



CITY *of* CLOVIS

AGENDA • PLANNING COMMISSION
Council Chamber, 1033 Fifth Street, Clovis, CA 93612 (559) 324-2340
www.cityofclovis.com

November 19, 2020

6:00 PM

Council Chamber

In compliance with the Americans with Disabilities Act, if you require special assistance to access and/or participate in this Planning Commission meeting, please contact the Planning Division at (559) 324-2340 (TTY – 711). Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the Council Chamber.

*** SPECIAL NOTICE REGARDING PUBLIC PARTICIPATION DUE TO COVID-19***

Given the current Shelter-in-Place Order covering the State of California and the Social Distance Guidelines issued by Federal, State, and Local Authorities, the City is implementing the following changes to participate in Planning Commission meetings until notified otherwise. The Council chambers will be open to the public but we will be implementing social distancing policies and will limit the number of people who may be in the Council chambers. Face masks are required to attend. We are encouraging residents to participate virtually following the directions below. If you are sick, please do not attend the meeting. Any member of the Planning Commission may participate from a remote location by teleconference.

- The meeting will be webcast and accessed at: <https://cityofclovis.com/planning-and-development/planning/planning-commission/planning-commission-agendas/>

Written Comments

- Members of the public are encouraged to submit written comments at: <https://cityofclovis.com/planning-and-development/planning/planning-commission/planning-commission-agendas/> at least two (2) hours before the meeting (4:00 p.m.). You will be prompted to provide:

- Planning Commission Meeting Date
- Item Number
- Name
- Email
- Comment (please limit to 300 words or 3 minutes)



- Please submit a separate form for each item you are commenting on.
- A copy of your written comment will be provided to the Planning Commission noting the item number. Your written comment will be made part of the record.

- Please be aware that any written comments received that do not specify a particular agenda item will be marked for the general public comment portion of the agenda.
- If a written comment is received after 4:00 p.m. on the day of the meeting, efforts will be made to provide the comment to the Planning Commission during the meeting. However, staff cannot guarantee that written comments received after 4:00 p.m. will be provided to the Planning Commission during the meeting. All written comments received prior to the end of the meeting will be made part of the record of proceedings.

Verbal Comments

- If you wish to speak to the Commission on the item by telephone, you must contact the Deputy City Planner, Orlando Ramirez, at (559) 324-2345 no later than 4:00 p.m. the day of the meeting.
- You will be asked to provide your name, phone number, and your email. You will be emailed instructions to log into Webex to participate in the meeting. Staff recommends participants log into the Webex at 5:30 p.m. the day of the meeting to perform an audio check.
- All callers will be placed on mute, and at the appropriate time for your comment your microphone will be unmuted.
- You will be able to speak to the Planning Commission for up to three (3) minutes.

Webex Participation

- Reasonable efforts will be made to allow written and verbal comment from a participant communicating with the host of the virtual meeting. To do so, a participant will need to chat with the host and request to make a written or verbal comment. The host will make reasonable efforts to make written and verbal comments available to the Planning Commission. Due to the new untested format of these meetings, the City cannot guarantee that these written and verbal comments initiated via chat will occur. Participants desiring to make a verbal comment via chat will need to ensure that they accessed the meeting with audio transmission capabilities.

Commission Members: Amy Hatcher Chair, Paul Hinkle Chair Pro Tem, Alma Antuna, Brandon Bedsted, Mike Cunningham

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The Planning Commission welcomes you to this meeting.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate at this meeting, please contact Planning Division staff at (559) 324-2340. Notification 48 hours prior to

the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection at the City of Clovis Planning Division, located in the Planning and Development Services building, between 8:00 a.m. and 4:00 p.m. Monday through Friday. In addition, such writings and documents may be posted on the City's website at www.cityofclovis.com.

ABOUT THE MEETING

The Planning Commission consists of five Clovis residents appointed by the City Council to make decisions and recommendations on City planning issues. Decisions made by the Planning Commission may be appealed to the City Council.

After the approval of minutes, the Chairperson of the Planning Commission will ask for business from the floor. If you wish to discuss something which is NOT listed on the agenda, you should speak up at this time.

Next, the Planning Commission will discuss each item listed on the agenda. For the items on the agenda which are called "public hearings," the Planning Commission will try to follow the procedure listed below:

For each matter considered by the Commission, there will first be a staff presentation, followed by a presentation from the project applicant. Testimony from supporters of the project will then be taken, followed by testimony from those in opposition. The applicant will have the right to a final rebuttal presentation prior to closing the public hearing. Once this is complete, the Chairperson will close the public hearing and the Commission will discuss the item and cast their votes.

If you wish to speak on an item, please step to the podium and clearly state your name and address for the record. The Planning Commission wants to know how you feel about the items they are voting on, so please state your position clearly. In accordance with Section 13 of Article 2 of the Planning Commission Rules and Regulations governing length of public debate, all public testimony from those in support and in opposition to the project will be limited to five minutes per person. In order for everyone to be heard, please limit your comments to 5 minutes or less.

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CALL TO ORDER

FLAG SALUTE

ROLL CALL

APPROVAL OF MINUTES

- [1.](#) Planning Commission Minutes for the Meeting of October 22, 2020.

COMMISSION SECRETARY COMMENTS

PLANNING COMMISSION MEMBER COMMENTS

BUSINESS FROM THE FLOOR

This is an opportunity for the members of the public to address the Planning Commission on any matter that is not listed on the Agenda.

CONSENT CALENDAR

PUBLIC HEARINGS

2. Consider Approval, Res. 20-___, OA2020-002, A request to amend the Clovis Development Code as a semi-annual cleanup to address changes, deletions, typographical, grammatical, and content errors as a result of the 2014 Development Code Update. City of Clovis, applicant.

Staff: George González, MPA, Associate Planner

Recommendation: Approve

OLD BUSINESS

NEW BUSINESS

Retirement of Deputy City Planner, Orlando Ramirez

ADJOURNMENT

MEETINGS & KEY ISSUES

Regular Planning Commission Meetings are held at 6 P.M. in the Council Chamber. The following are future meeting dates:

December 17, 2020

January 28, 2021

February 25, 2021

CLOVIS PLANNING COMMISSION MINUTES
October 22, 2020

A modified meeting of the Clovis Planning Commission was called to order at 6:00 p.m. by Chair Hatcher in the Clovis Council Chamber.

Flag salute led by Chair Hatcher

Present: Commissioners Bedsted, Cunningham, Hinkle, Chair Hatcher

Absent: Commissioner Antuna

Staff: Dave Merchen, City Planner
Orlando Ramirez, Deputy City Planner
Ricky Caperton, Senior Planner
Lily Cha, Associate Planner
Sean Smith, Supervising Civil Engineer

MINUTES

1. The Commission approved the September 24, 2020, minutes by a vote of 4-0-1.

COMMISSION SECRETARY

Deputy City Planner Orlando Ramirez and City Planner Dave Merchen provided an update to the Planning Commission, at the request of Commissioner Hinkle, regarding Ordinance Amendment OA2020-003 and action taken on it during the most recent City Council meeting.

PLANNING COMMISSION MEMBERS COMMENTS

None.

COMMUNICATIONS AND REFERRALS

None.

BUSINESS FROM THE FLOOR

None.

CONSENT CALENDAR

None.

PUBLIC HEARINGS

2. Consider Approval - **Res. 20-41, CUP2020-005**, A request to process a conditional use permit for a vehicle rental and leasing facility for a portion of an approximate 1.17 acres of property located at 1330 Clovis Avenue. David Benjamin, applicant; Charles Briggs, representative.

Deputy City Planner Orlando Ramirez presented the staff report.

Commissioner Bedsted inquired as to whether there is a reciprocal parking agreement between the two adjacent properties, as he is concerned about the possibility of rental vehicles being stationed in the parking lot of the 559 Tacos restaurant. Deputy City Planner Ramirez responded that there is no formal agreement between the properties, and though there is already cross parking, he believes that there is

sufficient parking for the proposed use to keep its vehicles on site and not cause an issue between the business owners.

Commissioner Hinkle inquired as to whether the dirt portion of the property would be paved. Deputy City Planner Ramirez responded that there will be parking surface of some type and keeping that substance from being dragged out onto Clovis Avenue, which will be addressed during the site plan review process.

At this point, the Chair opened the floor to the applicant.

Charles Briggs with Briggs Realty, representing the applicant, offered to answer questions.

Commissioner Cunningham inquired as to the landscaping plans for the project, and in particular whether the trees along the south property line would remain, as he does not want to see a bare lot. Mr. Briggs provided details regarding the planned landscaping and assured that not all of the trees would be removed. Deputy City Planner Ramirez further informed that, per the City's tree preservation ordinance, as many trees as possible would be preserved or salvaged.

Commissioner Bested inquired as to whether the rental vehicles will remain within the project site parking lot, with none arriving to or departing from the 559 Tacos parking lot. Mr. Briggs responded that such will be the case, explaining his reasoning.

At this point, the Chair opened the floor to those in favor.

There being none, the Chair opened the floor to those in opposition.

There being none, the Chair offered the applicant a chance for rebuttal.

There being none, the Chair closed the public portion.

At this point, a motion was made by Commissioner Bedsted and seconded by Commissioner Cunningham to approve CUP2020-005. The motion was approved by a vote of 4-0-1,

3. Consider Approval - **Res. 20-42**, A request to approve the site layout and design of the Loma Vista Village Green, an approximately 7-acre park that is centrally located within the Loma Vista Community Center South Master Plan area, north of Gettysburg Avenue between DeWolf and Lenard Avenues. City of Clovis, applicant.

Associate Planner Lily Cha presented the staff report.

Commissioner Cunningham inquired as to the location of Fire Station 6 in relation to this project site. Associate Planner Cha provided the location.

Commissioner Hinkle inquired as to whether there would be a plan to incorporate vehicle charging stations. Associate Planner Cha responded that such is a detail that would be part of the design phase.

Commissioner Hinkle expressed concern regarding the lack of play areas designed for children ages 12 and up, particularly on the western part of the site for use by the multifamily developments there. Associate Planner Cha assured that community input was a part of the master plan design phase, and that this park is intended more as a community area, providing details.

Commissioner Hinkle implored that additions are considered for that age group to have someplace to go in the future.

At this point, the Chair opened the floor to those in favor.

There being none, the Chair opened the floor to those in opposition.

Erika McFarland of 2760 Parkwall Lane expressed that she is not opposed to the park but rather is concerned regarding the lack of designated space for dogs and for parking. She is concerned that parking on the public street will present noise and safety issues and would like to see designated parking in the park.

At this point, the Chair reopened the floor to the applicant for rebuttal.

Associate Planner Cha assured Ms. McFarland that the City of Clovis had recently adopted a dog park master plan which designated areas of the City for dog parks, providing details that included a nearby planned dog park. She then addressed the parking concern, providing details regarding the available public parking in the area as well as the trail connectivity and projected use of the trail system to reach the park by most visitors.

At this point, the Chair closed the public portion.

At this point, a motion was made by Commissioner Cunningham and seconded by Commissioner Hatcher to approve SPR2019-011. The motion was approved by a vote of 4-0-1.

4. Consider Approval - **Res. 20-43, GPA2020-004**, A request to amend the text of the Shaw Avenue Specific Plan to permit drive-through uses. City of Clovis, applicant.

Senior Planner Ricky Caperton presented the staff report.

Commissioner Bedsted sought and received confirmation that this request would not change the appeal process available for any conditional use permits denied by the Planning Commission.

At this point, the Chair opened the floor to those in favor.

There being none, the Chair opened the floor to those in opposition.

There being none, the Chair closed the public portion.

At this point, a motion was made by Commissioner Hatcher and seconded by Commissioner Bedsted to approve GPA2020-004. The motion was approved by a vote of 4-0-1.

5. Consider Approval - **Res. 20-44, GPA2020-003**, A request to amend the text of the General Plan to incorporate language to ensure consistency between the General Plan and the Fresno County Airport Land Use Compatibility Plan. City of Clovis, applicant.

City Planner Dave Merchen presented the staff report.

Commissioner Cunningham sought clarification regarding the sound levels within the airport influence area and across the City. City Planner Merchen provided the information.

Commissioner Cunningham expressed concern for public safety within the airport influence area due to high noise levels and inquired as to whether there is any recourse available to the City, as this document appears one-sided to him. City Planner Merchen explained that the plan is a public process up to a certain point, then followed up by informing that the General Plan itself includes noise exposure criteria.

Commissioner Cunningham inquired as to the criteria of decibel ratings for the influence area contours and who generates them. City Planner Merchen provided an explanation.

At this point, the Chair opened the floor to those in favor.

There being none, the Chair opened the floor to those in opposition.

There being none, the Chair closed the public portion.

At this point, a motion was made by Commissioner Cunningham and seconded by Commissioner Hatcher to approve GPA2020-003. The motion was approved by a vote of 4-0-1.

OLD BUSINESS

None.

NEW BUSINESS

None.

ADJOURNMENT AT 6:58 P.M. UNTIL the Planning Commission meeting on November 19, 2020.

Amy Hatcher, Chair



CITY of CLOVIS

REPORT TO THE PLANNING COMMISSION

TO: Clovis Planning Commission

FROM: Planning and Development Services

DATE: November 19, 2020

SUBJECT: Consider Approval, Res. 20-___, OA2020-002, A request to amend the Clovis Development Code as a semi-annual cleanup to address changes, deletions, typographical, grammatical, and content errors as a result of the 2014 Development Code Update. City of Clovis, applicant.

Staff: George González, MPA, Associate Planner

Recommendation: Approve

ATTACHMENTS: 1. OA2020-002 Resolution 20-xxx
2. Summary of Modifications
3. Text Modifications

CONFLICT OF INTEREST

None.

RECOMMENDATION

Staff recommends that the Planning Commission approve Ordinance Amendment OA2020-002, amending the Clovis Development Code per **Attachments 2 and 3**.

EXECUTIVE SUMMARY

The City of Clovis is processing an ordinance amendment to address modifications, inadvertent omissions, typographical, grammatical, and content errors to the Development Code discovered after its adoption in October 2014. The attached proposed modifications include the addition of a new chapter to address timely public comments for Planning Commission and City Council hearings.

BACKGROUND

The City's adopted 2014 Development Code included a new format and amendments to the text. During adoption, staff informed the City Council that periodic updates would be necessary to address anticipated corrections as a result of the conversion from the old Code to the new format. Additionally, the periodic updates would also allow for modifications to the Code to accommodate new land use development requirements.

In February 2015, staff presented the first ordinance amendment to the Planning Commission to address changes to the *Group Housing* section of the Development Code and text corrections. The corrections included mislabeled footnotes and inclusion of incorrect setbacks within specific zoning districts. Subsequently, in March 2015, the City Council approved the recommended cleanup modifications identified under the first ordinance amendment titled Ordinance Amendment OA2016-01.

In January 2017, staff presented the second ordinance amendment to the Planning Commission to address additional modifications, including changes to the *Services and Residential* sections of the Development Code and text modifications. An important correction included re-establishing the land use of “*Body Art*” as an allowed use with an approved conditional use permit in the C-M Zone District. In March 2017, the City Council approved the recommended cleanup modifications identified under the second ordinance amendment titled Ordinance Amendment OA2017-01.

In June 2018, staff presented the third ordinance amendment to the Planning Commission to address additional corrections, additions, modifications, and deletions to the 2014 Development Code. The modifications included changes to allowable uses in specific *Residential and Non-Residential* zone districts. An important update under this amendment included the addition of a new chapter, titled Reasonable Accommodation for individuals with disabilities seeking equal access to housing under Federal and State law. In July 2018, the City Council approved the recommended modifications identified under the third ordinance amendment titled Ordinance Amendment OA2018-01.

In February 2019, staff presented the fourth ordinance amendment to the Planning Commission to address additional modifications to the Cottage Home Program and the State Mandated Density Bonus requirements. The modifications also included changes to the Section 9.40.020, Accessory Residential Dwelling Units, to ensure consistency with State law requirements. In April 2019, the City Council approved the recommended modifications identified under the fourth ordinance amendment titled Ordinance Amendment OA2019-01.

PROPOSAL AND ANALYSIS

This fifth ordinance amendment, titled Ordinance Amendment OA2020-002, recommends additional corrections, additions, modifications, and deletions to the 2014 Development Code. Attachment 2 identifies the specific code sections affected by the proposed modifications and attachment 3 shows the detailed modifications to the Development Code and are summarized as follows:

Summary of Modifications

Section 9.04.020, Requirements for development and new land uses

- Add language regarding neighborhood meeting noticing requirements.

Section 9.10.010, Purpose of chapter, applicability

- Correct density reference for Very High Density Residential.

Section 9.10.020, Residential district land uses and permit requirements

- Add “Emergency Electrical Generators” as a permitted use in residential zone districts.

Section 9.12.020, Residential district land uses and permit requirements

- Add “Electronic Order Fulfillment Facilities” in the C-2 Zone District with a CUP.

Section 9.12.050, Commercial design standards

- Add footnote to address the maximum height allowed for hotels in specific zone districts.

Section 9.14.010, Purpose of chapter, applicability

- Add “Mixed Use/Business Campus” as a consistent land use with the R-T Zone District.

Section 9.14.020, Industrial district land uses and permit requirements

- Add “Office, Corporate” in the C-M Zone District as a permitted use.

Section 9.14.030, Industrial district general development standards

- Allow 80,000 sq. ft. minimum lots within General Plan Focus Area #6.

Section 9.16.020, Special purpose district land uses and permit requirements

- Add “Wireless Communication Facilities” and “Publicly Owned & Operated Telecommunication Towers” as a permitted use with an AUP.

Section 9.22.080, Noise

- Add language regarding “Emergency Electrical Generators” in residential districts.

Section 9.24.60, Fences, walls and hedges

- Revise text in Table 3-3 addressing material visibility for fencing.
- Add “Corrugated Metal” as an allowed fence material subject to approval by the Director.

Section 9.24.080, Height measurement and height limit exceptions

- Move Section 9.24.80(c)(3), “Wireless Telecommunication Facilities” to Section 9.42.040.

Section 9.24.100, Setback regulations and exceptions

- Revise minimum rear yard encroachment replacement area.

Section 9.32.040, Number of parking spaces required

- Revise parking requirements for restaurants and similar establishments.

Section 9.32.060, Disabled/handicapped parking requirements

- Remove “Handicapped” from chapter title.
- Reference the current edition of the California Building Codes under Title 24.
- Remove Figure 3-6.

Section 9.32.080, Driveways and site access: Nonresidential and multifamily developments

- Add text to clarify maximum driveway width for multi-family residential.

Section 9.34.110, Sign variances, minor adjustments, and revocation

- Revise text regarding noticing requirements for Minor Adjustments.

Section 9.40.030, Accessory uses and structures

- Revise Figure 4-1 regarding setback requirements.
- Remove eight-foot (8') maximum height requirement.
- Revise setback requirements for detached accessory structures.
- Add "Waterfalls," "Pool Slides," "Diving Board," and "Emergency Generator" to Table 4-1.

Section 9.40.080, Day care facilities

- Revise text regarding small and large family day care homes.

Section 9.40.110, Home occupation standards

- Move Section 9.40.110, "Home occupation standards" to Section 9.58.060.

Section 9.40.120 through Section 9.40.200, Standards for specific land uses

- Update section numbers.

Section 9.42.030, Standards for all wireless telecommunication facilities

- Add text from Section 9.24.080(c)(3) "Wireless Telecommunication Facilities" here.

Section 9.58.060, Operating standards

- Add "Home Occupation Standards" from Section 9.40.110 here.

Chapter 9.96

- Add new chapter to address timely public comments.

Section 9.102.120, Tentative map preparation, application contents

- Revise text associated with time limits and expiration of vesting tentative tract maps.

California Environmental Quality Act (CEQA)

The City has determined that the project is in substantial conformance with the environmental analysis performed for the 2014 General Plan Update and 2014 Development Code Update. Ordinance Amendment OA2020-002 does not involve substantial changes to the original 2014 Development Code Update and will not involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects. No major revisions will be required with the adopted Environmental Impact Report to accommodate the proposed project. Therefore, subject to CEQA Section 15162, no further environmental review is required for this project.

The City published notice of this public hearing in *The Business Journal* on Friday, November 6, 2020.

REASON FOR RECOMMENDATION

The recommended modifications to the 2014 Development Code will address necessary modifications, corrections and deletions to address updated development standards and changes to State law requirements. Staff therefore recommends that the Planning Commission approve Ordinance Amendment OA2020-002, per the modifications labeled **Attachments 2 and 3**.

The findings to consider when making a decision on an ordinance amendment include:

1. The proposed amendment is consistent with the goals, policies, and actions of the General Plan.

The proposed modifications to the Development Code are consistent with the goals, policies and actions of the General Plan. Ordinance Amendment OA2020-002 is not proposing changes to land use designations or modifications to specific policies that would negatively impact the overarching goals of the General Plan.

2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.

The proposed ordinance amendment is not proposing any development projects. Therefore, the proposed modifications will not be detrimental to the public interest, health, safety, or general welfare of the City.

3. The proposed amendment is internally consistent with other applicable provisions of this Development Code.

4. The Clovis Planning Commission does recommend approval of Ordinance Amendment OA2020-002, per the attached proposed modifications labeled **Attachments 2 and 3**.

ACTIONS FOLLOWING APPROVAL

This item will continue to the City Council for final consideration.

FISCAL IMPACT

None.

NOTICE OF HEARING

The City published notice of this public hearing in *The Business Journal* on Friday, November 6, 2020.

Prepared by: George González, MPA, Associate Planner

Reviewed by:



Dave Merchen
City Planner

**DRAFT
RESOLUTION 20-____**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS
RECOMMENDING APPROVAL OF AN AMENDMENT TO THE CLOVIS DEVELOPMENT
CODE AND FINDING THAT THE PROJECT IS NOT SUBJECT TO FURTHER
ENVIRONMENTAL REVIEW PURSUANT TO SECTION 15162 OF THE CEQA GUIDELINES**

WHEREAS, the City's current Development Code was adopted by the City Council on October 8, 2014; and

WHEREAS, the Clovis Development Code has been in use for six (6) years and several modifications and errors have been identified; and

WHEREAS, the City published notice of the Public Hearing in the Fresno Business Journal ten days prior to said Planning Commission hearing, and otherwise posted notice of the Public Hearing according to applicable law; and

WHEREAS, a duly noticed hearing was held on November 19, 2020; and

WHEREAS, the Planning Commission reviewed the record of proceedings, including the staff reports and other written records presented to, or otherwise made available to, the Planning Commission on this matter, and considered all oral comments made during the public hearing; and

WHEREAS, after hearing evidence gathered by itself and on its behalf and after making the following findings, namely;

1. The Ordinance Amendment is in substantial conformance with the environmental analysis performed for the 2014 General Plan Update and 2014 Development Code Update. Ordinance Amendment OA2020-002 does not involve substantial changes to the original 2014 Development Code Update and will not involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects. No major revisions will be required with the adopted Environmental Impact Report to accommodate the proposed project. Therefore, subject to CEQA Section 15162, no further environmental review is required for this project; and
2. The proposed amendment is consistent with the goals, policies, and actions of the General Plan and any applicable specific plans; and
3. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.
4. The proposed amendment is internally consistent with other applicable provisions of this Development Code.

**NOW, THEREFORE, BASED UPON THE ENTIRE RECORD OF THE PROCEEDINGS,
THE PLANNING COMMISSION RESOLVES AND FINDS AS FOLLOWS:**

- 1. The Ordinance Amendment is in substantial conformance with the environmental analysis performed for the 2014 General Plan Update and 2014 Development Code Update. Ordinance Amendment OA2020-002 does not involve substantial changes to the original 2014 Development Code Update and will not involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects. No major revisions will be required with the adopted Environmental Impact Report to accommodate the proposed project. Therefore, subject to CEQA Section 15162, no further environmental review is required for this project.
- 2. Recommends that the City Council approve the amendment to the Development Code as set forth in Attachments 2 and 3 of the accompanying staff report.
- 3. Directs that the record of proceedings be contained in the Department of Planning and Development Services located at 1033 5th Street, Clovis, CA 93612, and that the custodian of the record be the City Planner, Dave Merchen, or other person designated by the Director of Planning and Development Services.
- 4. Directs that these recommendations be immediately transmitted to the City Council for consideration.

* * * * *

The foregoing resolution was approved by the Clovis Planning Commission at its regular meeting on November 19, 2020, upon a motion by Commissioner _____, seconded by Commissioner _____, and passed by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

PLANNING COMMISSION RESOLUTION NO. 20-____
DATED: November 19, 2020

Amy Hatcher, Chair

ATTEST: _____
Renee Mathis, Secretary

SUMMARY OF MODIFICATIONS

9.04.020	-(G)-	Add language on the applicant’s neighborhood meeting noticing requirement for General Plan Amendments.
9.10.010	-(B)(10)-	Correct Density Reference of “15.1 to 25.0” to “25.1 to 43”
9.10.020	Table 2-2	Add “Emergency Electrical Generators” in the A, R-R, R-A, R-1, R-2, R-3, R-4, and MHP Zone Districts as a permitted use.
9.12.020	Table 2-4	Add “Electronic Order Fulfillment Facilities” in the C-2 Zone District as a permitted use with a CUP.
9.12.050	Table 2-5	Add footnote to clarify maximum hotel height allowed in the C-P, C-2 & C-3 Zone Districts.
9.14.010	-(B)(5)-	Add “Mixed Use/Business Campus” as a consistent land use with the R-T Zone District.
9.14.020	Table 2-6	Add “Offices, Corporate” in the C-M Zone District as a permitted use.
9.14.030	Table 2-7	Add footnote to allow 80,000 square feet minimum lots within Mixed-Use Focus Area #6 of the General Plan.
9.16.020	-(A)-	Add “Wireless Communication Facilities” and “Publicly Owned & Operated Telecommunication Towers” as a permitted use with an Administrative Use Permit.
9.22.080	-(D)(5)-	Add language regarding Emergency Electrical Generators in Residential Districts.
9.24.060	Table 3-3	Revise text for fencing material and maximum height allowances.
9.24.060	-(H)-	Add “Corrugated Metal” as an allowable fence material.
9.24.080	-(C)(3)-	Move 9.24.80(c)(3) “Wireless Telecommunication Facilities” to Section 9.42.040 “Standards for Ground-Mounted Structures.”
9.24.100	-(B)(4)(D)-	Revise minimum rear yard encroachment replacement area.
9.32.040	Table 3-12	Revise parking requirements for restaurants, taverns, lounges, or similar establishments.
9.32.060		Remove “Handicapped” from section title.
9.32.060	-(A)-	Revise text to reference the current edition of the California Building Codes under Title 24 and adopted standards.
9.32.060	Figure 3-6	Remove Figure 3-6 titled “Disabled/Handicapped Parking Requirements.”
9.32.080	-(C)(4)-	Add text clarifying maximum driveway width for multi-family residential, not single-family residential.
9.34.110	-(E)-	Revise text to allow the Director to have the discretion to provide notice to adjacent properties.
9.40.030	-(E)-	Revise setback requirements based on updated Figure 4-1.
9.40.030	-(E)(C)-	Remove eight-foot (8’) overall height restriction.
9.40.030	Figure 4-1	Revise Figure 4-1 to update setback requirements.
9.40.030	Table 4-1	Revise required setbacks for detached accessory structures.
9.40.030	Table 4-1	Add “Waterfalls” and “Pool Slides.”
9.40.030	Table 4-1	Add “Outdoor” and “Fireplaces.”
9.40.030	Table 4-1	Add “Diving Board” and “Emergency Generator.”
9.40.080	-(A)(2)-	Revise text regarding Large Family Day Care Homes.
9.40.080	-(A)(3)-	Revise text regarding Small Family Day Care Homes.
9.40.080	-(C)-	Revise text regarding Small and Large Family Day Care Homes to comply with SB234.
9.40.080	-(D)-	Revise text regarding day cares in non-residential zone districts.
9.40.110		Move Home Occupation Standards to Chapter 9.58.060 Operating Standards.
9.40.120		Update Section Number from 9.40.120 to 9.40.110 for Meat Packing and Processing.
9.40.130		Update Section Number from 9.40.130 to 9.40.120 for Mini-Storage Facility Standards.
9.40.140		Update Section Number from 9.40.140 to 9.40.130 for Outdoor Dining and Seating Areas.
9.40.150		Update Section Number from 9.40.150 to 9.40.140 for Outdoor Display and Sales.

9.40.160		Update Section Number from 9.40.160 to 9.40.150 for Public Utilities and Services.
9.40.170		Update Section Number from 9.40.170 to 9.40.160 for Recycling Facilities.
9.40.180		Update Section Number from 9.40.180 to 9.40.170 for Right to Farm.
9.40.190		Update Section Number from 9.40.190 to 9.40.180 for Vehicle Service Station Standards.
9.40.200		Update Section Number from 9.40.200 to 9.40.190 for Low Barrier Navigation Center Use by Right.
9.42.030	-(G)(1)-	Add language from 9.24.80(c)(3) "Wireless Telecommunication Facilities" here.
9.58.060		Add "Home Occupation" to section title.
9.58.060		Add "Home Occupation Standards" from Chapter 9.40.110.
9.96		Addition of new chapter titled "Public Comments" to the Development Code.
9.102.120	(A)	Remove "except for a vesting tentative map (see Section 9.102.110(D)(4)(a))."

TEXT MODIFICATIONS

(Text modifications and additions are in **Bold** and **Highlighted**)
(Text removals are in *Italic*, ~~Strikethrough~~ and **Highlighted**)

9.04.020 Requirements for development and new land uses.

No use of land or structures shall be allowed, altered, constructed, established, expanded, reconstructed, or replaced unless the use of land or structures complies with the following requirements:

A. Allowable use. The land use shall be identified by Chapter 10 (Residential Zoning Districts), 12 (Commercial Zoning Districts), 14 (Industrial Zoning Districts), 16 (Special Purpose Zoning Districts), or 18 (Overlay/Combining Zoning Districts) of this title as being allowable in the zoning district applied to the site.

B. Permit requirements. Land use permits required by this Development Code shall be obtained before the proposed use is constructed, otherwise established, or put into operation, unless the proposed use is listed in Section 9.04.030 (Exemptions from land use permit requirements).

C. Development standards. Uses and/or structures shall comply with the applicable development standards of this Development Code, including Division 2 of this title (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards), and the provisions of Divisions 3 (Development and Operational Standards) and 4 (Standards for Specific Land Uses) of this title, and other City standards and policies related to the use and development of land.

D. Conditions of approval. Uses and/or structures shall comply with all conditions imposed by a previously granted land use permit. Failure to comply with imposed conditions shall be grounds for revocation of the subject permit in compliance with Section 9.92.060 (Revocation and modifications).

E. Development agreements. Uses and/or structures shall comply with an applicable development agreement approved by the City in compliance with Chapter 70 of this title (Development Agreements) or by Fresno County before City incorporation or annexation, even if in conflict with this Development Code.

F. Other development policies. The City may adopt policies separate from this Development Code that may affect the use and development of land. All applicable policies, standards, and procedures related to land development shall apply when appropriate as determined by the applicable review authority. (§ 2, Ord. 14-13, eff. October 8, 2014)

G. Neighborhood meeting noticing. The applicant/developer of a General Plan Amendment application, or where a project necessitates public outreach, shall be required to hold a neighborhood meeting prior to the Planning Commission hearing and a second neighborhood meeting prior to the City Council hearing. The preparation, notification and execution of these neighborhood meetings are the responsibility of the applicant/developer. The meeting notices shall be mailed to real property owners within an 800-foot radius of the proposed project site. The list of notified property owners shall be generated utilizing the latest County Assessor's records. The

notice shall follow the guidelines outlined in the Neighborhood Meeting Noticing Standards provided by Planning and Development Services.

The neighborhood meeting notice shall be reviewed and approved by Planning and Development Services staff prior to the mailing of notice to area property owners. Neighborhood meeting notices associated with General Plan Amendments within the Dry Creek Preserve Master Plan area shall include the notification of all property owners within the Dry Creek Preserve area.

9.10.010 Purpose of chapter, applicability.

A. Residential zoning districts. This chapter provides regulations applicable to development and new land uses in the residential zoning districts established by Section 9.08.010 (Zoning Districts Established). The purpose of this chapter is to achieve the following:

1. Ensure the conservation and management of productive agricultural land, the orderly conversion of agricultural lands to urban uses, and provide a consistent and compatible land use pattern;
2. Ensure the establishment of a network of Urban Villages with centers that serve a network of neighborhoods within the City;
3. Preserve and enhance the high quality residential setting of the City, while promoting new neighborhoods that provide a balanced mix of land uses and development types that support a small town community character;
4. Ensure adequate light, air, privacy, and open space for each dwelling;
5. Minimize traffic congestion and avoid the overloading of public services and utilities; and
6. Facilitate the provision of public improvements commensurate with anticipated increase in population, dwelling unit densities, and service requirements.

B. Individual zoning districts. The general development standards for the districts are set forth in Table 2-3. The purposes of the individual residential zoning districts and the manner in which they are applied are as follows:

1. A (Agricultural) District. The A District identifies areas appropriate for the conservation of productive agricultural lands that can be sustained at an operational level and retain agricultural land in economically viable parcel sizes. The maximum allowable density is one dwelling unit per twenty (20) acres. The A District is consistent with the Agricultural land use designation of the General Plan;
2. R-R (Rural Residential) District. The R-R District identifies areas appropriate for large lot single-family uses, within a semi-rural environment. The allowable maximum density is one dwelling unit per two (2) acres, with a density range of zero (0) to 0.5 dwelling units per acre. The R-R District is intended to provide

for lower density development and small scale agricultural operations. The R-R District is consistent with the Rural Residential land use designation of the General Plan;

3. R-A, R-1-A, R-1-AH (Single-Family Residential Very Low Density) Districts. The R-A, R-1-A and R-1-AH Districts identify areas appropriate for large lot single-family uses. The allowable maximum density is one dwelling unit per eighteen thousand (18,000) square feet in the R-1-A and R-1-AH Districts and one dwelling unit per twenty-four thousand (24,000) square feet in the R-A District, with a density range of 0.6 to 2.0 dwelling units per acre. The R-A, R-1-A, and R-1-AH Districts are consistent with the Very Low Density Residential land use designation of the General Plan;

4. R-1, R-1-B, R-1-C (Single-Family Residential Low Density) Zones. The R-1, R-1-B, and R-1-C Districts identify areas appropriate for conventional single-family uses. The allowable density range is 2.1 to 4.0 units per acre, with not more than one dwelling unit per parcel. The R-1, R-1-B, and R-1-C Districts are consistent with the Low Density Residential land use designation of the General Plan when developed within the above density range;

5. R-1, R-1-MD (Single-Family Residential and Single-Family Residential Medium Density) District. The R-1 and R-1-MD Districts identify areas appropriate for single-family uses, including attached and detached single-family structures. The allowable density range is 4.1 to 7.0 units per acre, with the level of density determined by compliance with performance standards. The R-1 District is consistent with the Low and Medium Density Residential land use designations of the General Plan. The R-1-MD District is consistent with the Medium Density Residential land use designation of the General Plan;

6. R-1-PRD (Single-Family Planned Residential Development) District. The R-1-PRD District identifies areas appropriate for single-family small lot uses, including attached and detached single-family structures on small lots. The allowable density range is 4.1 to 15.0 units per acre, with the level of density determined by compliance with performance standards. The R-1-PRD District requires a planned development permit. The R-1-PRD District is consistent with the Medium and Medium-High Density Residential land use designations of the General Plan;

7. R-1-MH (Mobile Home, Single-Family) District. The R-1-MH District is appropriate for residential mobile homes and manufactured housing on individual lots. The R-1-MH District is intended as a single-family planned unit development with individually owned parcels. The allowable density range is dependent on the underlying single-family zoning for each parcel (R-1-18,000 sq. ft., R-1-9,500 sq. ft., R-1-7,500 sq. ft., R-1-6,000 sq. ft.). The R-1-MH District is consistent with the Very Low, Low or Medium land use designations of the General Plan based upon the specific allowed minimum lot size;

8. R-2, R-2-A (Multifamily Medium-High Density) Districts. The R-2 and R-2-A Districts identify areas appropriate for moderately dense residential uses, including multifamily apartments, duplexes, townhouses, and small parcel, attached and detached single-family uses. The allowable density range is 7.1 to 15.0 dwelling units per acre. The R-2 and R-2-A Districts are consistent with the Medium-High Density Residential land use designation of the General Plan;

9. R-3, R-3-A (Multifamily High Density) Districts. The R-3 and R-3-A Districts identify areas appropriate for high density residential uses, including attached and detached single-family residential, multifamily apartments and condominiums. The allowable density range is from 15.1 to 25.0 units per acre. The R-3 and R-3-A Districts are consistent with the High Density Residential land use designation of the General Plan;

10. R-4 (Multifamily Very High Density) District. The R-4 District identifies areas appropriate for high and very high density residential uses, particularly in association with mixed use development. The allowable density range is from 1525.1 to 2543.0 units per acre, and up to forty-three (43) dwelling units per acre in association with mixed use or transit oriented development. The R-4 District is consistent with the High Density Residential, Mixed Use, and Transit Center land use designations of the General Plan. Very high density developments greater than twenty-five (25) DU/acre up to forty-three (43) DU/acre shall be allowed when specifically called out in the General Plan or in a specific plan; and

11. MHP (Mobile Home Park, Multifamily) Districts. The MHP District identifies areas appropriate for the accommodation of residential mobile homes and manufactured housing in a mobile home park. The MHP District is intended for multifamily development. The allowable density range is 7.1 to 15.0 dwelling units per acre. The MHP District is consistent with the Medium-High land use designation of the General Plan. (§ 2, Ord. 14-13, eff. October 8, 2014)

9.10.020 Residential district land uses and permit requirements.

A. Allowed land uses. Table 2-2 identifies the uses of land allowed by this Development Code in each residential zoning district, and the land use permit required to establish each use, in compliance with Division 5 of this title (Land Use/Development Review Procedures).

B. Prohibited land uses. Any table cell left blank shall mean that the listed land use is prohibited in that specific zoning district.

C. Site plan review required. Any change of use and all construction activities (e.g., additions, alterations, new construction, reconstruction, or remodeling) shall be subject to site plan review approval as set forth in Chapter 56 of this title (Site Plan Review).

D. Applicable sections. Where the last column in the tables (“See Section”) includes a section number, the regulations in the referenced section apply to the use; however, provisions in other sections of this Development Code may also apply.

E. Special review required. A conditional use permit (Chapter 64 of this title, Conditional Use Permits) shall be required for all R-1-PD applications.

F. Annexation agreement. The uses in Table 2-2 can be modified as set forth in Section 2.1.35 using an annexation agreement approved by the City Council.

**TABLE 2-2
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR RESIDENTIAL ZONING DISTRICTS**

Land Use (1)	Permit Requirement by District								
	A	R-R	R-A	R-1 (2)	R-2	R-3	R-4	MHP (4)	See Section
Residential									
Accessory Residential Dwelling Units	P	P	P	P					9.40.020
Accessory Uses and Structures	P	P	P	P	P	P	P	P	9.40.030
Alcohol and Drug Treatment, 6 or Fewer	P	P	P	P	P	P	P	P	9.40.100
Alcohol and Drug Treatment, 7 or More						C			9.40.100
Bed and Breakfast Inns	C	C	C	C	C	C	C		9.40.050
Boarding Home						C			
Caretaker Housing	P	A	A					A	
Community Apartments and Condominiums					C	C	C		9.106.030
Convents and Rectories Connected to Religious Institutions/ Facilities	C	C	C	C	C	C	C		
Day Care Home, Large Child and/or Adult		A	A	A	A	A	A		9.40.080
Residential (Continued)									
Day Care Home, Small Child and/or Adult	P	P	P	P	P	P	P	P	9.40.080
Density Bonuses	P	P	P	P	P	P	P		9.26.090
Domestic Violence Shelter, Small	A	A	A	A	A	A	A	A	9.40.100
Domestic Violence Shelter, Large	C	C	C	C	C	C	C	C	9.40.100
Emergency Electrical Generators	P	P	P	P	P	P	P	P	9.22.080
Employee Housing, 6 or Fewer	P	P	P	P	P				
Farmworker Housing, Up to 12 Units or 36 Beds	P	P	P						
Group Care Home, 6 or Fewer	P	P	P	P	P	P	P	P	9.40.100

Group Care Home, 7 or More						C			9.40.100
Home Occupations	P	P	P	P	P	P	P	P	9.58, 9.40.100
Homeless Emergency Shelter, 7 or More						C			9.40.100
Household Pets	P	P	P	P	P	P	P	P	
Kennels, Private	C	C	C						
Manufactured Housing	P	P	P	P	P	P	P	P	
Mobile Housing								P	
Mobile Home Parks								P	
Modular Housing								P	
Residential (Continued)									
Multifamily Housing					P	P	P		Dev. Stds.
Parolee/Probationer Home						C			9.40.100
Senior Assisted Living Facility	C	C	C	C	C	C	C	C	
Sober Living Homes, 6 or Fewer	P	P	P	P	P	P	P	P	9.40.100
Sober Living Homes, 7 to 16						P			9.40.100
Sober Living Homes, Greater Than 16						C			9.40.100
Supportive Housing	P	P	P	P	P	P	P	P	9.40.100
Tiny Homes								P	9.40.100
Transitional Housing	P	P	P	P	P	P	P	P	9.40.100
Single-Family Housing	P	P	P	P	P				
Single-Room Occupancy							C		
Temporary Uses	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	9.60.020
Nonresidential									
Airports and Aircraft Landing Facilities	C	C							
Broadcasting Studios		C	C						
Cemeteries	C	C	C	C	C	C	C	C	
Nonresidential (Continued)									
Medical Services – Hospitals	C	C	C	C	C	C	C	C	
Medical Services – Extended Care	C	C	C	C	C	C	C	C	

Mini-Storage Facilities	C	C	C	C	C	C	C	C	9.40.130
Natural Gas and Electric Facilities	C	C	C	C	C	C	C	C	
Public Utility Facilities	C	C	C	C	C	C	C	C	
Solar and Wind Generation Facilities	C	C	C	C	C	C	C	C	
Swimming Schools			C						
Agricultural and Open Space Resources									
Agricultural Uses	P	P	P						
Agricultural Products, Sale of When Grown on Site	A								
Animal Keeping (Farm) Including Apiaries	P	A	A						9.40.040
Community Gardens	P	P	A	A	A	A	A	A	
Open Space	P	P	P	P	P	P	P	P	
Plant Nurseries	A	A	A						
Rifle, Pistol or Archery Ranges	C	C	C						
Agricultural and Open Space Resources (Continued)									
Stables, Commercial	C	C							
Stables, Private	P	P	P	P (2)					9.40.040(C)
Education, Public Assembly, and Recreation									
Assembly/Meeting Facilities	C	C	C	C	C	C	C	C	
Churches	C	C	C	C	C	C	C	C	
Golf Courses, Country Clubs	C	C	C	C	C	C	C	C	
Libraries, Public				C	C	C	C		
Parks and Public Playgrounds	P	P	P	P	P	P	P	P	
Schools, Private		C	C	C	C	C	C	C	
Schools, Public	P	P	P	P	P	P	P	P	
Stadia	C	C	C	C	C	C	C		
Trails	P	P	P	P	P	P	P	P	
Communication Facilities									
Satellite Dish Antennas	A	A	A	A	A	A	A	A	9.42

Radio and TV Antennas and Transmission	C	C	C	C	C	C	C	C	9.42
Wireless Telecommunication Facilities	A	A	A	A	A	A	A	A	9.42

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use (3) (5)	9.56
A	Administrative use permit required (5)	9.62
C	Conditional use – Conditional use permit required (5)	9.64
<i>Blank</i>	Use not allowed	

Notes:

(1) See Division 8 of this title for definitions of the land uses listed. See Section 9.08.030 (Allowable land uses and permit requirements).

(2) This column combines all R-1 sub-zones because the allowable land uses are identical, except for the allowance for horses to be maintained in the R-1-AH District on parcels of eighteen thousand (18,000) square feet or larger.

(3) A Director-approved site plan review shall be required. See Chapter 56 of this title.

(4) For purposes of Table 2-2, the MHP District also includes the R-1-MHP District when installed in compliance with State law (Government Code Section 65852.3).

(5) If there is a conflict between Table 2-2 and any written description setting forth allowable uses and permit requirements elsewhere in this title, the written description shall supersede unless it is clearly evident from the record that the contrary was intended. Disputes shall be resolved pursuant to Chapter 2 of this title.

(§ 2, Ord. 14-13, eff. October 8, 2014; § 1 (Atts. 1, 2), Ord. 16-07, eff. May 4, 2016; § 1 (Att. 4), Ord. 17-03, eff. April 19, 2017; § 1 (Att. 3), Ord. 18-19, eff. September 5, 2018; § 2 (Att. C), Ord. 19-05, eff. May 8, 2019)

9.12.020 Commercial district land uses and permit requirements.

- A. Allowed land uses. Table 2-4 identifies the uses of land allowed by this Development Code in each commercial zoning district, and the land use permit required to establish each use, in compliance with Division 5 of this title (Land Use/Development Review Procedures).
- B. Prohibited land uses. Any table cell left blank in Table 2-4 means that the listed land use is prohibited in that specific zoning district.
- C. Site plan review required. Any change of use and all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) shall be subject to site plan review approval in compliance with Chapter 56 of this title (Site Plan Review).
- D. U-C and P-C-C Districts. The specific uses of land allowed or conditionally allowed within the U-C and P-C-C Districts shall be limited to those uses identified during the applicable Zoning Map amendment process in compliance with Chapter 86 of this title. Applications shall be processed in accordance with Chapter 74 of this title (Urban Center) or Chapter 76 of this title (Planned Commercial Center).
- E. Applicable sections. Where the last column in the tables (“See Section”) includes a section number, the regulations in the referenced section apply to the use; however, provisions in other sections of this Development Code may also apply.
- F. Determination of use. Any use not listed in the table for a zone district may be reviewed by the Director for a determination that the use is similar in characteristics to a listed use. Unless otherwise determined to be similar, a use which is not listed shall be prohibited.

**TABLE 2-4
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR COMMERCIAL ZONING DISTRICTS**

Land Use (1)(2)(4)	Permit Requirement by District					
	C-P	C-1 (6)	C-2 (5, 6)	C-3 (6)	C-R	See Section
Education, Public Assembly, and Recreation						
Assembly/Meeting Facilities	C	C	C	C	C	

**TABLE 2-4
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR COMMERCIAL ZONING DISTRICTS**

Land Use (1)(2)(4)	Permit Requirement by District					
	C-P	C-1 (6)	C-2 (5, 6)	C-3 (6)	C-R	See Section
Auditoriums and Meeting Halls	C	C	C	C	C	
Billiard Parlors			C	C		
Bowling Alleys			P	C		
Card Rooms, Subject to Chapter 6 of Title 5			P	P		
Community/Cultural Centers		C	C	C	C	
Golf Course and Driving Ranges	C	C	C		C	
Golf Courses, Miniature			P			
Fairgrounds					A	
Health/Fitness Facilities (Over 5,000 Square Feet of Gross Floor Area)	C	C	C	C		
Health Studios	P	P	P	P		
Indoor Amusement/Arcade/ Entertainment Centers			C	C		
Libraries and Museums	A	A	A	P	P	

**TABLE 2-4
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR COMMERCIAL ZONING DISTRICTS**

Land Use (1)(2)(4)	Permit Requirement by District					
	C-P	C-1 (6)	C-2 (5, 6)	C-3 (6)	C-R	See Section
Membership Organization Facilities	C	C	C	P		
Nightclubs, with or without Food Service			C	C		
Outdoor Recreation, Commercial			C		C	
Reading Rooms	P	P	P	P		
Rodeo Grounds					P	
Schools, Private	A	A	A	C		
Schools, Specialized Education and Training	A		A	C		
Sports Arenas/Stadia			C		C	
Education, Public Assembly, and Recreation (Continued)						
Studios – Art, Dance, Martial Arts, Music, Photography, etc.	A	A	A	A		
Swap Meet					C	
Theaters, Live, Non-Motion-Picture			C	C		

**TABLE 2-4
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR COMMERCIAL ZONING DISTRICTS**

Land Use (1)(2)(4)	Permit Requirement by District					
	C-P	C-1 (6)	C-2 (5, 6)	C-3 (6)	C-R	See Section
Theaters, Family Type Motion Picture, Not to Exceed 500 Seats			C	C		
Manufacturing and Processing						
Recycling Facilities – Small Collection Facility		A	A			9.40.160
Recycling Facilities – Reverse Vending Machines		A	A	A	A	9.40.160
Motor Vehicle Retail Trade and Services						
Motor Vehicle Muffler Shops			C	C		
Motor Vehicle Parts, Service and Sales		A	A	A		
Motor Vehicle – Batteries, Tires, and Accessory Parts			C	C		
Vehicle Body and Paint Shops						
Motor Vehicle Renting and Leasing			C			
Motor Vehicle Repair and Maintenance, within an Enclosed Structure			C	C		
Motor Vehicle Sales			C			

**TABLE 2-4
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR COMMERCIAL ZONING DISTRICTS**

Land Use (1)(2)(4)	Permit Requirement by District					
	C-P	C-1 (6)	C-2 (5, 6)	C-3 (6)	C-R	See Section
Motor Vehicle Service Stations		C	C	C		
Motor Vehicle Wash, All		C	C	C		
Truck Repairing and Overhauling, within Completely Enclosed Structure						
Retail Trade						
Accessory Retail Uses	P	P	P	P	P	9.120.020
Appliance Stores			P	P		
Art, Antiques, Collectibles, and Gifts		P	P	P		
Bakeries, Retail	A	P	P	P		
Bars and Alcoholic Beverage Drinking Places, On-Site Consumption	C	C	P	C		
Beauty, Barber Shops	P	P	P	P		
Body Massage	P	P	P	P		
Bookstores		P	P	P		

**TABLE 2-4
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR COMMERCIAL ZONING DISTRICTS**

Land Use (1)(2)(4)	Permit Requirement by District					
	C-P	C-1 (6)	C-2 (5, 6)	C-3 (6)	C-R	See Section
Bicycle Shops		P	P	P		
Cafeterias	C	P	P	P		
Carpet Sales, Retail Only	C	P	P	P		
Cleaning and Dyeing Shops (Retail Only, Dry Cleaning Clothes in Enclosed Machines, Using Nonflammable Cleaning Compounds)		P	P	P		
Clothing Stores		P	P	P		
Coffee – Specialty Sales	A	P	P	P		
Confectionery Stores		P	P	P		
Convenience Stores		C	C	C		
Dairy Products		P	P	P		
Delicatessens		P	P	P		
Department Stores			P	P		
Drive-In, Drive-Through Uses		C	C	C		9.40.090

**TABLE 2-4
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR COMMERCIAL ZONING DISTRICTS**

Land Use (1)(2)(4)	Permit Requirement by District					
	C-P	C-1 (6)	C-2 (5, 6)	C-3 (6)	C-R	See Section
Drugstores		P	P	P		
Drugstores, Super		P	P			
Retail Trade (Continued)						
Dry Goods		P	P	P		
Eating Establishment	A	P	P	P		
Electronic Order Fulfillment Facilities			C			
Feed and Fuel Stores			P	A		
Firearm Retail Sales		P	P	P		
Fish Markets		P	P	P		
Florist Shops		P	P	P		
Fruit and Vegetable Stores		P	P	P		
Furniture Stores		P	P	P		

**TABLE 2-4
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR COMMERCIAL ZONING DISTRICTS**

Land Use (1)(2)(4)	Permit Requirement by District					
	C-P	C-1 (6)	C-2 (5, 6)	C-3 (6)	C-R	See Section
Furniture Upholstery Shops			A	P		
Garden Supply Stores		P	P	P		
Garden Supply Stores, with Ancillary Equipment Sales, without Service			P	P		
Garden Supply Stores, with Ancillary Equipment Sales, with Service			A	A		
Glass and Chinaware, Retail Only			P	P		
Grocery Stores		P	P	P		
Hardware Stores		P	P	P		
Health Food Stores		P	P	P		
Hobby Shops		P	P	P		
Home Furnishings			P	P		
Ice Cream Sales		P	P	P		
Leather Goods and Luggage Stores			P	P		

**TABLE 2-4
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR COMMERCIAL ZONING DISTRICTS**

Land Use (1)(2)(4)	Permit Requirement by District					
	C-P	C-1 (6)	C-2 (5, 6)	C-3 (6)	C-R	See Section
Liquor Stores, Off-Site Consumption		C	C	C		
Mattress Stores			P	P		
Meat Markets		P	P	P		
Millinery Stores			P	P		
Retail Trade (Continued)						
Music Stores		P	P	P		
Neighborhood Food Markets		C	C	C		
Outdoor Activities	A	A	A (5)	A	A	9.40.140
Outdoor Retail Sales (Permanent)		A	A	A		9.40.150
Pet Stores		P	P	P		
Photographic Studios	P	P	P	P		
Plant Nurseries		P	P	P		

**TABLE 2-4
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR COMMERCIAL ZONING DISTRICTS**

Land Use (1)(2)(4)	Permit Requirement by District					
	C-P	C-1 (6)	C-2 (5, 6)	C-3 (6)	C-R	See Section
Pottery Sales		P	P	P		
Print Shops		P	P	P		
Radio and Television Sales and Service			P	P		
Restaurants Including Beer and Wine with Meals	C	P	P	P		
Restaurants Serving Hard Liquor			P	C		
Retail Stores, General Merchandise		P	P	P		
Secondhand Stores, within Completely Enclosed Structure			P	P		
Shoe Stores		P	P	P		
Shopping Centers		P	P			
Slot Car Racing		A	A			
Soft Drink Fountains		P	P	P		
Unlicensed Motorized Recreational Vehicles (Snowmobiles/Jet Skis) Sales Only			C			

**TABLE 2-4
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR COMMERCIAL ZONING DISTRICTS**

Land Use (1)(2)(4)	Permit Requirement by District					
	C-P	C-1 (6)	C-2 (5, 6)	C-3 (6)	C-R	See Section
Sporting Goods Stores		P	P	P		
Stamp and Coin Brokers		P	P	P		
Retail Trade (Continued)						
Supermarkets		P	P			
Swimming Pool Sales			A			
Tasting Rooms				A		
Taxidermists				P		
Temporary Uses	TUP	TUP	TUP	TUP	TUP	
Tobacco Shops		P	P	P		
Tropical Fish Sales		A	A	A		
Variety and Notion Shops		P	P	P		
Vending Machines, Food and Dairy Products, Ice (Walk-In, Reach-In), On-Premises Sales (Located Outside of a Structure)	A	A	A		A	

**TABLE 2-4
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR COMMERCIAL ZONING DISTRICTS**

Land Use (1)(2)(4)	Permit Requirement by District					
	C-P	C-1 (6)	C-2 (5, 6)	C-3 (6)	C-R	See Section
Warehouse Retail Stores			P			
24-Hour Retail Uses	C	C	C	C		
Services						
Animal Hospital/Veterinary Clinics within a Completely Enclosed Building			C			
Automated Teller Machines	P	P	P	P	P	
Banks and Financial Services	P	P	P	P		
Beauty Colleges			A	A		
Bed and Breakfast Inns	C	C	C	C		
Boarding Home	C		C			9.40.100
Body Art			C			
Business Support Services	P	P	P	P		
Catering Services			A	A		

**TABLE 2-4
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR COMMERCIAL ZONING DISTRICTS**

Land Use (1)(2)(4)	Permit Requirement by District					
	C-P	C-1 (6)	C-2 (5, 6)	C-3 (6)	C-R	See Section
Services (Continued)						
Cemeteries	C	C	C	C	C	
Day Care Centers – Child and/or Adult	C	C	C	C		
Churches	C	C	C	C	C	
Copy Services	A	A	P	A		
Drive-In, Drive-Through Uses	C	C	C	C		9.40.090
Employee Credit Unions	P	P	P	P		
Fortune-Telling			C			
Hotels/Motels	C		C	C		
Laboratories	C		P	C		
Laundry and Dry Cleaning, Drop-Off/Pick-Up Only		P	P	P		
Laundries and Dry Cleaning				C		

**TABLE 2-4
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR COMMERCIAL ZONING DISTRICTS**

Land Use (1)(2)(4)	Permit Requirement by District					
	C-P	C-1 (6)	C-2 (5, 6)	C-3 (6)	C-R	See Section
Medical Services – Extended Care	C		C			
24-Hour Service Uses	C	C	C	C		
Medical Services – Ambulance Service	C		C	C		
Medical Services – Clinics and Laboratories	A	A	P	A		
Medical Services – Extended Care	C		C	C		
Medical Services – Hospitals	C		C	C		
Medical Services – Surgery Centers	C		C	C		
Mini-Storage Facilities	C	C	C	C	C	
Mortuaries and Funeral Parlors			C	C		
Offices	P	P	P	P		
Services (Continued)						
Personal Services (No Adult Businesses)		P	P	P		

**TABLE 2-4
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR COMMERCIAL ZONING DISTRICTS**

Land Use (1)(2)(4)	Permit Requirement by District					
	C-P	C-1 (6)	C-2 (5, 6)	C-3 (6)	C-R	See Section
Pet Grooming		A	A	A		
Pharmacies, Prescription	A	P	P	P		
Post Office	A	P	P	P		
Repair and Maintenance, Consumer Products		A	P	P		
Shoe Repair Shops		P	P	P		
Unlicensed Motorized Recreational Vehicles (Snowmobiles/Jet Skis) Enclosed, Incidental Service, Rental, and Repair			C			
Supply Rentals, Party, Sickroom and Health		P	P	P		
Tattoo Parlors (Body Art)			C			
Transportation and Telecommunication Facilities						
Airports and Aircraft Landing Facilities	C	C	C	C	C	
Alternative Fuels and Recharging Facilities	A	A	A	A		
Broadcast and Recording Studios and/or Film Studios	C		P	A		

**TABLE 2-4
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR COMMERCIAL ZONING DISTRICTS**

Land Use (1)(2)(4)	Permit Requirement by District					
	C-P	C-1 (6)	C-2 (5, 6)	C-3 (6)	C-R	See Section
Parking Lots/Garages	C		C	C	C	
Public Utility Facilities	C	C	C	C	C	9.40.160
Satellite Dishes/Antennas	C	C	C	C	C	9.42
Telephone Booths, Permanent or Temporary	A	A	A	A	A	
Transportation and Telecommunication Facilities (Continued)						
Transit Stations and Terminals			C	C		
Wireless Telecommunications Facilities	A	A	A	A	C	9.42
Residential						
Alcohol and Drug Treatment, 7 or More			C			9.40.100
Caretaker Housing	A	A	A	A	A	
Convents and Rectories Connected to Religious Institutions/Facilities	C	C	C	C		
Group Care Homes, 7 or More			C			9.40.100

**TABLE 2-4
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR COMMERCIAL ZONING DISTRICTS**

Land Use (1)(2)(4)	Permit Requirement by District					
	C-P	C-1 (6)	C-2 (5, 6)	C-3 (6)	C-R	See Section
Home Occupations	P		P	P		9.58
Homeless Emergency Shelters			P			
Live/Work Units				C		
Mixed Use				C		
Senior Assisted Living Facility	C	C	C	C	C	
Sober Living Homes, Greater Than 6 and Less Than 17				P		9.40.100
Sober Living Homes, Greater Than 16			C	C		
Supportive Housing, 16 or Less				P		9.40.100
Supportive Housing, 17 or More			C	C		
Residential, Second Story and Above				C		
Transitional Housing, 16 or Less				P		9.40.100
Transitional Housing, More Than 16			C	C		

**TABLE 2-4
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR COMMERCIAL ZONING DISTRICTS**

Land Use (1)(2)(4)	Permit Requirement by District					
	C-P	C-1 (6)	C-2 (5, 6)	C-3 (6)	C-R	See Section

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use (3)	9.56
A	Administrative use permit required	9.62
C	Conditional use – Conditional use permit required	9.64
<i>Blank</i>	Use not allowed	

Notes:

- (1) See Section [9.08.030](#) (Allowable land uses and permit requirements).
- (2) See Division 8 of this title for definitions of the land uses listed.
- (3) A Director approved site plan review permit shall be required. See Chapter 56 of this title.
- (4) In existing conforming structures, land uses allowed with a site plan review permit may be considered a permitted (P) use.

(5) Any use allowed in the C-2 District not conducted entirely within an enclosed structure shall require a Director approved administrative use permit or a conditional use permit where listed.

(6) A conversion of a residential structure to an allowed nonresidential use involving any exterior change to the structure shall require the approval of an administrative use permit in compliance with Chapter 62 of this title.

(7) If there is a conflict between Table 2-4 and any written description setting forth allowable uses and permit requirements elsewhere in this title, the written description shall supersede unless it is clearly evident from the record that the contrary was intended. Disputes shall be resolved pursuant to Chapter 2 of this title.

(§ 2, Ord. 14-13, eff. October 8, 2014; § 2, Ord. 15-06, eff. March 4, 2015; § 1 (Att. 1), Ord. 16-07, eff. May 4, 2016; § 1 (Att. 4), Ord. 17-03, eff. April 19, 2017; § 1 (Att. 3), Ord. 18-19, eff. September 5, 2018)

9.12.050 Commercial design standards.

The City Council and the Director may adopt design standards applicable to commercial development within the City. Standards adopted by the City Council shall be by resolution. Standards adopted by the Director shall be by written policy.

**TABLE 2-5
COMMERCIAL ZONING DISTRICTS
GENERAL DEVELOPMENT STANDARDS
REQUIREMENTS BY INDIVIDUAL ZONING DISTRICT**

Development Feature	C-P	C-1
Minimum Parcel Size	10,000 sq. ft.	15,000 sq. ft.
Minimum Parcel Width	65 ft.	100 ft.
Minimum Corner Parcel Width	65 ft.	100 ft.
Minimum Reverse Corner Parcel Width	65 ft.	100 ft.
Minimum Parcel Depth	110 ft.	150 ft.
Setbacks Required (6)		
Front	10 ft. (1)	20 ft. (5)
Side (Each)	None (2)	None (2)
Street Side	10 ft.	20 ft.
Rear	None (3)	None (3)
Accessory Structures	See Section 9.40.030 (Accessory uses and structures)	

Development Feature	C-P	C-1
Maximum Parcel Coverage	None	33%
Main Structure – Maximum Height (Whichever Is Less)	40 ft./3 stories (4)(7)	20 ft./1 story
Fences/Walls/Hedges	See Section 9.24.060 (Fences, walls, and hedges)	
Off-Street Parking	See Chapter 32 of this title (Parking and Loading Standards)	
Satellite Antennas	See Chapter 42 of this title (Wireless Telecommunication Facilities)	

Notes:

- (1) No main structure shall be erected within fifty feet (50') of railroad or freeway right-of-way, or flood control channel.
- (2) Where the commercial district abuts a residential district, the minimum side yard shall be ten feet (10').
- (3) Where the commercial district abuts a residential district, the minimum rear yard shall be ten feet (10').
- (4) Additional height/stories may be allowed, in compliance with Chapter 64 of this title (Conditional Use Permits).
- (5) Where the front yard of a parcel in the commercial district abuts, or is across the street from, a residential district, the front yard required for that residential district shall apply. Where the front yard of the parcel abuts, or is across the street from, more than one residential district, the front yard requirements of the most restrictive district shall apply.
- (6) No setback shall be required between structures within a commercial center where the structures comply with the California Building Code.

(7) Hotels in the C-P Zone District are allowed a maximum height not to exceed fifty-five (55') feet in height by right. Additional height may be allowed, in compliance with Chapter 64 of this title (Conditional Use Permits).

**TABLE 2-5
COMMERCIAL ZONING DISTRICTS
GENERAL DEVELOPMENT STANDARDS
REQUIREMENTS BY INDIVIDUAL ZONING DISTRICT (Continued)**

Development Feature	C-2 and C-R	C-3
Minimum Parcel Size	C-2 – 15,000 sq. ft. C-R – 4 acres	None

Development Feature	C-2 and C-R	C-3
Minimum Parcel Width	100 ft.	None
Minimum Corner Parcel Width	100 ft.	None
Minimum Reverse Corner Parcel Width	100 ft.	None
Minimum Parcel Depth	150 ft.	None
Setbacks Required (6)		
Front	30 ft. (structures), 20 ft. (parking)	None (5)
Side (Each)	None (structures) (2), 5 ft. (parking)	None (2)
Street Side	30 ft. (structures), 20 ft. (parking)	None
Rear	None (3)	None (3)
Accessory Structures	See Section 9.40.030 (Accessory uses and structures)	
Maximum Parcel Coverage	33%	None
Main Structure – Maximum Height (Whichever Is Less)	35 ft./2 stories (4)(7)	50 ft./4 stories (4)(7)
Fences/Walls/Hedges	See Section 9.24.060 (Fences, walls, and hedges)	
Off-Street Parking	See Chapter 32 of this title (Parking and Loading Standards)	
Satellite Antennas	See Chapter 42 of this title (Wireless Telecommunication Facilities)	

Notes:

- (1) No main structure shall be erected within fifty feet (50') of railroad or freeway right-of-way.
- (2) Where the commercial district abuts a residential district, the minimum side yard shall be ten feet (10').
- (3) Where the commercial district abuts a residential district, the minimum rear yard shall be ten feet (10').
- (4) Additional height/stories may be allowed, in compliance with Chapter 64 of this title (Conditional Use Permits).
- (5) Where the front yard of a parcel in the commercial district abuts, or is across the street from, a residential district, the front yard required for that residential district shall apply. Where the front yard of the parcel abuts, or is across the street from, more than one residential district, the front yard requirements of the most restrictive district shall apply.

(6) No setback shall be required between structures within a commercial center where the structures comply with the California Building Code.

(7) Hotels in the C-2 and C-3 Zone Districts are allowed a maximum height not to exceed fifty-five (55') feet in height by right. Additional height may be allowed, in compliance with Chapter 64 of this title (Conditional Use Permits).

**TABLE 2-5
COMMERCIAL ZONING DISTRICTS
GENERAL DEVELOPMENT STANDARDS
REQUIREMENTS BY INDIVIDUAL ZONING DISTRICT (Continued)**

Development Feature	U-C and P-C-C
Minimum Parcel Size	5 acres (7)
Minimum Parcel Width	Determined during Zoning Map amendment (6)
Minimum Corner Parcel Width	Determined during Zoning Map amendment (6)
Minimum Reverse Corner Parcel Width	Determined during Zoning Map amendment (6)
Minimum Parcel Depth	Determined during Zoning Map amendment (6)
Maximum (Gross) Density	25 – 43 DU/acre (compliance with the General Plan or a specific plan)
Setbacks Required	
Front	Determined during Zoning Map amendment (6)
Side (Each)	Determined during Zoning Map amendment (6)
Street Side	Determined during Zoning Map amendment (6)
Rear	Determined during Zoning Map amendment (6)
Accessory Structures	See Section 9.40.030 (Accessory uses and structures)
Maximum Parcel Coverage	Determined during Zoning Map amendment (6)
Main Structure – Maximum Height	Determined during Zoning Map amendment and specific plan adoption (6)
Fences/Walls/Hedges	See Section 9.24.060 (Fences, walls and hedges)
Off-Street Parking	See Chapter 20 of this title (Parking and Loading Standards)
Satellite Antennas	See Chapter 42 of this title (Wireless Telecommunication Facilities)

Notes:

(2) Where the commercial district abuts a residential district, the minimum side yard shall be ten feet (10').

- (3) Where the commercial district abuts a residential district, the minimum rear yard shall be ten feet (10').
- (4) Additional height/stories may be allowed, in compliance with Chapter 64 of this title (Conditional Use Permits).
- (5) Where the front yard of a parcel in the commercial district abuts, or is across the street from, a residential district, the front yard required for that residential district shall apply. Where the front yard of the parcel abuts, or is across the street from, more than one residential district, the front yard requirements of the most restrictive district shall apply.
- (6) The specific development standards for parcels located within the C-U-C and P-C-C Districts shall be established during the applicable Zoning Map amendment process in compliance with Chapter 86 of this title (Amendments). Processing shall comply with Chapter 74 of this title (Commercial Urban Center) or Chapter 76 of this title (Planned Commercial Center).
- (7) The minimum site area can include internal public street area.

(§ 2, Ord. 14-13, eff. October 8, 2014)

9.14.010 Purpose of chapter, applicability.

A. Industrial districts. This chapter provides regulations applicable to development and new land uses in the industrial zoning districts established by Section [9.08.010](#) (Zoning districts established). The purpose of this chapter is to achieve the following:

- 1. Provide for the development of nonpolluting, clean industrial land uses to broaden the economic/employment base of the City, while ensuring compatible integration with nonindustrial uses, in a manner consistent with the General Plan;
- 2. Provide for the development of industrial land uses that complement the establishment of an Urban Village network, with emphasis on proximity to transit corridor or business core access;
- 3. Provide adequate space to meet the needs of industrial development, including off-street parking and loading, and ensure compatibility between industrial land uses, high traffic corridors and nearby residential neighborhoods;
- 4. Minimize traffic congestion and avoid the overloading of utilities;
- 5. Minimize excessive noise, illumination, unsightliness, odor, smoke, and other objectionable influences; and
- 6. Promote high standards of site planning, architectural and landscape design for industrial developments within the City.

B. Individual zoning districts. The purpose of the individual industrial zoning districts are as follows:

1. C-M (Commercial and Light Manufacturing) District. The C-M District is applied to areas appropriate for retail and wholesale sales, light manufacturing, warehousing, distributing, and storage operations, in addition to providing for a close relationship between warehousing, distribution, and retail sales. The C-M District is consistent with the Industrial land use designation of the General Plan;

2. M-P (Industrial Park) District. The M-P District is applied exclusively to areas appropriate for the integrated development of modern, large scale specialized manufacturing uses, administrative, and research organizations, in addition to providing an aesthetically attractive working environment with park setting, attractive structures, ample employee parking, and other amenities appropriate to employee oriented industrial activities. The M-P District is consistent with the Industrial land use designation of the General Plan;

3. M-1 (Light Industrial) District. The M-1 District is applied to areas appropriate for business parks and industrial uses within enclosed structures with limited screened outdoor storage, including warehousing and distribution facilities, mini-warehouse storage, and a variety of light manufacturing uses. The M-1 District is consistent with the Industrial land use designation of the General Plan;

4. M-2 (Heavy Industrial) District. The M-2 District is applied to areas appropriate for heavy industrial uses engaged in the mechanical or chemical processing of materials or substances into new products, the assembling of component parts, or the blending of materials, including food processing, automobile assembly or recycling, machine shops, and a variety of heavy manufacturing uses, which may require appropriate buffering from adjacent commercial and residential uses. The M-2 District is consistent with the Industrial land use designation of the General Plan; and

5. R-T (Research and Technology/Business Park) District. The R-T District is applied to areas appropriate for research and technology based land uses, within a business campus setting, that will ensure positive future growth in employment within the City; generate revenue to the City and higher than average wages or payroll; and ensure compatibility with local infrastructure, adjacent land uses, and natural resources. The R-T District is consistent with the Industrial and **Mixed Use/Business Campus** land use designations of the General Plan and the Business Campus designation of Loma Vista (Southeast Urban Area) Specific Plan. (§ 2, Ord. 14-13, eff. October 8, 2014)

9.14.020 Industrial district land uses and permit requirements.

A. Allowed land uses. Table 2-6 identifies the uses of land allowed by this Development Code in each industrial zoning district, and the land use permit required to establish each use, in compliance with Division 5 of this title (Land Use/Development Review Procedures).

B. Prohibited land uses. Any table cell left blank means that the listed land use is prohibited in that specific zoning district.

C. Site plan review required. Any change of use and all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) shall be subject to site plan review approval in compliance with Chapter 56 of this title (Site Plan Review).

D. Applicable sections. Where the last column in the tables (“See Section”) includes a section number, the regulations in the referenced section apply to the use; however, provisions in other sections of this Development Code may also apply.

**TABLE 2-6
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR INDUSTRIAL ZONING DISTRICTS**

Land Use (1)(2)(3)(5)	Permit Requirement by District					
	C-M	M-P	M-1	M-2	R-T	See Section
Education, Public Assembly, and Recreation						
Assembly/Meeting Facilities	C	C	C	C	C	
Adult Businesses			P	P		5.19
Auction Houses	A					
Community/Cultural Centers	C		C	C	C	
Churches	C		C			
Day Care Centers and Nursery Schools	C		C	C		9.40.080
Health/Fitness Facilities	C	C	A	A	C	
Health Studios	P					
Membership Organization Facilities	C	C	C	C	C	
Education, Public Assembly, and Recreation (Continued)						
Schools, Specialized Education and Training	A	A	A	A	A	
Sports and Recreational Facilities	A	A	A	A	A	
Rifle and Pistol Ranges, Skeet Fields, Archery and Other Similar Places	C	C	C	C		
Stadia	C	C	C	C		
Manufacturing and Assembly						
Accessory Uses	P	P	P	P	P	9.40.030
Agricultural Technology	P	P	P	P	P	
Bio-Technology	P	P	P		P	

Biomedical Technology	P	P	P	P	P	
Boat Building and Repairing			P	P		
Computer Integrated System Design	P	P	P	P	P	
Data Processing and Preparations	P	P	P	P	P	
Dental Equipment and Supply Manufacturing	P	P	P	P	P	
Electrical Equipment Manufacturing	P	P	P	P	P	
Electronic Component Manufacturing	P	P	P	P	P	
Engine Rebuilding/Reconditioning	A		P	P		
Health and Beauty Product Research and Development	P	P	P	P	P	
Jewelry Manufacturing	P		P	P		
Leather Products			P	P		
Marking Device Manufacturing	P	P	P	P	P	
Motor Vehicle Manufacturing			P	P		
Paint Manufacturing	P		P	P		
Manufacturing and Assembly (Continued)						
Research and Development (R&D)	P	P	P	P	P	
Software Manufacturing	P	P	P	P	P	
Surgical Appliance and Supply Manufacturing	P	P	P	P	P	
Surgical and Medical Instrument Manufacturing	P	P	P	P	P	
Telecommunication Component Manufacturing	P	P	P	P	P	
Textile Products			P	P		
Tire Recapping, Retreading, and Rebuilding			C	C		
Warehousing (Only as an Accessory Use to Main R-T Use)					P	
Warehousing and Wholesaling	P		P	P		
Welding	A		P	P		
Manufacturing and Processing						
Beverage Production	P		P	P		
Blacksmiths			P	P		
Chemical Products Manufacturing			C	C		
Clothing Products	P		P	P		
Concrete and Cement Products			C	C		

Cosmetic Products	P		P	P		
Dry Cleaning Plants	A		A	A		
Electronic Motor Rebuilding			P	P		
Fabric Product Manufacturing	P		P	P		
Food and Beverage Manufacturing	P		P	P		
Manufacturing and Processing (Continued)						
Furniture/Fixture/Cabinet Shops	A		P	P		
Glass Products	P		P	P		
Grain Elevators			A	A		
Laundries	P		P	P		
Lumber and Wood Products	P		P	P		
Lumber and Wood Products, Including Planing Mill			P	P		
Machinery Manufacturing, No Punch Presses or Drop Hammers Over 20 Tons	P		P			
Machinery Manufacturing, with Punch Presses or Drop Hammers Over 20 Tons			C	C		
Manufacturing, Heavy				C		
Meat Packing and Processing, No On-Site Animal Slaughtering			C	P		
Meat Packing and Processing, with On-Site Animal Slaughtering				C		
Metal Products Fabrication			P	P		
Monument and Tombstone Works	P		P	P		
Paper Products Manufacturing			P	P		
Petroleum Bulk Plants			C	C		
Pharmaceutical Manufacturing	P		P	P		
Plastics and Rubber Products	C		P	P		
Printing and Publishing	P		P	P		
Recycling Facilities – Small Collection Facility	A	A	A	A	A	9.40.160
Manufacturing and Processing (Continued)						
Recycling Facilities – Large Collection Facility			C	C		9.40.160
Recycling Facilities – Processing Facility, Light			C	C		9.40.160
Recycling Facilities – Processing Facility, Heavy				C		9.40.160

Recycling Facilities – Reverse Vending Machines	A	A	A	A	A	9.40.160
Structural Clay and Pottery Products	P		P	P		
Motor Vehicle Retail Trade and Services						
Vehicle Muffler Shops	C		P	P		
Vehicle Parts and Sales	C					
Vehicle – Batteries, Tires, and Accessory Parts	C		C	C		
Vehicle Body and Paint Shops	P		P	P		
Vehicle Renting and Leasing	C		C	C		
Vehicle Repair and Maintenance, within an Enclosed Structure	P		P	P		
Vehicle Sales (On Site)	A		P	P		
Vehicle Service Stations	C	C	C	C	C	9.40.190
Vehicle Wash, All	C	C	C	C	C	
Truck Repairing and Overhauling, within Completely Enclosed Structure			P	P		
Retail Trade						
24-Hour Retail Uses	C	C	C			
Accessory Retail Uses – Only Ancillary to an Industrial Use	P	P	P	P		9.40.030
Retail Trade (Continued)						
Bars and Alcohol Drinking	C		C	C		
Beauty, Barber Shops	P					
Body Massage	P					
Building Material Stores	P		P	P		
Cleaning and Dyeing Shops (Retail Only, Dry Cleaning Clothes in Enclosed Machines, Using Nonflammable Cleaning Compounds)	P		P	P		
Coffee – Specialty Sales	C	P	C	C	P	
Commercial Blood Banks	C					
Convenience Stores	C	C	C	C	C	
Drive-In, Drive-Through Uses	C	C	C	C	C	9.40.090
Electric Supply Houses	P		P	P		
Equipment Rental/Sales Establishment (No Outside Sales/Storage)	P		P	P		
Equipment Rental/Sales with Outside Storage	A		P	P		

Farm Equipment and Supply Sales, with Incidental Repairs	P					
Frozen Food Lockers	P		P	P		
Glass Products, Retail Only	P					
Ice Storage	P		P	P		
Monument and Tombstone, Sales	P					
Office Supply Stores	P	P			P	
Pawn Shop	P					
Plant Nurseries	P		P	P		
Retail Trade (Continued)						
Plumbing Supplies, within a Completely Enclosed Structure or Sound Wall	P		P	P		
Eating Establishment	P		C			
Restaurants	C	C	C		C	
Restaurants, with On-Site Consumption of Alcohol		C			C	
Retail Stores, General Merchandise (under 5,000 Square Feet)					P (6)	
Secondhand Stores, within Completely Enclosed Structure	P					
Sporting Goods					P (6)	
Taxidermists	P					
Temporary Uses	TUP	TUP	TUP	TUP	TUP	9.60
Vending Machines, Food and Dairy Products (Walk-In, Reach-In), On-Premises Sales (Located Inside of a Structure)	P		P	P	P	
Vending Machines, Food and Dairy Products (Walk-In, Reach-In), On-Premises Sales (Located Outside of a Structure)	A		A	A		
Services						
Animal Hospitals/Veterinary Clinics	C		C	C		
Auction Houses	A					
Automated Teller Machines (ATMs), Drive-Up	C	C	C	C	C	
Services (Continued)						
Automated Teller Machines (ATMs), Walk-Up	P	P	P	P	P	
Banks and Financial Services	P	P			P	
Body Art	C					
Business Support Services	P	P	P	P	P	

Cemeteries	C	C	C	C		
Day Care Centers	C	C			C	
Copy Services	P	P			P	
Farm Equipment Services	P		P	P		
Golf Courses and Driving Ranges	C	C	C	C		
Government Facilities	C	C	C	C	C	
Hotels/Motels					C	
Kennels	C		C	C		
Laboratories	P	P	P	P	P	
Laundry and Dry Cleaning, Drop-Off/Pick-Up Only	P	P			P	
Medical Services – Clinics and Laboratories	P	P			P	
Medical Services – Ambulance Services	C	C	C	C		
Medical Services – Extended Care	C		C			
Medical Services – Hospitals	C	C	C		C	
Mini-Storage Facilities	C	C	C	C	C	9.40.130
Mortuaries and Funeral Parlors	C					
Offices, Business	P	P	P		P	
Offices, Corporate	P	P			P	
Services (Continued)						
Offices, Incidental to Industrial Use			P	P		
Offices, Professional	P	C	P		P	
Personal Services (No Adult Businesses)	P	P			P	
Pet Crematorium			P	P		
Sign Painting	P		P	P		
Unlicensed Motorized Recreational Vehicles (Snowmobiles, Quad Runners and Jet Skis) Enclosed, Incidental Service and Repair	P					
Storage Yards	P		P	P		
Vehicle and Freight Terminals			P	P		
Transportation and Telecommunication Facilities						
Airports and Aircraft Landing Facilities	C	C	C	C	C	
Alternative Fuels and Recharging Facilities	A	A	A	A	A	

Broadcast, Recording and/or Film Studios	P	P	P	P	P	
Parking Lots/Garages	P	A	P	P	A	
Pipeline, Pumping Facilities and Tank Farms	C		C	C		
Public Utility Facilities	A	C	A	A	C	9.40.160
Satellite Dishes/Antennas, Ground or Surface Mounted	P	P	P	P	P	9.42
Satellite Dishes/Antennas, Mast or Tower Mounted	A	A	A	A	A	9.42
Transportation and Telecommunication Facilities (Continued)						
Telephone Booths, Permanent or Temporary	A	A	A	A	A	
Transit Stations and Terminals		C			C	
Wireless Telecommunications Facilities, Ground or Surface Mounted	P	P	P	P	P	9.42
Wireless Telecommunications Facilities, Mast or Tower Mounted	A	A	A	A	A	9.42
Residential						
Caretaker Housing	C		C	C		
Convents and Rectories When Connected with Other Religious Institutions	C		C			
Senior Assisted Living Facility	C	C	C	C		

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use (4)	9.56
A	Administrative use permit required	9.62
C	Conditional use – Conditional use permit required	9.64
Blank	Use not allowed	

Notes:

- (1) See Section [9.08.030](#) (Allowable land uses and permit requirements).
- (2) See Division 8 of this title for definitions of the land uses listed.
- (3) See Section [9.02.020](#) regarding land uses not listed.
- (4) A Director approved site plan review shall be required. See Chapter 56 of this title.

(5) When an AUP or a CUP is required for the primary use then the accessory use shall require the same level of review.

(6) Permitted only in M-U Area 36 of the General Plan.

(§ 2, Ord. 14-13, eff. October 8, 2014; § 1 (Att. 1), Ord. 16-07, eff. May 4, 2016; § 1 (Att. 4), Ord. 17-03, eff. April 19, 2017; § 1 (Att. 3), Ord. 18-19, eff. September 5, 2018)

9.14.030 Industrial district general development standards.

New land uses and structures, and alterations to existing uses or structures, shall be designed, constructed and/or established in compliance with the requirements in Table 2-7, in addition to the general development standards (e.g., landscaping, parking and loading, etc.) in Division 3 of this title (Development and Operational Standards).

**TABLE 2-7
INDUSTRIAL ZONING DISTRICTS
GENERAL DEVELOPMENT STANDARDS
REQUIREMENTS BY INDIVIDUAL ZONING DISTRICT**

Development Feature	C-M
Minimum Parcel Size	9,000 sq. ft.
Minimum Parcel Width	75 ft.
Minimum Corner Parcel Width	75 ft.
Minimum Reverse Corner Parcel Width	75 ft.
Minimum Parcel Depth	120 ft.
Setbacks Required	
Front	10 ft. (1)
Side (Each)	None (1)
Street Side	10 ft.
Rear	None (2)(3)
Accessory Structures	See Section 9.40.030 (Accessory uses and structures)
Maximum Parcel Coverage	None
Minimum Distance Between Structures on the Same Parcel	3 ft. (without fire wall) (4)
Main Structure – Maximum Height	75 ft.
Fences/Walls/Hedges	See Section 9.24.060 (Fences, walls, and hedges)

Development Feature	C-M
Off-Street Parking	See Chapter 32 of this title (Parking and Loading Standards)
Satellite Antennas	See Chapter 42 of this title (Wireless Telecommunication Facilities)

Notes:

- (1) On any street or highway which is a boundary between an industrial district and any residential district, the minimum setback shall be that of the adjacent residential district.
- (2) On any street or highway which is a boundary between an industrial district and any residential district, the minimum rear yard shall be fifteen feet (15').
- (3) When the rear lot line of a parcel in an industrial district abuts any residential district, the minimum rear yard shall be fifteen feet (15').
- (4) Building separations must comply with building and fire codes.

**TABLE 2-7
INDUSTRIAL ZONING DISTRICTS
GENERAL DEVELOPMENT STANDARDS
REQUIREMENTS BY INDIVIDUAL ZONING DISTRICT (Continued)**

Development Feature	M-1	M-2
Minimum Parcel Size	9,000 sq. ft.	9,000 sq. ft.
Minimum Parcel Width	75 ft.	75 ft.
Minimum Corner Parcel Width	75 ft.	75 ft.
Minimum Reverse Corner Parcel Width	75 ft.	75 ft.
Minimum Parcel Depth	120 ft.	120 ft.
Setbacks Required		
Front	10 ft. (1)	10 ft. (1)
Side (Each)	None (4)	
Street Side	10 ft. (5)(6)	10 ft. (5)(6)
Rear	None (2)(3)	
Accessory Structures	See Section 9.40.030 (Accessory uses and structures)	
Maximum Parcel Coverage	None	

Development Feature	M-1	M-2
Minimum Distance Between Structures on the Same Parcel	None (7)	None (7)
Main Structure – Maximum Height	75 ft.	None
Fences/Walls/Hedges	See Section 9.24.060 (Fences, walls, and hedges)	
Off-Street Parking	See Chapter 20 of this title (Parking and Loading Standards)	
Satellite Antennas	See Chapter 42 of this title (Wireless Telecommunication Facilities)	

Notes:

- (1) On any street or highway which is a boundary between an industrial district and any residential district, the minimum front yard setback shall be that of the adjacent residential district. Such front yard setback shall not be used for parking, loading or storage.
- (2) On any street or highway which is a boundary between an industrial district and any residential district, the minimum rear yard setback shall be fifteen feet (15'). Such rear yard setback shall not be used for parking, loading or storage.
- (3) When the rear lot line of a parcel in an industrial district abuts any residential districts, the minimum rear yard setback shall be fifteen feet (15'). Such rear yard setback shall not be used for parking, loading or storage.
- (4) When the side lot line of a parcel in an industrial district abuts any residential districts, the minimum side yard setback shall be five feet (5'). Such side yard setback shall not be used for parking, loading or storage.
- (5) When the rear lot line of a corner lot in an industrial district adjoins any residential districts, the minimum street side setback shall be ten feet (10'). Such side yard setback shall not be used for parking, loading or storage.
- (6) When the rear lot line of a reversed corner lot in an industrial district adjoins any residential districts, the minimum street side setback shall be fifteen feet (15'). Such side yard setback shall not be used for parking, loading or storage.
- (7) Building separations must comply with building and fire codes.

**TABLE 2-7
INDUSTRIAL ZONING DISTRICTS
GENERAL DEVELOPMENT STANDARDS
REQUIREMENTS BY INDIVIDUAL ZONING DISTRICT (Continued)**

Development Feature	M-P	R-T (11) (Industrial Component)
Minimum Parcel Size	40,000 sq. ft.	3 acres (8)(15)
Minimum Parcel Width	100 ft.	100 ft.
Minimum Corner Parcel Width	100 ft.	100 ft.
Minimum Reverse Corner Parcel Width	100 ft.	100 ft.
Minimum Parcel Depth	150 ft.	150 ft.
Minimum Structure Size (Gross Floor Area)	None	20,000 sq. ft. (9)(14)
Setbacks Required		
Front	25 ft.	40 ft. Structures, 30 ft. Parking (10)
Side (Each)	10 ft.	10 ft.
Street Side	25 ft.	40 ft. Structures, 30 ft. Parking (10)
Rear	15 ft.	15 ft.
Accessory Structures	See Section 9.40.030 (Accessory uses and structures)	
Maximum Parcel Coverage	50%	None
Minimum Distance Between Structures on the Same Parcel	None	None (4)
Main Structure – Maximum Height	50 ft. (12)	35 ft. (13)
Fences/Walls/Hedges	See Section 9.24.060 (Fences, walls, and hedges)	
Off-Street Parking	See Chapter 32 of this title (Parking and Loading Standards)	
Satellite Antennas	See Chapter 42 of this title (Wireless Telecommunication Facilities)	

Notes:

(4) Building separations must comply with building and fire codes.

(8) Parcel size means a parcel or group of parcels, which are considered a unit for purposes of development.

- (9) Allows multi-tenants within a single structure. The minimum building size can be met by structures under a common roof or having architectural elements which visually connect individual buildings into a “building group.”
- (10) The setback shall be measured at right angles from the nearest face of the curb adjoining the street to the nearest point of the wall of the structure, in compliance with Section [9.24.100\(C\)](#).
- (11) Specific development standards may be established with the adoption of the R-T District for a site. Refer to the specific zoning for the site.
- (12) A maximum height of thirty-five feet (35') when located within one hundred feet (100') of a residentially zoned parcel.
- (13) Greater heights may be allowed with a conditional use permit, in compliance with Chapter 64 of this title, only with an additional finding that the increased heights would not adversely affect nearby residences or other business park tenants.
- (14) Structures may be a minimum of ten thousand (10,000) square feet when approved through a master site plan review within a business campus planned development.
- (15) The minimum parcel size within Mixed-Use Focus Area #6 of the General Plan shall be 80,000 square feet.**

**TABLE 2-7
INDUSTRIAL ZONING DISTRICTS
GENERAL DEVELOPMENT STANDARDS
REQUIREMENTS BY INDIVIDUAL ZONING DISTRICT (Continued)**

Development Feature	R-T (11) (Commercial Component)
Minimum Parcel Size	6,000 sq. ft.
Minimum Parcel Width	60 ft. (minimum average)
Minimum Corner Parcel Width	100 ft. (minimum average)
Minimum Reverse Corner Parcel Width	100 ft. (minimum average)
Minimum Parcel Depth	100 ft. (minimum average)
Minimum Structure Size (Gross Floor Area)	None
Setbacks Required	
Front	40 ft. Structures 30 ft. Parking (10)
Side (Each)	10 ft.

Development Feature	R-T (11) (Commercial Component)
Street Side	40 ft. Structures 30 ft. Parking (10)
Rear	15 ft.
Accessory Structures	See Section 9.40.030 (Accessory uses and structures)
Maximum Parcel Coverage	33%
Minimum Distance Between Structures on the Same Parcel	None
Main Structure – Maximum Height	35 ft. (12)(13)
Fences/Walls/Hedges	See Section 9.24.060 (Fences, walls and hedges)
Off-Street Parking	See Chapter 32 of this title (Parking and Loading Standards)
Satellite Antennas	See Chapter 42 of this title (Wireless Telecommunication Facilities)

Notes:

(10) The setback shall be measured at right angles from the nearest face of the curb adjoining the street to the nearest point of the wall of the structure.

(11) Specific development standards may be established with the adoption of the R-T District for a site. Refer to the specific zoning for the site.

(12) Greater heights may be allowed with a conditional use permit, in compliance with Chapter 64 of this title, only with an additional finding that the increased heights would not adversely affect nearby residences or other business park tenants.

(13) No variance/minor deviation (Chapter 68 of this title) shall be granted to allow a height greater than sixty-five feet (65') or five (5) stories, whichever is greater.

(§ 2, Ord. 14-13, eff. October 8, 2014; § 2 (Exh. A), Ord. 15-01, eff. February 19, 2015; § 1 (Att. 3), Ord. 18-19, eff. September 5, 2018)

9.16.020 Special purpose district land uses and permit requirements.

A. Allowable uses in the O District. Allowable uses and permit requirements in the O (Open Space Conservation) District.

1. The following uses are allowed, subject to the approval of a site plan review by the Director:

- a. Flood control channels, greenbelts, park drives, parkways, ponding basins, spreading grounds, and utility easements;
- b. Recreation areas, parks, playgrounds, trails and wildlife preserves and sanctuaries, including related accessory structures; and
- c. Historic and cultural sites.

2. The following uses may be allowed subject to the approval of a site plan review and administrative use permit:

a. Wireless communication facilities.

b. Publicly owned and operated telecommunication towers.

23. The following uses may be allowed subject to the approval of a conditional use permit:

- a. Caretaker housing.
- b. Flood control facilities, freeways.
- c. Passive education facilities related to wildlife preserves and sanctuaries.

B. Allowable uses in the P-F District. Allowable uses and permit requirements in the P-F (Public Facilities) District.

1. The following uses are permitted, subject to a building permit. No building permit will be issued until the Building Official has verified consistency with all applicable codes and standards.

- a. Multiple-family developments per the R-4 development standards and multiple-family design guidelines.

2. The following uses are allowed, subject to the approval of a site plan review by the City Council:

a. Buildings, structures and sites owned, leased or operated by the City of Clovis, the State government, the government of the United States, the school district or a special district which does not specifically require an AUP or a CUP, including:

- i. City Hall facilities;
- ii. Fire stations;
- iii. Police stations;
- iv. City utility facilities;

- v. Small domestic violence shelters.
3. Administrative use permit. The following uses may be allowed subject to an administrative use permit and a site plan review by the City Council:
- a. Wireless communication facilities;
 - b. Publicly owned and operated telecommunication towers;
 - c. Freeways.
4. Conditional use permit. The following uses may be allowed subject to the approval of a conditional use permit and a site plan review by the City Council:
- a. Public assembly/meeting facilities;
 - b. Publicly owned energy transmitting or generating facilities;
 - c. Cemeteries;
 - d. Clubs, lodges, and fraternal organizations, provided the chief activity of any such use is not one which is customarily carried on as a business;
 - e. Hospitals, including convalescent;
 - f. Large domestic violence shelters;
 - g. Post offices;
 - h. Public parking facilities (e.g., lots/garages);
 - i. Public structures and grounds (auditoriums, courts, libraries, meeting halls, museums, etc.);
 - j. Public utility facilities; and
 - k. Schools, private and public. (§ 2, Ord. 14-13, eff. October 8, 2014; § 1 (Att. 3), Ord. 18-19, eff. September 5, 2018; § 1, Ord. 18-26, eff. December 5, 2018)

9.22.080 Noise.

A. Purpose of section. The purpose of this section is to establish standards to protect the public comfort, health, safety, and welfare of those living and working in the City and to implement goals and policies of the Noise Element of the General Plan.

B. Declaration of Council policy. Excessive noise levels are detrimental to the health and safety of individuals. Excessive noise is considered a public nuisance and the City discourages annoying, excessive, or unnecessary noises from all sources. Causing, creating, maintaining, or allowing to cause, create, or maintain any noise in a manner prohibited by the provisions of this section, elsewhere in the Municipal Code, or the Noise Element, is a public nuisance and shall be punished in compliance with Chapter [92](#) of this title (Enforcement).

C. Definitions. The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. A-weighted sound level. The sound level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.
2. Ambient noise. The composite of all noise from sources near and far, excluding the alleged intrusive noise source. In this context, ambient noise shall constitute the normal or existing level of environmental noise at a given location.
3. Community noise equivalent level (CNEL). A twenty-four (24) hour energy equivalent level derived from a variety of single-noise events, with weighting factors of five (5) and ten (10) dBA applied to the evening (7:00 p.m. to 10:00 p.m.) and nighttime (10:00 p.m. to 7:00 a.m.) periods, respectively, to allow for the greater sensitivity to noise during these hours.
4. dB (decibel). A unit used to express the relative intensity of a sound as it is heard by the human ear.
5. dBA. The "A-weighted" scale for measuring sound in decibels; weighs or reduces the effects of low and high frequencies in order to simulate human hearing. Every increase of ten (10) dBA doubles the perceived loudness though the noise is actually ten (10) times more intense.
6. Emergency alarm, machinery, or vehicle. Any alarm, machinery, or vehicle employed, operated, performed, or used in an effort to protect, provide, or restore safe conditions in the community, or work by private or public utilities when restoring utility service.
7. Emergency work. Work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.
8. Impulsive noise. A sound of short duration, usually less than one second and of high intensity, with an abrupt onset and rapid decay.
9. Intrusive noise. The alleged offensive noise that intrudes over and above the existing ambient noise at the receiving property.

10. Ldn (day-night average sound level). The A-weighted average sound level for a given area (measured in decibels) during a twenty-four (24) hour period with a ten (10) dB weighting applied to nighttime sound levels. The Ldn is approximately numerically equal to the CNEL for most environmental settings.

11. Leq. The energy equivalent level, defined as the average sound level on the basis of sound energy (or sound pressure squared), typically measured over a shorter time period than CNEL (e.g., fifteen (15) minutes, thirty (30) minutes, or one hour). The Leq is a “dosage” type measure that is the basis for the descriptors used in current standards (e.g., the twenty-four (24) hour CNEL California).

12. Noise disturbance. An alleged noise that violates an applicable noise standard of this section, elsewhere in the Municipal Code, or the General Plan.

13. Noise level (LN). The noise level expressed in decibels that exceeds the identified (LN) value a percentage of total time measured. For example, an L25 noise level means that noise level that is exceeded twenty-five percent (25%) of the time measured.

14. Sound level meter. An instrument (e.g., amplifier, microphone, output meter, and frequency weighting network), for the measurement of sound levels, that satisfies the requirements pertinent for Type S2A meters in American National Standards Institute specifications for sound level meters.

D. Noise standards. The following noise standards, unless otherwise specifically indicated, shall apply to all property with a designated noise zone:

**TABLE 3-1
MAXIMUM EXTERIOR NOISE STANDARDS**

Noise Zone	Type of Land Use	Allowable Exterior Noise Level (15-Minute Leq)	
		7 a.m. to 10 p.m.	10 p.m. to 7 a.m.
I	Single-, two- or multiple-family residential	55 dBA	50 dBA
II	Commercial	65 dBA	60 dBA
III	Residential portions of mixed use properties	60 dBA	50 dBA
IV	Industrial or manufacturing	70 dBA	70 dBA

**TABLE 3-2
MAXIMUM INTERIOR NOISE STANDARDS**

Noise Zone	Type of Land Use	Allowable Exterior Noise Level (15-Minute Leq)	
		7 a.m. to 10 p.m.	10 p.m. to 7 a.m.
I	Residential	45 dBA	40 dBA
II	Administrative/professional office	50 dBA	—
III	Residential portions of mixed use properties	45 dBA	40 dBA

1. If the ambient noise level exceeds the resulting standard, the ambient shall be the standard.
2. It is unlawful for any person to create any noise, or to allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person, which causes the noise level when measured on any property measured at the property line, to exceed either of the following within the incorporated area of the City:
 - a. The noise standard for the applicable zone for any fifteen (15) minute period;
 - b. A maximum impulsive noise level equal to the value of the noise standard plus twenty (20) dBA for any period of time (measured using A-weighted slow response). Impulsive noise which repeats four (4) or more times in any hour between 10:00 p.m. and 7:00 a.m. shall be measured as continuous sound and meet the noise standard for the applicable zone.
3. When properties of two (2) different noise zones abut one another, the maximum exterior noise level shall be the lower of the two (2) noise zones where one zone is residential, and in other contexts shall be the average of the two (2) zones.
4. Commercial, industrial, and recreational uses which create impulsive noise as part of their regular processes, such as through the use of pile drivers, forge hammers, punch presses, and gunshots, shall not be located in any zone district adjacent to a residential zone district unless a noise study is completed demonstrating the impulsive noise does not exceed the standards at the property line for the residential zone district. Impulse noise from these uses shall be measured as continuous sound. The noise study shall be subject to review and approval by the Director or his or her designee, and shall be completed as part of any discretionary permit process for the use or prior to obtaining a building permit. This provision shall not apply to uses existing on the effective date of the ordinance codified in this title.
- 5. Emergency Electrical Generators in residential zone districts shall comply with the California Building Code and California Residential Code, as amended, for the installation and operation of the emergency generator. Test cycle operation shall be limited to the hours**

between 10:00 a.m. and 4:00 p.m. Emergency Electrical Generators are intended to provide emergency power to run air conditioning, medical equipment and other household appliances in the event of a rolling blackout or other power grid failure.

- E. Measurement of sound levels. Measurement of sound levels shall be as follows:
1. Sound level meter. Sound levels shall be measured on the A-weighting network of a sound level meter meeting the requirements of ASA Standards S14-1971 for General Purpose Sound Level Meters, or the latest revision published by the American National Standards Institute, Inc., using the slow meter response. The meter shall be calibrated and used according to the manufacturer's instructions.
 2. Location of microphone. Measurements shall be taken with the microphone located at any point on the property line of the noise source, but no closer than three feet (3') from any wall and not less than three feet (3') above the ground.
 3. Minimum of two (2) readings. A minimum of two (2) readings shall be taken for a period of ten (10) minutes each with ten (10) minute intervals between measurements. The sound level shall be the average of these readings.
- F. Activities exempt from regulations. The following activities shall be exempt from the provisions of this section:
1. Emergency exemption. The emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work.
 2. Warning devices. Warning devices necessary for the protection of public safety, (e.g., ambulance, fire, and police sirens, and train horns).
 3. Railroad activities. All locomotives and rail cars operated by a railroad that is regulated by the State Public Utilities Commission.
 4. Federal or State pre-exempted activities. Any activity, to the extent regulation thereof has been pre-exempted by Federal or State law.
 5. Pre-existing uses. Uses existing at the time of the effective date of the ordinance codified in this title, which are in compliance with all applicable standards in effect prior to adoption, and which are not otherwise operating as a nuisance in violation of Article 6 of Chapter [27](#) of Title [5](#).
 6. Public health and safety activities. All transportation, flood control, and utility maintenance and construction operations conducted by government entities or utility companies at any time on public rights-of-way, and those situations that may occur on private property deemed necessary to serve the best interests of the public and to protect the public's health and well-being, including, but not limited to: debris and limb removal; removal of damaged poles and vehicles; removal of downed wires;

restoring electrical service; repairing traffic signals; repair of water hydrants; repair of mains, gas lines, oil lines, and sewers; repair and maintenance of flood control and storm water facilities; repair and maintenance of streets and sidewalks.

7. Ordinary municipal activities. Ordinary municipal activities conducted by the City or other entity having jurisdiction in the City, including, but not limited to: solid waste collection; street sweeping; operation, maintenance, and repair of water production, treatment, and distribution facilities; operation, maintenance, and repair of sewage treatment, collection and distribution facilities; and vacuuming catch basins.

8. Public safety training activities. Training activities by fire, law enforcement, and public utility officials that cannot reasonably take place within the parameters of this section, including but not limited to training that involves: hydrant testing, pumping hose lays, running chain saws, operating power tools, demolition, vehicle noise, and use of generators.

9. Public celebrations. Public celebrations, holidays, or occasions generally celebrated, or public parades held under authorized permits; any sporting event or activity conducted under the direction and supervision of any public or private school.

G. Acts deemed violations of section. The following acts are a violation of this section:

1. Noise-related nuisances defined in Chapter [27](#) of Title [5](#). Violations of Article 6 of Chapter [27](#) of Title [5](#) pertaining to unlawful noise-related nuisances shall also be considered a violation of this section.

2. Construction noise. Construction activities shall be subject to the provisions of Section [5.27.604](#), which sets forth the permissible hours for construction activity. At all other times, no person shall operate, or cause to be operated, tools or equipment used in alteration, construction, demolition, drilling, or repair work so that the sound creates a noise disturbance across a residential property line, except for emergency work. Stationary equipment (e.g., generators) shall not be located adjacent to any existing residences unless enclosed in a noise attenuating structure, subject to the review and approval of the Director.

3. Places of public entertainment. Operating, playing, or allowing the operation or playing of a drum, musical instrument, phonograph, radio, sound amplifier, television, or similar device that produces, reproduces, or amplifies sound in a place of public entertainment at a sound level greater than ninety-five (95) dBA, (read by the slow response on a sound level meter) at any point that is normally occupied by a customer is prohibited, unless conspicuous signs are located near each public entrance, stating "Warning: Sound Levels Within May Cause Hearing Impairment."

4. Stationary nonemergency signaling devices. Sounding or allowing the sounding of an electronically amplified signal from a stationary bell, chime, siren, whistle, or similar device intended primarily for nonemergency purposes, from any place, for more than ten (10) consecutive seconds in any hourly period is prohibited.

5. Compacting mechanisms. Operating or allowing the operation of the compacting mechanism of any motor vehicle that compacts refuse and that creates, during the compacting cycle, a sound level in excess of eighty-five (85) dBA when measured at fifty feet (50') from any point of the vehicle is prohibited between the hours of 9:00 p.m. and 5:00 a.m.

6. Vehicle or motorboat repairs and testing. Repairing, rebuilding, modifying, or testing any motor vehicle, motorcycle, or motorboat in a manner as to cause a noise disturbance across property lines or within a noise-sensitive zone is prohibited.

H. Responsibility to eliminate or reduce acts deemed violations of section. Improvements to eliminate or reduce negative impacts between uses deemed violations of this section shall be provided by the new use, rather than the existing use. (§ 2, Ord. 14-13, eff. October 8, 2014)

9.24.060 Fences, walls, and hedges.

A. Purpose. The purpose of this section is to establish requirements for fences, walls, and hedges to ensure that these elements:

1. Minimize screening of scenic views and sunlight;
2. Provide adequate buffering between different land uses;
3. Provide suitable screening of allowable outdoor equipment and activities;
4. Prevent visual obstructions at street and highway intersections; and
5. Are designed to provide aesthetic enhancement of commercial and industrial land uses.

B. Applicability.

1. All fences, walls, and hedges. The provisions of this section shall apply to all fences, walls, and hedges unless otherwise stated.
2. Site plan review. Fences and walls for multifamily, commercial, and industrial development projects are subject to site plan review in compliance with Chapter 56 of this title.
3. Exemptions. These regulations do not apply to fences or walls required by regulations of a State or Federal agency, or by the City for reasons of public safety, or to retaining walls which are regulated by Section [9.24.090](#) (Setback regulations and exceptions).

C. General height limitations. Fences, walls, and hedges may be erected and properly maintained to the heights identified in Table 3-3, and measured from the highest adjoining finish grade.

**TABLE 3-3
MAXIMUM HEIGHT OF FENCES, WALLS, AND HEDGES**

Location	Maximum Height Allowed*	
	Using Material limiting 50% or more of visibility opaque materials	Using less than Material providing 50% or more of visibility opaque materials
Front and street side yards**	3 ft. max.	7 ft. max.
Rear and interior side yards	7 ft. max.	7 ft. max.
On arterial or collector streets***	7 ft. max.	7 ft. max.
At intersections of alleys, streets, and driveways**	3 ft. max.	4 ft. max.

Notes:

* In granting the site plan review (See Chapter 56 of this title), the Director may approve additional height to enclose or screen specific areas or uses.

** The maximum height of the fence located within a thirty-foot (30') street corner cutoff shall not exceed three feet (3') as illustrated in Figure 3-1. Also see Section [9.24.060\(K\)](#) (Corner cutoff areas).

*** Greater heights may be granted, as part of a subdivision approval.

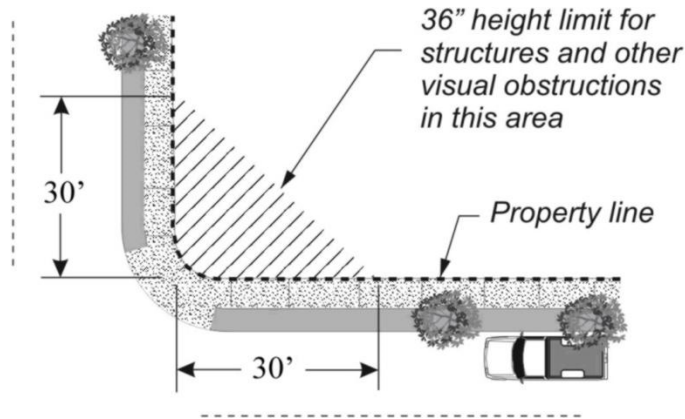
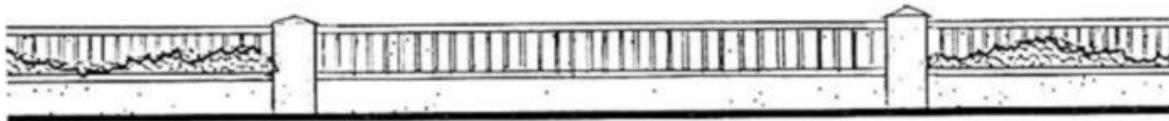


FIGURE 3-1
TRAFFIC SAFETY VISIBILITY AREA
(CORNER CUTOFF)
(Also see Figure 3-3)

D. Measurement of fence or wall height. Where there is a difference in the ground level (e.g., finish grade) between two (2) adjoining parcels, the height of a fence or wall constructed along the common property line shall be determined by using the highest finish grade.

E. Walls along arterial and collector streets. If a wall is required, or if the developer of a site located along either an arterial or collector street chooses to install (or is required to install) a wall, the wall shall be installed and maintained in compliance with the following requirements:

1. Arterial and collector streets. A combination of a landscaped berm and wall equal to a minimum of six feet (6') and a maximum of eight feet (8') in height.
2. Wall height. The wall should be a minimum of six feet (6') in height as measured from the highest grade side. The wall(s) shall be masonry block or an equivalent material.



Elevation of Wall /Wrought Iron Combination



Elevation of Wrought Iron with Pilasters

**FIGURE 3-2
APPROPRIATE WALL TREATMENTS**

F. Walls required between different zoning districts. Walls shall be provided and maintained between different zoning districts in the following manner:

1. Nonresidential.

a. Where a nonresidential zoning district adjoins property in a residential zoning district (other than a public right-of-way), a solid masonry wall, a minimum of six feet (6') in height, shall be constructed on the zone boundary line, subject to site plan review in compliance with Chapter 56 of this title;

b. The wall(s) may be constructed higher than seven feet (7') if the viewshed is not impacted, subject to site plan review in compliance with Chapter 56 of this title;

c. This requirement for a solid masonry wall in a nonresidential zoning district may be waived, subject to site plan review (Chapter 56 of this title); provided, the adjacent parcel within the residential zoning district is designated for nonresidential use by the General Plan;

2. Design and construction. The walls shall be of solid masonry construction and shall be of a decorative design when in view of public rights-of-way subject to the review and approval of the Director; and

3. Modification of requirements. In granting site plan review (See Chapter 56 of this title), the Director may waive or modify requirements for walls between different zoning districts where a solid masonry wall already exists on the adjoining property if the following findings can be made in a positive manner:

a. The existing wall meets, or would be modified to conform to, the intent of this subsection;

- b. Suitable landscaping would be installed adjacent to the existing wall to supplement and enhance the desired physical separation;
- c. The existing wall would be protected to prevent vehicle damage, if necessary; and
- d. Concurrence of the adjoining property owner(s) would be obtained, to modify the existing wall to meet the requirements of this subsection.

G. Allowable fence materials. All fences, except for security fencing installed in compliance with subsection I of this section, constructed or installed within the City shall be limited to the following materials, or combination of materials:

- 1. Chain link;
- 2. Concrete/block;
- 3. Latticework fencing;
- 4. Wood; and
- 5. Wrought iron.

H. Special fence and wall requirements.

- 1. Outdoor equipment, storage, and work areas. Screening of allowable outdoor equipment and activities shall be provided in compliance with Section [9.24.090](#) (Screening and buffering).
- 2. Temporary fencing. Temporary fencing may be necessary to protect archaeological or historic resources and/or trees during site preparation and construction. Temporary fencing for these purposes shall be subject to the review and approval of the Director.
- 3. Pasture fences. In districts allowing the keeping of animals, pasture fences are permitted. These shall not exceed four feet (4') in height, with a maximum of four (4) strands. These shall be electrified only on the inside of the fence, with appropriate signage attached. This will exclude razor wire, concertina fencing, and coiled barbed wire.

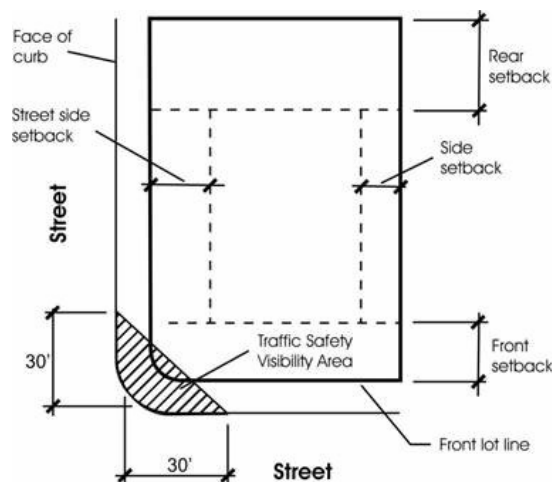
4. Corrugated metal fencing. Corrugated metal fencing shall be subject to the review and approval of the Director.

I. Security fencing. This subsection provides standards for the installation and maintenance of security fencing which shall be subject to the following criteria and standards:

1. Definitions. The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
 - a. Barbed wire. A strand of twisted wire armed with barbs or sharp points.
 - b. Chain link. Heavy steel wire woven in a diamond pattern mesh.
 - c. Coiled barbed wire. A strand of barbed wire that is used in a coil looping form.
 - d. Concertina fencing. A type of razor wire or barbed wire in which pairs of loops are clipped together in a coil configuration.
 - e. Razor wire. A continuous coil of stainless steel ribbon with razor type barbs or sharp points.
 - f. Security fencing. Barbed wire, coiled barbed wire, concertina wire, razor wire, or other similar products.
2. General standards.
 - a. A warning sign shall be posted when security fencing is used. Warning signs, at least eight and one-half inches (8-1/2") by eleven inches (11") in size, shall be posted no more than ten feet (10') apart on the outside of the fence that does not abut an interior property line. The signs shall have letters at least one inch in height and shall give sufficient warning that the fence incorporates security fencing materials.
 - b. Security fencing shall be properly maintained at all times by the property owner to ensure the public comfort, health, safety, and welfare of the community. The property owner shall repair the security fencing within twenty-four (24) hours from the time the City issues the property owner a notice of correction.
3. Security fencing permitted only in industrial zoning districts, subject to Director's approval.
 - a. Concertina wire, razor wire, and/or similar products shall be prohibited in conjunction with a residential and commercial land use activity.
 - b. Plans for the use of security fencing shall be approved by the Director, and a building permit shall be obtained before installation of the security fencing.
 - c. All security fencing shall be appropriately screened from public view, to the satisfaction of the Director, to ensure that the fencing would not be visible from any residential area/neighborhood or public street rights-of-way.

- d. Fences or walls shall be a minimum of six feet (6') in height before the installation of barbed wire or coiled barbed wire, and shall not exceed eight feet (8') in height, including the barbed wire or coiled barbed wire.
 - e. Concertina wire, razor wire, or similar products shall only be allowed when the fence or wall has a minimum height of eight feet (8'), before the installation of the wire, and shall not exceed ten feet (10') in height, including the concertina wire or razor wire.
4. Angle of installation. The security fencing shall be installed and maintained at a forty-five (45) degree or a ninety (90) degree angle into the property it is securing, measured from the vertical axis representing the fence. The security fencing shall not extend over adjoining public or private property.
 5. Authority to waive or modify requirements. The Director may waive or modify the requirements of this subsection in compliance with Chapter 62 of this title (Administrative Use Permits).
- J. Swimming pool enclosure required.
1. Swimming pools shall be entirely enclosed by structures or fences or walls not less than five feet (5') in height.
 2. All fencing shall be in place and approved by the Building Inspector before water is run into the pool.
 3. All lighting of pool areas shall be shielded in compliance with Section [9.22.050](#) (Exterior lighting and glare) to ensure that the light does not shine toward abutting parcels.
- K. Traffic safety visibility areas (corner cutoff). 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 that exceed a height of thirty-six inches (36") within the corner cutoff areas (see Figure 3-3).
1. Intersecting a street or highway. 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 front, side, or rear property line. It shall pass through the points located on both the front and side (or rear) property lines at a distance of thirty feet (30') from the intersection of the lines at the corner of an alley, highway, or street (see Figure 3-3).
 2. Private driveway intersecting an alley or street. There shall be a corner cutoff area on each side of a private driveway intersecting an alley or street. The cutoff lines shall be in a horizontal plane, making an angle of forty-five (45) degrees with the front, side, or rear property line. They shall pass through a point not less than six feet (6') from the edges of the driveway where it intersects the alley or street right-of-way.

3. Alley intersecting an alley or street. There shall be a corner cutoff area on each side of an alley intersecting an alley or street. The cutoff lines shall be in a horizontal plane, making an angle of forty-five (45) degrees with the front, side, or rear property line. They shall pass through a point not less than ten feet (10') from the edges of the alley where it intersects the alley or street right-of-way.
4. Irregular shaped parcel. Where, due to an irregular shaped parcel, a line at a forty-five (45) degree angle does not provide for proper intersection visibility, a 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 feet (30') from the intersection of the front and side (or rear) property lines and through a point on the side property line that is not less than thirty feet (30') from the intersection of the front and side (or rear) property lines.
5. Downtown Commercial District (C-3) exemption. The corner cutoff requirement is waived in the Downtown Commercial District unless the Director finds that doing so would create an undue safety hazard at a specific location. Extra width sidewalks, slower traffic speeds and the general expectation by the public of urban street visibility mitigate the general need for corner cutoffs in this district.



**FIGURE 3-3
SAFETY VISIBILITY AREA**

- L. Allowed fences, walls, and hedges.
 1. Seven feet (7') high. Fences, walls, and hedges, not greater than seven feet (7') in height, shall be allowed on or within all rear and side property lines on interior parcels, corner parcels, and on or to the rear of all front setback lines.
 2. On reverse corner parcels. No solid fence, wall, or hedge over three feet (3') in height shall be allowed in any required front or street side setback of a reverse corner parcel. The only exception to this provision shall be for chain-link or wrought iron fencing with a minimum of a fifty percent (50%) see-through construction or for modifications granted through an administrative use permit.

3. Tennis courts or other outdoor game areas. Fences or structures over seven feet (7') in height, to enclose tennis courts or other outdoor game areas located within the rear half of the parcel, shall be composed of wire mesh capable of admitting at least 90 percent (90%) of light as measured on a reputable light meter. A fence shall be allowed in the required side or rear setback subject to the Director's review and approval, granted in compliance with Chapter 56 of this title (Site Plan Review). (§ 2, Ord. 14-13, eff. October 8, 2014; § 1 (Att. 1), Ord. 16-07, eff. May 4, 2016)

9.24.080 Height measurement and height limit exceptions.

All structures shall meet the following standards relating to height, except for fences, walls, and hedges, which shall be in compliance with Section [9.24.060](#) (Fences, walls, and hedges).

A. Maximum height. The height of structures shall not exceed the standard established by the applicable zoning district in Division 2 of this title (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards).

B. Height measurement. Maximum height shall be measured as the vertical distance from finish grade to the highest point on the structure.

C. Exceptions to height limits. Exceptions to the height limits identified in this Development Code shall apply in the following manner:

1. Roof-mounted structures.

a. Roof-mounted structures for the housing of chimneys, church steeples, elevators, flagpoles, lofts, silos, stairways, towers, ventilating fans, water tanks, or similar equipment required to operate and maintain the structure, shall be allowed, up to a maximum of fifteen feet (15') above the allowed structure height, but only when properly screened from public view subject to the approval of an over height exception by the Commission.

b. The total square footage of all roof-mounted structures that are allowed to exceed the maximum height shall not occupy more than twenty-five percent (25%) of the total roof area of the structure.

2. No additional habitable space. No roof structure or any space above the height limits specified for the subject zoning district shall be allowed for the purpose of providing additional habitable (e.g., living or floor) space.

~~3. *Wireless telecommunication facilities. Wireless telecommunication facilities (e.g., antennas, poles, towers, and necessary mechanical appurtenances), installed in compliance with Chapter 42 of this title may be authorized to exceed the height limit established for the applicable zoning district, subject to an administrative use permit in compliance with Chapter 62 of this title and a site plan review in compliance with Chapter 56 of this title. (§ 2, Ord. 14-13, eff. October 8, 2014)*~~

9.24.100 Setback regulations and exceptions.

This section establishes standards to ensure the provision of open areas around structures for: visibility and traffic safety; access to and around structures; access to natural light, ventilation, and direct sunlight; separation of incompatible land uses, and space for privacy and landscaping.

A. Setback requirements.

1. All structures shall conform to the setback requirements identified for each zoning district by Division 2 of this title (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards), and with any special setbacks established for specific uses by this Development Code and applicable specific plan. Portions of a structure, including eaves or roof overhangs, shall not extend beyond a property line or into an access easement or street right-of-way.
2. Each setback shall be open and unobstructed from the ground upward, except as provided in this section.

B. Exemptions from setback requirements. The minimum setback requirements of this Development Code shall apply to all structures, except for the following:

1. Fences or walls constructed within the height limitations of this Development Code.
2. Decks, steps, terraces, and other site design elements that are placed directly upon the finish grade and do not exceed a height of eighteen inches (18") above the surrounding finish grade at any point.
3. Retaining walls less than four feet (4') in height above finish grade.
4. Structures allowed under an approved rear yard encroachment.
 - a. An accessory building may be located on the rear property line when such building is not abutting an existing alley and is not located on an easement.
 - b. An accessory building having an opening on an alley shall be located not less than twenty-five feet (25') from the opposite side of the alley or not less than five feet (5') from the property line.
 - c. Any accessory building permitted on a rear property line shall have provisions for all roof drainage to be taken care of on the subject lot.
 - d. 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. Such substitute space shall have minimum dimensions of **eightfour** feet (**84'**) by **eightfour** feet (**84'**).

5. Pool/HVAC equipment in the rear and side yards shall be placed in accordance with Fire Department standards.

C. Measurement of setbacks. Setbacks shall be measured as follows:

1. Front setbacks. The front setback shall be measured at right angles from the nearest face of the property line adjoining the street to the nearest point of the wall of the structure, except as follows:

a. Corner parcels. The front setback on a corner parcel measurement shall be taken from the nearest point of the structure to the nearest point of the nearest property line adjoining the public street to which the property is addressed and the street from which access to the property is taken. Whenever a future street right-of-way line is officially established, the required setback shall be measured from the established street right-of-way line(s).

b. Flag lots. The measurement shall be taken from the nearest point of the wall of the structure to the point where the access strip meets the bulk of the parcel, establishing a building line parallel to the lot line nearest the public street or right-of-way.

2. Street side setbacks. The side setback on the street side of a corner parcel shall be measured from the property line adjoining the street.

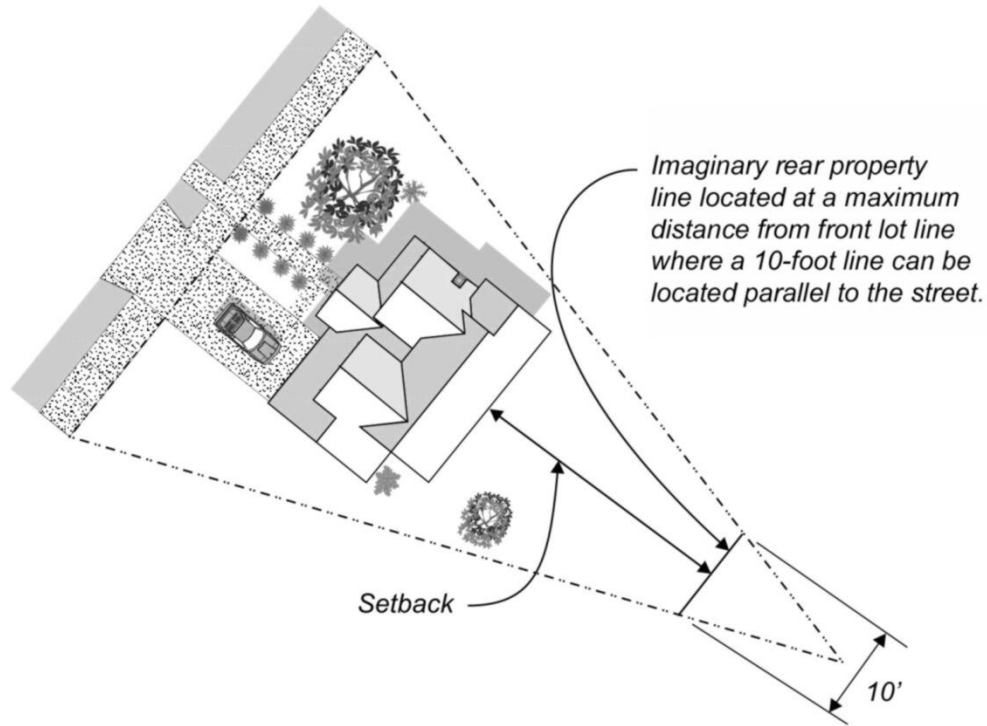
3. Side setbacks. The side setback shall be measured at right angles from the nearest point on the side property line of the parcel to the nearest line of the structure, establishing a setback line parallel to the side property line that extends between the front and rear yards.

4. Rear setbacks. The rear yard shall be measured at right angles from the nearest point on the rear property line of the parcel to the nearest line of the structure, establishing a setback line parallel to the rear property line that extends between the side yards, except:

a. The rear yard on the street side of a double frontage parcel shall be measured from the nearest point of the rear property line adjoining the street. However, if an access easement or street right-of-way line extends into or through a rear setback, the measurement shall be taken from the nearest point of the easement or right-of-way line.

b. Where the side lot lines converge to a point, a line ten feet (10') long within the parcel parallel to and at a maximum distance from the front lot line shall be deemed the rear lot line for the purpose of determining the depth of the required rear setback (see Figure 3-5).

5. Irregular shaped parcels. The Director shall determine the designation of front, side and rear setbacks on irregularly shaped lots having more than four (4) property lines.



**FIGURE 3-5
IRREGULAR SHAPED PARCELS**

D. Allowed projections into setbacks. The following architectural features may extend into the front, side, and rear setbacks, only as follows:

1. Chimney. A fireplace chimney, up to six feet (6') in width, may extend thirty inches (30") into a required setback, but no closer than three feet (3') to a side or rear property line.
2. Cantilevered architectural features. Cantilevered architectural features on the main structure, including balconies, bay windows, canopies, cornices, eaves, solar devices, and pop-out tubs, that do not increase the floor area enclosed by the structure, may extend into required setbacks in compliance with Table 3-4.
3. Porches and stairways. Covered, unenclosed porches, located at the same level as the entrance floor of the structure and outside stairways and landings that are not enclosed, may extend into required setback in compliance with Table 3-4.

**TABLE 3-4
MAXIMUM ENCROACHMENTS FOR ARCHITECTURAL FEATURES**

Setback	Maximum Allowable Encroachment
Front	Up to five feet into the required front setback
Side	Up to two feet into a required side setback, but no closer than three feet to a side property line
Rear	Up to three feet into the required rear setback

4. Setback requirements for specific elements/features:

a. Ponds, pools, and other site design elements.

(1) Under eighteen inches (18"). Site design elements less than eighteen inches (18") above finish grade are exempt from meeting setback requirements. Landscape ponds may be located in a required front or side setback, subject to applicable building and health codes.

(2) Pool setbacks. Pool setbacks shall be measured from the waterline, and shall be set back a minimum of five feet (5') from the property line.

(3) Eighteen inches (18") and over. Detached decks, ponds, steps, and other site design elements that are placed directly upon the finish grade, and which equal or exceed a height or depth of eighteen inches (18") above the surrounding finish grade at any point, shall conform to the setback requirements established for the applicable zoning district.

b. Retaining walls. Meaning a wall which structurally retains earth.

(1) Up to six feet (6'). Retaining walls up to six feet (6') in height may be located within a required setback.

(2) Decorative landscape retaining walls. Decorative landscape retaining walls shall not exceed three feet (3') in height above the finished grade.

(3) Construction materials. Required retaining walls shall not be constructed of stacked blocks unless engineered. Poured concrete shall be used unless this provision is modified by the Director in compliance with Chapter 56 of this title (Site Plan Review). If the face of the retaining wall is visible from the public street, the wall shall be constructed of decorative masonry, subject to the

review and approval of the Director. (§ 2, Ord. 14-13, eff. October 8, 2014; § 1 (Att. 1), Ord. 16-07, eff. May 4, 2016)

9.32.040 Number of parking spaces required.

Each land use shall provide at least the minimum number of off-street parking spaces required by this chapter, except where a greater number of spaces is required through land use entitlement approval or where an exception has been granted through approval of a discretionary permit.

A. Parking requirements by land use. Each land use shall be provided the number of parking spaces required by Table 3-12. Additional spaces may be required through discretionary entitlement approval. All sites shall provide adequate off-street parking for the subject use in compliance with this chapter.

B. Expansion of structure, change in use. When a structure is enlarged or increased in capacity or intensity, or when a change in use requires more off-street parking, additional parking spaces shall be provided in compliance with this section. Also see Section 9.32.030(E) (Nonconforming status).

C. Multi-tenant sites. A site with multiple tenants shall provide the aggregate number of parking spaces required for each separate use; except where the site was developed comprehensively as an integrated center, the parking ratio shall be that required for the center as determined through land use entitlement approval.

D. Parking required by entitlements and/or development agreements. Parking requirements established by conditional use permits, development agreements, or similar entitlements supersede the provisions of this chapter.

E. Uses not listed. Land uses not specifically listed by subsection A of this section (Parking requirements by land use) shall provide parking as required by the Director. The Director shall use the requirements of Table 3-12 as a guide in determining the minimum number of parking spaces to be provided.

F. Rounding of quantities. When calculating the number of parking spaces required, fractional spaces 0.5 or greater shall be rounded up to the nearest whole number.

G. Company-owned vehicles. The number of parking spaces required by this section does not generally include spaces needed for the parking of company-owned vehicles. Parking spaces for company-owned vehicles shall be provided in addition to the requirements for a particular land use.

H. Bicycle storage requirements. All nonresidential land uses shall provide bicycle parking/storage facilities in compliance with Section 9.32.090 (Bicycle storage requirements).

I. Vehicle charging stations. Vehicle charging stations shall be allowed in commercial and industrial land uses through the site plan review (SPR) process. Charging stations (stalls) shall not be counted against the required parking spaces for a commercial or industrial use. Advertising signage shall be limited to one

square foot per parking space. The location of vehicle charging stations shall be approved by the City Planner.

**TABLE 3-12
PARKING REQUIREMENTS BY LAND USE**

Land Use Type: Manufacturing, Processing and Warehousing*	Vehicle Spaces Required
Manufacturing facilities	2 spaces for each 1,000 sq. ft. of gross floor area for the first 25,000 sq. ft. and 1 space for each 1,000 sq. ft. thereafter. The gross floor area shall include incidental office space comprising less than 20% of the total gross floor area. The parking requirements for additional office space shall be calculated separately as provided by this table for "Offices."
Recycling facilities	Determined by conditional use permit.
Research and development facilities	1 space for each 350 sq. ft. of gross floor area. The gross floor area shall include incidental office space comprising less than 20% of the total gross floor area. The parking requirements for additional office space shall be calculated separately as provided by this table for "Offices."
Warehouse facilities	1 space for each 1,000 sq. ft. of gross floor area for the first 20,000 sq. ft. and 1 space for each 2,000 sq. ft. thereafter.

Note:

* All nonresidential land uses shall provide bicycle parking/storage facilities in compliance with Section 9.32.090 (Bicycle storage requirements).

**TABLE 3-12
PARKING REQUIREMENTS BY LAND USE (Continued)**

<p><u>Land Use Type:</u> Recreation, Education, and Public Assembly*</p>	<p>Vehicle Spaces Required</p>
<p>Assembly and meeting facilities Banquet halls</p>	<p>1 space for each 45 sq. ft. of seating area.</p>
<p>Religious institutions, cinemas, churches, performance theaters, meeting halls, and membership organizations</p>	<p>1 space for each 5 fixed seats or 1 space for every 40 sq. ft. of gross assembly or viewing area, plus ancillary uses (e.g., restaurant).</p>
<p>Theaters</p>	<p>1 space for each 4 fixed seats; where no fixed seats are provided, 1 space for every 35 sq. ft. of gross viewing area.</p>
<p>Child day care Centers</p>	<p>1 space for each 6 children, plus permanent drop-off area as approved by the Director employee.</p>
<p>Large family day care homes</p>	<p>1 space for each 6 children, plus permanent drop-off area as approved by the Director employee.</p>
<p>Indoor recreation/fitness centers</p>	
<p>Dance halls</p>	<p>1 space for each 50 sq. ft. of gross dance floor area.</p>
<p>Arcades</p>	<p>1 space for each 250 sq. ft. of gross floor area.</p>
<p>Bowling alleys</p>	<p>1 space for each employee plus 5 spaces for each alley, plus required spaces for ancillary uses.</p>

**TABLE 3-12
PARKING REQUIREMENTS BY LAND USE (Continued)**

<p><u>Land Use Type:</u> Recreation, Education, and Public Assembly*</p>	<p>Vehicle Spaces Required</p>
<p>Health/fitness facilities</p>	<p>1 space for each 100 sq. ft. of gross floor area.</p>
<p>Pool and billiard rooms</p>	<p>2 spaces for each table, plus required space for ancillary uses.</p>
<p>Skating rinks</p>	<p>1 space for each 50 sq. ft. of gross floor area of skating area, plus required spaces for ancillary uses.</p>
<p>Libraries, museums, art galleries</p>	<p>1 space for each 300 sq. ft. of gross floor area.</p>
<p>Outdoor commercial recreation</p>	<p>Determined by conditional use permit.</p>
<p>Park/recreational</p>	<p>1 space for each 5,000 sq. ft. of active gross recreation area.</p>
<p>Swimming pools</p>	<p>1 space for each 500 sq. ft. of pool area, plus 1 space for each employee.</p>
<p>Water slides</p>	<p>4 spaces for each slide lane.</p>
<p>Schools (public/private)</p>	
<p>Preschool</p>	<p>1 space for each faculty and employee member.</p>
<p>Elementary/junior high</p>	<p>1 space for each faculty and employee member.</p>
<p>High school</p>	<p>1 space for each faculty and employee member, plus 1 space for each 8 students regularly enrolled.</p>

**TABLE 3-12
PARKING REQUIREMENTS BY LAND USE (Continued)**

<u>Land Use Type:</u> Recreation, Education, and Public Assembly*	Vehicle Spaces Required
Colleges, universities, trade and business schools	1 space for each 2 faculty and employee members, plus 1 space for each 2 full-time (or equivalent) enrolled students.
Technical or trade schools	1 space for each 2 faculty and employee members, plus 1 space for each 2 full-time (or equivalent) enrolled students. Calculation of student enrollment shall be based on fire occupancy loads.

Note:

* All nonresidential land uses shall provide bicycle parking/storage facilities in compliance with Section 9.32.090 (Bicycle storage requirements).

**TABLE 3-12
PARKING REQUIREMENTS BY LAND USE (Continued)**

<u>Land Use Type:</u> Residential Uses	Vehicle Spaces Required
Accessory residential dwelling units	1 space in addition to that required for a single-family unit.
Condominiums	2 covered spaces for each unit, plus 1 covered or uncovered guest space for each dwelling unit.
Domestic violence shelters	Determined by conditional use permit or Director.

**TABLE 3-12
PARKING REQUIREMENTS BY LAND USE (Continued)**

<u>Land Use Type:</u> Residential Uses	Vehicle Spaces Required
Group quarters (including boardinghouses, rooming houses, dormitories, and organizational houses)	1 space for each sleeping room.
Mixed use developments	Determined by conditional use permit or Mixed Use zoning.
Mobile home parks	1 covered space in conjunction with each mobile home, plus 1 space for each 10 mobile homes or sites for guest parking. The latter to be provided in the mobile park separate from the mobile home spaces.
Multifamily dwellings, duplex units, and other attached dwellings	Studio, 1 and 2 bedroom units – 2 spaces for each dwelling unit, of which at least 1 shall be covered. 3 or more bedroom units – 3 spaces for each dwelling unit, of which at least 1 shall be covered.
Residential planned unit developments	2 covered (garage or carport**, ***) spaces, plus 1 covered or uncovered guest space for each dwelling unit
Senior housing projects, semi-independent/dependent units	0.5 space for each unit with half the spaces enclosed, plus 1 guest parking space for each 10 units.
Senior housing projects, independent	1.25 spaces for each unit, plus 1 space for each employee or as established by conditional use permit.
Senior assisted living facility	1 space for each 400 sq. ft. of gross floor area, plus 1 space for each 3 employees.

**TABLE 3-12
PARKING REQUIREMENTS BY LAND USE (Continued)**

<u>Land Use Type:</u> Residential Uses	Vehicle Spaces Required
Single-family dwellings	2 covered (garage or carport**, ***) spaces for each dwelling unit.

Notes:

** Each two (2) car garage or carport shall have and maintain a clear inside dimension of at least twenty feet (20') by twenty-two feet (22'). If a third car bay is provided, it shall have and maintain a clear inside dimension of at least ten feet (10') by twenty feet (20').

*** Tandem parking shall not be allowed to satisfy this garage requirement. The Director of Planning and Development Services may approve offset garages through the administrative use permit (AUP) approval process.

**TABLE 3-12
PARKING REQUIREMENTS BY LAND USE (Continued)**

<u>Land Use Type:</u> Retail Trade*	Vehicle Spaces Required
The following retail trade uses shall provide the identified number of vehicle spaces for the type of use, except when the use is located within a shopping center. If located within a shopping center, the use (except for "big-box") shall provide the number of spaces identified for shopping centers. (See shopping centers, below.)	
Automobile, mobile home, recreational vehicle sales	5 stalls per acre shall be designated customer/employee parking, with a minimum of 5 customer/employee parking stalls provided.
Machinery and parts sales	1 space for each 800 sq. ft. of gross floor area.

**TABLE 3-12
PARKING REQUIREMENTS BY LAND USE (Continued)**

<p><u>Land Use Type:</u> Retail Trade*</p>	<p>Vehicle Spaces Required</p>
<p>Bookstores</p>	<p>1 space for each 200 sq. ft. of gross sales area, plus 1 space for each 600 sq. ft. of storage area.</p>
<p>Building materials, hardware stores, and plant nurseries</p>	<p>1 space for each 300 square feet of gross floor area, plus 1 space for each 1,000 square feet of gross land area.</p>
<p>Building material/hardware stores with plant nurseries housed in a “big-box” environment (e.g., Home Depot, Lowe’s, etc.)</p>	<p>4.7 spaces for each 1,000 square feet of gross floor area.</p>
<p>Office supply stores</p>	<p>See commercial/service uses parking standard.</p>
<p>Plant nurseries/garden centers in conjunction with retail uses</p>	<p>1 space for each 1,500 sq. ft. of outdoor display area, plus 1 space for each 300 sq. ft. of gross floor area.</p>
<p>Restaurants, taverns, lounges, or similar establishments for the consumption of food and beverages on the premises</p>	<p>4 5.4 spaces for each 1000 sq. ft., plus 1 space for each 100 sq. ft. of gross building area, including indoor and outdoor dining areas.</p>
	<p>1 per employee.</p>
	<p>1 per 75 sq. ft.</p>
<p>Restaurants, delicatessens, takeout only – no customer seating</p>	<p>1 space for each 250 sq. ft. of gross floor area.</p>
<p>Retail stores, general merchandise</p>	<p>See commercial/service uses parking standard.</p>

**TABLE 3-12
PARKING REQUIREMENTS BY LAND USE (Continued)**

<u>Land Use Type:</u> Retail Trade*	Vehicle Spaces Required
Shopping centers (commercial multi-tenant) (neighborhood, community, and regional)	See commercial/service uses parking standard.

Note:

* All nonresidential land uses shall provide bicycle parking/storage facilities in compliance with Section 9.32.090 (Bicycle storage requirements).

**TABLE 3-12
PARKING REQUIREMENTS BY LAND USE (Continued)**

<u>Land Use Type:</u> Services*	Vehicle Spaces Required
The following service uses shall provide the identified number of vehicle spaces for the type of use, except when the use is located within a shopping center. If located within a shopping center, the use shall provide the number of spaces identified for shopping centers. (See "shopping centers" in previous table.)	
Child day care centers	1 space for each 6 children, plus permanent drop-off area as approved by the Director.
Commercial/service uses, including commercial multi-tenant users	
0 to 20,000 sq. ft.	5.4 spaces for each 1,000 sq. ft. of gross floor area.
20,001 to 70,000 sq. ft.	5.0 spaces for each 1,000 sq. ft. of gross floor area.
70,001 sq. ft. and over	4.7 spaces for each 1,000 sq. ft. of gross floor area.

**TABLE 3-12
PARKING REQUIREMENTS BY LAND USE (Continued)**

<u>Land Use Type:</u> Services*	Vehicle Spaces Required
Depots: bus, freight	Determined by conditional use permit.
Equipment rentals	1 space for each 300 sq. ft. of floor area, plus 1 space for each 1,000 sq. ft. of outdoor use area.
Fuel sales (standalone)	2 spaces minimum, plus any additional as may be determined by conditional use permit.
Health and fitness facilities	1 space for each 100 sq. ft. of gross floor area.
Hotels and motels	1.2 spaces for each guest room, plus required spaces for accessory uses.
Kennels, animal boarding, and veterinary clinics	1 space for each 500 sq. ft. of gross floor area, plus one space for each 800 sq. ft. of boarding area.
Laundry and dry cleaning	1 space for each 350 sq. ft. of activity area, plus 1 space for each 1,000 sq. ft. of storage area.
Laundry, self-serving	1 space for each 3 machines.
Medical services Board and care homes, group home care facilities, and in-patient drug treatment facilities	1 space for each 5 beds.
Clinics, medical/dental offices	8 spaces for first doctor, plus 5 spaces for each additional doctor.

**TABLE 3-12
PARKING REQUIREMENTS BY LAND USE (Continued)**

<u>Land Use Type:</u> Services*	Vehicle Spaces Required
Convalescent hospitals	1 space for each 3 beds the facility is licensed to accommodate.
Hospitals	To be determined by conditional use permit.
Medical/dental labs	1 space for each 250 sq. ft. of gross floor area.
Mixed use	Established with the Master Plan or Mixed Use zoning for the site.
Mortuaries and funeral homes	1 space for each 5 fixed seats or 1 space for each 40 square feet, whichever amount is greater.
Offices, business professional	1 space for each 250 sq. ft. of gross floor area.
Personal services – barber/beauty shops (and other personal services)	1 space for each 200 sq. ft. of gross floor area.
Pet grooming	1 space for each 400 sq. ft. of gross floor area.
Public facilities	As established with the authorizing approval.
Service stations	1 space for each 200 sq. ft. of gross floor area, plus 3 spaces for each service bay.
Storage, personal storage facilities	2 spaces minimum, plus 1 space for each 250 sq. ft. of gross office floor area.

**TABLE 3-12
PARKING REQUIREMENTS BY LAND USE (Continued)**

Land Use Type: Services*	Vehicle Spaces Required
Veterinary hospitals/clinics	1 space for each 250 sq. ft. If boarding is offered, kennel standards will be used.
Vehicle repair and maintenance Repair garages**	1 space for each 300 sq. ft. of gross floor area, or 3 spaces for each bay, whichever is greater, plus 1 space for a company vehicle.
Self-service vehicle washing	2 spaces for each washing stall, for queuing and drying.
Full-service vehicle washing	1 space for each 250 sq. ft. of gross floor area, plus 10 spaces for each wash lane for drying area.

Notes:

* All nonresidential land uses shall provide bicycle parking/storage facilities in compliance with Section 9.32.090 (Bicycle storage requirements).

** All employee parking shall take place on site. Employee parking in the public street shall be prohibited. If employee parking in the public street occurs, it shall constitute grounds for revocation of the conditional use permit in compliance with Section 9.92.060 (Revocation and modifications).

**TABLE 3-12
PARKING REQUIREMENTS BY LAND USE (Continued)**

Land Use Type: Transportation and Communication	Vehicle Spaces Required
Broadcast studios	1 space for each 400 sq. ft. of gross floor area.

**TABLE 3-12
PARKING REQUIREMENTS BY LAND USE (Continued)**

Land Use Type: Transportation and Communication	Vehicle Spaces Required
Recording studios	1 space for each 250 sq. ft. of gross floor area.
Transportation facilities	To be determined by Commission.

(§ 2, Ord. 14-13, eff. October 8, 2014; § 1 (Att. 3), Ord. 18-19, eff. September 5, 2018)

9.32.060 Disabled/~~handicapped~~ parking requirements.

Parking areas shall include parking spaces accessible to the disabled in the following manner and in accordance with State and Federal law:

- A. Number of spaces, design standards. Parking spaces for the disabled shall be provided in compliance with the **Current Edition(s) of the California Building Codes (CBC) under Title 24, and adopted standards of the Clovis Engineering Department;**
- B. Reservation of spaces required. Disabled access spaces required by this section shall be reserved by the property owner/tenant for use by the disabled throughout the life of the use;
- C. Upgrading of markings required. If amendments to State law change standards for the marking, striping, and signing of disabled parking spaces, disabled accessible spaces shall be upgraded in compliance with the new State standards. Upgrading shall be completed by affected property owners within sixty (60) days of being notified in writing by the Department of new State standards; and
- D. Fulfilling of requirements. Disabled accessible parking spaces required by this section shall count toward fulfilling off-street parking requirements.

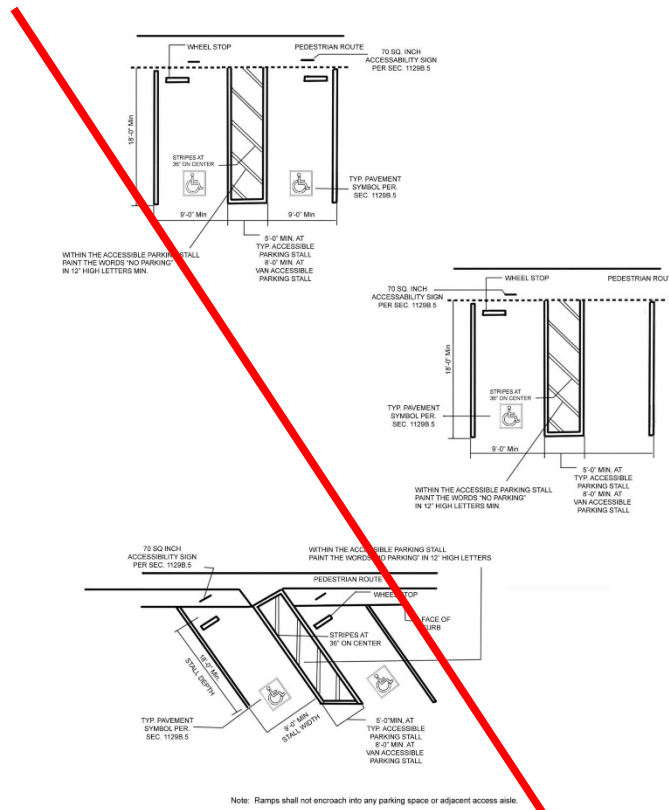


FIGURE 3-6

DISABLED/HANDICAPPED PARKING REQUIREMENTS

(§ 2, Ord. 14-13, eff. October 8, 2014)

9.32.080 Driveways and site access: Nonresidential and multifamily developments.

Driveways providing site access shall be from an improved street, alley, or other public and/or private right-of-way, and shall be designed, constructed, and properly maintained as follows:

A. Number of driveways.

1. Up to two (2) driveways shall be allowed for each parcel two (2) acres or more in size unless the City Engineer determines that more than two (2) driveways are required to accommodate traffic volumes on specific projects. Additional driveways shall not be allowed if it is determined to be detrimental to traffic flow on the adjacent street(s).

2. Whenever a property has access to more than one street, access shall be generally limited to the lowest volume street where the impact of a new access will be minimized, unless otherwise approved by the City Engineer.

3. Access to arterials and collector streets shall be spaced to provide for reasonable access to properties while maximizing traffic safety and traffic flow. Emphasis should be placed on maximizing on-site reciprocal access and minimizing the number of street access points.

4. All access spacing and control requirements shall be determined by the City Engineer.

B. Distance from street corners.

1. Driveways to parking areas shall be located a minimum of two hundred fifty feet (250') from the nearest intersection, as measured from the closest curb return to the closest side of the driveway approach, unless modified by the City Engineer.

2. The required spacing on arterial, collector, expressway, local collector, and local streets shall be based on anticipated traffic volumes and the Circulation Element of the General Plan.

C. Driveway width and length.

1. Two (2) way aisles. Two (2) way drive aisles within parking areas shall be a minimum of twenty-six feet (26') in width for general circulation and aisles required for fire access, subject to the review and approval of the City's Fire Marshal.

2. One-way aisles. One-way aisles shall be a minimum of seventeen feet (17') in width unless required for fire access, in which case the minimum width shall be subject to the review and approval of the City's Fire Marshal.

3. Parking aisles. Aisles that provide access primarily to parking stalls, and are not required for fire access, may be twenty-six feet (26') in width.

4. Maximum driveway width. The maximum driveway width shall be thirty-six feet (36') for **multi-family** residential and forty-one feet (41') for nonresidential, exclusive of the area provided for a median divider. However, in no case shall the driveway width exceed thirty percent (30%) of the total curb face of the subject parcel, except for cul-de-sac lots or lots of unusual configuration where the director may allow a greater percentage.

D. Clearance from obstruction. The nearest edge of a driveway apron or curb return shall be at least three feet (3') from the nearest alley or adjacent property line and eight feet (8') from the nearest street right-of-way, and at least five feet (5') from the nearest centerline of a fire hydrant, light standard, traffic signal, utility pole, or other similar facilities. Driveways shall have a minimum overhead clearance of fourteen feet (14') in height, except within a parking structure which may be reduced to seven feet (7').

E. Traffic safety visibility area. Structures or landscaping over thirty-six inches (36") in height shall not be allowed within a traffic safety sight distance area formed by the intersection of public rights-of-way, driveways, or alleys, as determined by the City Engineer.

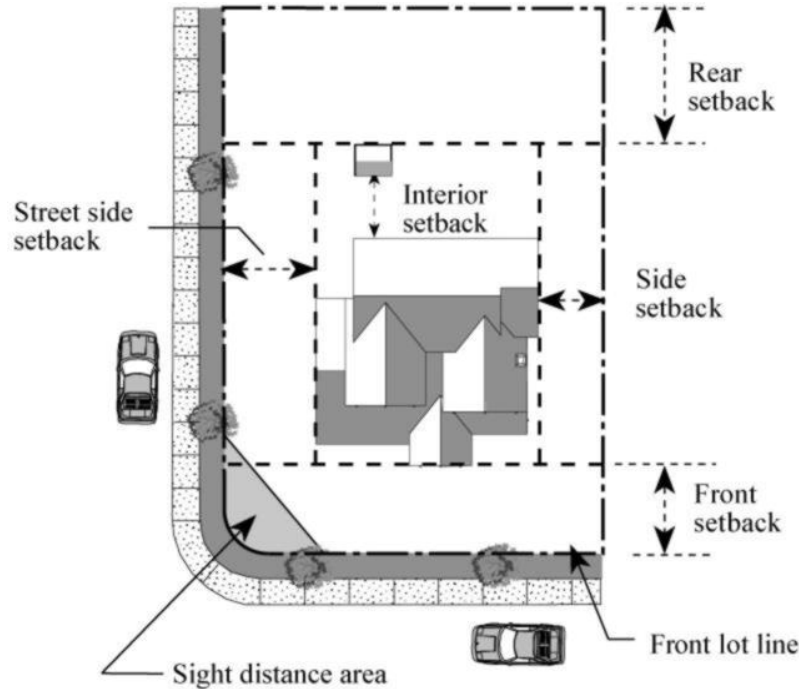


FIGURE 3-9
TRAFFIC SAFETY VISIBILITY AREA (CORNER CUTOFF)
(See Figure 3-1)

(§ 2, Ord. 14-13, eff. October 8, 2014)

9.34.110 Sign variances, minor adjustments, and revocation.

A. Purpose. The Director may grant minor adjustments in order to prevent unnecessary hardships which would result from a strict and literal interpretation and enforcement of certain regulations required by this chapter. A practical difficulty or unnecessary hardship may result from the size, shape, or dimensions of a site or the location of existing structures on the site, from geographic, topographic, or other physical conditions on the site, or in the immediate vicinity, or from street locations or traffic conditions in the immediate vicinity which would affect the placement of signs on the site or structure.

B. Exception purposes. The Director may grant a minor adjustment if it can be demonstrated that an exception is necessary to facilitate an improved aesthetic relationship between the signs and the structures upon which they are mounted, or to overcome an unusual site condition.

C. Procedure. All minor adjustments for signs shall be referred to the Director where the applicant desires one or more adjustments from the requirements of this chapter (deviations from those regulations identified in Section [9.34.070](#) (Prohibited signs) shall only be processed as variance requests); provided, the total amount of adjustments is limited to twenty-five percent (25%) of the allowed sign area. The Director may allow adjustments within the limits listed in this section. Appropriate findings, consistent with this chapter, shall be made a part of the granting of the adjustment.

1. Transfer of sign area.

- a. To overcome a disadvantage because of an exceptional setback between the street and the sign or orientation of the sign location;
- b. To achieve an effect which is essentially architectural, graphic art, or sculptural and which, in the opinion of the Director, enhances the sign and site's development;
- c. To permit more sign area in a single sign than is allowed, but less than the total allowed for the entire site, where a more orderly and concise pattern of signs will result;
- d. To allow a sign compatible with other conforming signs in the vicinity;
- e. To establish the allowable amount and location of signs when no street frontage exists or when, because of an unusual parcel shape (e.g., a flag lot), the street frontage is excessively narrow in proportion to the average width of the parcel; and
- f. To allow sign area to be transferred to a street building frontage when the main entrance does not face the street.

2. Alternative sign locations.

- a. On site. To transfer allowed signage from a structure wall to an allowed freestanding sign based upon the finding that the alternative location is necessary to overcome a disadvantage caused by an unfavorable orientation of the front wall to the street or parking lot or an exceptional setback;
- b. Parcels not fronting on any street. Under sign review, approval may be given for the placement of a sign on an access easement to a parcel not having street frontage, at a point where viewable from the adjoining public street; and
- c. Other. Alternative locations may be granted in order to further the intent and purpose of this chapter or where normal placement would conflict with the architectural design of a structure, including transfer of sign area on the same building.

3. Alternative types of signs. To facilitate compatibility with the architecture of structures on the site and improve the overall appearance of the site.
- D. Fees. A minor adjustment fee, in compliance with the City's Fee Schedule, shall be collected when the application for a minor adjustment is submitted to the Department.
- E. Notices of minor adjustments. When the Director approves a minor adjustment, **the Director shall have the discretion to provide notice (e.g., providing written notice to adjacent properties). If notices are provided by the Director,** property owners and business operators existing at the time, located adjacent to the affected property within three hundred feet (300') from the location of the sign, shall be notified of the decision in compliance with Chapter 88 of this title (Public Hearings). The notice shall identify the proposed adjustment and the available appeal process. The decision shall not take effect until the appeal period ends in compliance with Chapter 90 of this title (Appeals).
- F. Appeals. Appeals for minor adjustments shall be processed in compliance with Chapter 90 of this title (Appeals).
- G. Revocation of sign review permit. Following due notice to the applicant, any approved sign review permit may be revoked or modified if the Director determines that the sign or sign program for which the permit was granted:
 1. Advertises the availability or sale of goods, property, or services no longer available; or
 2. Is not constructed, installed, or properly maintained in compliance with the approved sign review permit. To be properly maintained, all signs, together with all anchors, braces, guys, and supports, shall be kept in presentable condition and repair, including periodic repainting and cleaning, as well as the replacement of worn or defective parts. (§ 2, Ord. 14-13, eff. October 8, 2014)

9.40.030 Accessory uses and structures.

This section provides standards for accessory uses and structures allowed in the applicable residential zoning districts (see Section 9.10.020 (Residential district land uses and permit requirements), subject to the following criteria and standards:

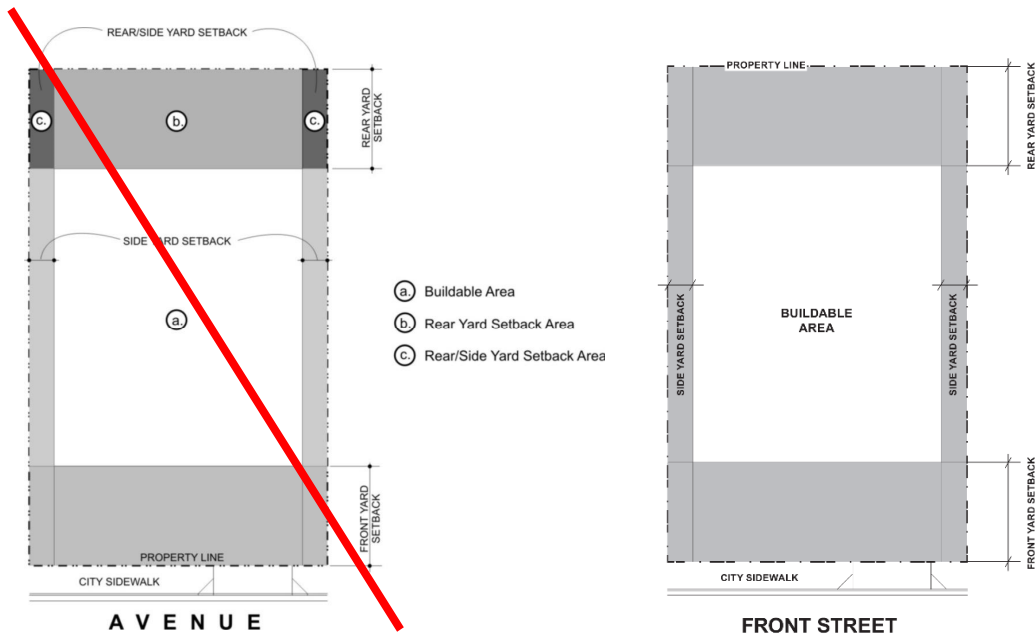
- A. Definition. Accessory residential uses and structures include any that are:
 1. Customarily related to a residence, including garages, greenhouses, storage sheds, studios, above ground swimming pools/spas, and workshops;
 2. Not counted as or containing a living area; and
 3. A minimum of sixty-four (64) square feet in gross floor area.

- B. Relationship of accessory use to the main use. Accessory uses and structures shall be incidental to and not alter the residential character of the subject site.
- C. Attached structures. An attached accessory structure shall:
1. Be compatible with and made structurally a part of the main structure (e.g., share a common wall with the main structure, rely partially on the main structure for structural support, or be attached to the main structure);
 2. Comply with the requirements of this Development Code applicable to the main structure, including coverage, height, and setbacks; and
 3. Be compatible with the materials and colors of the main structure.
- D. Detached structures.
1. Detached accessory structures shall require a rear yard encroachment permit if located in the rear setback area. The accessory structure cannot exceed the allowable site coverage for the zone district. A building permit is required for any structure over one hundred twenty (120) square feet in size.
 2. Detached accessory structures shall:
 - a. Not exceed a height of twelve feet (12'); with additional height subject to approval of an administrative use permit in compliance with Chapter 62 of this title, not to exceed the height limit of the applicable zoning district;
 - b. Where an accessory building, either attached to or detached from the main building, is less than six feet (6') from such main building, such accessory building shall be deemed a main building for the purposes of applying the property development standards. The required setbacks and maximum height of the main structure shall apply to an accessory structure located less than six feet (6') from such main building.
 - c. Be compatible with the materials and colors of the main structure; and
 - d. Shall comply with building and fire code separation standards.
- E. Setback requirements. Setbacks shall be in compliance with Table 4-1 (Required Setbacks – Accessory Residential Uses and Structures).
1. Maximum height shall be as per the following and Figure 4-1:
 - a. Within allowable building area: same height as permitted for the main structure.

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b. Within rear yard setback area: twelve-foot (12') overall height. With an approved administrative use permit, accessory buildings in excess of twelve feet (12') in height with a plate height no greater than twelve feet (12'). Freestanding fireplace units shall be a maximum of twelve feet (12') to the top of the flue.

~~c. Within required rear/side yard: eight foot (8') overall height.~~



**FIGURE 4-1
SETBACKS**

**TABLE 4-1
REQUIRED SETBACKS
ACCESSORY RESIDENTIAL USES AND STRUCTURES**

ACCESSORY STRUCTURE	TYPE OF SETBACK (1)	REQUIRED SETBACK
SINGLE-FAMILY DETACHED HOMES		
Garage, gazebo, greenhouse, lightweight frame structure, patio cover, storage shed, workshop (2)	Front, sides, and rear	As required for the main structure, 5-foot minimum for structure greater than 120 sq. ft. and greater. No requirement for structures <of 120 sq. ft. or less in side and rear setbacks.

**TABLE 4-1
REQUIRED SETBACKS
ACCESSORY RESIDENTIAL USES AND STRUCTURES**

ACCESSORY STRUCTURE	TYPE OF SETBACK (1)	REQUIRED SETBACK
	Between detached structures	As required for the main structure, 5-foot minimum (5)
Fish pond, waterfalls , outdoor play equipment, spa, pool slides , swimming pool	Front Sides Street side Rear Reverse corner side yard	20 feet 5 feet 10 feet 5 feet 15 feet
Stationary barbecue, outdoor fire pit/ fireplaces	Front Sides Street side Rear	10 feet 3 feet 10 feet (3) 3 feet
Small cargo containers (aka pods and seatrains)	Front Sides	10 feet (4) 3 feet

**TABLE 4-1
REQUIRED SETBACKS
ACCESSORY RESIDENTIAL USES AND STRUCTURES**

ACCESSORY STRUCTURE	TYPE OF SETBACK (1)	REQUIRED SETBACK
	Street side	10 feet (3)
	Rear	3 feet
Air conditioning equipment, diving board, emergency generator, pool and spa equipment	Front	20 feet
	Sides	3 feet
	Street side	10 feet
	Rear	3 feet
MULTIFAMILY, ATTACHED/DETACHED		
Garage, gazebo, greenhouse, lightweight frame structure, patio cover, storage shed, workshop	Sides, street side	As required for main structure
	Rear	As required for main structure
Small cargo containers (aka pods and seatrains)	Front, sides, street side, and rear	As required for main structure (4)
Air conditioning equipment, fish pond, outdoor play equipment,	Front, sides, street side, and rear	As required for main structure

**TABLE 4-1
REQUIRED SETBACKS
ACCESSORY RESIDENTIAL USES AND STRUCTURES**

ACCESSORY STRUCTURE	TYPE OF SETBACK (1)	REQUIRED SETBACK
pool and spa equipment, spa, swimming pool		
MULTIFAMILY, ATTACHED/DETACHED (Continued)		
Stationary barbecue, fire pit	Front	10 feet
	Side	3 feet
	Street side	10 feet
	Rear	3 feet

Notes:

- (1) Where a parcel is situated so that the front, side, or rear property lines are not readily determinable, required setbacks shall be established by the Director.
- (2) Garages on corner or reverse corner lots shall not be built closer than twenty feet (20') to any street side property line.
- (3) Reverse corner lots shall maintain a minimum street (e.g., front or street side) setback of fifteen feet (15'), or as required by the subject zoning district.
- (4) Shall comply with Section 9.40.060.
- (5) Accessory structures over one hundred twenty (120) square feet may be located within three feet (3') of a side yard when the front face is more than eighty-five feet (85') from the front property line.

F. Lightweight frame structures. This subsection provides standards for accessory lightweight frame structures allowed in the applicable residential zoning districts (see Section 9.10.020 (Residential district land uses and permit requirements)), subject to the following criteria and standards:

1. A lightweight frame structure located in any residential zoning district shall meet all required front, side, and rear setback requirements for the main structure.
2. A lightweight frame structure in excess of one hundred twenty (120) square feet of roof area may encroach into the rear setback but only with a rear yard encroachment permit, provided:
 - a. The structure is at least six feet (6') away from the main structure;
 - b. The structure shall not be located in the required side setback for the zoning district in which it is located;
 - c. Space equal to the reduction (e.g., the amount of the rear yard encroachment) shall be provided elsewhere on the subject parcel, exclusive of the required yard area. The replacement space shall be equal to the total square footage encroaching into the rear yard setback and shall be located in a manner suitable for general use by the occupants;
 - d. The standards for issuance of a rear yard encroachment permit are satisfied; and
 - e. In no event shall the standards for issuance of a rear yard encroachment permit be considered satisfied unless the applicant first submits, together with the required site plan, written statements, or other evidence deemed satisfactory to the Director, that all adjoining property owners have consented to the requested encroachment.
3. A detached lightweight frame structure of less than one hundred twenty (120) square feet of roof area may encroach into a side or rear setback, and shall be allowed up to the property line.
4. Building permit requirements. Lightweight frame structures shall be subject to the California Building Code requirements.
 - a. A detached lightweight frame structure of any size shall require the issuance of a building permit.
5. In no event shall any lightweight frame structure result in the maximum lot coverage restrictions for the subject zoning district being exceeded.
6. In no event shall any lightweight frame structure exceed twelve feet (12') in overall height or seven feet (7') in overall height within three feet (3') of a property line.
7. Each application shall be reviewed for compliance with the requirements of Chapter 1 of Title 8 and the State Building Standards Code, Title 24, Chapter 31, Division II (Membrane Structures). (§ 2, Ord. 14-13, eff. October 8, 2014; § 1 (Att. 3), Ord. 18-19, eff. September 5, 2018)

9.40.080 Day care facilities.

This section provides locational and operational standards for the provision of day care facilities, in compliance with State law. These standards apply in addition to the other provisions of this Development Code and requirements imposed by the California Department of Social Services. The establishment of a day care facility shall be in compliance with Division 2 of this title (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards), and the following criteria and standards:

A. Definitions. For the purpose of this section, the following definitions shall apply. Additional definitions are contained in Division 8 of this title (Definitions):

Day care facilities. Facilities that provide care and supervision of minor children and impaired adults needing supervision for periods of less than twenty-four (24) hours. These facilities include the following, all of which are required to be licensed by the California Department of Social Services:

1. Child/adult day care center. A commercial or nonprofit day care facility not operated as a small or large family day care home. Includes infant centers, preschools, and extended day care facilities. These may be operated in conjunction with a business, school or religious facility, or as an independent “standalone” commercial land use. Day care centers require a CUP.

2. Large family day care home. A day care facility located in a single-family residence where an occupant of the residence provides care and supervision for nine (9) to fourteen (14) children/adults in compliance with Health and Safety Code Section 1597.465. **A large family daycare home includes a detached single-family dwelling, a townhouse, a dwelling unit within a dwelling, or a dwelling unit within a covered multifamily dwelling.**

3. Small family day care home. A day care facility located in a single-family residence where an occupant of the residence provides care and supervision for eight (8) or fewer children/adults in compliance with Health and Safety Code Section 1597.44. **A small family daycare home includes a detached single-family dwelling, a townhouse, a dwelling unit within a dwelling, or a dwelling unit within a covered multifamily dwelling.**

B. Permit processing. Permit processing for large family day care homes shall be conducted in compliance with State law (Health and Safety Code Section 1597.46).

C. Large family day care homes. The following provisions shall apply:

1. Permit processing for large family day care homes shall be subject to the following:

a. A large family day care home shall **be in compliance** ~~require the approval of an administrative use permit by the Director in compliance with Chapter 62 of this title, except that a public hearing is only required if requested in writing by the applicant or other affected person(s). Property owners located within three hundred feet (300') of the proposed site shall be provided notice of the~~

~~application at least ten (10) days before the date of the Director's decision on the request and the opportunity to request a hearing.~~ **with the State Uniform Building Standards Code.**

~~b. A large family day care administrative use permit shall be issued only if the Director first determines that the proposed large family day care home would comply with the standards in this section.~~

~~c. The Commission may approve a conditional use permit, in compliance with Chapter 64 of this title, authorizing operation of a large family day care home which does not comply with and/or cannot be operated in compliance with the standards in this section.~~

2. The large family day care home shall be the principal residence of the day care provider and the use shall be clearly incidental and secondary to the use of the property as a residence.

3. The facility shall contain a fire extinguisher and smoke detector devices and comply with the standards established by the State Fire Marshal.

4. In order to protect surrounding residential dwellings from noise impacts, a facility located within a residential zoning district may only operate up to a maximum of fourteen (14) hours each day, between the hours of 6:00 a.m. and 8:00 p.m., and may only conduct outdoor activities between the hours of 7:00 a.m. and 7:00 p.m. The Director may approve different operating hours within the fourteen (14) hour maximum window upon a finding, and upon such conditions the Director deems necessary to ensure, that no noise impacts will occur.

5. Each facility shall have the number of parking spaces required for single-family dwellings, in compliance with Chapter 32 of this title (Parking and Loading Standards), ~~one additional space for the drop-off and pick-up of the children utilizing the facility, and one additional parking space for each person working at the facility, other than a person who resides at the home.~~ The driveway may serve to meet the required parking spaces and/or the drop-off area.

~~6. A residential parcel shall not be bordered on more than one side by a day care facility and a day care facility shall not be operated on a parcel located within five hundred feet (500') of the parcel subject to the application.~~

D. Day care centers **in non-residential zone districts**. The following standards shall apply, in addition to those standards contained in subsection C of this section (Large family day care homes):

1. The minimum parcel size for a child and adult day care center shall be ten thousand (10,000) square feet;

2. A six-foot (6') high solid decorative fence or wall shall be constructed on all property lines, except in the front yard or within a corner cutoff intersection area. Fences or walls shall provide for safety with controlled points of entry. A minimum three-foot (3') wide landscaped area shall be provided adjacent

to the fence/wall and shall include a dense hedge of evergreen shrubs a minimum of four feet (4') in height at the time of planting;

3. The minimum separation between the main assembly structure of the center and a residential zoning district shall be thirty feet (30'); and

4. The facility shall be provided with both indoor and outdoor play areas in compliance with State requirements. (§ 2, Ord. 14-13, eff. October 8, 2014; § 1 (Att. 2), Ord. 16-07, eff. May 4, 2016)

~~9.40.110 Home occupation standards.~~

~~A. Locational and operational standards.~~

~~1. This section provides locational, developmental, and operational standards for the conduct of home enterprises which are subordinate to and compatible with surrounding residential activities.~~

~~2. A home occupation permit shall be applied for and granted in compliance with Chapter 58 of this title before the initiation and operation of a home enterprise.~~

~~B. Operating standards for all home occupations. Home occupations shall comply with all of the following locational, developmental, and operational standards:~~

~~1. Incidental and subordinate uses. The home occupation shall be subordinate to and compatible with surrounding residential uses;~~

~~2. No outside employees. Only the occupant(s) of the dwelling may be engaged in the home occupation, except for permissible group housing and/or cottage food industry consistent with State law;~~

~~3. Not alter appearance of dwelling. The home occupation shall not alter the appearance of the dwelling, nor shall the conduct of the home occupation be recognized as serving a nonresidential use (either by color, construction, lighting, materials, signs, sounds or noises, vibrations, etc.), excepting one wall mounted sign referenced within this subsection;~~

~~4. Business license required.~~

~~a. A home occupation shall not be initiated until a current business license is obtained in compliance with Section 3.1.101 (Business license fees).~~

~~b. Immediately following the effective date of an approved home occupation permit, the applicant shall obtain a business license;~~

~~5. No display or storage. Except as allowed by these standards there shall be no display, distribution, or storage of merchandise, materials, or supplies on the premises;~~

~~6.— No sale of products.~~

~~a.— There shall be no sales of products or services from the site which are not produced on the premises (other than ancillary products needed for on-site service and repair);~~

~~b.— Sales or service involving the Internet is allowed when all of the business functions are conducted via the Internet;~~

~~7.— Only one sign allowed. Only one wall-mounted sign, not exceeding two (2) square feet in area, and only indicating the address and name of the resident or the home occupation shall be allowed;~~

~~8.— No advertising. There shall be no commercial advertising which identifies the home occupation by street address except for "Large Home Occupation — Group Homes," consistent with State law;~~

~~9.— Location of home occupation.~~

~~a.— The home occupation shall be confined completely to one room located within the main dwelling, except permissible group housing and/or cottage food industry consistent with State law;~~

~~b.— Shall not occupy more than the equivalent of twenty-five percent (25%) of the gross area of the ground level floor, except for permissible group housing and/or cottage food industry consistent with State law;~~

~~c.— Garages or other enclosed accessory structures shall not be used for home occupation purposes other than parking, except for the storage of incidental office supplies where two (2) parking spaces are maintained;~~

~~d.— Horticulture or other agricultural activities may be conducted outdoors, but only within the rear one-third (1/3) of the subject parcel;~~

~~10.— Patron limit.~~

~~a.— The transaction of business at the dwelling shall be limited to eight (8) patrons or customers for any calendar day.~~

~~b.— This provision shall not be construed to limit the business transacted by the operator of the home occupation solely by means of telephone or mail, or similar means of communications, or while away from the site of the home occupation;~~

~~11.— One ton truck.~~

~~a.— Only one vehicle, owned by the operator of the home occupation, which is no larger than a one-ton truck may be used by the occupant(s) directly or indirectly in connection with a home occupation.~~

~~b. The vehicle shall be stored within an entirely enclosed garage or in the side or rear yard, behind a five foot (5') to six foot (6') high solid fence or wall;~~

~~12. Use of commercial vehicles. The home occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises in a manner different from normal residential usage, except for FedEx, UPS, or USPS-type home deliveries/pick-ups;~~

~~13. Use of commercial/residential trailers. Trailers used in conjunction with the home occupation shall be stored within an entirely enclosed garage or in the side or rear yard, behind a five foot (5') to six foot (6') high solid fence or wall;~~

~~14. No encroachment. The home occupation shall not encroach into any required parking, setback, or open space areas;~~

~~15. No mechanical equipment. There shall be no use or storage of material or mechanical equipment not recognized as being part of a normal household or hobby use;~~

~~16. No utilities or community facilities. There shall be no use of utilities or community facilities beyond that normal to the use of the property for residential or agricultural purposes;~~

~~17. No hazards or nuisances. The use shall not create or cause dust, electrical interference, fumes, gas, glare, light, noise, odor, smoke, toxic/hazardous materials, or vibration that can or may be considered a hazard or nuisance;~~

~~18. No negative impacts. Negative impacts that may be felt, heard, or otherwise sensed on adjoining parcels or public rights-of-way shall not be allowed;~~

~~19. Fire safety. Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises;~~

~~20. Pedestrian or vehicular traffic. Generation of pedestrian or vehicular traffic or parking demand in excess of that customarily associated with the residential zoning district in which it is located shall not be allowed;~~

~~21. Permit nontransferable. A home occupation permit shall not be transferable;~~

~~22. Only one home occupation. Only one home occupation may be allowed in any dwelling;~~

~~23. Property owner's authorization required. For rental property, the property owner or property management's written authorization for the proposed use shall be obtained and submitted with the application for a home occupation permit;~~

~~24. Preexisting home occupations. All preexisting home occupations shall conform with all applicable Development Code requirements before or upon renewal of the annual business license; and~~

~~25. Visitation. Visitation and deliveries incidental to the home occupation shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday, 8:00 a.m. to 6:00 p.m. on Saturdays, and there shall be no business activity allowed on Sunday, except for permissible group homes which are consistent with State law. (§ 2, Ord. 14-13, eff. October 8, 2014)~~

9.40.1210 Meat packing and processing.

This section provides developmental and operational standards for meat packing and processing facilities, where allowed by Division 2 of this title (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards).

- A. Prohibited activities. There shall be no bleeding, eviscerating, killing, or skinning of animals or animal carcasses.
- B. Lard rendering facilities. Lard rendering facilities shall be located within completely enclosed cookers.
- C. Smoke curing. Smoke curing shall be done within self-contained units with a recirculation system between the generator and smokehouse. (§ 2, Ord. 14-13, eff. October 8, 2014)

9.40.1320 Mini-storage facility standards.

This section provides developmental and operational standards for the establishment of mini-storage (aka personal or self storage) facilities in any zoning districts where they are allowed in compliance with the provisions of Division 2 of this title (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards).

- A. Conditional use permit required. Mini-storage facilities are allowed in zoning districts per Tables 2-2, 2-4 and 2-6 in Allowable Land Uses, subject to the approval of a conditional use permit in compliance with Chapter 64 of this title. A mini-storage facility shall be subject to the zone-driven development standards of the zoning district in which it is located, with the following exceptions:
 - B. Parcel coverage. There shall be no maximum parcel coverage requirements.
 - C. Setbacks. No side or rear setback shall be required, unless the Commission recommends, and the Council determines, that a setback up to the amount specified in the subject zoning district along one or more property lines is essential and desirable for the public welfare and convenience.
 - D. Perimeter wall. A decorative solid masonry wall shall be provided around the entire perimeter of the facility. The wall shall be no less than eight feet (8') in height or more than eleven feet (11') in height when adjacent to a residential zoning district.
 - 1. The walls of the storage structures may serve as required perimeter walls; and
 - 2. The exterior face of any structure or wall located along the perimeter of the premises shall be architecturally compatible with existing or proposed uses on surrounding properties.

E. Outdoor storage. A portion of a mini-storage facility may be utilized for the outdoor storage of automobiles, boats, other motor vehicles, and recreational vehicles, subject to the following requirements:

1. The surface of the outdoor storage area shall be improved with gravel, crushed rock, oil-dirt, or similar substance to control dust.
2. The outdoor storage area is completely surrounded by structures or walls which visually obscure the area from surrounding properties.
3. The outdoor storage area shall be exempt from normal parking lot standards and no curbing, landscaping, lighting, or similar requirements shall be required.

F. Signs. Signs shall be in compliance with the subject zoning district, except in single-family residential zoning districts which shall be allowed one monument sign for each street frontage in compliance with the multifamily residential zoning district standards.

G. Manager/caretaker quarters. Residential quarters for a manager or caretaker may be provided in the development, consisting of a single-family residence located on or adjacent to the same property on which the storage units are located and the residence is occupied by one or more persons charged with the care and operation of the storage facility as compensation for services provided without the payment of rent or other consideration.

H. Parking.

1. Off-street parking improvements shall be provided in compliance with Chapter 32 of this title (Parking and Loading Standards).
2. The general requirement for off-street parking shall be ten (10) parking spaces (unless a greater number is determined as part of the conditional use permit), plus one parking space in a garage or carport for the caretaker's residence. (§ 2, Ord. 14-13, eff. October 8, 2014)

9.40.1430 Outdoor dining and seating areas.

This section provides developmental and operational standards for outdoor dining and seating areas located on private properties which are allowed subject to the approval of a site plan review, in compliance with Chapter 56 of this title and all of the following standards:

A. Alcoholic beverage sales. Areas in which alcoholic beverages are served shall comply with the standards established by the State Department of Alcoholic Beverage Control and the Police Department, shall require approval of an administrative use permit for outdoor retail sales and activities, in compliance with Chapter 62 of this title (Administrative Use Permits), or shall be subject to approval of a conditional use permit, in compliance with Chapter 64 of this title (Conditional Use Permits), as required in Table 2-4 of this title.

B. Parking requirements. Outdoor dining and seating areas parking requirements shall be calculated in compliance with Chapter 32 of this title (Parking and Loading Standards) for restaurants. Any dining or seating area within the public right-of-way shall be included for purposes of calculating the required number of parking spaces.

C. Cleanup facilities. Outdoor dining areas, whether part of a single restaurant or shared by several restaurants, shall provide adequate cleanup facilities, and associated procedures, in the following manner:

1. Cleaning schedule. Outdoor dining areas shall be cleaned on a continual basis for removal of litter and food items; and
2. Waste receptacles. Outdoor dining areas shall contain waste receptacles, which shall not be allowed to overflow, for use by the public and/or restaurant employees.

D. Compatibility. To ensure compatibility with surrounding uses and a high standard of quality, the following standards shall apply:

1. Compatible elements. Outdoor dining and seating areas and associated structural elements, awnings, covers, furniture, umbrellas, or other physical elements that are visible from public rights-of-way shall be compatible with the character of the main structure(s);
2. Entertainment. Outdoor dining and seating areas in commercial zoning districts that provide dancing, entertainment, or amplified music shall comply with the noise standards in Section [9.22.080](#) (Noise), and shall be subject to approval of a conditional use permit in compliance with Chapter 64 of this title, and may require an entertainment permit per Chapter 5 of Title [5](#);
3. Pedestrian experience. The use of awnings, plants, umbrellas, and other human scale elements is encouraged to enhance the pedestrian experience;
4. Potential impacts. Outdoor dining and seating areas and their relation to hospitals, places of assembly, public schools, and residential uses shall be considered by the review authority. Proper mitigation measures shall be applied to eliminate potential impacts related to glare, light, loitering, and noise; and
5. Obstructions. Outdoor dining and seating areas shall not obstruct vehicular or traffic flow and not necessitate the removal of existing pedestrian or vehicular movement areas. (§ 2, Ord. 14-13, eff. October 8, 2014)

9.40.1540 Outdoor display and sales.

This section provides developmental and operational standards for outdoor uses, including temporary outdoor display and sales in compliance with subsection A of this section (Temporary outdoor displays and sales), and permanent outdoor display and sales in compliance with subsection B of this section

(Permanent outdoor displays and sales). Outdoor uses on public property or within the public right-of-way shall require an encroachment permit. Temporary outdoor displays and sales shall comply with all applicable permits and all of the following standards:

A. Temporary outdoor displays and sales. Temporary outdoor displays and sales may be allowed subject to the requirements and approval of a temporary use permit, in compliance with Chapter 60 of this title and all of the following standards:

1. Fixed period of time. The permit shall identify a fixed period of time for the display or sale, or where not identified, the display or sale shall not exceed two (2) days for a temporary event;
2. Nuisance factors. Regulation of nuisance factors including prevention of glare or direct illumination on adjacent parcels, dirt, dust, gases, heat, noise, odors, smoke, waste, and vibration shall be required;
3. Operating hours. The permit shall regulate operating hours and days;
4. Parking. Adequate temporary parking facilities, pedestrian and vehicular circulation, including vehicular ingress and egress and public transportation, if applicable, shall be provided in compliance with Chapter 32 of this title (Parking and Loading Standards);
5. Performance bond. Submission of a performance bond or other surety measures, satisfactory to the Director, may be required to ensure that any temporary facilities or structures used would be removed from the site within five (5) calendar days following the termination of the event, and to ensure that the property would be cleaned of debris and litter so as to be completely free of all evidence of the temporary activity;
6. Sanitary facilities. Sanitary facilities, as identified in the permit, shall be provided;
7. Security. Provisions for security and safety measures, as identified in the permit, shall be provided;
8. Setbacks. Appropriate setbacks shall be maintained to ensure adequate separation from adjacent land uses and a safe environment for pedestrians and vehicles;
9. Signs. Signs may be provided in compliance with Chapter 34 of this title (Signs);
10. Temporary structures. Regulation of temporary structures and facilities shall be required, including location, height and size, and location of equipment and open spaces, including buffer areas;
11. Waste collection and disposal. Solid, hazardous, and toxic waste collection, recycling, and/or disposal shall be provided; and
12. Other conditions. Any other conditions that would ensure the operation of the proposed temporary event in an orderly and efficient manner shall be required.

B. Permanent outdoor displays and sales. The permanent outdoor display and sale of merchandise shall require an administrative use permit and comply with all applicable permits and all of the following standards:

1. Height of displayed materials. The outdoor display of merchandise shall not exceed a height of six feet (6') above finished grade;
2. Location of merchandise.
 - a. Displayed merchandise shall occupy a fixed, specifically approved and defined location that does not disrupt the normal function of the site or its circulation, and does not encroach upon driveways, landscaped areas, parking or loading spaces, or pedestrian walkways.
 - b. Displays shall not obstruct traffic sight areas or otherwise create hazards for vehicle or pedestrian traffic;
3. Relationship to main use. The outdoor display and sales areas shall be directly related to a business occupying a primary structure on the subject parcel;
4. Screening required. Outdoor display and sales areas shall be screened from adjacent public rights-of-way by decorative walls, fences, and/or landscaping in compliance with Section [9.24.090](#) (Screening and buffering). This requirement shall not apply to:
 - a. Plant nurseries;
 - b. Vehicle, boat, motorcycle, or recreational vehicle sales;
 - c. Limited on-site walkway displays adjacent to commercial development greater than fifty thousand (50,000) square feet; or
 - d. Outdoor displays of tires for sale shall be allowed; provided, the display does not exceed forty-two inches (42") in height and is no more than a total of forty (40) linear feet in length;
5. Signs. Additional signs, beyond those normally allowed for the subject use, shall not be provided as a result of the outdoor display and sales areas;
6. Operating hours. The hours of operation shall be restricted to 8:00 a.m. to 10:00 p.m., if located within three hundred feet (300') of a residential zoning district, or as identified in a permit;
7. Waste collection and disposal. Solid, hazardous, and toxic waste collection, recycling, and/or disposal shall be provided; and
8. Other conditions. Any other conditions that would ensure that the proposed use will be operated in an orderly and efficient manner shall be required.

C. Sidewalk permits. Sidewalk permits are allowed in the PBIA area consistent with the policy adopted by the City Council. (§ 2, Ord. 14-13, eff. October 8, 2014)

9.40.1650 Public utilities and services.

The following procedures shall apply to all public utilities and service installations.

A. Allowed uses. The provisions of this section shall not be construed as to limit or interfere with the construction, installation, operation, and maintenance of any use coming under the jurisdiction of the State Public Utilities Commission, which uses are related to the public utility purposes of electric light and power distribution and transmission lines, gas and water conduits, pipes, and mains, pole-mounted repeaters, sewers and sewer mains, telegraph and telephone lines, or telephone booths (except in the residential zoning districts), except as provided for in subsection B of this section.

B. Director's review of utility towers. The routes of proposed electric transmission lines shall be submitted to the Director for review and recommendation. The Director shall confine review to the height, placement, and route of the towers and their effect on neighboring land uses.

1. Power transmission lines shall be those lines which are intended to transmit electrical energy from:
 - a. The source of the energy to a receiving substation; or
 - b. A receiving substation to a distribution substation.
2. Before the acquisition of rights-of-way, the following plans and information shall be submitted to the Director for review and recommendation:
 - a. The location of the proposed route;
 - b. The type of towers and transmission lines;
 - c. The approximate height of the towers;
 - d. The width of the rights-of-way; and
 - e. Other pertinent data.
3. The Director may, when in the public interest, recommend a modification(s) as deemed necessary to protect the public health, safety, and welfare.
4. The Director shall complete review and make appropriate findings within thirty (30) days after the filing of the plans and accompanying data.

C. Appeal from Director's recommendation.

1. The recommendation of the Director may be appealed to the Commission within fifteen (15) days of the completion of the review and findings.
2. The appeal shall be placed on the agenda of the Commission’s next regular meeting.
3. The Commission shall review the findings and recommendation of the Director and shall make its decision within fifteen (15) days of the review, in compliance with Chapter 90 of this title (Appeals).

D. Appeal from the Commission’s recommendation.

1. The recommendation of the Commission may be appealed to the Council within fifteen (15) days of the completion of the review and findings.
2. The appeal shall be placed on the agenda of the Council's next regular meeting.
3. The Council shall review the findings and recommendation of the Commission and shall make its decision within fifteen (15) days of the review, in compliance with Chapter 90 of this title (Appeals).
4. The decision of the Council shall be final. (§ 2, Ord. 14-13, eff. October 8, 2014)

9.40.1760 Recycling facilities.

This section provides developmental and operational standards for various types and sizes of recycling facilities (e.g., reverse vending machine(s), small collection facilities, large collection facilities, and processing facilities), in compliance with Division 2 of this title (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards), which shall be subject to the following criteria and standards:

A. Permit requirements. Recycling facilities are subject to permit review/approval in compliance with Division 2 of this title (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards); provided, the following standards are met:

B. Developmental and operational standards. Recycling facilities shall comply with the following standards:

1. Reverse vending machine(s). Reverse vending machine(s) shall be allowed in compliance with all of the following standards:
 - a. The machines shall be installed as an accessory use in compliance with the applicable provisions of this Development Code, and shall not require additional parking.
 - b. If located inside of a structure, the machines shall be within thirty feet (30') of the entrance and shall not obstruct pedestrian circulation.

- c. If located outside of a structure, the machines shall not occupy required parking spaces, and shall be constructed of durable waterproof and rustproof material(s).
 - d. The machines shall not exceed a floor or ground area of fifty (50) square feet for each installation, including any protective enclosure, nor eight feet (8') in height.
 - e. The machines shall have a maximum sign area of four (4) square feet for each machine, exclusive of operating instructions.
 - f. The machines shall have operating hours which are consistent with the operating hours of the main use.
 - g. The area in front of the machines shall be illuminated to ensure comfortable and safe operation, if operating hours are between dusk and dawn.
2. Small collection facilities. Small collection facilities shall be allowed in compliance with all of the following standards:
- a. The facility shall not exceed a floor or ground area of three hundred fifty (350) square feet nor three (3) parking spaces, not including space that would be periodically needed for the removal of materials or exchange of containers.
 - b. The facility shall not use power-driven processing equipment, except for reverse vending machines.
 - c. The facility shall not be located within fifty feet (50') of any parcel zoned or occupied for residential use.
 - d. The facility shall be set back at least ten feet (10') from any public right-of-way, and not obstruct vehicular or pedestrian circulation.
 - e. The facility shall accept only glass, metal, or plastic containers, paper, and reusable items.
 - f. The facility shall use containers that are constructed with durable waterproof and rustproof material(s), secured from unauthorized removal of material, and shall be of a capacity sufficient to accommodate materials collected and the collection schedule.
 - g. Collection containers and site fencing shall be of a color and design that would be compatible and harmonious with the character of their location.
 - h. Signs may be provided as follows:

- (1) Recycling facilities may have identification signs with a maximum area of fifteen percent (15%) for each side of the structure or twelve (12) square feet, whichever is greater. In the case of a wheeled facility, the side shall be measured from the ground to the top of the container.
 - (2) Signs shall be both compatible and harmonious with the character of their location.
 - (3) Directional signs without advertising messages may be installed with the approval of the Director.
 - i. Additional parking spaces shall not be required for customers of a small collection facility located in the established parking lot of the main use.
 - j. Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present.
 - k. Use of parking spaces by the patrons and the attendant shall not reduce available parking spaces below the minimum number required for the main use, unless the Director determines that existing capacity is not fully utilized during the time the recycling facility would be on the site.
 - l. All structures shall architecturally integrate with the main structures on the same lot. Cargo containers shall not be used for structures unless architecturally treated per the City's adopted commercial design guidelines.
3. Large collection facilities. Large collection facilities, which are larger than three hundred fifty (350) square feet of floor or ground area, or located on a separate parcel not accessory to a main use, are allowed in the M-1 and M-2 Districts in compliance with Division 2 of this title (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards), subject to site plan review, in compliance with Chapter 56 of this title and all of the following standards:
- a. The facility shall not abut a parcel zoned or occupied for residential use.
 - b. The facility shall be screened from public rights-of-way by solid masonry walls or located within an enclosed structure.
 - c. Structure setbacks and landscaping shall be provided as required for the applicable zoning district.
 - d. Exterior storage of material shall be in sturdy containers that are secured and maintained in good condition. Storage, excluding truck trailers, shall not be visible above the height of the required solid masonry walls.
 - e. The site shall be maintained clean, sanitary, and free of litter and any other undesirable materials, and shall be cleaned of loose debris on a daily basis.

- f. Containers provided for “after hours” donation of recyclable materials shall be permanently located at least one hundred feet (100') from any parcel zoned or occupied for residential use, constructed of sturdy, rustproof material(s), have sufficient capacity to accommodate materials collected, and be secured from unauthorized entry or removal of materials.
- g. Dust, fumes, odor, smoke, or vibration, above ambient levels, shall not be detectable on adjoining parcels.
4. Processing facilities. Processing facilities shall be allowed, subject to conditional use permit and site plan review, in compliance with Chapter 56 of this title and all of the following standards:
- a. The facility shall not abut a parcel zoned or occupied for residential use.
- b. Light processing facilities are limited to baling, briquetting, compacting, crushing, grinding, shredding, and sorting of source-separated recyclable materials and repairing of reusable materials.
- c. A light processing facility shall not exceed forty-five thousand (45,000) square feet of floor or ground area, may have up to an average of two (2) outbound truck shipments of material each day, and shall not bale, compact, or shred ferrous metals, other than beverage and food containers.
- d. A heavy processor may exceed forty-five thousand (45,000) square feet of floor or ground area and two (2) outbound truck shipments each day, and may perform those functions not allowed at light processing facilities identified in subsection (B)(4)(c) of this section.
- e. The facility shall be screened from public rights-of-way by solid masonry walls or located within an enclosed structure.
- f. Exterior storage of material shall be in sturdy containers or enclosures that are secured and maintained in good condition. Storage, excluding truck trailers, shall not be visible above the height of the required solid masonry walls.
- g. Containers provided for “after hours” donation of recyclable materials shall be permanently located at least one hundred feet (100') from any parcel zoned or occupied for residential use, constructed of sturdy, rustproof material(s), have sufficient capacity to accommodate materials collected, and be secured from unauthorized entry or removal of the materials.
- h. Dust, fumes, odor, smoke, or vibration, above ambient levels, shall not be detectable on adjoining parcels. (§ 2, Ord. 14-13, eff. October 8, 2014)

9.40.1870 Right to farm.

This section provides the City's policy regarding the "right to farm" and contains a subdivider's and owner's disclosure statement which acknowledges the subdivider's and owner's understanding of the presence of the adjoining agricultural use and the City's policy regarding its right to continue.

A. Policy of the City.

1. It is the declared policy of the City of Clovis to preserve, protect, and encourage development of its agricultural land consistent with the California Civil Code Section [3482.5](#) which provides that no agricultural activity, operation, or facility, or appurtenances thereof, conducted or maintained for commercial purposes, and in a manner consistent with proper and accepted customs and standards, as established and followed by similar agricultural operations in the same locality, shall be or become a nuisance, private or public, due to any changed condition in or about the locality, after it has been in operation for more than three (3) years if it was not a nuisance at the time it began.

2. This policy applies to normally acceptable agricultural operations, as defined in the California Civil Code Section [3482.5](#), and shall not apply if the agricultural activity, operation, facility, or appurtenances thereof obstruct the free passage or use, in the customary manner, of any public park, square, street, or highway.

3. This policy shall not invalidate any provision contained in the Fish and Game Code, Food and Agricultural Code, Health and Safety Code, or Water Code Division 7 (commencing with Section 13000), if the agricultural activity, operation, facility, or appurtenances thereof constitute a nuisance, public or private, as specifically defined or described in any of those provisions.

B. Covenant. If a subdivision is at any point within three hundred feet (300') of land zoned for agricultural uses, the approval of the tentative and final subdivision map or parcel map shall be conditional upon the recordation with the County Recorder of a right-to-farm covenant acknowledging, accepting and complying with this section, in substantially the following wording or similar form:

The undersigned in consideration of recordation of said subdivision by the City of Clovis, do hereby covenant and agree with the declared policy of the City of Clovis (Right-to-Farm Ordinance) to preserve, protect, and encourage development of its agricultural land consistent with the California Civil Code Section [3482.5](#) which provides that no agricultural activity, operation, or facility, or appurtenances thereof, as defined in the code, conducted or maintained for commercial purposes, and in a manner consistent with proper and accepted customs and standards, as established and followed by similar agricultural operations in the same locality, shall be or become a nuisance, private or public, due to any changed condition in or about the locality, after it has been in operation for more than three years if it was not a nuisance at the time it began; that the described property is in or near agricultural districts and that the residents of the property should be prepared to accept the inconveniences and discomfort

associated with normal farm activities. This covenant shall run with the land and be binding upon all future owners, heirs, successors, and assigns to the property.

(§ 2, Ord. 14-13, eff. October 8, 2014)

9.40.1980 Vehicle service station standards.

This section provides locational, developmental, and operational standards for vehicle service stations (self-serve, truck, and motor vehicle), including new service stations in compliance with subsection B of this section (Developmental and operational standards for new service stations), and existing service stations in compliance with subsection C of this section (Developmental and operational standards for existing service stations).

A. Conditional use permit required. Vehicle service stations shall be allowed by a conditional use permit in compliance with Chapter 64 of this title, and subject to all of the provisions of the applicable zoning district.

B. Developmental and operational standards for new service stations. New vehicle service stations shall be located in compliance with Division 2 of this title (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards) and shall comply with the following standards, in addition to the standards identified in subsection C of this section (Developmental and operational standards for existing service stations), except for subsection (C)(19).

1. Driveway approaches shall not be located closer than two hundred fifty feet (250') from the projected intersection of the two (2) curb lines along the street frontages, or as approved by the City Engineer.

2. The Director shall review and make recommendations regarding proper and safe circulation for the patrons and the traveling public which may include:

- a. Number of vehicle spaces in the queuing/waiting line(s);
- b. Limiting on-street parking;
- c. Visibility for safe sight distance for ingress and egress; and
- d. Design of parking lots, etc.

3. All structures, except canopies, shall be set back a minimum of twenty feet (20') from any street property line and fifteen feet (15') from any interior property line.

4. Canopies shall have the following minimum setbacks unless the zoning district requires a greater setback:

- a. Detached canopies shall not project closer than five feet (5') from any property line; and
 - b. Canopies attached to the main structure shall not project closer than eight feet (8') from any property line.
5. Gasoline pumps or other dispensing facilities.
- a. Shall be set back a minimum of twelve feet (12') from the property line.
 - b. If the pumps, or the island upon which the pumps are located, are set in a perpendicular position to any street or property line, or if the pumps or islands are at any other position than parallel to a property line, the setback shall be a minimum of twenty feet (20'), so that all vehicular traffic by the pumps shall be far enough away from the property line so that there would be no hazard to pedestrians walking or traveling upon the sidewalk adjacent to the subject property.
 - c. The cashier location shall provide direct visual access to the pump islands and the vehicles parked adjacent to the islands.
 - d. Pump island aisles shall have a minimum width of twelve feet (12'). Pump island aisles shall not be counted as parking for meeting site parking requirements.
6. Structure design shall be compatible with the neighborhood or surrounding area of the subject site and shall not be detrimental to property values in the area.
- a. The structure shall conform to the exterior architectural design of other structures in the surrounding area.
7. The entire ground area of the site, except for structures and planting areas, shall be paved with concrete or asphaltic concrete paving to standards established by the City Engineer and Building Division.
8. Drainage flow lines shall be shown on the site plan and, if drainage is to the street, water shall be carried under sidewalks in a manner approved by the City Engineer.
9. Fill pipes for underground fuel storage tanks shall be located at least fifteen feet (15') from any property line, or further if required by the City Fire Code.
10. Refuse and recyclable material structures and storage areas shall be in compliance with Section [9.24.110](#) (Solid waste/recyclable materials storage).
11. Landscaping shall comprise a minimum of ten percent (10%) of the station site and shall be provided and permanently maintained in compliance with Chapter 28 of this title (Landscaping Standards), and the following regulations:

- a. A minimum ten-foot (10') wide (inside dimension) and six-inch (6") high curbed landscaped planter area shall be provided along all street frontages, except for driveway areas, and alongside any rear property lines adjoining residentially zoned properties. Trees shall be provided in the landscaped areas adjoining residentially zoned properties at a minimum rate of one tree for each twenty (20) lineal feet of planter area;
 - b. An on-site planter area of not less than two hundred (200) square feet shall be provided at the corner of two (2) intersecting streets. Landscaping shall not exceed a height of three feet (3') at this location;
 - c. In a reverse station design, the entire area between the back of the main structure and street intersection corner shall be provided in planters of not less than ten feet (10') in width (inside dimension) to be placed along interior property lines and around the perimeter of the structure;
 - d. All planters shall be equipped with a permanent irrigation system in compliance with Chapter 28 of this title (Landscaping Standards);
 - e. Planting materials with low heights (e.g., shrubs and groundcovers) shall not be allowed to achieve a height of more than three feet (3'), not be of a spiked or thorny type, and be maintained to prevent drooping over the perimeters of the planter when located adjoining public rights-of-way;
 - f. Plants achieving a greater height shall be required along interior property lines, but shall be reduced to a height of not more than three feet (3') where access is allowed to an adjoining shopping center or alley for a minimum distance of two feet (2') from the entrance;
 - g. Trees shall be planted in all planters, except in the planter at the corner intersection, subject to the approval of the Director. The trees shall be planted at a maximum distance of thirty feet (30') apart, unless an alternate plan, which yields a similar effect, is approved by the Director;
 - h. All trees and plantings shall be maintained by the operator of the station in compliance with Chapter 28 of this title (Landscaping Standards); and
 - i. Additional landscaping may be required by the Director to screen the station from adjoining properties.
12. All exterior light sources, including canopy, flood, and perimeter, shall be energy efficient, stationary, and shielded or recessed within the roof canopy to ensure that all light, including glare or reflections, is directed away from adjoining properties and public rights-of-way, in compliance with Section [9.22.050](#) (Exterior light and glare).
13. Service bay doors shall not directly face or be viewable from adjoining public rights-of-way or a residential development or zoning district.

14. Screening and buffering of stations.
 - a. A station which adjoins property in a residential zoning district shall provide a six-foot (6') high solid decorative masonry wall along the common property line, except immediately adjacent to the front setback of any residential use next to the station, in which case the maximum height shall be three feet (3'), except in locations where an existing structure is situated on the property line(s) of the site.
 - b. The wall shall be compatible with on-site development and adjoining properties, subject to the review and approval of the Director.
 - c. The wall shall be constructed before or at the same time as the main structure.
 - d. Walls shall not be required separating a station use from another commercial use. In the case of a station being located adjacent to a shopping center area or an alley, a four-foot (4') wide planter shall be required separating the station from the shopping center area or alley, in compliance with Chapter 28 of this title (Landscaping Standards).
 - e. Openings in the planter may be made to allow access to and from the adjoining shopping center area. The openings may only be allowed upon review and approval by the City Engineer to ensure against the creation of traffic hazard(s).
 - f. A fuel service station where the fueling operations are adjacent to the streets, a three-foot (3') high decorative masonry wall shall be placed to screen vehicle lights from street traffic. A combination of a low wall and landscaping may be considered during the conditional use permit process.
15. All on-site utilities, including electric and telephone, shall be placed underground.
16. The station shall meet or exceed all applicable provisions of the City Fire Code.
17. The applicable review authority may require other standards or criteria it deems to be reasonable and necessary to protect the public convenience, health, interest, safety, or general welfare of the surrounding neighborhood.
18. All of the following findings shall be made, in addition to those identified in Chapter 64 of this title (Findings and Decision), to approve a conditional use permit:
 - a. The proposed station is compatible with existing commercial development and the surrounding residential neighborhood;

- b. The proposed structure and site are adequate to accommodate the proposed use and the design of the facility would ensure that a minimum of conflict would occur with surrounding uses; and
 - c. The proposed station would comply with the development standards, conditions, and restrictions identified in this section.
- C. Developmental and operational standards for existing service stations. An existing vehicle service station shall comply with all of the following standards:
1. The modification or expansion of a station on an existing site with less dimensions than those identified in subsection B of this section (Developmental and operational standards for new service stations) would not be prohibited by the provisions of this section.
 2. Any request to modify or enlarge an existing station by increasing the existing floor area by twenty-five percent (25%) or more shall require full compliance with this section, specifically both subsections B and C of this section.
 3. All activities and operations (e.g., display and sales, etc.) shall be conducted entirely within an enclosed structure with the following exceptions, but only if approved by a site plan review, in compliance with Chapter 56 of this title:
 - a. The dispensing of petroleum products, air, and water from pump islands; and
 - b. The display and sale of items.
 - (1) Open racks or unenclosed stacks of merchandise shall not be allowed on a pump island.
 - (2) Vending machines shall be placed next to the main structure in a designated area not to exceed thirty-two (32) square feet, and shall be screened from public view.
 - (3) Other retail products may be displayed outside of the main structure. However, these products shall not be located at random, but shall be enclosed in a movable display rack or structure that can be opened for customer viewing. These displays shall be confined to an area within five feet (5') of the main structure, and not exceed a total of thirty-two (32) square feet.
 4. Outdoor storage of vehicles not capable of moving under their own power (e.g., disabled or junk vehicles) shall not be allowed on any station site for longer than forty-eight (48) hours.
 5. All vehicle repair work shall be conducted within an enclosed structure, in a manner that shall not create a disturbance or become a nuisance to the adjoining properties. Outdoor vehicle repair work is prohibited.

6. Minor repair work or vehicle servicing shall be allowed, but only when performed entirely within an enclosed structure. Minor repair or vehicle servicing is defined as any of the following activities:
- a. The retail sale of batteries, oil, tires, and new accessories;
 - b. Battery services, charging, and replacement, but not including repairs or rebuilding;
 - c. Brake adjustments, replacement of brake cylinders, brake fluid lines, brake pads and/or shoes, and brake rotors and/or drums;
 - d. Front end and wheel alignment when located within an enclosed structure. This shall not include the straightening of automobile frames;
 - e. Incidental waxing and polishing;
 - f. Radiator cleaning and flushing, but not including repairs or steam cleaning;
 - g. Tire changing and repairing (but not including recapping);
 - h. Vehicle washing, not including mechanical car washing or steam cleaning;
 - i. The installation of minor accessories;
 - j. The lubrication of motor vehicles; and
 - k. The testing, adjustment, and replacement of carburetors, coils, condensers, distributor caps, fan belts, filters, fuel pumps, generators/alternators, points, spark plugs, voltage regulators, water hoses, and wheel balancing.
7. "Major repair" is defined as any extensive disassembly, repair, or replacement of drive train components (e.g., clutch, differential, engine, and transmission). Open flame welding, use of flammable liquids, body, frame and fender repair, painting, or upholstery work shall also be considered major repair work. Major repair work shall be prohibited.
8. All restroom entrances shall be screened from view of adjoining properties or public rights-of-way by solid or louvered material, decorative screening, or planters, subject to the review and approval of the Director.
9. Noise from bells, loudspeakers, or tools shall be in compliance with Section [9.22.080](#) (Noise) and shall not be audible from residentially zoned or occupied parcels between the hours of 7:00 p.m. and 7:00 a.m. on weekdays and Saturdays, and before 10:00 a.m. and after 7:00 p.m. on Sundays and nationally recognized holidays.

10. Spaces for the parking of vehicles on a station site shall be provided in compliance with Chapter 32 of this title (Parking and Loading Standards). The following vehicles may be parked on site:
- Vehicles which are in the process of being serviced;
 - Vehicles belonging to employees of the station; and
 - No more than two (2) trucks, other than rental trucks, when used by the business except when allowed by the Police Department for tow truck service to the City.
11. Regular parking of up to four (4) tow trucks and temporary overnight parking for customers' trucks may only be allowed in larger super stations. Additional landscaping shall be required because of the increased parking on site.
12. Parking is prohibited where it would impede the view of traffic in the public streets. A "diagonal" shall be drawn from the inside edge of the two (2) corner curb cuts, and no parking or commercial activities shall be allowed in the area between the diagonal and the intersection.
13. Vehicles shall not be used as an on-site residence nor shall they be parked on:
- Alleys, driveways, parkways, or sidewalks;
 - The premises for the purpose of vehicular sales; or
 - Site for service or repair for longer than forty-eight (48) hours.
14. All on-site signs shall be in compliance with Chapter 34 of this title (Signs).
15. Stations may receive used motor oil for subsequent recycling and removal, subject to approval by the City Fire Department.
16. The property owner shall be responsible for removing any gasoline dispensing devices, signs, and storage tanks that are situated at a facility that has been vacant for a continuous period of at least one hundred eighty (180) days.
17. A station structure or facility shall not be converted to a different use unless the conversion is first approved by site plan review in compliance with Chapter 56 of this title. The replacement use shall be in compliance with Division 2 of this title (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards).
18. A station may also sell alcoholic beverages, but only in full compliance with all of the following requirements:

- a. The sale of alcoholic beverages shall first require the approval of a conditional use permit, in compliance with Chapter 64 of this title;
- b. Alcoholic beverages shall only be sold from within a permanent structure and shall not be displayed within five feet (5') of the cash register or the front door unless they are in a permanently affixed storage container;
- c. Advertisement of alcoholic beverages shall not be displayed at the pump islands;
- d. Sale of alcoholic beverages shall not be made from a drive-in or drive-through window;
- e. Display of beer and wine shall not be made from an ice tub or any similar portable container;
- f. Illuminated advertising for alcoholic beverages shall not be located on doors, structures, or windows; and
- g. A minimum of eight (8) parking spaces, or the equivalent of one space for each two hundred (200) square feet of gross floor area for the structure from which the alcoholic beverages are sold, whichever is greater, shall be provided on site.

19. Where an existing station adjoins property in a residential zoning district, a six-foot (6') high decorative solid masonry wall shall be constructed along the common property line at the time the station receives an entitlement to modify or enlarge the station by increasing the existing floor area by twenty-five percent (25%) or more.

- a. Colors, design, materials, and textures of the wall shall be compatible with on-site development and adjoining properties and shall be subject to the review and approval of the Director.
- b. When the wall reaches the established front setback line of a residentially zoned parcel adjoining or directly across an alley from the station, the wall shall decrease to a maximum height of three feet (3'). (§ 2, Ord. 14-13, eff. October 8, 2014)

9.40.20190 Low barrier navigation center use by right. Added [Ord. 19-21, eff. until 1/30/20](#) Amended [Ord. 20-02, eff. until 12/15/20](#)

9.42.030 Standards for all wireless telecommunication facilities.

All wireless telecommunication shall be in compliance with the following standards:

- A. General. Antennas allowed by this chapter shall comply with all applicable zoning and building codes.
- B. Compliance with Division 2 of this title. Wireless telecommunications facilities are allowed in compliance with Division 2 of this title (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards).

C. Visual impact.

1. Antennas and accessory wireless equipment shall be located, installed, and mounted in a manner to minimize to the greatest extent possible the visibility of the antennas and equipment.
2. The application for the required City approval shall include photo simulations of the proposed facility, propagation map, and all related equipment.

D. Minimum setback.

1. Antennas and wireless telecommunication facilities shall be set back at least one hundred feet (100') from any parcel zoned residential.
2. The one-hundred-foot (100') setback may be reduced subject to the Commission's review and approval, but no less than the height of the facilities (e.g., antennas, pole) plus twenty-five feet (25').

E. Public right-of-way.

1. Antennas and wireless telecommunications facilities shall also be allowed in the public right-of-way when an encroachment permit is obtained from the Planning and Development Services Department.
2. The permit shall not be granted until all of the applicable requirements are met, including an agreement for compensation to the City.

F. Nonexclusive condition. Wireless telecommunication facilities shall be conditioned to be nonexclusive in order to encourage colocation with separate providers.

G. Height. The height of any antenna or wireless telecommunication facility shall not exceed the maximum height of the subject zoning district.

1. Wireless telecommunication facilities. Wireless telecommunication facilities (e.g., antennas, poles, towers, and necessary mechanical appurtenances), installed in compliance with Chapter 42 of this title may be authorized to exceed the height limit established for the applicable zoning district, subject to an administrative use permit in compliance with Chapter 62 of this title and a site plan review in compliance with Chapter 56 of this title. (§ 2, Ord. 14-13, eff. October 8, 2014)

H. Screening.

1. Antennas and accessory wireless equipment, if visible, shall be screened with landscaping to the greatest extent possible.
2. The base shall be landscaped to screen equipment cabinets or the equipment cabinets shall be architecturally compatible with adjacent structures.

3. This landscaping shall be subject to the review and approval of the Director.
 4. All landscaping screening shall be required to be properly maintained in compliance with Chapter [28](#) of this title (Landscaping Standards) and replaced if necessary by the applicant as long as the associated antenna or wireless equipment is in use.
- I. Freestanding facilities.
1. Freestanding wireless telecommunications facilities shall be located on sites where the facility shall be set back from arterial streets and major traffic corridors to the greatest extent possible.
 2. Freestanding wireless telecommunication facilities or antennas shall be painted to match the background or to match existing and surrounding structures.
- J. Side-mounted facilities.
1. Side-mounted facilities located on a structure shall be consistent with existing architectural features of the structure.
 2. An architectural theme may be required in order to create a balanced appearance.
 3. Side-mounted facilities on structures shall be painted to match the structure but the paint shall be of a subdued color or nonreflective materials which match the existing or surrounding structures.
- K. Roof-mounted facilities. Roof-mounted facilities shall be appropriately screened from view from existing structures where possible or shall be screened from view with a facade which complements the architecture of the structure to create a balanced integrated edge treatment.
- L. Change of ownership. Notice of change of ownership shall be provided to the City. Lawfully constructed wireless telecommunication facilities that are no longer in operation shall be removed promptly from the premises within ninety (90) days after the discontinuation of the facility.
- M. Performance bond required. A performance bond shall be posted with the City to ensure the removal, to ensure that corrective work is performed, and that graffiti is promptly removed. The bond shall be in a form and amount as determined sufficient by the City Attorney.
- N. Indemnification. The applicant shall agree to indemnify, hold harmless, and defend the City, its officers, agents, and employees from any and all liability or claims that may be brought against the City arising out of its approval of an encroachment permit or any other approval of a facility.
- O. Signs prohibited. Signs shall be prohibited on wireless telecommunications facilities unless required by Federal, State, or local law. (§ 2, Ord. 14-13, eff. October 8, 2014)

9.58.060 Home occupation Operating standards.

Home occupations shall comply with the locational, developmental, and operational standards specified in Section 9.40.110 (Home occupation standards). (§ 2, Ord. 14-13, eff. October 8, 2014)

A. Locational and operational standards.

1. This section provides locational, developmental, and operational standards for the conduct of home enterprises which are subordinate to and compatible with surrounding residential activities.

2. A home occupation permit shall be applied for and granted in compliance with Chapter 58 of this title before the initiation and operation of a home enterprise.

B. Operating standards for all home occupations. Home occupations shall comply with all of the following locational, developmental, and operational standards:

1. Incidental and subordinate uses. The home occupation shall be subordinate to and compatible with surrounding residential uses;

2. No outside employees. Only the occupant(s) of the dwelling may be engaged in the home occupation, except for permissible group housing and/or cottage food industry consistent with State law;

3. Not alter appearance of dwelling. The home occupation shall not alter the appearance of the dwelling, nor shall the conduct of the home occupation be recognized as serving a nonresidential use (either by color, construction, lighting, materials, signs, sounds or noises, vibrations, etc.), excepting one wall-mounted sign referenced within this subsection;

4. Business tax certificate *license* required.

a. A home occupation shall not be initiated until a current business tax certificate *license* is obtained in compliance with Section 3.1.101 (Business license fees).

b. Immediately following the effective date of an approved home occupation permit, the applicant shall obtain a business tax certificate *license*;

5. No display or storage. Except as allowed by these standards there shall be no display, distribution, or storage of merchandise, materials, or supplies on the premises;

6. No sale of products.

- a. There shall be no sales of products or services from the site which are not produced on the premises (other than ancillary products needed for on-site service and repair).
 - b. Sales or service involving the Internet is allowed when all of the business functions are conducted via the Internet;
7. Only one sign allowed. Only one wall-mounted sign, not exceeding two (2) square feet in area, and only indicating the address and name of the resident or the home occupation shall be allowed;
8. No advertising. There shall be no commercial advertising which identifies the home occupation by street address except for "Large Home Occupation – Group Homes," consistent with State law;
9. Location of home occupation.
- a. The home occupation shall be confined completely to one room located within the main dwelling, except permissible group housing and/or cottage food industry consistent with State law;
 - b. Shall not occupy more than the equivalent of twenty-five percent (25%) of the gross area of the ground level floor, except for permissible group housing and/or cottage food industry consistent with State law;
 - c. Garages or other enclosed accessory structures shall not be used for home occupation purposes other than parking, except for the storage of incidental office supplies where two (2) parking spaces are maintained;
 - d. Horticulture or other agricultural activities may be conducted outdoors, but only within the rear one-third (1/3) of the subject parcel;
10. Patron limit.
- a. The transaction of business at the dwelling shall be limited to eight (8) patrons or customers for any calendar day.
 - b. This provision shall not be construed to limit the business transacted by the operator of the home occupation solely by means of telephone or mail, or similar means of communications, or while away from the site of the home occupation;
11. One-ton truck.
- a. Only one vehicle, owned by the operator of the home occupation, which is no larger than a one-ton truck may be used by the occupant(s) directly or indirectly in connection with a home occupation.

b. The vehicle shall be stored within an entirely enclosed garage or in the side or rear yard, behind a five-foot (5') to six-foot (6') high solid fence or wall;

12. Use of commercial vehicles. The home occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises in a manner different from normal residential usage, except for FedEx, UPS, or USPS-type home deliveries/pick-ups;

13. Use of commercial/residential trailers. Trailers used in conjunction with the home occupation shall be stored within an entirely enclosed garage or in the side or rear yard, behind a five-foot (5') to six-foot (6') high solid fence or wall;

14. No encroachment. The home occupation shall not encroach into any required parking, setback, or open space areas;

15. No mechanical equipment. There shall be no use or storage of material or mechanical equipment not recognized as being part of a normal household or hobby use;

16. No utilities or community facilities. There shall be no use of utilities or community facilities beyond that normal to the use of the property for residential or agricultural purposes;

17. No hazards or nuisances. The use shall not create or cause dust, electrical interference, fumes, gas, glare, light, noise, odor, smoke, toxic/hazardous materials, or vibration that can or may be considered a hazard or nuisance;

18. No negative impacts. Negative impacts that may be felt, heard, or otherwise sensed on adjoining parcels or public rights-of-way shall not be allowed;

19. Fire safety. Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises;

20. Pedestrian or vehicular traffic. Generation of pedestrian or vehicular traffic or parking demand in excess of that customarily associated with the residential zoning district in which it is located shall not be allowed;

21. Permit nontransferable. A home occupation permit shall not be transferable;

22. Only one home occupation. Only one home occupation may be allowed in any dwelling;

23. Property owner's authorization required. For rental property, the property owner or property management's written authorization for the proposed use shall be obtained and submitted with the application for a home occupation permit;

24. Preexisting home occupations. All preexisting home occupations shall conform with all applicable Development Code requirements before or upon renewal of the annual business tax certificate *license*; and

25. Visitation. Visitation and deliveries incidental to the home occupation shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday, 8:00 a.m. to 6:00 p.m. on Saturdays, and there shall be no business activity allowed on Sunday, except for permissible group homes which are consistent with State law. (§ 2, Ord. 14-13, eff. October 8, 2014)

**Chapter 9.96
PUBLIC COMMENTS**

Sections:

- 9.96.010 Timely public comments.
- 9.96.020 Comments for Planning Commission meeting.
- 9.96.030 Comments for City Council meeting.
- 9.96.040 Close of public hearing: continuances.

9.96.010 Timely public comments.

Comments from the public and interested agencies on discretionary land use entitlements are welcome and strongly encouraged. In order to provide proper consideration of public comments, any written comments should be submitted not less than five (5) calendar days before the scheduled public hearing. Written comments and documents submitted after that time, unless also within the noticed public review period, including comments and documents submitted the day of the public hearing, will be considered at the discretion of the reviewing body. If considered, the late comments, including any response thereto, shall be given the weight they are due. Factors to consider in evaluating whether and how to respond to late comments include, but are not limited to:

- Time period provided for public review.
- Accuracy of public hearing notice.
- Level of detail in comments.
- Explanation of relevance of comments and documents.
- Reasons for failing to comment earlier.

9.96.020 Comments for Planning Commission meeting.

The Planning Commission serves a vital role in in the decision making process. The Commission is a statutorily created reviewing body, codified in the Municipal Code. The Commission may serve

as either the final decision maker or as an advisory body to the City Council, depending on the nature of the action taken.

California Government Code, sections 65850 and 65853 provide that the Planning Commission shall consider changes from one zone to another, as well as any regulations affecting the use of land. These include regulations affecting the size and use of lots, building lot coverage, land use intensity, and setback lines. The Commission considers public land uses, including civic centers, parks and public buildings.

Clovis Municipal Code, section 9.80.040C, generally describes the Commission's duties and authority as follows: the review of development projects, including referrals from the Director; the recommendation to the Council for final decisions on development agreements, Development Code amendments, General Plan amendments, interpretations, specific plans, Zone Map amendments, and other applicable policy or Development Code matters related to the City's planning process; and review for compliance with the California Environmental Quality Act.

Given the critical role the Planning Commission serves in land use decision making, it is very important that individuals, entities, and public agencies wishing to comment on a land use project provide those comments to the Planning Commission, even if the Planning Commission's action is only a recommendation to the City Council or is final but appealable to the City Council.

In that regard, those persons, entities, and public agencies who submit written comments and documents for the first time at the City Council meeting, when they had an opportunity to present those comments and documents before the Planning Commission, shall be treated as late comments subject to consideration in accordance with Section 9.96.010. Otherwise, the role of the Planning Commission is usurped.

9.96.030 Comments for City Council meeting.

Persons, entities, and public agencies submitting written comments and documents at the City Council public hearing shall be considered in accordance with the provisions of Section 9.96.010. Written comments and documents submitted for the first time at the City Council meeting, when the commenter had an opportunity to present those comments and documents before the Planning Commission, shall be subject to the provisions of Section 9.96.020. The City Council may also refer the matter back to the Planning Commission for consideration.

9.96.040 Close of public hearing: continuances.

Nothing in this Chapter shall prevent the Planning Commission or City Council from closing the public hearing and continuing the action item in order to respond to oral or written comments and documents received. After the close of the Public Hearing, no new substantive oral or written comments or documents shall be submitted. In the event any such comments or documents are submitted, they shall be noted as received, and shall be considered solely at the discretion of the reviewing body.

An exception to this rule shall exist if the reviewing body agrees to consider new substantive evidence not previously in the record. Any public comments under this exception shall be limited to the new substantive evidence.

9.102.120 Tentative map time limits and expiration.

A. Valid for thirty-six (36) months. An approved tentative map, ~~except for a vesting tentative map (see Section 9.102.110(D)(4)(a))~~, is valid for thirty-six (36) months after its effective date (Section 9.102.080). At the end of thirty-six (36) months, as applicable, the approved tentative map shall expire and become void unless:

1. A parcel or final map, and related security and improvement agreements, have been timely filed and accepted by the City Engineer in compliance with Chapter 104 of this title (Parcel Maps and Final Maps); or
2. An extension of time has been granted in compliance with Section 9.102.130.

B. Expiration of an approved map. Expiration of an approved tentative map or vesting tentative map shall terminate all proceedings. The application shall not be reactivated unless a new tentative map application is filed. (§ 2, Ord. 14-13, eff. October 8, 2014)