or drive-in window.

5. No display or sale of beer or wine shall be made from an ice tub.
6. Employees who are on duty between the hours of 10:00 p.m. and either 2:00 a.m., or closing, whichever is earlier, who sell beer or wine, shall be at least twenty-one (21) years of age.
7. Gathering and loitering of individuals is prohibited at either public or private parking area of off-sale liquor establishments.

E. Existing Establishments Selling Alcoholic Beverages.

1. Any establishment lawfully existing prior to the effective date of the ordinance adopting this chapter and licensed by the state for the retail sale of alcoholic beverages for on-site and/or off-site consumption shall obtain a conditional use permit for alcoholic beverage sales when there is substantial change in the mode or character of operation.
2. An establishment which becomes lawfully established on or after the effective date of the ordinance which adopted this chapter which is licensed by the state for the retail sale of alcoholic beverages for on-site and/or off-site consumption shall obtain a new or a modification of any existing conditional use permit for alcoholic beverage sales applicable to that establishment when there is a substantial change in the mode or character of operations of the establishment.

F. Monitoring of Use. Periodic inspections, which may or may not be announced in advance, may be conducted by the city to ascertain compliance by any establishment engaged in the sale of alcoholic beverages with the conditions of the use permit under which it is operating. Violation of any provision of the conditional use permit is subject to revocation as set forth in Section 17.86.070. A fee for inspection will be charged based on the actual cost to the city expressed as an hourly rate as established by the MSI Study.

17.71.240. MINOR CHANGES IN PROPERTY USE OR CHANGE IN OCCUPANCY

- A. Minor changes in property use or occupancy that do not warrant full discretionary permit review as determined by the director will be required to make reasonable minor improvements or upgrade existing improvements as per city requirements.
- B. Minor changes in property use or occupancy that are obviously in a neglected state of repair or maintenance as determined by the director will be required to be processed as an administrative site plan review and be required to upgrade the property as per city requirements.

17.71.250 STREET DEDICATIONS AND IMPROVEMENTS

Because of changes that may occur due to drainage conditions, utility service requirements or vehicular traffic generated by facilities requiring an administrative site plan review, the following dedications and improvements may be deemed necessary and may be required as a condition or conditions to the approval of any site plan:

- A. Development Bordering or Traversed by an Existing Street. If the development borders or is traversed by an existing street, the applicant may be required to:
1. Dedicate all necessary rights-of-way to widen a bordering minor or collector street to the extent of one-half (1/2) the ultimate width established by the city as the standard for such minor or collector street, or the full extent required for a frontage road;
 2. Dedicate all necessary rights-of-way to widen a traversing minor or collector street to its ultimate width established by the city as the standard for such minor or collector street;
 3. Dedicate all necessary rights-of-way to widen a bordering or traversing arterial street to the standards of width established by the city;
 4. Set back all facilities the required distance from ultimate property lines along an arterial or collector street as shown on any master, official or precise plan of streets and highways, or by the city's general plan;
 5. Install curbs, gutters, sidewalks, street signs, street lights and street trees along one side of a bordering or along both sides of a traversing minor, collector or arterial street;
 6. Install utilities and drainage facilities to the full extent of the service requirements generated by the development.
- B. All improvements shall be to city standards existing at the time the site plan is approved and shall be installed at the time of the proposed development. Where it is determined by the city that it is impractical to put in any or all improvements at the time of the proposed development, an agreement to make such improvements may be accepted in lieu thereof. In any event, the applicant shall enter into an agreement with the city for the provision of improvements before a building permit may be issued, at which time there shall be money deposited with or in favor of the city to guarantee the making of such improvements.
- C. Street dedications and improvements which may be required by this section shall be considered only on the principle that they are required as near as practical in proportion to the traffic, utility and other demands generated by the proposed development.

Chapter 17.72 DEVELOPMENT STANDARDS – SIGNS

Sections:

17.72.010	Purpose
17.72.020	Permit required
17.72.030	Definitions
17.72.040	Exemptions
17.72.050	Prohibited signs
17.72.060	Sign design
17.72.070	Signs permitted—RCO district
17.72.080	Signs permitted—AN district
17.72.090	Signs permitted—R districts (RA, R, RM)
17.72.100	Signs permitted—P district
17.72.110	Signs permitted—PO district
17.72.120	Signs permitted—C-1 district
17.72.130	Signs permitted—Other C districts (C-2, C-3, C-4)
17.72.140	Signs permitted—M districts (M1, M-2)
17.72.150	General provisions
17.72.160	Special use signs
17.72.170	Temporary uses
17.72.180	Nonconforming signs
17.72.190	Administration and enforcement
17.72.200	Murals and public art

17.72.010 PURPOSE

The requirements and provisions set forth in this chapter shall apply to all signs erected, relocated or maintained within the city. No sign shall hereafter be erected, repaired or relocated except as provided in this chapter. The purpose of the sign code is to protect the public safety and general welfare, and to control the location, size, height, illumination, construction and maintenance of signs and outdoor advertising structures.

17.72.020 PERMIT REQUIRED

- A. No person shall erect, move, alter, repair or attach any sign without first obtaining a permit and paying sign permit fees.
- B. The erection or placement of all signs shall meet the requirements of the Public Utilities Commission of the state, the Uniform Sign Code as adopted by the city and all other relevant federal, state and local laws and regulations.
- C. Shopping Center Signs. The sign program for shopping centers shall be approved with the administrative site plan review. 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.

D. Application. Application for sign permits shall contain the following information:

1. Name, address and telephone number of applicant;
2. Location of building or lot where the sign is to be located;
3. A sketch drawn to a suitable scale showing the location and position of the sign;
4. Two (2) copies of the plans and specifications for the design showing the method of construction and attachment to the building or ground;
5. A copy of calculations and stress diagrams showing that the structure is designed for dead load and wind pressure to meet the requirements of the building official;
6. The name of the person, firm, corporation or association owning and erecting the sign;
7. Such other information as the building official may deem necessary.

E. Posting. Every sign permitted shall post a copy of the sign permit in a conspicuous place on the premises on which the sign is maintained.

F. Electrical Permit Required. No person shall install any electrical wiring or lighting to be used in connection with any sign without first obtaining an electrical permit.

G. Appeal from Decision. An appeal may be filed with the planning commission by any person aggrieved or affected by any decision of the building official.

H. Variances. The planning commission may grant variances to the conditions established in this chapter.

17.72.030 DEFINITIONS

For purposes of this chapter, certain words and forms are defined as follows:

A-board. “A-board” means a portable sign capable of standing without support or attachment.

Advertising structure. “Advertising structure” means a structure erected exclusively for advertising purposes upon which any poster, bill, printing, device or other advertisement of any kind whatsoever may be placed, posted, printed or fastened and having a surface of twelve square feet or more.

Awning sign. “Awning sign” means any sign located on an awning.

Building. “Building” means the building on which a sign is located or attached, but excluding an advertising structure.

Cut-out sign. “Cut-out sign” means any sign or individual words, letters, figures or characters which are self-supporting and not affixed to any sign surface, but which are erected so as to be approximately parallel to the face of the building but need not be attached to the building.

Directional sign. “Directional sign” means any sign other than a highway marker or any sign erected by public authority which is for the purpose of directing persons to a place or activity not located on the same premises as the sign.

Erect. “Erect” means to build, construct, hang, place, suspend or affix, including the painting or otherwise applying of wall signs.

Face of building. “Face of building” means the exposed side of a main wall of a building, excluding structural projections facing a street, highway or thoroughfare.

Face. “Face” means the surface of a sign on, against or through which the message or design is displayed or illustrated.

Face sign. “Face sign” means any sign painted, affixed or attached on a wall or of solid construction located as to be approximately parallel with the face of a building including a “V” type sign which does not extend more than eighteen inches from the face of the building or structure.

Fin sign. “Fin sign” means any sign which is erected so as to combine the features of both a roof sign and a projecting sign.

Freestanding sign. “Freestanding sign” means any sign which is self-supporting in a fixed location and not attached to any building.

Gross surface area of sign. “Gross surface area of sign” means the area contained within a single continuous perimeter, enclosing all parts of the sign but excluding any structural elements outside the limits of signs which are required for the support of the sign.

Illuminated sign. “Illuminated sign” means any sign illuminated by any light source, on, within or attached to the sign or by a light source removed there from.

Marquee. “Marquee” means a permanent roofed structure attached to and supported by the building.

Marquee sign. “Marquee sign” means any sign attached to or supported by a marquee.

Monument sign. “Monument sign” means any low profile sign located on the premises and advertising the use, business, service or activity being conducted on the premises.

Outdoor advertising structure. “Outdoor advertising structure (billboard)” means any sign, other than a directional sign, having a gross area of fifty square feet or more, if single-faced; or one-hundred (100) square feet or more if double-faced, which advertises a business, product, service or activity made available elsewhere than upon where the sign is located.

Political sign. “Political sign” means any sign whose purpose is the promotion or opposition to any person’s candidacy for public office, any issue in a public election or any other political cause.

Projecting sign. “Projecting sign” means any sign which is attached to the face of a building and projects more than eighteen inches from the face of the building.

Real estate sign. “Real estate sign” means any sign used exclusively for advertising a parcel of property or a building for sale, lease or rent.

Roof sign. “Roof sign” means any sign located on a roof of a building or having its major structural supports attached to a roof.

Sign. “Sign” means any advertisement, announcement, display (including electronic display), illustration, banner, insignia or mechanism which is affixed to, painted on or otherwise represented on a building, structure or site, on any vegetation, rock, wall, post, fence or any other object and which is used to advertise or promote the interests of any person on the sale, use or consumption of any service, commodity, article or thing.

For the purpose of this chapter the term “sign” shall not include the following:

- 1) Advertising media located entirely within an enclosed building;
- 2) Traffic highway markers, parking directional signs not greater than three square feet in area and railroad crossing or danger signals;
- 3) The display of official court or public office notices;
- 4) Any sign erected or maintained by public authority;
- 5) Signs used for the safety, welfare or convenience of the public by utility companies.

Sign structure. “Sign structure” means the structure supporting a sign including uprights, braces and framework but excluding any portion of the sign structure which meets the definition of a “sign.”

Sniping. “Sniping” means affixing of advertising to a building, pole or other surface without consent of the owner or other person exercising control of the premises, excluding any posting by an authorized public officer or employee or the giving of a notice required or authorized by law.

Street frontage of a lot. “Street frontage of a lot” means the face of a lot abutting a street for interior lots and the narrowest frontage abutting a street on corner lots.

Window sign. “Window sign” means any sign painted on or attached to a window or located inside within a distance equal to the greatest dimension of the window (either width or height) and designed to be viewed from the outside of the building in which the window is located.

17.72.040 EXEMPTIONS

- A. Real estate signs not exceeding six (6) square feet in area and having a vertical dimension of not more than four (4) feet pertaining to the sale, lease or rental of the property on which they are displayed, may be erected without obtaining a sign permit; provided, that not more than one such sign shall be permitted on a lot, or upon each sixty (60) feet of frontage of larger parcels; provided further, that when located in any RA, R or RM zone not more than one such sign shall be allowed no matter the size of the parcel.
- B. The following signs and nameplates may be erected without obtaining a sign permit:
1. Street number and/or name signs not exceeding one (1) square foot per sign for single-family or duplex structures and three (3) square feet per sign for all other uses. One (1) sign per street frontage shall be allowed. This shall include signs which identify the location of the office of the manager of the property;
 2. Signs not to exceed six (6) square feet in area identifying persons engaged in construction on the site, while construction is in progress; but for not longer than six (6) months;
 3. Signs for identification of institutional buildings, private clubs, lodges, schools and churches, provided:
 - a. Such signs shall not exceed two (2) in number,
 - b. Such sign or signs shall not exceed more than twenty (20) square feet in the aggregate,
 - c. Such signs shall be attached to a wall of the building, parallel to the wall and shall not project out from the wall more than six (6) inches, nor extend above the wall;
 4. Bulletin boards which may be double-faced, not over twelve (12) square feet on one side, for public, nonprofit charitable or religious institutions, provided that such bulletin boards shall have letters not more than six (6) inches in height, be internally illuminated, and serve only to identify the institution and announce its services and/or activities;
 5. Memorial signs or tablets, historical monuments and religious symbols and similar emblems when such are constructed of incombustible materials, when submitted with the building and approved under the zoning provisions;
 6. Signs not greater than twelve (12) square feet in area accessory to public garages or parking areas, when such signs are located on the same lot;

7. Signs not exceeding twelve (12) square feet in area denoting the owner, architect, engineer and/or contractor, when placed upon work and during construction; provided that not more than one such sign shall be erected on the site. Such signs shall be removed thirty days after obtaining an occupancy permit for the structure;
8. Signs used exclusively for the posting or display of official notices by a public agency or official, or by a person giving legal notice;
9. Signs erected or maintained by a public agency or official or required by law to be displayed by a public utility for directional, warning or information purposes;
10. Signs not exceeding three (3) square feet in area announcing garage or yard sales which shall be removed immediately after the completion of the sale;
11. Credit cards accepted, trading stamps given and association membership signs when not exceeding one-half (1/2) square foot per window sign and one and one-half (1/2) square feet per hanging sign and a total of four in number;
12. Signs bearing no advertising message and located on the site may be erected when necessary to facilitate circulation within the site or facilitate egress and ingress;
13. Flags of any nation, political subdivision or fraternal or religious organization and those flags determined by the director to be of a noncommercial, nonprofit civic character provided the pole height does not exceed twenty-four (24) feet and the height of the flag is not more than one-fourth (1/4) the height of the pole. A sign application may be submitted for a flagpole higher than twenty-four (24) feet or a flag which exceeds one-fourth (1/4) the height of the pole where the applicant can show that the proposed flag and/or pole is consistent with the intent and purpose of this chapter. This section is not intended to allow the clustering or display of flags for the purpose of commercial attraction as determined by the director;
14. Signs such as “rest rooms,” “telephone,” “danger,” “impaired clearance,” “no smoking” and other signs of a similar nature may be allowed up to five (5) square feet in area under this section;
15. Signs located in the interior of any building or within an enclosed lobby or court of any building or group of buildings, and which are not visible from any public right-of-way, shall not be subject to the size and location criteria within this chapter;
16. Temporary display posters in connection with nonprofit civic and cultural events and with noncommercial health, welfare and safety campaigns (such as Red Cross, United Crusade, Tuberculosis Seals, Heart Fund, performing arts and the like). Such posters shall be removed within fourteen days after the termination of the event;
17. The removing and replacing of only the sign copy without increasing or decreasing the area of conforming signs. The sign container, including the structural and electrical

connections, shall remain unchanged. This section is not intended to allow changeable copy signs;

18. Holiday greetings, decorations and displays, such as relate to Christmas, Thanksgiving, the Fourth of July and the like, excluding advertising signs disguised as seasonal decorations; and

19. 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 rights-of-way or parking lots within a business center. This section is not intended to allow additional permanent signs.

17.72.050 PROHIBITED SIGNS

Unless otherwise provided, the following signs are expressly prohibited:

- A. Off-premises signs, billboards and outdoor advertising structures;
- B. Subject to [Section 17.72.170](#) of this chapter, no person, except a duly authorized public official, shall erect, paint, print, nail or otherwise fasten any banner, sign, advertisement or notice of any kind on any lamp, pole, utility pole, bench, hydrant, bridge, wall, tree, sidewalk or structure in, upon or across any public street, alley or public property except as may be required or permitted by law;
- C. Signs, A-boards, advertising structures or merchandise displays placed upon or attached to the ground on any portion of the public street, sidewalk or right-of-way;
- D. Snipe signs or sniping;
- E. Glaring and flashing lights, including illuminated window signs, excepting seasonal decorations;
- F. Directional signs in any RM or C districts provided, however, that temporary signs for the purpose of directing traffic to a residential property for sale shall be permitted provided that such signs shall have an area on any face not greater than three square feet, shall be limited to two in number pertaining to any property and shall be displayed only during the hours between 8:00 a.m. and 5:00 p.m.;
- G. Pennants, streamers, spinners, ribbons except as provided in [Sections 17.72.130](#) and [17.72.170](#) of this chapter;
- H. Animated signs, the movement of which is simulated by variations in the intensity, color, pattern or illumination, and flashing signs shall be prohibited in all districts, subject to the following exceptions:
 - 1. A sign changing so as to show time and/or temperature,

2. An on-premises barber pole operated during business hours,
 3. Electronic signs displaying such things as time, temperature, advertisement or events of community interest shall be permitted. The area of such signs shall be included when computing the total sign area of a business or site, subject to a conditional use permit;
- I. Murals which contain advertising copy or which function as an advertisement;
- J. 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,
 3. Privilege signs. Any sign containing the manufacturer's name and/or emblem which exceeds one-fourth of the face of the sign,
 4. Natural despoliation. Signs which are cut, burned, limed, painted or otherwise marked on a field, tree, rock or other natural item, and
 5. Changeable copy signs. Signs designed to have changeable copy as a part of all of their copy, except as specifically provided by this chapter;
- K. No vehicle may be used as a platform or substitute for a billboard, freestanding sign or movable sign, whether parked on private property or the public right-of-way. This is specifically intended to include the use of vehicles as a freestanding or off-premises sign;
- L. Signs located on benches or on other similar structures provided for the use of passengers along the route of a bus shall be prohibited; and
- M. 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.

17.72.060 SIGN DESIGN

The requirements, specifications and conditions set forth apply to all advertising structures, sign boards and supporting structures located or constructed within the city:

- A. Awning Sign. An awning sign shall be located on the hanging border of awnings only, and shall be not less than seven feet above the sidewalk line.
- B. Barber Pole. A barber pole shall not project more than fourteen inches from the face of the building and the bottom portion shall be not less than eight feet above the ground or sidewalk.
- C. Cut-Out Sign. A cut-out sign shall conform to the regulations for face signs except that not to exceed twenty-five (25) percent of the horizontal dimension of any such cut-out sign may extend above the roof or parapet line of the building not more than four feet.
- D. Face Sign. A face sign, other than a painted sign, shall be located less than ten (10) feet above the sidewalk or ground; no face sign shall project from the face of the building more than eighteen inches, nor extend above the roof line or parapet line of the building.
- E. Fin Sign. A fin sign shall not be located less than ten feet above the sidewalk or ground, shall not project more than four (4) feet from the face of the building, or not closer than two (2) feet to the curb line whichever is more restrictive, shall not extend more than four (4) feet above the roof or parapet wall of the building, and shall have a thickness no more than two (2) feet.
- F. Freestanding Sign.
 - 1. A freestanding sign shall be so installed that no part of the sign or structure extends beyond the property line; the advertising surface may be double-faced; the surface of each face shall not exceed seventy-five (75) square feet; the bottom of each surface of any freestanding sign other than a real estate sign shall be at least ten (10) feet above the ground and the top of each surface shall be not more than thirty (30) feet above the ground or property line grade.
 - 2. New freestanding signs shall have a permanently landscaped area and shall be maintained with live plant materials around the base of such signs equal to at least ten (10) percent of the total sign area with a minimum landscaped area of ten (10) square feet. Such signs shall be placed so as not to impede pedestrian or vehicular movement or visibility.
- G. Marquee Sign. A marquee sign shall be located approximately parallel to the face of the supporting marquee, shall be located no less than ten (10) feet above the sidewalk or ground, shall not project more than six (6) inches from the face of the supporting marquee, nor shall be within two (2) feet of the perpendicular projections of the curb line, and shall not be more than four (4) feet in vertical dimension. No more than one such sign per place of business or street frontage shall be permitted.
- H. Projecting Sign. A projecting sign shall be located no less than ten (10) feet above the sidewalk or ground, except as otherwise provided in this chapter, shall project from the face of the building no more than four (4) feet, or no closer than two feet to the curb line,

whichever is more restrictive, shall extend above the roof line or parapet wall no more than four (4) feet, and shall be of no greater thickness than two (2) feet.

- I. **Roof Sign.** A roof sign: shall not extend from the face of a building more than four (4) feet measured at right angles to the building nor more than four (4) feet measured at right angles to the street frontage; shall not extend beyond the face of the building when located approximately parallel to the street frontage of the building; shall not extend more than seven feet above that portion of any parapet wall or roof located directly below said sign, except that no portion of the sign shall project above the maximum height requirement of the zone in which it is located; shall not extend across more than seventy-five (75) percent of any street frontage of the building; and shall have a thickness of no more than two (2) feet when erected at right angles to the street frontage.
- J. **Monument Sign.** A sign no larger than thirty (30) square feet in size, the dimension of which shall be no larger than ten (10) feet long, three feet wide and one (1) foot deep, located outside the public right-of-way and on the same premises as the place of business in which the use, service or activity shown on the sign is being conducted. The sign shall not exceed fifty-four (54”) inches in height, measured from the top of the curb, across the front of the property on which subject sign is located.
- K. **Murals.** Murals shall be permitted which contain no advertising copy and which do not function as an advertisement, subject to review and approval by the city council.

17.72.070 SIGNS PERMITTED – RCO DISTRICT

Signs permitted in the RCO district are as follows:

- A. Exempt signs as set forth in [Section 17.72.040](#) of this chapter;
- B. For permitted uses, name plates or signs not directly lighted, with an aggregate area of not more than twenty square (20) feet;
- C. For conditional uses, the provisions of [Section 17.72.110](#) of this chapter (PO district) shall apply.

17.72.080 SIGNS PERMITTED – AN DISTRICT

Signs permitted in the AN district are as follows:

- A. Exempt signs as set forth in [Section 17.72.040](#) of this chapter;
- B. Name plates or signs not directly lighted, with an aggregate area of not more than twenty (20) square feet pertaining to a permitted use;
- C. Identification signs or other signs appurtenant to a conditional use not to exceed sixty (60) square feet in aggregate area.

17.72.090 SIGNS PERMITTED – R DISTRICTS (RA, R, RM)

Signs permitted in the R districts are as follows

- A. Exempt signs as set forth in [Section 17.72.040](#) of this chapter;
- B. Not more than one sign advertising subdivisions and tract homes under construction and located on the site of the subdivision; provided that the dimensions of such sign shall be in accordance with the following table:

Advertising Relating to:	Maximum Area (Sq. Ft.)	Maximum Dimension (Feet)	Maximum Height Above Grade (Feet)
Buildings or structures	32	12	12
Subdivisions of less than 5 acres	48	1	12
Subdivision of 5 or more acres	65	16	12

- C. Signs and pennants advertising the sale of subdivision lots and tract homes shall be permitted for a period of twenty-four (24) months from the date of beginning construction; provided that when seventy-five (75) percent of the lots in the subdivision have been built, all such signs shall be removed within thirty (30) days;

D. Size.

- 1. For multiple-family residences only. One monument sign per street of lot frontage not to exceed one (1) square foot per ten (10) feet of lot frontage with a minimum area of twelve (12) square feet and a maximum area of twenty-four (24) square feet shall be permitted,
- 2. For planned unit developments. Signs shall be approved in conjunction with the conditional use permit for a residential planned unit development;

- E. Location. Multiple-family development may be freestanding or wall-mounted. When freestanding, such signs shall not be less than five (5) feet inside the property line, nor closer than one-hundred (100) feet from another freestanding sign on the same parcel. If building-mounted, signs shall be flush-mounted on the wall;

- F. Contents. Single-family dwelling signs shall indicate name of the occupant and the address. Multiple-family development signs may give the name of the development, the address and, only when vacancies occur, note “units for rent” (“no vacancy” signs shall not be permitted), not to exceed six (6) square feet;

- G. One identification sign not exceeding twelve (12) square feet in area, located flat against a wall and not projecting above the cornice or roof line of a conditional use which does not occupy a structure; provided, that no sign shall be located in or project into a required front, side or rear yard;

H. One non-illuminated sign not exceeding four square feet in area located on the premises of a parking lot.

17.72.100 SIGNS PERMITTED – P DISTRICT

Signs permitted in the P district are as follows:

- A. Exempt signs as set forth in [Section 17.72.040](#) of this chapter;
- B. One (1) sign for each entrance to a parking facility shall be permitted; provided that said sign shall not exceed one (1) square foot of area for each one (1) lineal foot of street frontage upon the subject lot, and further provided that no single sign shall exceed one-hundred (100) square feet in area;
- C. Exit signs, not to exceed six (6) squares in area, shall be permitted at each exit from said parking lot to any abutting street or alley.

17.72.110 SIGNS PERMITTED – PO DISTRICTS

Signs permitted in the PO district are as follows:

- A. Exempt signs as set forth in [Section 17.72.040](#) of this chapter;
- B. A single freestanding sign not to exceed eight (8) feet in height or fifty (50) square feet in area listing the name and address of the office center or the business in the case of a single business development. The total face area may be utilized in one (1) sign or be divided among one (1) sign per street frontage, provided a minimum distance of one-half (1/2) of the width of the lot is maintained between each sign and the street corner of the lot.
 - 1. The location of such signs shall not be less than one (1) foot 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 street traffic or pedestrians;
- C. 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. Such low-profile signs shall be uniform in construction (except for copy) and shall not exceed four (4) feet in height, eight (8) feet in length and two (2) feet in width per business. The total face area shall be limited to one-hundred (100) square feet. Such low profile signs shall be limited to copy on one side and placed parallel to the street;
- D. Directory Signs. For directory signs located within the interior of a business center, there shall be no quantity limits. For directory signs located along the exterior street frontages of a business center, only one such sign shall be permitted for each approach entrance, or as determined otherwise by the director when the design, location, shape of the center or other special circumstances exist and warrant special consideration;

- E. Office Uses On Building Identification Signs. Each business frontage having a public entrance shall be allowed on-building identification signs having an area of one-half (1/2) square foot per front foot of building, up to fifty (50) square feet of maximum area. Buildings set back one-hundred fifty (150) feet or more from the street shall be permitted one (1) square foot of sign area per front foot of building, up to seventy-five (75) square feet.

17.72.120 SIGNS PERMITTED – C-1 DISTRICT

Signs permitted in the C-1 district are as follows:

- A. Exempt signs as set forth in [Section 17.72.040](#) of this chapter;
- B. Signs identifying occupants, type of use or services rendered on the premises; provided such signs shall be attached to and parallel with the wall of the building, and shall be stationary and non-flashing. All signs relating to any one occupant or business shall not exceed sixty (60) square feet in area in the aggregate;
- C. Other signs as permitted in [Section 17.72.090](#) of this chapter (R district).

17.72.130 SIGNS PERMITTED – OTHER C DISTRICTS (C-2, C-3, C-4)

Signs permitted in the C-2, C-3 and C-4 districts are as follows:

- A. Exempt signs as set forth in [Section 17.72.040](#) of this chapter;
- B. Any sign allowed in the C-1 district;
- C. Any awning signs, barber poles, cut-out signs, face signs, fin signs, freestanding signs, marquee signs, monument signs, projecting signs and roof signs as defined and regulated in this chapter;
- D. Real estate signs pertaining to the sale, lease or rental of the property on which they are displayed, not exceeding thirty-two (32) square feet in area, having a vertical dimension of not more than eight (8) feet and extending not more than twelve (12) feet above grade; provided that not more than one such sign shall be permitted on single-owned acreage parcels;
- E. Pennants and flags are permitted for new and used car sales, recreation vehicle and boat sales. The aggregate area in pennants and flags shall not exceed in size the total allowable sign area for a permitted or conditional use;
- F. Upon the granting of a use permit in accordance with the regulations of Chapter [17.80](#) of this title:
1. Directional signs provided that such shall be not greater than twelve (12) square feet in area,

2. Freestanding signs.

G. Upon the granting of a sign permit, portable signs shall be permitted in the C-2 downtown commercial district in accordance with the following standards:

1. The maximum height shall be sixty (60) inches and the maximum width shall be thirty (30) inches.
2. The sign shall be setback two and one-half (2 ½) feet from of the curb.
3. The sign may be double sided.
4. The sign shall be displayed only during business hours.
5. The sign shall be constructed of durable material and not conflict with the architecture and color of the business.
6. Balloons, flowers, or streamers shall not be attached to the sign in a way that interferes with the public's use of the sidewalk and the sign shall be maintained to city standards.
7. The sign content shall be limited to name of the business, hours of operation, and minimal advertising i.e. menus, specials, and grand openings.

17.72.140 SIGNS PERMITTED – M DISTRICTS (M-1, M-2)

Signs permitted in the M-1 and M-2 districts are as follows:

- A. Exempt signs as set forth in [Section 17.72.040](#) of this chapter;
- B. Any signs permitted in C districts;
- C. Upon the granting of a conditional use permit in accordance with Chapter [17.86](#) of this title:
 1. Directional signs; provided that such signs shall be not greater than twelve (12) square feet in area,
 2. Freestanding signs.

17.72.150 GENERAL PROVISIONS

- A. Number of Signs. Not more than one freestanding sign shall be erected for any business location; provided, however, that any business having an aggregate frontage on a corner lot of more than three-hundred (300) feet may erect one freestanding sign for the first three-hundred feet (300) and one freestanding sign for each one-hundred (100) feet thereafter, and any business having a frontage on an interior lot of more than one-hundred fifty (150) feet

may erect one freestanding sign for the first one-hundred fifty (150) feet and one such sign for each one-hundred (100) feet of frontage in excess of one-hundred fifty (150) feet.

B. Gross Area of Signs.

1. The aggregate area of signs permitted on any building site shall not, after the date of passage of the ordinance codified in this title, exceed one and one-half (1 ½) square feet of display area for each front foot of the structure or portion of the structure wherein the use referred to is conducted. For purposes of calculating the permitted sign area, the term frontage as used in this paragraph shall include a public entrance to the related occupancy. Separate calculations may be made for front, side and rear entrances and separate signs may be erected on each of these frontages; provided however, that such signs may be only located on the sides of a building wherein is located a public entry.
2. The aggregate area of signs on any site whereon the majority of the business is conducted outside a building shall not, after the date of passage of the ordinance codified in this title, exceed one (1) square foot of display area for each foot of street frontage of the site, or portion thereof, whereon the use referred to is conducted. In the case of sites having frontage and access by customers and/or customer's vehicles on more than one street, the aggregate frontage of the site along all such streets may be used in calculating the permitted display area.

C. Signs Exceeding One-Hundred (100) Square Feet. No sign permit shall be issued for any sign having a gross area of one-hundred (100) square feet or more on any one face unless the design of such sign shall have been approved by the director.

D. Temporary Signs. Temporary signs of an area not greater than thirty-two (32) square feet may be erected or maintained for a period of not more than ninety (90) days upon approval of the director and the obtaining of a temporary sign permit from the building official, other provisions of this chapter notwithstanding.

E. Maintenance of Sign Premises. It is unlawful to permit vegetation, rubbish or inflammable material to accumulate within ten feet of any sign.

F. Obstruction of Fire Escape. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign of any kind shall be attached to a standpipe or fire escape.

G. Traffic Hazard. No sign shall be erected at or near a street in such a manner as to obstruct clear vision, or at any location where the position, shape or color may obstruct the view of, or be confused with, any authorized traffic sign, signal or device, or which uses any word, phrase, symbol or character in such manner as to interfere with or confuse traffic.

H. Limitation on Sign Contents. The advertising on all signs except real estate signs, directional signs and political signs erected after the date of passage of the ordinance codified in this title shall be limited to:

1. Identification of the building whereon the sign is located;
 2. Identification of the person occupying the premises and the type of business conducted by such person, firm or corporation;
 3. Identification of the product manufactured or sold on the premises.
- I. Movement. A moving sign shall be permitted only in C or M districts, provided that movement shall be slow (not to exceed ten (10) rpm) and shall not simulate effects obtained by varying the intensity, color, pattern or illumination.
- J. Utility Lines and Easements. No sign or outdoor advertising structure shall be located within a utility easement, or erected or located in a manner which will reduce the vertical or horizontal clearance from communication or energized electric power lines as required by laws, rules and regulations of the state of California and agencies thereof.
- K. Brand Name Advertising. Within any C district, up to thirty (30) square feet of the signing allowance for any frontage may be devoted to the advertising or identification of an individual brand or brands of products. This provision shall not apply to the identification of one primary brand name identifying a service station.
- L. Portable Signs. Portable signs, including, but not limited to, sandwich board, "A" board, movable freestanding, tire stack and wind signs, shall be permitted but shall in no case be placed on a public right-of-way or within thirty (30) feet of a street intersection.

17.72.160 SPECIAL USE SIGNS

Certain uses, because of their special sign needs or their allowance in several districts, have been specifically listed in this section. Where such uses are approved, the sign standards allowed for such uses shall be as follows:

- A. Auto/RV Sales (New Only With Incidental Used Vehicle Sales).
1. One (1) freestanding sign may be provided per separate new car showroom. The minimum distance between freestanding signs shall be fifty (50) feet.
 2. Freestanding signs for incidental used car sales shall be no higher than fourteen (14) feet nor contain more than thirty (30) square feet in area. One used car freestanding sign shall be allowed per site with distance between signs the same as for new car sales.
- B. Churches. Not exceeding thirty-two (32) square feet in total sign area for freestanding signs. One allowed per street frontage. Wall signs not to exceed one-quarter (1/4) square foot per front foot of building.

- C. Drive-In or Drive-Up Uses. In addition to the sign area normally allowed, drive-up restaurants shall be allowed one menu board not to exceed twenty (20) square feet in area nor six (6) feet in height.
- D. Golf Courses, Swim or Tennis Clubs. One freestanding sign per street frontage with vehicular access. Maximum height, ten (10) feet. Maximum area, twelve (12) square feet.
- E. Group Care Facilities. One wall-mounted sign, not to exceed three (3) square feet.
- F. Motels, Hotels. In addition to signs normally allowed, one “vacancy” sign not to exceed five (5) square feet.
- G. Movie Theaters. One (1) square foot of sign area per front foot of building facing a public street not to exceed one-hundred (100) square feet per frontage, and one freestanding sign not to exceed thirty-five (35) square feet per screen up to a maximum of two-hundred (200) square feet and a maximum height of eighteen (18) feet. Changeable copy may be used for movie listings.
- H. Outdoor Uses Other Than Temporary/Seasonal. A maximum of fifty (50) square feet as approved by the director.
- I. Outdoor Uses Temporary Fireworks Sales. Temporary A-frame and I-frame signs may be used. Total number of signs per street frontage shall be one not to exceed twenty-five (25) square feet in size nor six (6) feet in height. Maximum sign area for all street frontages shall not exceed fifty (50) square feet.
- J. Service Stations Including Mini-Markets/Gas, Car Wash/Gas and Combinations (In Addition to Normal Signs, Following Special Purpose Signs May Be Displayed).
 - 1. Portable merchandise display signs maybe located no farther than six (6) feet from the face of the principal building (connected canopy is not a part of the principal building) providing that each does not exceed five (5) feet in height, three (3) feet in width nor thirty cubic feet in area. Signs on an island shall be limited to advertising the merchandise located on the island. A-frame and I-frame signs are not considered “merchandise islands” within the meaning of this section.
 - 2. Gasoline Price Signs. One permanently mounted freestanding price sign per street frontage shall be allowed which lists information for each grade of gasoline, type of service available and type of payment accepted. Such signs shall not exceed a total of twenty square feet with a maximum height of five (5) feet unless mounted on the freestanding business sign or the pump island supports, in which case the height shall not exceed those allowed for the district.
 - 3. In addition to the gasoline signs allowed above, one or a combination of the following gasoline price sign locations not to exceed twenty square feet per street frontage may be displayed:

- a. On-building or window locations;
- b. Pump island support locations.

K. Time/Temperature.

1. The area of the time/temperature sign shall be counted against the allowed sign area of the site.
2. The sign shall be in keeping with the scale of the site and structure and shall not be located within five-hundred (500) feet of a similar time/temperature sign.
3. If mounted on the building, the top of such sign shall not extend above the roof line.

17.72.170 TEMPORARY USES

A. Political Signs.

1. No person except a duly authorized public official shall erect any sign, outdoor advertising structure or display of any character upon any public property other than a public right-of-way and no such sign, outdoor advertising structure or display shall be erected or maintained within any city street right-of-way without first obtaining approval from the city in writing.
2. A sign permit shall be required to erect political signs within the city street rights-of-way, upon receipt of an application and proof of the necessary liability insurance; the application shall be accompanied by a deposit to defer the cost of processing, inspecting and removal of the signs before and after any election.
3. No political signs shall be erected prior to forty-five (45) days before the date of the election to which they pertain.
4. Each person who obtains a permit for such political signs shall be responsible for the removal of all such signs within six (6) days after the polls have closed. After that date, the cost of removal of any sign or signs shall be assessed to the person who obtained the permit.

B. Banners.

1. No person shall erect or maintain over, across or above any public street, alley or other public place any sign or banner for any purpose whatsoever, without first obtaining approval from the city in writing.
2. It is the responsibility of the person installing such banner or sign to remove it at the termination of the event shown on the banner or sign. A six (6) day grace period will be

permitted for the removal of the banner at the end of which it will be removed by the city and such person will be assessed for the cost of the removal.

- C. Temporary Banners, Posters or Pennants. Temporary banners, posters or pennants are not to exceed in size the total allowable sign area for the lease space. Such signs may be used in conjunction with an event or sale, and may be displayed for twenty (21) one days maximum, and shall be limited to one such display four (4) separate times a year. A minimum of seven (7) days shall separate such display periods. Such promotional displays shall not list individual product prices and will require written notification given to the director.
- D. Grand Opening Signs. A-frame signs, I-frame signs and portable changeable copy signs shall be limited to only one (1) grand opening and a maximum display time of twenty-one (21) days per business, with written notification given to the director.
- E. Search Lights. Search lights associated with a special event or grand opening shall be limited to a maximum display time of five (5) days and shall be limited to one such annual display per location, with written notification given to the director.

17.72.180 NONCONFORMING SIGNS

- A. Illegal Signs. Every sign in existence at the time the ordinance codified in this title became effective 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. Signs which are not constructed, maintained, or displayed pursuant to the requirements of this chapter, and which are not legal, and which are nonconforming shall be illegal.
- B. Nonconforming Signs. Every sign in existence at the time the ordinance codified in this title became effective and which sign was legal at the time of installation but which does not conform to the provisions of this chapter, shall be a legal nonconforming sign. In the event such nonconforming sign is abandoned or discontinued, such sign shall be required to conform to the provisions of this chapter. A change of copy or sign face shall not be deemed a discontinuance of use. Any structural alteration to any part of the sign shall be deemed a discontinuance of use. A nonconforming sign shall be made to conform immediately to the provisions of this chapter if.
 - 1. The owner remodels a nonconforming sign display, or expands or enlarges the building or land use upon which the advertising display is located;
 - 2. The owner relocates a sign;
 - 3. There is an agreement between the owner and the city for the removal of a sign on a given date;
 - 4. The sign display is or may become a danger to the public or is unsafe; or

5. The sign display constitutes a traffic hazard.
- C. Amortization. Nonconforming signs shall, within ten years, be removed or made to conform, 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 nonconforming or illegal under the provisions of this chapter shall be removed or brought into conformance within five (5) years after the date it became nonconforming. Any sign which has been declared nonconforming 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 (5) years.

17.72.190 ADMINISTRATION AND ENFORCEMENT

- A. Signs and other advertising structures regulated in this chapter, when found by the building official to be unsafe or a menace to the public, or erected in violation of the provisions of this chapter, shall be and constitute a public nuisance and shall be subject to abatement.
- B. Any sign which, because of changes in building or site occupancy or use, does not comply with the requirements of [Section 17.72.150](#) of this chapter, may be maintained for a period not longer than thirty days after which time any such sign shall be in violation of the provisions of this chapter and subject to abatement within a period not exceeding one (1) year.
- C. Any person violating any provisions of this chapter is guilty of a misdemeanor. Such person shall be deemed to be guilty of a separate offense for each and every day during any portion of which any violation of this chapter is committed or continued.
- D. Any sign or sign structure erected, altered, moved or maintained contrary to the provisions of this chapter is declared to be unlawful and a public nuisance; and the city shall, upon order of the city council, immediately commence action or proceedings for the abatement and removal and enjoinder thereof in the manner provided by law, and shall take such other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate and remove such sign or structure.

17.72.200 MURALS AND PUBLIC ART

- A. Murals are painted wall signs which have a majority of sign area comprised of noncommercial content, and which generally have artistic, historic, or cultural themes. New murals, public art and the restoration of murals shall require the prior review and approval by the Architectural Review Committee, hereafter "committee."
- B. The committee may approve a new mural or public art if it finds that the proposed mural or public art is consistent with applicable city policies and ordinances, and that the mural or public art would not be detrimental to the public health, safety, or welfare. Commercial

content of murals and public art shall be subject to all applicable sign limitations of the underlying zone district. Murals and public art shall be subject to the following standards and review process.

1. Murals and public art may be located on buildings or walls within the C-2 zone district.
 2. Prior to painting or installation of a new mural or public art, or the modification of an existing mural, an application must be submitted for the review and approval by the committee. All applications for new or modified murals or public art shall be referred to the committee for review.
 3. Approval of a mural design or public art shall occur only after notice and an opportunity to comment has been provided to any interested party. Interested parties may provide comment on proposed murals in writing or in person to the committee. The committee shall consider any public comments during their review of a proposed mural or public art.
 4. The committee shall apply the following design criteria in reviewing proposed murals or public art:
 - a. The subject matter shall be of historical significant regarding the growth and development of the city of Dinuba and its surrounding region. The mural or public art may also contain other subject matter deemed by the committee to significant and of high quality.
 - b. Murals and public art shall be designed and painted by an artist who possess demonstrated knowledge and expertise in the design, materials, and execution of murals and public art.
 - c. To the extent feasible, the mural and public art shall be vandal and graffiti resistant.
 - d. To the extent possible, trompe l'oeil shall be the method of choice for mural creation.
- C. No person shall paint, alter, remove, or repair, a mural or public art with first obtaining a permit and paying sign permit fees.

Chapter 17.73 COMMUNICATION TOWERS AND FACILITIES

Sections:

17.73.010	Purpose
17.73.020	Definitions
17.73.030	Process
17.73.040	Development criteria
17.73.050	Design standards
17.73.060	Lighting and signage
17.73.070	Environmental standards
17.73.080	Collocation
17.73.090	Modifications
17.73.100	Abandonment or discontinuation of use

17.73.010 PURPOSE

The purpose of the chapter is to ensure greater compatibility between communication facilities and adjacent land uses, to protect the general public, and to provide for the communication needs of the region by establishing design and operating standards.

17.73.020 DEFINITIONS

For the purpose of this chapter, certain terms and words as used herein are defined as follows:

Above ground level. “Above ground level” means a measurement of height from the natural grade of a site to the highest point of a structure.

Antenna. “Antenna” means the surface from which wireless radio signals are sent and received by a personal wireless facility.

Camouflaged. “Camouflaged” means a communication tower or facility that is disguised, hidden, part of an existing or proposed structure or placed within an existing or proposed structure.

Carrier. “Carrier” means a company that provides communications services.

Collocation. “Collocation” means the use of single mount on the ground by more than one carrier (vertical co-location) and/or several mounts on an existing building or structure by more than one carrier.

Elevation. “Elevation” means the measurement of height above sea level.

Equipment shelter. “Equipment shelter” means an enclosed structure, cabinet, shed or box at the base of the mount within which are housed batteries and electrical equipment.

Fall Zone. “Fall zone” means the area within which there is a potential hazard from falling debris or collapsing material.

Guyed tower. “Guyed tower” means a monopole or lattice tower that is tied to the ground or other surface by diagonal cables.

Lattice tower. “Lattice tower” means a type of mount that is self-supporting with multiple legs and cross bracing of structural steel.

Licensed carrier. “Licensed carrier” means a company authorized by the Federal Communication Commission (FCC) to construct and operate a commercial mobile radio services system.

Monopole. “Monopole” means the type or mount that is self supporting with a single shaft of wood, steel or concrete and a plat form or racks for panel antennas arrayed at the top.

Omni-directional antenna. “Omnidirectional (whip) antenna” means a thin rod that beams and receives a signal in all directions.

Panel antenna. “Panel antenna” means a flat surface antenna usually developed in multiples.

Personal wireless service facility. “Personal wireless service facility” means a facility for the provision of personal wireless services, as defined by the Telecommunications Act.

Security barrier. “Security barrier” means a locked, impenetrable wall, fence, or berm that completely seals and area from unauthorized entry or trespass.

Separation. “Separation” means the distance between one carrier’s array of antennas and another carrier’s array.

17.73.030 PROCESS

Applications for communications towers and facilities shall be permitted in the M-1 and M-2 zones subject to approval of a conditional use permit pursuant to [Chapter 17.86](#) of this title. Communication towers and facilities shall be subject to any such condition as deemed appropriate by the planning commission.

17.73.040 DEVELOPMENT CRITERIA

In order for a conditional use permit to be approved, the following development criteria shall be met:

- A. The applicant shall submit documentation of the legal right to install and use the proposed site or facility at the time of application submittal.
- B. All standards of the underlying zoning district or specific plan including, but not limited to, height, lot and yard requirements, and lot coverage shall apply.

- C. Cellular towers shall not be located closer than six-hundred (600) feet to any residential, church, school, public recreational land uses, or PO, C-1, and C-2 zoned properties.
- D. In order to ensure public safety, the minimum distance from the base of any ground mounted facility to any property line, road, dwelling, business or institutional use or public recreational area shall be the height of the facility/mount, including any antennas or other appurtenances plus twenty-five (25) feet. This setback is considered a “fall zone.”
- E. In the event an existing tower is proposed as a mount for an antenna, a fall zone shall not be required.
- F. Buildings shall be subject to the setback requirements of the zone or ten feet whichever results in the greater setback.
- G. A minimum of ten feet of the front, sides, and rear yards shall be landscaped pursuant to Section [17.71.140](#), of this title.
- H. All equipment proposed for a communication facility shall be authorized per the FCC.
- I. A balloon or crane test at the proposed site to illustrate the height of the proposed facility, the date, time and location of such test shall be advertised in a newspaper of general circulation in the city at least fourteen days prior to the test.

17.73.050 DESIGN STANDARDS

- A. Equipment shelters for communication facilities shall be designed with one of the following standards:
 - 1. Equipment shelters shall be located in underground vaults; or
 - 2. Equipment shelters shall be designed to be consistent with the surrounding architectural styles and materials; or
 - 3. Equipment shelters shall be camouflaged behind an effective year-round landscape buffer, equal to the height of the proposed building(s), and/or opaque fence.
- B. Fencing shall be placed behind the landscaped areas and wood slats shall be woven into the fence if the fence is made of chain-link material. The use of barbed wire or similar material shall be located to the inside of the lot. Electrified fence or razor wire is prohibited unless required by any law enforcement agency or regulation of the state of California or any agency thereof.

17.73.060 LIGHTING AND SIGNAGE

- A. Facilities shall be lighted only if required by the Federal Aviation Administration (FFA). Lighting of equipment structures and any other facilities on the site shall be shielded from abutting properties. There shall be total cutoff of all light at the property lines of the parcel to be developed and foot-candle measurements at the property line shall be 0.0 initial foot-candles when measured at grade.

- B. Signs shall be limited to those needed to identify the property and the owner and warn of any danger. All signs shall comply with the requirements of the city's sign regulations.
- C. All ground mounted facilities shall be surrounded by a security barrier.

17.73.070 ENVIRONMENTAL STANDARDS

- A. No hazardous waste shall be discharged on the site of any communication facility. If any hazardous materials are to be used on the site, there shall be provisions for full containment of such materials. An enclosed containment area shall be provided with a sealed floor, designed to contain one-hundred ten (110) percent of the volume of the hazardous materials stored or used on the site.
- B. Communication facilities shall not generate noise in excess of fifty (50) dB at the property line.

17.73.080 COLLOCATION

- A. Licensed carriers shall share facilities and sites where feasible and appropriate, thereby reducing the number of facilities that are stand alone. All applicants shall demonstrate a good faith effort to collocate with other carriers. Such good faith efforts include:
 - 1. A survey of all existing structures that may be feasible sites for co-location;
 - 2. Contact with other carriers;
 - 3. Sharing information necessary to determine if collocation is feasible.
- B. In the event collocation is not feasible a written statement of the reasons for the unfeasibility shall be submitted to the city. The city may retain a radio frequency engineer to verify if collocation at the site is not feasible. The cost for such an engineer will be at the expense of the applicant. The city may deny a permit to an applicant that has not demonstrated a good faith effort to provide for collocation.

17.73.090 MODIFICATIONS

- A. A modification of a facility may be considered equivalent to an application for a new facility and will require a new conditional use permit when the following apply:
 - 1. The applicant wants to alter the terms of the conditional use permit by changing the facility in one or more of the following ways:
 - a. Change in the number of facilities permitted on the site;
 - b. Change in technology used for the facility.

2. The applicant wants to add any equipment or additional height not specified in the original design.

17.73.100 ABANDONMENT OR DISCONTINUATION OF USE

- A. At such time a licensed carrier plans to abandon or discontinue operation of a facility, such carrier will notify the city or the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than thirty days prior to abandonment or discontinuation of operations. In the event that a licensed carrier fails to give such notice, the facility shall be considered abandoned upon such discontinuation of operation.
- B. Upon abandonment or discontinuation of use, the carrier shall physically remove the facility within ninety days from the date of abandonment or discontinuation of use, “physically remove” shall include, but is not be limited to:
 1. Removal of antennas, mount, equipment shelters and security barrier from subject property;
 2. Proper disposal of the waste materials from the site in accordance with the city standards;
 3. Restoring the location of the facility to its natural condition, except that any landscaping and grading shall remain.
- C. If a carrier fails to remove a facility in accordance with this chapter, the city shall have the authority to enter the subject property and physically remove the facility. The city may require the applicant to post a bond at the time of construction to cover for the removal of the facility in the event the city must remove the facility.

Chapter 17.76 ADULT-ORIENTED BUSINESSES

Sections:

- 17.76.010 Purpose
- 17.76.020 Definitions
- 17.76.030 Minimum proximity requirements

17.76.010 PURPOSE

It is the intent of this chapter to prevent community wide adverse economic impacts, increased crime, decreased property values, and the deterioration of neighborhoods which can be brought about by the concentration of adult-oriented businesses in close proximity to each other or proximity to other incompatible uses such as schools for minors, churches, and residentially zoned districts or uses. The planning commission and city council find that it has been demonstrated in various communities that the concentration of adult-oriented businesses causes an increase in the number of transients in the area, and an increase in crime, and in addition to the effects described above can cause other businesses and residents to move elsewhere. It is, therefore, the purpose of this chapter to establish reasonable and uniform regulations to prevent the concentration of adult-oriented businesses or their close proximity to incompatible uses, while permitting the location of adult-oriented businesses in certain areas.

17.76.020 DEFINITIONS

For the purpose of this chapter the following words and phrases shall have the meanings respectively ascribed to them by this section.

Adult-Oriented Businesses. “Adult-Oriented Businesses” means any one of the following:

Adult Arcade. “Adult Arcade” means an establishment where, for any form of consideration, one or more still or motion picture projectors, or similar machines, for viewing by five (5) or fewer persons each, are used to show films, computer generated images, motion pictures, video cassettes, slides or other photographic reproductions thirty percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

Adult Bookstore. “Adult Bookstore” means an establishment, book division or magazine section of a department store that has thirty (30) percent or more of its stock in books, magazines, periodicals or other printed matter, or of photographs, films, motion pictures, video cassettes, slides, tapes, records or other form of visual or audio representations which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities and or specified anatomical areas.

Adult Cabaret. “adult cabaret” means a bar, cocktail lounge, restaurant, or similar business establishment which: (a) regularly features live performances which are distinguished or characterized by an emphasis upon the display of specified anatomical areas or specified sexual

activities; and/or (b) which regularly features persons who appear semi-nude; and/or (c) shows films, computer generated ranges, motion pictures, video cassettes, slides, or other photographic reproductions thirty (30) percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

Adult Hotel/Motel. “Adult hotel/motel” means a hotel or motel or similar business establishment offering public accommodations for any form of consideration which: (a) provides patrons with closed-circuit television transmissions, films, computer generated images, motion pictures, video cassettes, slides, or other photographic reproductions thirty percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; and (b) rents, leases, or lets any room for less than a six hour period, or rents, leases, or lets any single room more than twice in a twenty-four-hour period.

Adult Motion Picture Theater. “Adult motion picture theater” means a business establishment where, for any form of consideration, films, computer generated images, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and thirty percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

Adult Theater. “Adult theater” means a theater, concert hall, auditorium, or similar establishment which, for any form of consideration regularly features live performances which are distinguished or characterized by an emphasis on the display of specified anatomical areas or specified sexual activities.

Modeling Studio. “Modeling studio” means a business which provides, for pecuniary compensation, monetary or other consideration, hire or reward, figure models who, for the purposes of sexual stimulation of patrons, display “specified anatomical areas” to be observed, sketched, photographed, painted, sculpted or otherwise depicted by persons paying such consideration. “Modeling studio” does not include schools maintained pursuant to standards set by the State Board of Education.

Church. “Church” means a structure which is used primarily for religious worship and related religious activities.

Distinguished or Characterized by an Emphasis Upon. “Distinguished or characterized by an emphasis upon” means and refer to the dominant or essential theme of the object described by such phrase. For instance, when the phrase refers to films “which are distinguished or characterized by an emphasis upon” the depiction or description of specified sexual activities or specified anatomical areas, the films so described are those whose dominant or predominant character and theme are the depiction of the enumerated sexual activities or anatomical areas. See *Pringle v. City of Covina*, 115 Cal. App.3 151 (1981).

Establishment of an Adult-Oriented Business. “Establishment of an Adult-Oriented Business” means an adult-oriented business and may include any of the following:

1. The opening or commencement of any adult-oriented business as a new business;
2. The conversion of an existing business, whether or not an adult-oriented business, to any adult-oriented business defined in this section;
3. The addition of any of the adult-oriented businesses defined in this section to any other existing adult-oriented business; or
4. The relocation of any such adult-oriented business.

Regularly Features. “Regularly features” with respect to an adult theater or adult cabaret means a regular and substantial course of conduct. The fact that live performances which are distinguished or characterized by an emphasis upon the display of specified anatomical areas or specified sexual activities occurs on two (2) or more occasions within a sixty (60) day period; three or more occasions within a one-hundred eighty (180) day period, shall to the extent permitted by law be deemed to be a regular and substantial course of conduct.

School. “School” as used in this chapter, is any child or day care facility, or an institution of learning for minors, whether public or private, offering instruction in those courses of study required by the California Education Code and maintained pursuant to standards set by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college, or university.

Semi-nude. “Semi-nude” means a state of dress in which clothing covers no more than male genitals, pubic region and buttocks as well as female genitals, pubic region, buttocks, areola of the breast, as well as portions of the body covered by supporting straps or devices. Specified Anatomical Areas. As used herein, “specified anatomical areas” means and includes any of the following:

1. Less than completely and opaquely covered human: (a) genitals or pubic region; (b) buttocks; or (c) female breast below a point immediately above the top of the areola;
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered;
3. Any device, costume or covering that simulates any of the body parts included in subsections (1) or (2) of this definition.

Specified Sexual Activities. “specified sexual activities” means and includes any of the following, whether performed directly or indirectly through clothing or other covering:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast;

2. Sex acts, actual or simulated, including intercourse, oral copulation, or sodomy;
3. Masturbation, actual or simulated;
4. Excretory functions as part of or in connection with any of the other activities described in subsections (1) through (3) of this definition.

Time Limits. “Time limits” means all time limit referenced as day(s) shall be calendar day(s).

17.76.030 MINIMUM PROXIMITY REQUIREMENTS

No adult-oriented business shall be established or located in any zone in the city other than M-1 and M-2 with a CUP, or within certain distances of certain specified land uses or zones as set forth below:

- A. No such business shall be established or located within five-hundred (500) feet of any other adult-oriented business.
- B. No such business shall be established or located within five-hundred (500) feet from any existing residential zone or use, park, church, school, hospital and public buildings and property.
- C. The distances set forth above shall be measured as a radius from the primary entrance of the adult-oriented business to the property lines of the property so zoned or used without regard to intervening structures.

Chapter 17.80 DISCRETIONARY PERMITS AND PROCEDURES

Sections

17.80.010	Purpose
17.80.020	Types of permits
17.80.030	Applications
17.80.040	Processing procedures
17.80.050	Findings
17.80.060	Action by approving authority
17.80.070	Notices and public hearings
17.80.080	Appeals
17.80.090	Discretionary permit to run with the land
17.80.100	Revocation of discretionary permits
17.80.110	Expiration of use permit or variance for failure to exercise rights
17.80.120	Extension of time
17.80.130	Expiration by nonuse
17.80.140	Re-application
17.80.150	Building permit

17.80.010 PURPOSE

A. Discretionary actions

All permits included within Section 17.80.020 are discretionary permits. A discretionary permit is a permit issued or approved by the City of Dinuba as the result of an application wherein the City retains the right to either approve or disapprove. This section provides the procedures and requirements for processing discretionary permit applications and the criteria and conditions considered to be necessary so that an appropriate decision regarding each such application may be made by the appropriate approving authority. A discretionary permit may have more restrictive site development standards than stated in a zoning ordinance in order to make the required findings per Section 17.80.050. Conversely, a discretionary permit may have less restrictive site development standards if allowed by the zoning ordinance for a planned unit development or a precise plan and if the required findings per Section 17.80.050 can be made.

B. Who may file

1. An application related to a specific parcel of property may be made by the owner of the property or by a lessee or an agent with the written consent of the owner.
2. The city council or planning commission may initiate an application for any permit provided for in this title.

C. Applicability

Discretionary permits are applicable to the subject property and all rights granted by the approval of a discretionary permit remain with the property and all conditions and requirements of a discretionary permit are passed on to the new property owner when there is a change of ownership.

D. Enforceability

All conditions, requirements and standards, indicated graphically or in writing as part of any approved discretionary permit granted by authority of these regulations shall have the same force and effect as the Zoning Code. Any use or development established as a result of an approved discretionary permit but not in compliance with all such conditions, requirements, or standards shall be in violation of this Zoning Code and Section 17.98, shall be applicable.

17.80.020 TYPES OF PERMITS

A. Administrative Site Plan

Certain uses listed in this title are permitted only when subject to review and approval by the director. Buildings, structures and land shall be used, designed, erected, structurally altered or enlarged for the purposes so listed in the district in which such building or land is located only after review and approval by the director as provided in this chapter and after applying for and securing all the necessary permits and licenses.

The purpose of site plan review is to enable the city to make a finding that the proposed development is in conformance with the intent and purpose of this title and to guide issuance of permits. More specifically, site plan review is necessary to ensure that all improvements, including without limitation, structures, parking areas, walks, refuse containers, landscaping and street improvements are properly related to the site and surrounding sites and structures; to avoid unsightly or monotonous site development; and to encourage originality in site design and development in a manner which will enhance the physical appearance and attractiveness of the community.

The following shall be submitted to the director of development services, (referred to elsewhere in this chapter as the “director”) for review:

1. All new multiple-family residences;
2. All additions to existing multiple-family residences;
3. All renovations to multiple-family residences which involve facade or exterior work;
4. All new or exterior renovations to commercial buildings;
5. All new or exterior renovations to industrial buildings.

B. Use Permit

In certain zones, conditional uses are permitted subject to the granting of a use permit. Because of their unusual characteristics, conditional uses require special consideration so that they may be located properly with respect to the objectives of the zoning ordinance and with respect to their effects on surrounding properties. In addition, in order to achieve these purposes, the planning commission is empowered to grant or deny applications for use permits and to impose reasonable conditions upon the granting of use permits, subject to appeal to the city council.

C. Variance

The planning commission may grant variances in order to prevent unnecessary hardships that would result from a strict or literal interpretation and enforcement of certain regulations prescribed by this title. 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 population densities, street locations or traffic conditions in the immediate vicinity.

All variance applications are processed in compliance with the provisions of Section 17.80.040.C of this title. The power to grant variances is subject to appeal to the city council.

When a variance application is approved, the approved plot plan shall be a precise plan of development, and establishment, maintenance, and operation of the use or uses permitted by the approval of the application shall be in compliance with the information shown on the plot plan, as approved.

A variance may be revocable, may be granted for a limited time period or may be granted subject to such conditions as the planning commission may prescribe.

The planning commission may deny a variance application.

17.80.030 APPLICATIONS

A. Filing Fee

The city council shall, by resolution, establish or change from time to time the filing fees requested upon the filing of applications pursuant to this title. Such filing fees shall be for the purpose of defraying, in part, the expense of staff review and analysis, postage, posting, advertising or other costs incidental to the proceedings.

B. Application Package Requirements

The applicant shall file with the city planning office a completed application in a form provided by the city. The applicant will provide, at a minimum, the following information:

1. Name and address of the applicant;
2. Statement that the applicant is the owner of the property or is the authorized agent of the owner;
3. Address and legal description of the property;
4. The purposes of the discretionary permit application and the general description of the uses proposed.

In addition to the application and fee, the application shall be accompanied by fifteen (15) copies of each of the following: a site plan, floor plans, elevations and grading plan of the project drawn to scale and dimensioned, each of which shall be on paper which is at least eighteen (18) inches by twenty-four (24) inches. The following information shall also be submitted:

1. Lot or site dimensions;
2. Information on all buildings and structures, including floor plans and proposed uses within each room of each structure;
3. The architectural elevations of all sides of all structures depicting design, color, materials, textures, ornament or other architectural features;
4. Setbacks and spaces between buildings;
5. Walls and fences and their location, height and materials;
6. Off-street parking and off-street loading areas, including the stall striping, aisles and driveways, and internal circulation pattern;
7. Pedestrian, vehicular and service points of ingress and egress and internal circulation pattern;
8. The location, dimensions and designs of all signs, including the types of illumination, if any including hooding devices;
9. Location and general nature of exterior lighting, including hooding devices, if any;
10. Any existing or proposed easements across the site;
11. The name of all adjacent streets, roads or alleys, showing rights-of-way and dedication widths, reservation widths, and all improvements in the public right-of-way, including locations of sidewalks, parkways, curbs, gutters, street widths to centerline and dedications existing and proposed;
12. Landscape and irrigation plans as set forth in Chapters 17.64, 17.71, and 17.82 of this title;
13. Refuse enclosures, including trash and recycling facilities, location, type and material;
14. Existing utilities to the site;
15. Composition of material comprising exterior surfaces;
16. Adjacent public rights-of-way, including median island detail where applicable;
17. Proposed surfacing of all paved areas;
18. Existing topography and proposed grading and drainage of the site;
19. Phasing of the project, if any, must be shown on the site plan itself;
20. Both existing and proposed roof mounted equipment and screening, if any;
21. Adjacent land uses;
22. Water courses;
23. Provisions for draining of surface waters;
24. Such other data pertaining to site development as may be required to make the required findings.

- C. If the application is found to be accurate and complete, it shall be formally accepted. The date of formal acceptance shall be noted on the application. Acceptance of the application shall not constitute an indication of approval.
- D. Not in Scope. In cases where the director considers the reasons and conditions set forth in the application not within the scope of the discretionary permit procedure, the applicant shall be so informed, whereupon, if the application is filed and the fees are accepted, the application shall be signed by the applicant to the effect that he was so informed.

17.80.040 PROCESSING PROCEDURES

A. Combined Application

At the discretion of the Director, different types of permits may be combined in one application and processed with one (1) application number and one (1) fee so long as all applicable permit processing requirements, including all required findings, are satisfied.

1. When a permit requiring a public hearing is combined with one not requiring a public hearing, the combined application shall require a public hearing.
2. Action by the Planning Commission on a permit application shall take precedence over action by the Director.

B. Administrative Site Plan Actions

1. Within sixty (60) days after submission, the director, on behalf of the city, shall review the site plan to determine compliance with this title. If it is determined that the site plan cannot be approved without granting a variance or use permit, or amending this title, the applicant shall be notified in writing and no action on the site plan shall take place until proper application for a variance, use permit or amendment has been filed and acted upon as prescribed by this title.
2. The director may require the submittal of additional information or revised plans. Within thirty days from the receipt of an application the applicant shall be notified in writing of any revisions or additional information required and shall submit such information. Failure to submit required information may be cause for site plan disapproval.
3. Within thirty (30) days after the acceptance of the site plan, the director shall approve, approve with conditions or disapprove the site plan.
4. In making his determination, the director shall consider and, when appropriate, make findings consistent with Section 17.80.050 of this title. In making these findings, the director shall determine that approvals will be consistent with the established legislative policies relating to traffic safety, street dedications and street improvements, environmental quality, and to zoning, fire, police, building and health codes.

5. In reaching a determination with regard to a site plan review, the director shall state those conditions which he has determined are necessary to protect the public health, safety and general welfare of the community and those conditions as may be required by the city municipal code or any federal, state or other local law, rule, regulation or court decision in accordance with this section.
6. All conditions of site plan approval shall be fully complied with prior to the issuance of any certificate of occupancy. It is unlawful for any person to construct, occupy or maintain any building, facility or site without fully complying with all of the conditions of site plan approval or any other applicable requirement of this chapter.
7. The director's decision shall be final unless appealed to the planning commission. Appeals shall be processed in accordance with Section 17.80.080 of this title.
8. When, in the opinion of the director, the site plan submitted is of such consequence, magnitude or involves potential public controversy, the director may refer such to the planning commission for public hearing. The referral shall be placed on the agenda of the next available planning commission meeting following the director's decision.
9. The approved site plan, with any conditions shown thereon or attached thereto, shall be dated and signed by the director, with one copy mailed to the applicant and one copy filed with the building official.
10. Revisions by the applicant to an approved site plan shall be resubmitted in the manner required for drawings first submitted. Minor modifications, as determined by the director, shall be approved as a change to the site plan. Any other change shall be processed as an original filing.

C. Actions requiring a public hearing

1. For applications requiring a public hearing, the director shall investigate the facts bearing on the case and prepare a report thereon which shall be submitted to the planning commission.
2. A public hearing shall be scheduled at the earliest available appropriate date of a regularly scheduled meeting of the approving authority.

17.80.050 FINDINGS. (17.86.050)

- A. For all discretionary permits. The following findings shall be made by the approving authority prior to the approval of any discretionary permit:
1. General Plan. The use or project proposed is consistent with the General Plan
 2. Zoning Code. The use, activity or improvement(s) proposed is consistent with the provisions of the Zoning Code.

3. CEQA. The approval of the permit application is in compliance with the requirements of the California Environmental Quality Act.
4. Compatibility. The location, size, design and operating characteristics of the proposed use will not create conditions or situations that may be incompatible with other permitted uses in the vicinity.
5. General Welfare. The approval of the permit application will not result in conditions or circumstances contrary to the public health and safety and the general welfare.
6. Site Characteristics. That the site for the proposed use is adequate in size and shape to accommodate such use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this chapter to adjust such use with the land and uses in the neighborhood;
7. That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use;
8. That the proposed use will not be detrimental to the character of the development in the immediate neighborhood;
9. That the conditions stated in the resolution are deemed necessary to protect the public health, safety and general welfare. Such conditions may include:
 - a. Special yards, spaces and buffers,
 - b. Fences and walls,
 - c. Surfacing of parking areas subject to specifications,
 - d. Requiring street dedications and improvements (or bonds) subject to the provisions of the site plan review of this title, including service roads or alleys when practical,
 - e. Regulation of points of vehicular ingress and egress,
 - f. Regulation of signs,
 - g. Requiring landscaping and the maintenance thereof,
 - h. Requiring the maintenance of the grounds,
 - i. Regulation of noise, vibration and odors,
 - j. Regulation of time for certain activities,
 - k. A bond for the removal of such use within a specified period of time, and
 - l. Such other conditions as will make possible development in an orderly and efficient manner.

B. New use allowed. Where the enabling ordinance authorizes a discretionary permit to allow a principle use not specifically identified as permitted or prohibited, the following additional finding shall be made in addition to A. and B. above:

1. The proposed use is consistent with the purpose and intent of the (name) district/planning area.

C. Variances.

1. The planning commission may grant a variance to a regulation prescribed by this title with respect to fences and walls, site area, width, frontage, coverage, front yard, rear yard, side yards, height of structures, distances between structures or landscaped areas or in modified form if the planning commission makes the following findings:

- a. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the zoning title;
 - b. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zone;
 - c. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zone;
 - d. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zone;
 - e. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
2. The planning commission may grant a variance with respect to off-street parking facilities if the planning commission makes the findings prescribed in subsection (A) of this section and finds that the granting of the variance will not result in the parking of vehicles on public streets so as to interfere with the free flow of traffic.
 3. The planning commission shall announce its recommendation by resolution within forty days after the conclusion of the public hearing. Such resolution shall set forth the findings of the planning commission deemed necessary to protect the health, safety and welfare of persons in the neighborhood and in the community as a whole.

17.80.060 ACTION BY APPROVING AUTHORITY

- A. A discretionary permit may be denied, may be revocable, may be granted for a limited time period, or may be granted subject to such conditions as the approving authority may prescribe. The planning commission may grant conditional approval for a use permit subject to the effective date of a change of zone or other ordinance amendment.
- B. For items requiring a public hearing by the planning commission, the planning commission shall announce its recommendation by resolution within forty days after the conclusion of the public hearings. Such resolution shall set forth the findings of the planning commission and any recommended conditions, deemed necessary to protect the health, safety and welfare of persons in the neighborhood and in the community as a whole including, but not limited to:
 1. Regulation of time for certain activities to be conducted on the site;
 2. Special yards, spaces and buffers;
 3. Fences and walls;
 4. Requiring street dedications and improvements, including service roads to alleys when practical, and the requiring of drainage, sewer and water connection fees when applicable;
 5. Regulation of points of vehicular ingress and egress;
 6. Requiring the under-grounding of utilities;
 7. Regulation of time period within which the proposed use shall be developed;

8. A bond, deposit of money, recorded lien secured by deed of trust, or letter of credit for the completion of street and site improvements and other facilities or for the removal of such use within a specified period of time, to assure conformance with the intent and purposes set forth in this chapter;
9. Such other requirements which reasonably may be required by the decision maker.

C. Action in writing.

1. The determination on each application, including any required findings and any other reasons that serve to explain the determination, and all conditions of approval, shall be in writing.
2. A copy of the written determination shall be forwarded to the applicant following the date of final determination and shall be made available, at cost, to any person desiring a copy of such determination.

17.80.070 NOTICES AND PUBLIC HEARINGS

A. Administrative approvals

1. In the event an application is approved by the director, the owners of property within a radius of three-hundred feet (300) from the exterior boundaries of the property described in the application shall be notified in writing of the decision.
2. All notices required by this section shall also be sent in the manner prescribed above to the members of the planning commission and the city council.

B. Actions requiring a public hearing

1. Discretionary permits processed per this section, that require a public hearing with public notification shall follow the procedures given in accordance with [Section 17.04.060](#) of this title. However, the failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the action of the approving authority.

17.80.080 APPEALS

A. Appeal of administrative actions

1. No decision of the director shall be effective until a period of thirty days has elapsed following the written notice of his decision. During this period, any property owners notified, any member of the planning commission or the city council, or the applicant may file an appeal to the commission. The appeal shall be filed in writing and set forth the reason for such appeal.
2. An appeal and required fee shall be filed with the city, and shall state specifically wherein it is claimed that the director's decision is not supported by the evidence in the record.
3. The planning commission shall hear the appeal within forty (40) days after the date of filing of such appeal. Notice of the planning commission's hearing shall be in conformance with [Section 17.04.060](#) of this title.

4. The planning commission shall consider all of the factors set forth in [Section 17.80.50](#), in developing its recommendation.
5. No decision of the planning commission shall be effective until a period of fifteen (15) days has elapsed following the written notice of its decision.
6. During this period any property owners notified or the applicant may file an appeal to the city council. The appeal shall be filed in writing and set forth the reason for such appeal.
7. If an application is disapproved by the director, or by the planning commission if appealed, or by the city council if an appeal is taken from the planning commission's decision, a record of such disapproval shall be made and kept on file.

B. Appeal of actions taken by planning commission

Any person aggrieved by a final decision of the planning commission made under this title may appeal the decision to the city council within fifteen (15) days of the date the decision is final. Actions of the planning commission that are recommendations only shall not be considered final decisions.

1. The city council shall hear such appeal of the planning commission's decision within forty (40) days after the date of the filing of such appeal. Notice of the city council hearing shall be in conformance with [Section 17.04.060](#) of this title.
2. The applicant shall be notified in writing at the address shown on the application of the director's decision; of the planning commission's decision if such an appeal is made; or of the city council's decision if an appeal is taken from the planning commission's decision.
3. The city council may affirm, reverse or modify a decision regarding a discretionary permit. If modified, the city council shall, on the basis of the record transmitted by the planning commission and such additional evidence as may be submitted, make the findings prerequisite to the granting of a discretionary permit prescribed in [Section 17.80.020](#) of this chapter.
4. A discretionary permit shall become effective immediately when granted or affirmed by the city council.

C. City Council review of planning commission action

1. Within fifteen (15) days of the date an action under this title by the planning commission is final and in the absence of an appeal being filed, the city council may, on its own motion, but with not less than four affirmative votes, order a review of the action by the council.
2. The council may determine by resolution that the public interest and welfare require a further hearing and order a hearing to be conducted by the council at a time fixed in the resolution. The time fixed for the hearing shall be within thirty days after the commission's decision was filed with the city clerk. Notice of such hearing shall be given in the manner set forth in this chapter.
3. At its hearing, the council may affirm, modify or reverse the commission's decision.

17.80.090 DISCRETIONARY PERMIT TO RUN WITH THE LAND

- A. A use permit granted pursuant to the provisions of this chapter shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the use permit application.

17.80.100 REVOCATION OF DISCRETIONARY PERMITS

- A. Reasons for revocation. Any discretionary permit granted pursuant to this title may be revoked:
1. If any of the conditions or terms of such permit are violated;
 2. If the use or its operation violates any applicable provision of the Dinuba Municipal Code or any state or federal law;
 3. If in granting the permit, the planning commission or city council considered information provided by, or on behalf of, the permittee which was materially erroneous or misleading, regardless of fault; or
 4. If the use is conducted so as to be detrimental to the public health, welfare or safety or so as to be a nuisance.
- B. Revocation hearing. The planning commission shall hold a hearing on any proposed revocation after giving written notice to the permittee at least ten days prior to the hearing. At the conclusion of the hearing, if the commission finds that any one of the grounds listed above exists, the commission may revoke the permit and terminate all rights granted thereunder and order the cessation of any use and may further order the removal of any structure or portion thereof which has been permitted by said permit. The decision of the planning commission may be appealed to the city council.
- C. City council revocation. The city council, on its own motion, at a public hearing, with or without a recommendation from the planning commission, may revoke any conditional use permit for noncompliance with the conditions set forth in granting such permit.

17.80.110 EXPIRATION OF USE PERMIT OR VARIANCE FOR FAILURE TO EXERCISE RIGHTS

- A. All rights granted by approval of a use permit or variance shall expire and the permit or variance shall be null and void if not exercised within the time specified in the approval or, if no time is specified, within one year of the effective date of approval.
- B. A right granted by a variance or use permit requiring a building permit shall be deemed exercised when the permit has been secured, continuous on-site construction activity such as the pouring of a foundation, installation of utilities or other similar substantial improvements has commenced and the construction is being diligently pursued to completion. Grading of a site shall not constitute construction activity.

- C. A right not requiring a building permit shall be deemed exercised when the activity permitted has commenced to the extent authorized by the variance or conditional use permit.

17.80.120 EXTENSION OF TIME

Upon a showing of good cause by the applicant prior to expiration of the approval of the discretionary permit, the body which rendered the original decision on a discretionary permit may grant a one year extension of time within which to exercise the rights granted. A maximum of three time extensions may be rendered, at which time the approval will be considered null and void.

17.80.130 EXPIRATION BY NONUSE

Any use permit or variance shall expire and become null and void when the use permitted by the permit or variance is discontinued for a continuous period of one (1) year. The non-renewal of a business license establishes a presumption that the activity for which it was issued has been discontinued.

17.80.140 RE-APPLICATION

- A. Administrative Actions. No person, including the original applicant, shall reapply for a similar use on the same land, building or structure within a period of one year from the date of the final decision on such previous application unless such decision is a denial without prejudice.
- B. Application-Resubmittals. If an application for a use permit has been denied wholly or in part by the planning commissioner city council, or if an application for zoning has been denied wholly or in part by the city council, no new application for substantially the same use permit or zoning shall be resubmitted for a period of one year from the effective date of the final denial of the application, unless the planning commission or city council, for good cause, grants permission to do so.
- C. The planning commission or the city council may initiate a rezoning without restriction by this section.
- D. An application for the same variance, once denied, may not be resubmitted unless the city council or planning commission, for good cause, grants permission to do so.

17.80.150 BUILDING PERMIT

Before a building permit shall be issued for any structure or sign proposed as part of an approved site plan, the building official shall determine that the proposed building location, facilities and improvements are in conformity with the approved site plan. Before a building may be occupied or a sign erected, the building official shall certify that such improvements have been made in conformity with the plans and conditions approved by the city.

Chapter 17.82 DESIGN GUIDELINES

- 17.80.010 Purpose
- 17.80.020 Design Guidelines

17.82.010 PURPOSE

The City of Dinuba is concerned with the appearance of the built environment. It is important that new development present an appearance of quality and architectural variation. The design standards set forth below reflect community values, ensure that high standards of design are evident in all development and that the development is consistent with the intended use and provide quality-of-life amenities where applicable.

17.82.020 DESIGN GUIDELINES

- A. The site should be designed so as to create a development which is pleasant in character, human in scale and facilitates on-site circulation.
 - 1. The location and design of the project should not unnecessarily adversely impact surrounding properties or harm the public health, safety or general welfare.
 - 2. Existing natural features such as trees, other native vegetation, natural ground forms, water and view shall be retained to the maximum extent feasible.
 - 3. The visual impact and presence of vehicles shall be minimized by generally siting parking areas to the rear or side of the property rather than along street frontages, and screening parking areas from view, both interior and exterior to the site.
 - 4. All exterior lighting is to be directed onto the site and away from adjacent residential properties.
 - 5. Where appropriate due to the nature of the project, bicycle parking with access from adjacent streets, driveways or paths shall be provided.
 - 6. Traffic congestion or impairment of traffic visibility shall be avoided.
 - 7. Pedestrian safety and welfare shall be protected.
 - 8. Parking areas shall be provided in accordance with [Section 17.64.070](#).

- B. There is no single architectural style and design theme for Dinuba. Good architectural style and design should reflect compatibility with the character of the area. Compatibility includes building style, size, setback, form, color and material considerations.
 - 1. The architectural style and design shall enhance the neighborhood and contribute beneficially to the overall design quality and visual character of the community, and maintain a stable, desirable character.
 - 2. A consistent color scheme should be used throughout a project and the scheme(s) should not contrast negatively with the character of the area.
 - 3. The design of projects containing many buildings should provide variety in building size and massing. A mixture of single and multi-story buildings should be used.
 - 4. The architectural scheme (form, materials, color and detailing) of a building should be carried throughout all exterior elevations to achieve design, harmony and continuity.

5. Coordinate roof shape, color and texture with the overall building design.
 6. Continue on all elevations the architectural character established for the street facing elevations to the extent possible.
 7. Mechanical equipment and utilities, with the exception of solar heating panels, shall be architecturally screened from view. Rooftop mechanical and electrical equipment and appurtenances to be used in the operation and maintenance of a building shall be installed so as not to be visible from any point at or below the roof level of the subject building. This requirement shall apply in construction of new buildings, and in any alteration of mechanical systems of existing buildings that results in significant changes in such rooftop equipment and appurtenances. The features so regulated shall, in all cases, be either enclosed by out building walls or parapets, or grouped and screened in a manner architecturally compatible with the building. Minor features not exceeding one foot in height shall be exempted from this requirement, except that such minor features shall be of a color that minimizes glare and blends with the building. Ground or interior-mounted mechanical equipment is strongly recommended.
 8. Ensure that the physical proportion's of the project and the manner in which the project is designed is appropriate in relation to the size, shape and topography of the site and adjacent developments.
 9. Buildings with box-like appearances, lacking architectural variation on all elevations, are discouraged. Architectural variation can be achieved through a variety of design techniques, including but not limited to:
 - a. Off-setting or varying building setbacks;
 - b. Providing covered porches, balconies and entries;
 - c. Combining single-story and two-story construction in a single building, with single-story nearest property lines;
 - d. Varying roof lines, height and type and building elevations.
 - e. Providing meandering sidewalks.
 10. Each project shall contain a sufficient number of trash enclosures to adequately serve the use. Said enclosures shall be constructed to city standard specifications.
 11. Screen exterior trash and storage areas, service yards, loading docks and utility services from view of all nearby streets and adjacent structures in a manner that is compatible with building and site design.
 12. All sides of commercial buildings shall be architecturally treated to produce an aesthetically pleasing facade which is of a design compatible with surrounding commercial buildings and the character of the community.
 13. Signage should be compatible with the architectural style and design of the building and should contribute beneficially to the overall design quality and visual character of the community.
- C. Landscaping should be included in any project design to create a pleasing appearance from both within and off the site. Site landscaping should be utilized to promote the character of the city, particularly as demonstrated by large shade trees.
1. Landscape and Irrigation Plans Required. A landscape and irrigation plan drawn to scale and dimensioned shall be submitted to the development services division for all new

projects in all nonresidential zones, and for all new residential projects of two (2) or more units.

- a. Landscape Plan Contents. A landscape plan shall contain at a minimum the following information:
 - i. List of plants (common and botanical names).
 - ii. Plant size, trees shall be a minimum of fifteen gallon and shrubs a minimum of five (5) gallon.
 - iii. Plant location, with size and type identification.
 - iv. Location of existing trees with a trunk diameter of six inches or greater.
 - b. Irrigation Plan Contents. An irrigation plan shall contain at a minimum the following information:
 - i. Location, type and size of lines.
 - ii. Location, type, gallonage output, and coverage of heads.
 - iii. Location and size of valves.
 - iv. Location and type of controller.
 - v. Location and type of back flow prevention device.
 - vi. Available water pressure, water meter outlet size, and flow rates at meter.
2. Maintenance of Landscape. Planting areas shall be permanently maintained, including watering, weeding, pruning, trimming, edging, fertilizing, insect control, and replacement of plant materials and irrigation equipment as needed to preserve the health and appearance of plant materials. All trees, shrubs, and plants which, due to accident, damage, disease, or other cause, fail to show a healthy growth shall be replaced. Replacement plants shall conform to all the standards which govern the original planting installation.
 3. Landscaping for commercial, industrial and multifamily uses shall be irrigated with an automatic, timed sprinkler system.
 4. Native and mature trees and vegetation shall be retained and integrated.
 5. Landscaping should be planned as an integral part of the project and not simply located in leftover space after parking and building siting.
 6. Street trees shall be installed in accordance with the city street tree master plan.
 7. Dense landscaping shall be installed to screen unattractive views and features such as storage areas, trash enclosures, and transformers.
 8. Landscaping within and adjacent to parking areas shall be provided to screen vehicles from view and minimize the expansive appearance of parking areas.
 9. Deciduous trees along the south and west building exposures shall be encouraged.
 10. Ground cover shall be of live plant material. Gravel, colored rock, bark, and similar materials are generally not acceptable.
 11. Landscaping shall permit adequate sight distance for motorists and pedestrians entering and exiting the site. 12. Landscaping shall be designed and maintained so as to prevent illegal or inappropriate access onto or into any structure by climbing trees and bushes.

Chapter 17.84 DENSITY BONUS

Sections:

- 17.84.010 Purpose
- 17.84.020 Eligibility for density bonus, incentives, or concessions
- 17.84.030 Allowed density bonuses
- 17.84.040 Allowed incentives or concessions
- 17.84.050 Processing of density bonus and incentive request

17.84.010 PURPOSE

- A. The purpose of this density bonus chapter is to contribute to the feasibility of developing lower income housing within the city of Dinuba. In accordance with Government Code Section 65915 et seq., the City shall grant to developers who meet all requirements of this chapter either (1) a density bonus and an additional concession(s) or incentive(s) as allowed by this chapter, unless the City determines these benefits are unnecessary to provide for affordability of housing in the City pursuant to the provisions of this chapter and other applicable laws.
- B. This chapter establishes procedures and criteria for use in the consideration of density bonuses for residential rental and ownership housing developments consistent with State Density Bonus Law requirements. In case of inconsistencies or ambiguities in or between this chapter and State Code, State Code shall prevail.
- C. Nothing in this chapter prohibits the City from granting a density bonus greater than herein allowed for a project that meets the requirements of this chapter, or from granting a lower density bonus, or no bonus, for projects that do not meet these requirements.

17.84.020 ELIGIBILITY FOR DENSITY BONUS, INCENTIVES OR CONCESSIONS

- A. Residential units. The city shall grant a density bonus and other incentives or concessions to applicants for residential projects who agree to provide affordable or senior housing pursuant to the provisions of Government Code Sections 65915 through 65918 or successor statute.
- B. Land donations and child care facilities. The city shall grant an additional density bonus or other incentives or concessions to applicants for residential projects who agree to donate land for affordable housing development and/or provide a child care facility pursuant to the provisions of Government Code Sections 65915 through 65918 or successor statute.
- C. The density bonus and incentives or concessions provided by this Chapter shall be available only to housing developments of five (5) or more dwelling units.

17.84.030 ALLOWED DENSITY BONUSES

The amount of the density bonus granted shall be determined pursuant to the provisions of Government Code Sections 65915 through 65918 or successor statute.

- A. Bonus Determination. The city may choose to grant a density bonus greater than provided in the provisions of Government Code Sections 65915 through 65918 or successor statute for a development that exceeds the requirements of state law.
- B. 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, zoning change or other discretionary approval separate from the discretionary approval otherwise required for the project.

17.84.040 ALLOWED INCENTIVES OR CONCESSIONS

- A. Applicant request and city approval. An applicant may submit to the city a proposal for the specific incentives or concessions listed in Subsection B (Types of incentives) below, that the applicant requests in compliance with this Chapter. The city shall grant an incentive or concession request that complies with this Chapter unless the County makes specific findings pursuant to the provisions of Government Code Sections 65915 through 65918 or successor statute.
- B. Types of incentives. For the purposes of this Chapter, incentives or concessions include any of the following:
 - 1. A modification of development standards pertaining to building height, open space, lot size requirements, street access, off-street parking, landscaping, fencing, a reduction in setback and square footage requirements or off-site improvements. Such reduction or modification requirements must exceed the minimum building standards approved by the California Building Standards Commission in compliance with Health and Safety Code Section 18901 et seq.
 - 2. Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial or other land uses will reduce the cost of the housing development and if such nonresidential uses are compatible with the housing project and the existing or planned development in the area where the housing project will be located; and
 - 3. Other regulatory incentives or concessions proposed by the developer or the city which result in identifiable cost reductions;
 - 5. Direct financial incentives which include in order of city priority:
 - a. Financial contributions or mortgage financing from the redevelopment agency's twenty percent set aside for low and moderate income housing (as available),
 - b. Modification of dedication requirements,
 - c. Waiver or reduction of fees (not including connection charges),
 - d. Provision of publicly owned land.

- C. Requirements for amendments or discretionary approval. The granting of an incentive or concession shall not be interpreted, in and of itself, to require a General Plan Amendment, zoning change or other discretionary approval separate from the discretionary approval otherwise required for the project.

17.84.050 PROCESSING OF DENSITY BONUS AND INCENTIVE REQUEST

A. Preliminary proposal and formal application. Consistent with Government Code Section 65915(d), prior to the submittal of a formal application, an applicant should obtain pre-application and other preliminary consultations with the director and other officials in order to obtain information and guidance before entering into binding commitments and incurring substantial expense in the preparation of plans, surveys and other data. The preliminary consultation should relate to a specific development proposal that outlines the concept and characteristics of the project, and the application shall contain the following information. If no preliminary proposal is submitted, the applicant shall provide the following information at the time of formal application in addition to the city's standard application requirements. The city may, at its discretion, waive any of these submittal requirements.

1. Site information. The Assessor's Parcel Number, gross and net acreage, land use and zone designation of the project site.
2. Number of units. The total number of units proposed (not including the density bonus units).
3. Density bonus units. The number of density bonus units requested.
4. Affordable units. The number of very low income, low income, moderate income, and/or senior units proposed.
5. Incentives. Any additional incentives requested.
6. Financial information. Complete financial information and projections for the project. The city may request and the applicant shall provide any additional information the city deems necessary to determine the financial feasibility of the income restricted units. The city may require the applicant to pay for a review by an independent consultant to assist the city in determining whether certain development incentives are necessary to make the income restricted units economically feasible.
7. Site plan. A site plan in accordance with Chapter 17.80.

Within 30 days of receipt of a complete written proposal, the director shall notify the applicant in writing of: the types of incentives which may be recommended in order to comply with this Chapter; and whether staff may support the granting of a density bonus on the basis of required development standards and findings.

- B. Density bonus distribution. The target units must be compatible in floor plan, furnishings and exterior design to non-designated units. Further, the target units must be reasonably dispersed throughout the development.
- C. Affordable housing agreement. Each density bonus project shall record an affordable housing agreement and resale and/or rental restrictive covenant, or other equivalent document approved as to form by the City Attorney, which outlines:
1. The sales and/or rental prices for the various types of units to be established; and
 2. Provisions for the sale, resale, renting and restrictions that will be applicable to the project and which ensure the continued availability of units for purchase or occupancy by persons of very low, low and moderate incomes. All affordable units shall be restricted the maximum period allowed by Government Code Sections 65915 through 65918 or successor statute.
- D. Annual review. The developer/property owner must provide the community development department a yearly accounting of. total units occupied, total units vacant, total units occupied by the targeted income groups and the total by which the units set aside fell short of the required number of units per the development agreement(s). In the event of default, the city shall have access to and inspect all of the books and records of developer pertaining to the development. The city shall also take whatever other action at law or in equity may appear necessary or desirable to enforce the obligations, covenants and agreements of the developer.

Chapter 17.92 PLANNED UNIT DEVELOPMENTS

Sections:

17.92.010	Purpose
17.92.020	Districts
17.92.030	Permitted uses
17.92.040	Site area
17.92.050	Standards
17.92.060	Use permit procedure
17.92.070	Required findings
17.92.080	Amendments
17.92.090	Timing

17.92.010 PURPOSE

- A. Planned unit developments (PUDs) are encouraged to achieve a more functional and aesthetically pleasing living and working environment which otherwise might not be possible by strict adherence to the regulations of this title.
- B. A planned unit development may include a combination of different dwelling types and/or a variety of land uses which are made to complement each other and harmonize with existing and proposed land uses in the vicinity, by design. The approval of a PUD is intended to be discretionary rather than an entitlement.

17.92.020 DISTRICTS

A PUD may be located in any district upon the granting of a conditional use permit or by applying the PUD overlay district in accordance with the provisions of [Chapter 17.60](#) of this title.

17.92.030 PERMITTED USES

- A. A PUD shall include only those uses permitted, either as permitted uses or conditional uses, in the zoning district in which the planned unit development is located, subject to the following exceptions:
 - 1. Any combination of uses permitted in an RA, R, RM or PO district;
 - 2. Any combination of uses permitted in any C-1, C2, C-3, C-4, M-1 or M-2 district as a permitted use, a use permitted by administrative approval or conditional use may be located in a PUD located in an M-1 or M-2 district.

17.92.040 SITE AREA

The minimum site area for a PUD shall be one (1) acre.

17.92.050 STANDARDS

- A. The standards of site area and dimensions, site coverage, yard spaces, distances between structures, off-street parking and off-street loading facilities and landscaped areas need not be equivalent to the standards prescribed for the regulation for the district in which the PUD is located if the applicant has demonstrated by his design proposal that the objectives of the zoning title and the objectives of this chapter will be achieved.
- B. The number of dwelling units shall not exceed the maximum density prescribed by the general plan or the site area regulations in which the planned unit development is located, subject to a density bonus which may be granted by the city council upon recommendation by the planning commission. A density bonus may be granted as part of a planned development based on the following guidelines:

Percent of Net Site Area in Usable Open Space	Density Bonus
6% to 10%	6%
11% to 20%	10%
21% to 25%	20%
Over 25%	25%

- C. Usable open space shall be provided for all planned unit developments which include residential uses. Such open space shall include a minimum of five (5) percent of the net site area of the residential portion of a PUD.
- D. PUD’s shall be subject to the following site design criteria:
 1. Location of proposed uses and their relationship to each other shall be consistent with general plan policies and zoning requirements.
 2. The natural environment of a site is to be considered as part of the design criteria. Such features as natural habitats, the view shed and mature vegetation are to be considered.
 3. If a planned unit development is located adjacent to an arterial or collector street, or other existing possible land use conflict, adequate buffering shall be included in the plan.
 4. Landscaping shall conform with the general standards imposed by the underlying zone. Additional landscaping may be required as part of a PUD.
 5. Vehicle circulation shall be based on a street pattern as outlined within the circulation element of the general plan. Use of private streets and variations to normal city street standards are encouraged.
 6. Pedestrian access and bicycle paths should be incorporated within PUDs when possible.
 7. Required parking shall conform with the parking standards contained in Chapter [17.64](#) of this title.

8. Guest parking and storage parking shall be encouraged.
9. All parking shall be screened from adjacent public right-of-way. Such screening may include dense plantings, fences, landscaped berms or grade separation.

17.92.060 USE PERMIT PROCEDURE

The regulations prescribed in [Chapter 17.80](#) of this title shall control the procedure for making application for and processing a use permit for a planned unit development, subject to the following procedures:

- A. In addition to the data and drawings prescribed in [Section 17.80.020](#)) and subsection (A) of this section, the application shall be accompanied by a tabulation of the area proposed to be devoted to each land use and a tabulation of the average population density and number of housing units per net acre in the area or areas proposed to be devoted to residential use.
- B. When a PUD involves the filing of a tentative parcel map or subdivision map and/or which would also necessitate the granting of exceptions of the regulations of the subdivision ordinance, the planning commission may grant tentative approval of the proposal. Where such tentative approval is requested by the applicant, the requirements of subsections (A) and (B) of this section may be waived temporarily, provided the applicant submits the following:
 1. In lieu of the drawing of the site prescribed in subsection (A) of this section, the application shall be accompanied by a schematic drawing showing the general relationships contemplated among all public and private uses and existing and proposed physical features;
 2. A written statement setting forth the source of water supply, method of sewage disposal, means of drainage, dwelling types, nonresidential uses, lot layout, public and private access, height of structures, lighting, landscaped areas and provisions for maintenance of landscaped areas, area to be devoted to various uses and population density per net acre contemplated by the applicant. Upon approval of a tentative subdivision map, the applicant shall submit a development plan in accordance with the requirements of subsections (A) and (B) of this section before the planning commission may grant a final approval of the applicant's proposal.
- C. The planning commission shall hold a public hearing in conformance with [Section 17.04.060](#) of this title. The decision of the planning commission shall be final unless appealed to the city council in conformance with [Section 17.04.190](#) of this title.
- D. In cases where a density bonus is requested, the planning commission's recommendation shall be forwarded to the city council for final hearing and decision.

17.92.070 REQUIRED FINDINGS

The planning commission may grant a use permit for a PUD as the use permit was applied for or in modified form if, on the basis of the application and the evidence submitted, the planning commission makes the following findings:

- A. That the proposed location of the PUD is in accordance with the objectives of the zoning title;
- B. That the proposed location of the PUD and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity;
- C. That the proposed PUD will comply with each of the applicable provisions of this section;
- D. That the standards of population density, site area and dimensions, site coverage, yard spaces, height of structures, distance between structures, off-street parking and off-street loading facilities, landscaped areas and street design will produce an environment of stable and desirable character consistent with the objectives of the zoning title, and will not generate more traffic than the streets in the vicinity can carry without congestion and will not overload utilities;
- E. That the combination of different dwelling types and/or variety of land uses in the development will complement each other and will harmonize with existing and proposed land uses in the vicinity;
- F. That the proposed PUD will satisfactorily mitigate potential environmental impacts.

17.92.080 AMENDMENTS

- A. Minor amendments to an approved PUD may be granted by the director.
- B. Major amendments shall be processed as an amendment to a conditional use permit with required public hearings. Major amendments include, but are not limited to, the following:
 - 1. Changes in residential density (more than ten percent);
 - 2. Changes in land use relationships;
 - 3. Changes in the location and/or scope of open space;
 - 4. Changes in circulation patterns;
 - 5. Other changes as determined by the planning commission upon request.

17.92.090 TIMING

- A. A permit for a PUD shall expire in conformance with Section [17.04.140](#) of this title. The permit may be extended in conformance with Section [17.04.150](#).
- B. A permit for a PUD may be revoked in conformance with Section [17.04.170](#).

Chapter 17.93 MODIFICATIONS TO DEVELOPMENT STANDARDS

Sections

17.93.010	Purpose
17.93.020	Definitions
17.93.030	Processing
17.93.040	Standards

17.93.010 PURPOSE

It is the purpose of this process to allow flexibility in design through the approval of modified standards when the application of such modified standards would achieve a substantial improvement over that permitted by the underlying zone; or promote the development of infill areas or assist in the use of difficult to develop parcels.

17.93.020 DEFINITIONS

As used in this chapter:

Difficult to develop parcels. “Difficult to develop parcels” means circumstances applying to the site such as size, shape or topography which do not apply generally to land in the vicinity with the same zoning.

Infill areas. “Infill areas” means the development of new housing or other buildings on scattered, vacant sites in a built-up area. These can be either single vacant lots, under-utilized lots or smaller undeveloped pieces of land which have been bypasses for previous development.

17.93.030 PROCESSING

For projects involving a discretionary permit, a request to modify a development standard shall be processed as part of the discretionary permit process. For projects not involving a discretionary permit, the director shall review each request to modify a development standard and make a decision on whether to grant the modification within fifteen days after the date of the filing of such request. The denial by the director of a request to modify a development standard shall not prohibit or affect the right of the applicant to file an application for a variance pursuant to the provisions of Chapter 17.80 of this title.

17.93.040 STANDARDS

The following standards shall be considered as minimum:

A. Setbacks.

Setbacks	R-1-6	RM-2	RM-3
1. Front	10 feet	15 feet	10 feet
2. Rear	15 feet	15 feet	10 feet
3. Side	5 feet	5 feet	5 feet
4. Street Side	10 feet	10 feet	10 feet

- B. Density. The density of sites approved under modified standards shall not exceed the density allowed under the underlying zone. When computing density, public and private street rights-of-way shall be deducted from the gross area of the project site.
- C. Individual lot dimensions shall conform on the average to the requirements of the underlying district as defined in the appropriate zoning section. No corner lot in any circumstances shall be less than sixty feet in width. No interior lot shall be less than fifty feet in width. No more than five (5) consecutive lots with widths less than that permitted in the underlying zone.
- D. Area and lot dimension requirements. Area and lot dimension requirements may be reduced by not more than ten percent of that required in the district.
- E. Yard requirements. Yard requirements may be reduced by permitting portions of a building or structure to extend into and occupy not more than ten percent of the area of a required yard.
- F. Building height. Maximum building height requirements may be increased by not more than ten percent.
- G. Reconstruction or remodeling. The reconstruction or remodeling of nonconforming buildings may be permitted if, in the director's judgment, it will bring such buildings and subsequent use into greater conformity with the use permitted in the district.
- H. Wall and fencing. Wall and fencing requirements in the P, PO, C and M districts may be waived provided adjacent residential parcels are proposed for nonresidential use as shown on an adopted general plan. Residential fencing may be increased to a height not to exceed seven feet.
- I. Sign size. Maximum sign size may be increased by not more than ten percent.

Chapter 17.96 NONCONFORMING USES

Sections:

17.96.010	Purpose
17.96.020	Continuation and maintenance
17.96.030	Use of nonconforming structures
17.96.040	Use of conforming structures
17.96.050	Nonconforming use of land
17.96.060	Restoration of nonconforming structures
17.96.070	Alterations and additions
17.96.080	Elimination of nonconforming uses
17.96.090	Abandonment of nonconforming uses
17.96.100	Time when use, structure or sign becomes nonconforming
17.96.110	Records and notification of nonconforming status of a use, structure or sign
17.96.120	Public structures

17.96.010 PURPOSE

- A. A nonconforming use is a use of a structure or land which was lawfully established prior to adoption of the ordinance codified in this title but which, under this title, does not conform with regulations for the zone in which it is located. This chapter limits the number and extent of nonconforming uses.
- B. A nonconforming structure is a structure which was lawfully erected prior to the adoption of the ordinance codified in this title but which, under this title, does not conform with regulations for the zone in which the structure is located. While permitting use and maintenance of nonconforming structures, this chapter limits the extent of nonconforming structures.

17.96.020 CONTINUATION AND MAINTENANCE

- A. A use lawfully occupying a structure or a site on the effective date of the ordinance codified in this title or of amendments thereto which does not conform with the regulations for the zone in which the use is located shall be deemed to be nonconforming and may be continued as provided in this chapter.
- B. A structure lawfully occupying a site on the effective date of the ordinance codified in this title or of amendments thereto which does not conform with the standards of coverage, front yard, side yards, rear yard, height of structure or distances between structure prescribed in the zone in which the structure is located shall be deemed to be nonconforming and may be used and maintained as provided in this chapter.
- C. Except as otherwise provided in this section, a site having an area, -frontage, width or depth, less than the minimum prescribed for the district in which the site is located, which is shown on a recorded subdivision map, or for which a deed or valid contract of sale was of record

prior to the adoption of the ordinance codified in this title, and which had a legal area, frontage, width and depth at the time that the subdivision map, deed or contract of sale was recorded, may be used for any permitted use listed for the district in which the site is located, but shall be subject to all other regulations for such district.

- D. Routine maintenance and repairs may be performed on a structure or site, the use of which is nonconforming, and on nonconforming structures.

17.96.030 USE OF NONCONFORMING STRUCTURES

- A. The nonconforming use of a nonconforming structure existing on the effective date of the ordinance codified in this title may be continued, and may be extended throughout such structure, and may be changed to another use of the same or more restricted classification, subject to the provisions of this chapter.
- B. A structure which is nonconforming solely by reason that it does not comply with one or more height, yard or area regulations shall, for the purposes of this section, be deemed to be a conforming structure.

17.96.040 USE OF CONFORMING STRUCTURES

The nonconforming use of a conforming structure existing on the effective date of the ordinance codified in this title may be continued only as follows:

- A. Such use shall not be extended into any other portion of such structure;
- B. If such use is discontinued, any future use shall conform to the provisions of this title;
- C. If such structure is a dwelling, such nonconforming use shall be discontinued within three years of the effective date of the ordinance codified in this title, except that any person who was conducting such use in such dwelling on said effective date may continuously conduct the same in such building without limit as to time, which privilege shall not be transferable.

17.96.050 NONCONFORMING USE OF LAND

- A. The nonconforming use of land where no structure (except fences) is involved in connection with such use, and nonconforming signs or billboards, existing on the effective date of the ordinance codified in this title, or which thereafter becomes subject to the provisions of this title, may be continued for a period of not more than three years thereafter.
- B. If a structure involved in connection with a nonconforming use of land is removed, or destroyed to the extent of more than seventy-five (75) percent of its reasonable value, or such nonconforming use of such structure is discontinued, such nonconforming use of such land may be continued for a period of not more than three years after the date of such removal, destruction or discontinuation.

- C. No nonconforming use of land shall in any way be expanded or extended either on the same or adjoining property, or changed except to a conforming use.
- D. If a nonconforming use of land which is permitted to be continued under any of the provisions of this section is discontinued, any future use of such land shall conform to the provisions of this title.

17.96.060 RESTORATION OF NONCONFORMING STRUCTURES

- A. Subject to all other regulations of this chapter, a nonconforming structure destroyed to the extent of not more than seventy-five (75) percent of its reasonable value by fire, explosion or other casualty, or by Act of God, or the public enemy, may be restored, and the occupancy or use of such building or structure or part thereof which existed at the time of such partial destruction may be continued. The time for removal or alteration of such a restored structure shall nevertheless be the same as if such structure had not been thus restored.
- B. If a nonconforming structure is so destroyed to an extent of more than seventy-five (75) percent of its reasonable value, the structure may not be restored, and may not be occupied and used, except in conformity with this title.

17.96.070 ALTERATIONS AND ADDITIONS

No nonconforming structure shall be structurally altered or enlarged, except as follows:

- A. Where required by ordinance or statute, or in order to make the building or structure conform;
- B. Any building or structure which is nonconforming solely by reason of yard or height requirements may be structurally altered or enlarged; provided that all alterations or additions shall comply with the yard and height requirements of the zone; and further provided that the entire building or structure so altered or enlarged complies with all other requirements of this title other than yard and height;
- C. Modest expansion or remodeling of an existing nonconforming residential structure or use, limited to fifty percent or less of the value of the existing structure. Such remodeling or expansion shall be subject to the provisions of [Chapter 17.80](#) of this title.

17.96.080 ELIMINATION OF NONCONFORMING USES

- A. A nonconforming use which does not occupy a structure shall be discontinued and removed from the site within three years from the effective date of the ordinance codified in this title.
- B. If a nonconforming building or structure is removed, every future use of such premises shall be in conformity with the provisions of this title.

- C. A nonconforming structure in a C or M zone may be continued, subject to the preceding provision.
- D. In all R zones, every nonconforming structure other than a residential dwelling, designed or intended for use not permitted in such zone shall be completely removed or altered to structurally conform to the uses permitted in such zone, provided:
1. Such time for removal or alteration may not be fixed for a date before the expiration of the normal life of such building or structure as determined by the director.
 2. In no event may the normal life of such building or structure be fixed at less than forty (40) years from its original construction.
 3. No such order shall require the removal or alteration of such building or structure sooner than three (3) years from the time such order is made.
 4. Within ten days after the making of such order, the director shall give notice thereof to the owner of record of such structure by causing a copy of the order to be personally served on such owner or mailed to such owner by registered or certified mail, and by causing a copy of the order to be recorded in the office of the county recorder.
 5. Not less than sixty (60) days and not more than ninety (90) days before the time fixed for removal or alteration, the director shall give the owner of record of such structure written notice thereof in the manner above-mentioned, and shall give the occupants of such building notice thereof by posting such notice on the structure in a conspicuous place.
- E. A nonconforming home occupation shall be discontinued within one year.
- F. Fences, walls and hedges which do not conform to the provisions of this title governing the erection of fences, walls and hedges in relation to street intersections shall, within one month of receipt of written notification, be removed or made to conform.

17.96.090 ABANDONMENT OF NONCONFORMING USES

Whenever a nonconforming use has been abandoned, discontinued or changed to a conforming use for a continuous period of ninety (90) days, the nonconforming use shall not be reestablished, and the use of the structure or site thereafter shall be in conformity with the regulations for the zone in which it is LOCATED.

17.96.100 TIME WHEN USE, STRUCTURE OR SIGN BECOMES NONCONFORMING

Whenever a use or structure becomes nonconforming because of a change of zoning district boundaries or a change of regulations for the district in which the site is located, the period of time prescribed in this section for the elimination of the use shall be computed from the effective date of the change of district or regulations, and the building official shall carry out the provision of [Section 17.96.110](#) of this chapter.

17.96.110 RECORDS AND NOTIFICATION OF NONCONFORMING STATUS OF A USE, STRUCTURE OR SIGN

Within one (1) year after the effective date of the ordinance codified in this title, the planning department shall notify, in writing, the owners of all nonconforming structures, uses, signs, fences, walls and hedges of the nonconforming status of their property and the date when such structure or use shall be removed or made conforming by said owners, if such removal or conformance is required by the provisions of this title. An excerpt of this title will be attached to said notice.

17.96.120 PUBLIC STRUCTURES

Nothing in this title pertaining to nonconforming structures and uses shall be construed or applied to require termination or removal or to prevent the expansion, modernization, replacement, maintenance, alteration or rebuilding of public structures, uses, equipment and facilities pertaining directly to the rendering of the service, provided that there is no change of use or increase of those areas so used.

Chapter 17.98 ENFORCEMENT

Sections:

- 17.98.010 Administration
- 17.98.020 Code enforcement
- 17.98.030 Right of entry
- 17.98.040 Violation—Declared public nuisances and action
- 17.98.050 Violation—Procedure
- 17.98.060 Violation—Liability and penalty

17.98.010 ADMINISTRATION

All department heads, officials or other employees of the city shall issue no permit, license or certificate for uses, buildings or structures or purposes in conflict with provisions contained in this title. Any such permit, license or certificate issued in conflict with this title, intentionally or otherwise, shall be null and void.

17.98.020 CODE ENFORCEMENT

The city shall be authorized to enforce provisions of this title and to issue citations and make arrests pursuant to the California Penal Code and the Dinuba Municipal Code.

17.98.030 RIGHT OF ENTRY

In the discharge of enforcement duties, authorized persons shall have the right to enter any site or to enter any structure for the purpose of investigation and inspection. Such right of entry shall be exercised only at reasonable hours and only with the consent of the owner or tenant unless a written order of a court of competent jurisdiction has been issued.

17.98.040 VIOLATION—DECLARED PUBLIC NUISANCES AND ACTIONS

Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this title and any use of land, buildings or premises established, conducted, operated or maintained contrary to the provisions of this title shall be and the same are hereby declared to be unlawful and a public nuisance. The building official shall immediately initiate all necessary legal proceedings for the abatement, removal and enjoinder thereof in the manner provided by law and shall take such other steps as may be necessary to accomplish these ends, and may apply to a court of competent jurisdiction to grant such relief as will remove and abate the structure or use and restrain or enjoin the person, firm or corporation or an organization from erecting, moving, altering or enlarging the structure or using the site contrary to the provisions of this title. The remedies prescribed by this section are cumulative and nonexclusive.

17.98.050 VIOLATION—PROCEDURE

Any person, firm, corporation or organization found in violation of any provisions of this title shall be notified and cited in accordance with policies established by the community development department and approved by the city council. Such policies shall be available for inspection by any person upon request.

17.98.060 VIOLATION—LIABILITY AND PENALTY

Except as otherwise provided in this title, any person, firm or corporation violating any of the provisions or failing to comply with any requirements of the ordinances codified in this title, including any or all other amendments, revisions or supplements, is guilty of an infraction and, upon conviction, shall be punished accordingly, as set forth in [Section 1.16.010](#) of the Municipal Code. The phrase “violation of the same ordinance” as used in [Section 1.16.010](#), as applied to this section, shall mean and refer to a violation of the same numbered section of the Dinuba Municipal Code. If any violation is continued, each day’s violation is deemed a separate infraction.