

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF LINDSAY, CALIFORNIA, ESTABLISHING LAND USE DISTRICTS OR ZONES, A ZONE PLAN DESIGNATING BOUNDARIES AND AMENDING TITLE 18 OF THE LINDSAY MUNICIPAL CODE AND ADOPTING REGULATIONS CONTROLLING: THE USES OF LAND; THE DENSITY OF POPULATION, THE BULK, LOCATIONS, AND USES OF ALL STRUCTURES; THE AREAS AND DIMENSIONS OF SITES AND THE EXTERNAL APPEARANCE OF CERTAIN USES, STRUCTURES AND SIGNS; REQUIRING THE PROVISION OF USABLE OPEN SPACE, SCREENING AND LANDSCAPING, AND OFF-STREET PARKING AND OFF-STREET LOADING FACILITIES; CONTROLLING THE LOCATION, SIZE AND ILLUMINATION OF SIGNS; PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE REGULATIONS; AND PROVIDING FOR THE AMENDMENT OF THE DISTRICT BOUNDARIES AND REGULATIONS.

ADOPTED ON _____, 1991

THE CITY COUINCIL OF THE CITY OF LINDSAY DOES ORDAIN AS FOLLOWS:

SECTION 1

Title 18 of the Lindsay Municipal Code is hereby amended to read as follows:

TITLE 18 - ZONING

ARTICLE 1 - GENERAL

SECTION 18.01.010 ADOPTION

There is hereby adopted, as provided herein, a Zoning Code for the City of Lindsay, State of California, which is a part of the Lindsay City Code.

SECTION 18.01.020 PURPOSES AND OBJECTIVES OF THE CODE

The Zoning Code is adopted to preserve, protect and promote the public health, safety, peace, comfort, convenience, prosperity and general welfare. More specifically, the code is adopted to achieve the following objectives:

- A. To provide a zone plan to guide the physical development of the City in such a manner as to achieve progressively the general arrangement of land uses described and depicted in the General Plan.
- B. To foster a wholesome, serviceable and attractive living environment, the beneficial development of areas which exhibit conflicting patterns of use, and the stability of existing land uses which conform with objectives, policies, principles and standards of the General Plan.
- C. To prevent excessive population densities and overcrowding of land with structures.
- D. To promote a safe, effective traffic circulation system, the provision of adequate off-street parking and truck loading facilities, and the appropriate location of community facilities.

- E. To protect and promote appropriately located commercial and industrial activities in order to preserve and strengthen the City's economic base.
- F. To protect and enhance real property values and the City's natural assets.
- G. To ensure unimpeded development of such new urban expansion that is logical, desirable and in conformance with objectives and policies of the General Plan.
- H. To provide and protect open space in accordance with policies of the Open Space Element of the General Plan, including avoiding the premature development of prime agricultural lands.

SECTION 18.01.030 SHORT TITLE

This ordinance shall be known as the "Zoning Code". The words "code" and "ordinance" as used herein shall have the same meaning.

SECTION 18.01.040 COMPONENTS OF THE ZONING ORDINANCE

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

SECTION 18.01.050 INTERPRETATION

In their interpretation and application, the provisions of this code are held to be minimum requirements except where they are expressly stated to be otherwise. No provision of this code is intended to abrogate, repeal, annul, impair or interfere with any existing ordinance of the City of Lindsay, except as specifically repealed herein, or deed restriction, covenant, easement, or other agreement between parties, provided that where this code imposes greater restrictions or regulations than are imposed or required by an existing ordinance, deed restriction, covenant, easement, or agreement between parties, this ordinance shall control.

SECTION 18.01.060 APPLICATION

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

- A. Public streets and alleys.
- B. Underground utility lines and facilities.
- C. Overhead communication lines.
- D. Overhead and underground electric and gas distribution and transmission facilities, subject to the provisions of Article 16.
- E. Railroad rights-of-way, as defined in Article 25.
- F. Other exemptions specifically allowed by State Law or amendments thereto.

SECTION 18.01.070 CONSTRUCTION AND DEFINITIONS

The definitions of words used in this ordinance, and the construction of the words and provisions thereof, shall be as set forth in Article 25.

SECTION 18.01.080 EFFECT OF GRAPHIC AIDS

Graphics provided in this code in the form of specialized tables, charts, graphs, illustrations, maps and other forms of graphics are intended solely as a convenience to the user in identifying requirements of the ordinance. In the event of any conflict between such graphics and the written regulations, the written regulations shall prevail.

ARTICLE 2 - ESTABLISHMENT AND DESIGNATION OF ZONING DISTRICTS

SECTION 18.02.010 DISTRICTS

The base districts establish the basic land use and property development regulations applicable to all property within the City as provided under Section 18.01.060. The combining districts provide additional regulations which are to be exercised over certain lands in order to meet special community health, safety, welfare, environmental or development objectives described by the General Plan. Combining district regulations apply in addition to the base zone and other regulations of this code.

The base and combining districts established by the zoning ordinance are hereby designated as follows:

A. **Base Districts:**

The RA, R & REM Districts are also subject to the density limitations, policies and standards of the Land Use Element of the Lindsay General Plan. The Base Districts are as follows:

- RCO RESOURCE, CONSERVATION AND OPEN SPACE DISTRICT
- UR URBAN RESERVE DISTRICT
- RA RESIDENTIAL ACREAGE DISTRICT
- R ONE-FAMILY RESIDENTIAL DISTRICTS
 - R-1-7 7,000 square feet minimum site area
 - R-1-5,-PUD 5,000 square feet minimum site area
- REM MULTI-FAMILY RESIDENTIAL DISTRICTS
 - REM-MH8 Eight (8) mobile homes per net acre
 - REM-3 3,000 square feet minimum site area per dwelling unit
 - REM-2 2,000 square feet minimum site area per dwelling unit
 - REM-1.5 1,500 square feet minimum site area per dwelling unit
- PO PROFESSIONAL OFFICE DISTRICT
- C COMMERCIAL DISTRICTS
 - CN Neighborhood Commercial District
 - CC Central Commercial District
 - CS Service Commercial District
 - CH Highway Commercial District
- I INDUSTRIAL DISTRICTS
 - IL Light Industrial District
 - IH Heavy Industrial District
 - IP Planned Industrial District

B. Combining Districts:

PUD - PLANNED UNIT DEVELOPMENT DISTRICT

MXU - MIXED USE DISTRICT

SECTION 18.02.020 DISTRICT BOUNDARIES

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

- A. Where a boundary line is indicated as following a street, alley, railroad right-of-way, drainage channel or other watercourse, the centerline of such street, alley, railroad right-of-way, drainage channel or other watercourse shall be considered to be the boundary line.
- B. Where a boundary line is indicated as following a lot line or property line, it shall be construed as following such lot line or property ownership line.
- C. Where a boundary line is not indicated as following a street or alley and does not follow or coincide approximately with a lot line or property ownership line, the boundary line shall be determined by the use of the scale designated on the zone plan.
- D. Where further uncertainty exists, the Planning Commission, upon written application or on its own motion, shall determine the location of the boundary in question, giving due consideration to the location indicated on the zone plan and the objectives of the zoning code and the purposes set forth in the district regulations and the General Plan.

SECTION 18.02.030 EFFECT OF DISTRICT REGULATIONS

Except as otherwise provided in this code:

- A. No structure or part thereof shall be erected, altered, added to or enlarged, nor shall any site or structure be used, designated or intended to be used for any purpose, or in any manner other than is structure, land or premises is located.
- B. No structure or part thereof shall be erected, nor shall any existing structure be altered, enlarged or rebuilt or moved into any district, nor shall any open space be encroached upon or reduced in any manner, except in conformity to the yard, site area and building location regulations hereinafter designated for the district in which such structure or open space is located.
- C. No yard or other open space on one site shall be considered as providing a yard or open space for a structure on any other site.
- D. Two or more abutting lots may be combined and used as though a single site. Such combination of lots shall be deemed to be a single site for all purposes of this code, provided, however, that there shall not exist on any part thereof any structure or improvement which depends for compliance with this code upon the same being treated as a single site.
- E. A lot, or lots, may be divided into parts, provided that each part is equal to or exceeds the minimum lot area requirements of the code, and so long as such parts are used as though separate lots they shall be deemed to be separate lots under all provisions of this code.

- F. No deed or conveyance of any portion of a site shall be made which reduces the site area, yards, off-street parking spaces or other minimum requirements of this code, without the prospective grantor and grantee first recording, in the Office of the Tulare County Recorder, a covenant for the benefit of the City of Lindsay agreeing that such site shall continue to be maintained, operated and used as though a single site so long as any part thereof depends on the other for compliance with the provisions of this code.
- G. Any lot recorded prior to the adoption of this ordinance, any lot of record in any area heretofore or hereafter annexed to the City, and any lot affected by an action of eminent domain as described in Article 15, which are substandard with respect to the minimum lot area requirements of this ordinance, shall be classified as a legal substandard lot'. The existence of a legal substandard lot shall not be deemed to change any other requirement or regulation pertaining to such lot. Except as provided under paragraph H. of this section, no lot shall be deemed to be a legal substandard lot where such lot, at the time of the adoption of this ordinance, or upon annexation or upon being affected by an action of eminent domain, has a common side lot line with another lot under the same ownership.
- H. Where a group of legal substandard lots have common side lot lines and are under the same ownership, and have in the aggregate less than the minimum lot area required for the zoning district in which located, the aggregate of such lots may be continued to be used as a single legal substandard lot.

SECTION 18.02.040 CHANGES OF DISTRICT BOUNDARIES OR REGULATIONS DUE TO ANNEXATION OR RIGHT-OF-WAY ABANDONMENT

- A. All territory annexed to the City which was previously classified by the County in a particular zoning district may be retained by the City if such classification is also provided for by this code and is consistent with the Lindsay General Plan.
- B. Where property to be annexed to the City was classified previously by the City under pre-zoning provisions of State Law and this ordinance, such pre-zoning classification shall become effective at the same time that the annexation becomes effective.
- C. All territory which becomes unzoned through abandonment as a public street, alley or railroad right-of-way shall immediately become classified the same as the property adjoining such right-of-way.

SECTION 18.02.050 REQUIREMENTS FOR MAINTAINING CONSISTENCY WITH GENERAL PLAN.

- A. Zoning districts shall be applied to all public and private property in a manner that is consistent with applicable policies and land use arrangements set forth in the General Plan.
- B. All actions and procedures pertaining to the granting, modification or denial of various permits or other entitlements provided by the ordinance, including use permits, site plans, planned unit development, and amendments, shall be consistent with applicable policies and land use arrangements set forth by the General Plan.
- C. The City shall not accept any application as a filing for any permit or entitlement provided for by this ordinance if such permit or entitlement would in any way be inconsistent with applicable policies and land use arrangements of the General Plan.
- D. Where amendments to policies of the General Plan have not yet been reflected in appropriate amendments to the zoning ordinance, the policies of the General Plan shall govern as if set forth herein until corresponding regulations have been added to this ordinance consistent with such policies of the General Plan.

ARTICLE 3 - ZONE PLAN

SECTION 18.03.010 ADOPTION OF ZONE PLAN

In order that comprehensive zoning regulations may be applied uniformly to all incorporated territory with the adoption of this ordinance, Map No. 301 is hereto attached and made a part of this ordinance by reference with the same force and effect as if the boundaries, together with any notations, references and information shown on said map were specifically set out and described in this code.

Map No. 301, together with such additional maps as may be adopted in accordance with the provisions of this article and this ordinance, shall be known as the Zone Plan of the City of Lindsay.

SECTION 18.03.020 DIVISION OF THE ZONE PLAN

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

SECTION 18.03.030 AMENDMENTS TO THE ZONE PLAN

Amendments to the zone plan shall be adopted in the manner provided for changing district boundaries as prescribed in Section 18.23.020 and Sections 18.23.040 through 18.23.090 of this code. Said code shall be recognized by the addition to this article of the code section adopting said map and the filing of said map, properly attested, in the office of the Lindsay City Clerk. Amendments to the zone plan shall be identified by consecutive numbers preceded by the last two numbers of the year in which adopted.

SECTION 18.03.040 PRE-ZONING OF UNINCORPORATED TERRITORY

The City may pre-zone unincorporated territory adjoining the City for the purposes of determining the zoning that will apply to such property in the event of subsequent annexation to the City. The method of accomplishing such pre-zoning shall be the same as that for the zoning of property within the City as provided by this ordinance.

ARTICLE 4 RCO - RESOURCE CONSERVATION AND OPEN SPACE DISTRICT

SECTION 18.04.010 RCO - PURPOSE AND APPLICATION

This district is intended to provide for permanent open spaces in areas of the community which exhibit significant vegetation, scenic Qualities, wildlife or recreation potential, and which are designated as Open Space or school and college sites by the General Plan.

SECTION 18.04.020 RCO - PERMITTED USES

- A. Raising of field crops, fruit and nut trees, vines, vegetables and horticultural specialties, the raising of livestock, and range lands.
- B. Flood control channels; water pumping stations and reservoirs; irrigation ditches and canals; settling and water conservation recharge basins; drainage ponds; and streets and roads necessary for access to permitted uses.
- C. Other uses which are added to this list according to the procedure set forth in Article 14.

SECTION 18.04.030 RCO - PERMITTED USES: ADMINISTRATIVE APPROVAL

- A. Incidental and accessory structures and uses as defined in Article 25 located on the same site as a use permitted by administrative approval or conditional use.
- B. Other uses which are added to this list according to the procedure in Article 14.

SECTION 18.04.040 RCO - CONDITIONAL USES: COMMISSION APPROVAL

The following uses may be permitted in accordance with Article 17:

- A. Recreation areas, parks, playgrounds, wildlife preserves, and such buildings, structures and facilities as are appropriately related thereto.
- B. Elementary, junior high and high school sites; college sites.
- C. Expansion, remodeling, or additions to a conditional use that are not considered an incidental or accessory use as defined in Article 25.
- D. Other uses which are added to this list according to the procedure in Article 14.

SECTION 18.04.050 RCO - PROPERTY DEVELOPMENT STANDARDS

- A. **Fences,Walls and Hedges:** No limitation except as may be required under Articles 17 or 18.
- B. **Site Area:** The minimum site area for a permitted use shall be one-half (1/2) acre.
- C. **Frontage,Width and Depth of Site:** No limitation, except as may be required under Articles 17 or 18.
- D. **Coverage:** No limitation, except as may be required under Articles 17 or 18.
- E. **Yard Requirements:** No limitation, except as may be required under Articles 17 or 18.
- F. **Distances between Structures:** The minimum distance between a one-family dwelling and another

structure shall be 10 feet.

- G. **Building Height:** No building or structure shall have a height greater than 35 feet, except as may be approved under Article 17.
- H. **Signs:** No sign or outdoor advertising structure of any character shall be permitted except as prescribed in Article 14.
- I. **Off-Street Parking and Off-Street Loading:** Off-street parking and off-street loading facilities shall be provided on the site for each use as prescribed in Article 13.

SECTION 18.04.060 RCO - GENERAL PROVISIONS AND EXCEPTIONS

All uses shall be subject to the general provisions and exceptions prescribed in Article 15.

ARTICLE 5 UR - URBAN RESERVE DISTRICT

SECTION 18.05.010 UR - PURPOSES AND APPLICATION

- A. This district is intended for exclusive application to the following areas which are designated by the General Plan to be held in reserve for future urban expansion:
 - 1. Areas designated as Low Density Residential Reserve.
 - 2. Areas designated as Medium Density Residential Reserve.
 - 3. Areas designated as Light Industrial Reserve.
 - 4. Areas designated as Heavy Industrial Reserve.
- B. The purposes of this district are to: preserve the availability of agricultural and vacant lands required for future urban expansion; and, to prevent the premature development of lands where the range of municipal type services required by the General Plan are not yet available. When such services are available, the property should be rezoned to the appropriate General Plan designation. This district is also intended to expedite the conversion of a limited amount of agricultural lands to urban uses consistent with the General Plan, through the granting of a conditional use permit in lieu of requiring change of zone (amendment) procedure prior to actual development.

SECTION 18.05.020 UR - PERMITTED USES

- A. Grazing and the raising of field crops, fruit and nut trees, vines, vegetables, horticultural specialties, livestock and poultry.
- B. Flood control channels; water pumping stations and reservoirs; irrigation ditches and canals and ditch and canal rights-of-way settling and water conservation recharging basins; parkways; recreation areas and facilities.
- C. A one-family dwelling in areas designated by the General Plan for Low Density or Medium Density Residential Reserve, provided that the site meets the site area, frontage, width, depth, coverage, yard and other requirements of that residential zoning district which is designated by the General Plan to be most appropriate for the General Plan density designation involved, under the provisions of Section 18.05.050.
- D. Incidental and accessory structures and uses located on the same site as a permitted use, including one single family dwelling in connection with each site under separate ownership.
- E. Other uses which are added to this list according to the procedure in Article 14.

SECTION 18.05.030 UR - PERMITTED USES: ADMINISTRATIVE APPROVAL

- A. Incidental and accessory structures and uses, as defined in Article 25, located on the same site as a use permitted by administrative approval or conditional use.
- B. Other uses which are added to this list by the Planning Commission according to the procedure set forth in Article 14.

SECTION 18.05.040 UR - CONDITIONAL USES: COMMISSION APPROVAL

The following uses may be permitted in accordance with the procedures of Article 17 and Section 18.05.050 A:

- A. Any use listed as a permitted use, use permitted by administrative approval, or conditional use in the RA, R, CH or I Districts.
- B. The use of land as a residential, commercial or industrial subdivision or division of land requiring a parcel map, or combination thereof.
- C. Any use listed in paragraphs D., E., F. and G. of Section 18.06.040 of this ordinance.
- D. Expansion, remodeling, or additions to a conditional use that are not considered an 'incidental' or 'accessory' use as defined in Article 25.
- E. Other uses which are added to this list according to the procedure in Article 14.

SECTION 18.05.050 UR - REQUIRED CONDITIONS

- A. Whenever a new use as listed under Section 18.05.020 is to be established in the UR District, the Planning Commission shall designate a zoning district classification for such use which is consistent with the general plan. Such use shall be subject to comply with the regulations of such designated district as if the use was actually proposed within such district. Such action shall be permissive for uses listed under Section 18.05.040.
- B. No conditional use shall be permitted and no process, equipment or materials shall be used which are found by the Planning Commission to be objectionable to persons living or working in the vicinity or injurious to property, crops, livestock or poultry in the vicinity by reason of odor, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare or unsightliness or to involve any hazard of fire, explosion or toxic chemicals.

SECTION 18.05.060 UR - PROPERTY DEVELOPMENT STANDARDS

- A. **Distance between Structures:** The minimum distance between a structure used for human habitation and another structure shall be 10 feet, except that such minimum distance shall be 25 feet from a structure housing livestock or poultry.
- B. **Signs:** No sign or outdoor advertising structure of any character shall be permitted except as prescribed in Article 14.
- C. **Off-Street Parking and Off-Street Loading:** Off-street parking and off-street loading facilities shall be provided on the site for each use as prescribed in Article 13.

SECTION 18.05.070 UR - GENERAL PROVISIONS AND EXCEPTIONS

All uses shall be subject to the general provisions and exceptions prescribed in Article 15.

ARTICLE 6 RA - RESIDENTIAL ACREAGE DISTRICT

SECTION 18.06.010 RA - PURPOSES AND APPLICATION

The RA Residential Acreage District is intended to provide living area which combines certain of the advantages of both urban and rural location by limiting development to Very Low Density concentrations of one-family dwellings as designated by the General Plan, and permitting limited numbers of animals and fowl to be kept for pleasure or hobbies, free from activities of a commercial nature. The RA District is intended to encourage the use of the subdivision or parcel map process in the creation of large residential sites to assure the provision of those physical improvements necessary to protect the health, safety and general welfare of the people.

SECTION 18.06.020 RA - PERMITTED USES

- A. One-family dwellings.
- B. Raising of field crops, fruit and nut trees, vines, vegetables and horticultural specialties.
- C. Breeding, hatching, raising and fattening of birds, rabbits, chinchillas, hamsters and other small animals and fowl on a domestic, non-commercial basis on sites of one-half (1/2) acre or more in area.
- D. Raising of livestock, except swine, on a site containing not less than 40,000 square feet, provided however, that the number of livestock shall not exceed four (4) adult animals in any combination, and their immature off-spring, and further provided that the number of bovine and equine animals shall not exceed more than (2) adults in any combination for each 40,000 square feet of site area.
- E. Fenced or enclosed swimming pools for either individual, family or communal use on an exclusive non-commercial basis, provided that no swimming pool shall be located within a utility easement.
- F. Incidental and accessory structures and uses located on the same site as a permitted use, as follows:
 - 1. Private garages and carports; storehouses, garden structures, greenhouses, recreation rooms and hobby rooms and hobby shops.
 - 2. On sites containing not less than 40,000 square feet: Barns, stables, coops, and other farm-type outbuildings. Underground storage of petroleum products for the exclusive use of persons residing on the site is prohibited.
- G. Other uses which are added to this list according to the procedure in Article 14.

SECTION 18.06.30 RA - PERMITTED USES: ADMINISTRATIVE APPROVAL

The following uses may be permitted in accordance with provisions of Article 16:

- A. Enclosed temporary construction materials storage yards required in connection with the development of a subdivision, temporary subdivision sales offices and signs, and model home display areas in accordance with the provisions of Article 14.

- B. Gas and electric transmission lines, in accordance with the provisions of Article 16, electrical distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations, and elevated pressure tanks.
- C. Mobile homes on permanent foundations designed in accordance with the standards of Section 18.14.050 of this ordinance.
- D. Home occupations in accordance with Article 14.
- E. Incidental and accessory structures and uses located on the same site as a use permitted by administrative approval or conditional use.
- F. Other uses which are added to this list according to the procedure in Article 14.

SECTION 18.06.040 RA - CONDITIONAL USES: COMMISSION APPROVAL

The following conditional uses may be permitted in accordance with the provisions of Article 17:

- A. Public and quasi-public uses of an educational or religious type, including public and private elementary schools, junior high schools, high schools and colleges; nursery schools; private non-profit schools and colleges, churches, parsonages and other religious institutions.
- B. Public and private charitable institutions, hospitals, sanitariums, nursing homes and rest homes, not including hospitals, sanitariums, nursing homes or rest homes for mental, drug addict, or liquor addict cases except as provided under Section 18.07.040 B.
- C. Public uses of an administrative, recreational, public service or cultural type, including city, county, state or federal administrative centers and courts, libraries, museums, art galleries, police and fire stations and other public buildings, structures and facilities; public playgrounds, parks and community centers.
- D. Private or public golf courses.
- E. Modest expansion or remodeling of an existing non-conforming use of a structure or land, limited to 25% or less of the assessed value of the existing structure, or reestablishment of a non-conforming use which has been damaged, except non-conforming signs and outdoor advertising structures, non-conforming uses occupying a structure with an assessed valuation of less than \$100, and non-conforming fences, walls and hedges.
- F. A second housing unit attached to an existing one-family detached residence, in accordance with the provisions of Section 1406 of this ordinance.
- G. Expansion, remodeling, or additions to a conditional use that are not either 'incidental' or 'accessory' as defined in Article 25.
- H. Incidental and accessory structures and uses located on the same site as a conditional use.
- I. Other uses which are added to this list according to the procedure in Article 14.

SECTION 18.06.050 RA - PROPERTY DEVELOPMENT STANDARDS

- A. **Fences, Walls and Hedges:** Fences, walls and hedges shall be permitted as follows:
1. Along side and rear property lines, and along any portion of the street side yard of a corner lot, not exceeding seven (7) feet in height.
 2. Fences or walls not exceeding three (3) feet in height may be erected within any portion of the required front yard. A fence or wall not exceeding six (6) feet in height may be erected in a front yard, provided that it is set back a minimum of 10 feet from the property line, and further provided that the fence shall be a minimum of 20 feet from the exterior line of the curb. A fence or wall not exceeding four (4) feet in height may be located in the front yard, provided that the top one (1) foot is at least 50% open.
 3. No fence, wall or hedge exceeding two and one-half (2-1/2) feet in height may be located within an area of a corner lot on the street side of a diagonal line connecting points located 25 feet along the property line as measured from the intersecting property lines at the street corner.
 4. Open fences not exceeding seven (7) feet in height, and hedges, may be located within any required yard, or along any side lot line, except as limited by the provisions of Section 18.06.050 3., above.
- B. **Site Area:** The minimum site area shall be 20,000 square feet, provided that the average size of all lots or sites created by a division of land or subdivision shall be a minimum of 40,000 square feet, and further provided that not more than one-half (1/2) of such lots or sites shall be at the minimum site area.
- C. **Frontage, Width and Depth of Site:** Each site shall have not less than 150 feet of frontage, or 100 feet of frontage when measured along the front yard setback line when a site fronts upon a cul-de-sac or loop-out street.
- The minimum width of each site shall be 100 feet.
- The minimum depth of each site shall be 150 feet.
- D. **Number of Dwelling Units Per Site:** Not more than one (1) dwelling unit shall be allowed on each site, except as provided under Article 14.
- E. **Coverage:** The maximum site area covered by structures shall be 35%.
- F. **Yard Requirements:**
1. **Front Yard:** The minimum front yard shall be not less than 35 feet, except along those streets where a greater setback is required by the General Plan or an ordinance of the City.
 2. **Rear Yard:** The minimum rear yard shall be five (5) feet, subject to the following conditions:
 - a. Where construction involves more than one story, the rear yard shall be increased by 10' for each additional story.

b. Accessory and garden structures less than seven (7) feet in height may be located within any portion of a required rear yard.

3. Side Yards: The minimum side yard shall be 10 feet, subject to the following conditions:

a. Where construction involves more than one story, the side yard shall be increased by 10 feet for each additional story.

b. Accessory and garden structures under seven (7) feet in height may be located in any portion of a required side yard.

c. On the street side yard of a corner lot, the side yard shall not be less than 10 feet.

G. **Distances between Structures:**The minimum distance between a one-family dwelling and another structure shall be 10 feet, except as provided by the City's Building Code, provided however that no structure housing poultry, or animals other than cat or dog household pets, shall be closer than 25' to any side yard property line or to any dwelling on the site.

H. **Building Height:**No building or structure shall have a height greater than 35 feet except as may be permitted under Article 17.

I. **Signs:** No sign or outdoor advertising structure of any character shall be permitted except as prescribed in Article 14.

J. **Off-Street Parking and Off-Street Loading:**Off-street parking and off-street loading facilities shall be provided on the site for each use as prescribed in Article 13.

SECTION 18.06.060 RA - GENERAL PROVISIONS AND EXCEPTIONS

All uses shall be subject to the general provisions and exceptions prescribed in Article 15.

ARTICLE 7 R - ONE-FAMILY RESIDENTIAL DISTRICTS

SECTION 18.07.010 R - PURPOSES AND APPLICATION

- A. The R Districts are intended primarily to provide living areas at locations designated by the General Plan for Low Density, involving single-family dwellings, with regulations designed to accomplish the following:
 - 1. To promote and encourage a suitable environment for family life.
 - 2. To provide space for community facilities needed to complement urban residential areas, and for institutions which require a residential environment, in accordance with policies of the General Plan and State Law.
- B. To provide for the location of a limited number of two and three-family dwelling units within certain predominantly single-family areas, in accordance with the provisions of Sections 18.07.040 D. of this Article.
- C. The R-1-5 District is intended for exclusive application to areas designated by the General Plan for Low Density - 5.0 - PUD. Development within the R-1-5 District shall occur only in accordance with the Planned Unit Development regulations of this ordinance.
- D. The R-1-7X District is intended for exclusive application to those areas where a mixture of dwelling types under Planned Unit Development is prohibited, and where only single-family detached housing is permitted.

SECTION 18.07.020 R - PERMITTED USES

- A. One-family dwellings.
- B. Raising of fruit and nut trees, vines, vegetables and horticultural specialties on a non-commercial basis.
- C. Fenced or enclosed swimming pools for either individual, family or communal use on an exclusive non-commercial basis, provided that no swimming pool shall be located within an utility easement.
- D. A `small family day care home' as defined by the State Health and Safety Code, which provides family day care to six (6) or fewer children, including children who reside in the home.
- E. An `alcoholic recovery facility' as defined by the State Health and Safety Code, which provides care to six (6) or fewer persons, whether or not related.
- F. A State-authorized, certified or licensed family care home, foster home or group home serving six (6) or fewer mentally disordered or otherwise handicapped persons, or dependent and neglected children.
- G. Accessory structures and uses located on the same site with a permitted use.
- H. Other uses which are added to this list according to the procedure in Article 14.

SECTION 18.07.030 R - PERMITTED USES: ADMINISTRATIVE APPROVAL

The following uses may be permitted in accordance with Article 16:

- A. Enclosed temporary construction materials storage yards required in connection with the development of a subdivision, and temporary subdivision sales offices and signs and model home display areas, in accordance with Article 14.
- B. Gas and electric transmission lines in accordance with Article 16, electrical distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations and elevated pressure tanks.
- C. Garden structures in accordance with Section 18.07.100 C.2.
- D. Mobile homes on permanent foundations designed in accordance with the standards of Section 18.14.050.
- E. Single family dwellings in subdivisions or divisions of land when all street improvements are not yet completed.
- F. A 'large family day care home' as defined by the State Health and Safety Code for seven (7) to 12 children, inclusive, including children who reside at the home.
- G. Tennis courts, including related fencing over seven (7) feet in height located on the same site as a permitted or conditional use.
- H. Home occupations in accordance with Article 14.
- I. Incidental and accessory structures and uses as defined in Article 25 located on the same site as a use permitted by administrative approval or conditional use.
- J. Other uses which are added to this list according to the procedure in Article 14.

SECTION 18.07.040 R - CONDITIONAL USES: COMMISSION APPROVAL

The following conditional uses may be permitted in accordance with the provisions of Article 17:

- A. Public and quasi-public uses of an educational or religious type including public and parochial elementary schools, junior high schools, high schools and colleges; nursery schools; private non-profit schools and colleges; churches; parsonages and other religious institutions.
- B. Public and private charitable institutions, hospitals, sanitariums, rest homes, and nursing homes, including a state authorized, certified or licensed family care home, foster home or group home serving seven (7) or more mentally disordered or otherwise handicapped persons, including rehabilitation homes for alcoholics and drug addicts, or dependent and neglected children, where such homes provide care on a 24-hour basis.
- C. Public uses of an administrative, recreational, public service or cultural type including city, county, state or federal administrative centers and courts, libraries, museums, art galleries, police and fire stations and other public buildings, structures and facilities; public playgrounds, parks and community centers.

- D. Additional one or two family dwellings per site located within older predominately single family areas bounded by Tulare Road, Lindmore Street, Harvard Avenue and the Southern Pacific Railroad: up to a maximum of four (4) housing units per site, with a minimum of 3,000 square feet of site area per dwelling unit on parcels which are 7,500 square feet or greater in area. Parking access to the additional units is to be from an existing alley when available. If no alley exists and only street access is available the additional parking is to be located behind the front unit with access limited to a maximum 16 ft. wide paved driveway. All parking requirements for the additional units are subject to the provisions of Article 13.
- E. Modest expansion or remodeling of an existing non-conforming use of a structure or land, limited to 25% or less of the assessed value of existing structures, or reestablishment of a non-conforming use which has been damaged, except nonconforming signs and outdoor advertising structures, non-conforming uses occupying a structure with an assessed valuation of less than \$100, and non-conforming fences, walls and hedges.
- F. A second housing unit attached to an existing single-family detached residence, in accordance with the provisions of Section 18.14.060 of this ordinance.
- G. Incidental and accessory structures and uses as defined in Article 25 located on the same site as a conditional use.
- H. Other uses which are added to this list according to the procedure in Article 14.

SECTION 18.07.050 PROPERTY DEVELOPMENT STANDARDS

- A. **Fences, Walls and Hedges:** Fences, walls and hedges shall be permitted in accordance with the provisions of Section 18.06.050.
- B. **Site Area:** The minimum site area for the R-1-7 and R-1-7X District shall be 7,000 square feet; the minimum site area for the R-1-5 District shall be 5,000 except as otherwise permitted under Planned Unit Development (PUD) regulations of this ordinance.
- C. **Frontage, Width and Depth of Site:**
 - 1. Each site in a R-1-7 or R-1-7X District shall have not less than 60 feet of frontage on a public street except that those sites which front on a cul-de-sac or loop-out street may have a frontage of not less than 40 feet provided the width of the site, as measured along the front yard setback line, is at least sixty 60 feet; each site in an R-1-5 District shall have not less than 50 feet of frontage on a public street, except as otherwise be permitted under PUD regulations of this ordinance.
 - 2. The minimum width of each site in a R-1-7 or R-1-7X District shall be 60' for an interior lot and 65' for a corner lot; the minimum width of each site in a R-1-5 District shall be 50 feet for an interior lot and 55 feet for a corner lot, except as otherwise permitted under PUD regulations of this ordinance.
 - 3. The minimum depth of each site shall be 90' for an interior lot and 80' for a corner lot.
- D. **Number of Dwelling Units Per Site:** Not more than one (1) dwelling unit shall be allowed on each site, except as may be allowed under Section 18.14.060.

E. **Coverage:** The maximum site area covered by structures shall be 40%.

F. **Yard Requirements:**

1. **Front Yard:** The minimum front yard shall be 15 feet, provided that the distance from the centerline of a public street to the rear of the required front yard shall not be less than 45 feet.

On a site situated between sites improved with buildings where said buildings are set back less than the minimum distance required by this section, the minimum front yard shall be the average depth of the front yards on the improved sites immediately adjoining the side lines of the site.

Carports or garages attached to the main building may be set within 15 feet of a front property line where the garage opening is perpendicular to the curb line requiring a curved driveway approach.

2. **Rear Yard:** The minimum rear yard shall be five (5) feet. Garden structures less than seven (7) feet in height may be located within any portion of a required rear yard. Where construction involves more than one story, including decks, balconies, garden structures, and other related platforms with a floor level over five (5) feet in height, the rear yard shall be increased by ten (10) feet for each additional story. Accessory structures less than seven (7) feet in height may be located in any portion of a required rear yard, provided that any mechanical equipment shall be located a minimum of five (5) feet from a rear property line adjoining an interior lot in an UR, RA, R or REM District.

3. **Side Yards:** The minimum side yard shall be five (5) feet, subject to the following conditions and exceptions:
 - a. On a reversed corner lot, the side yard adjoining the street shall be not less than one-half (1/2) the required front yard on the adjoining key lot.
 - b. Accessory and garden structures under seven (7) feet in height may be located in any portion of a required side yard, subject to approval under the provisions of Article 16, provided that any mechanical equipment shall be located a minimum of five (5) feet from a side property line adjoining an interior lot in the UR, RA, R or RM District.
 - c. Where construction involves more than one story, the side yard shall be increased by five (5) feet for each additional story provided, however, that the side yard on the street side of a corner lot, that is not a reverse corner lot, need not be greater than five (5) feet.
 - d. Garages or carports on the street side yard of a corner lot shall be setback 15 feet from the property line where the street right-of-way is at least 60 feet in width and the sidewalk is adjacent to the curb, or where the garage or carport opening is perpendicular to the curb line and requiring a curved driveway approach. In all other cases, the garage or carport shall be set back a minimum of 20 feet from the front property line. Where a garage or carport is located with access from an alley, it shall be set back a minimum of 10 feet from the alley right-of-way.

G. **Distances between Structures:** The minimum distance between a one-family residence and another building shall be 10 feet.

- H. **Building Height:** No building or structure shall have a height greater than 35 feet except as may be required under Articles 17 and 18.
- I. **Signs:** No sign or outdoor advertising structure of any character shall be permitted except as prescribed in Article 14.
- J. **Off-Street Parking and Off-Street Loading:** Off-street parking and off-street loading facilities shall be provided on the site for each use as prescribed in Article 13.

SECTION 18.07.060 R - GENERAL PROVISIONS AND EXCEPTIONS

All uses shall be subject to the general provisions and exceptions prescribed in Article 15.

ARTICLE 8 RM - MULTI-FAMILY RESIDENTIAL DISTRICTS

SECTION 18.08.010 RM - PURPOSES AND APPLICATION

The REM Multi-Family Residential Districts are intended primarily for the development of multi-family residential structures at densities consistent with policies of the General Plan as follows:

- A. The REM-MH8 District is intended exclusively for application to areas designated by the General Plan for mobile home park development.
- B. The REM-3 is intended exclusively for application to areas designated by the General Plan for Medium Density - 3.0.
- C. The REM-2 District is intended exclusively for application to areas designated by the General Plan for Medium Density - 2.0 in older residential areas where some conversion of existing single-family housing may be desired by the City under the City's Redevelopment Program.
- D. The REM-1.5 District is intended exclusively for application to areas designated by the General Plan for High Density in the immediate vicinity of the Central Commercial District.

SECTION 18.08.020 RM - PERMITTED USES

- A. One-family dwellings.
- B. Multi-family dwellings.
- C. Raising of fruit and nut trees, vegetables and horticultural specialties.
- D. A small family day care home, an alcoholic recovery facility or a State-authorized, certified or licensed family care home, foster home or group home as provided in Section 18.07.020.
- E. Fenced or enclosed swimming pools for either individual, family or communal use on an exclusive non-commercial basis, provided that no swimming pool shall be located within a utility easement.
- F. Incidental and accessory structures and uses located on the same site with a permitted use.
- G. Other uses which are added to this list according to the procedure in Article 14.

SECTION 18.08.030 RM - PERMITTED USES: ADMINISTRATIVE APPROVAL

The following uses may be permitted in accordance with Article 16:

- A. Enclosed temporary construction materials storage yards required connection with the development of a subdivision, and temporary subdivision sales offices and signs and model home display areas, in accordance with Article 14.
- B. Gas and electric transmission lines in accordance with Article 16, electrical transmission and distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations and elevated pressure tanks.
- C. Rest homes and nursing homes; boarding or rooming houses.

- D. Garden structures in accordance with Section 18.08.100 C.2.
- E. Private clubs and lodges.
- F. Mobile homes on permanent foundations designed in accordance with the standards of Section 18.14.050.
- G. A second housing unit attached to an existing single-family, detached residence, in accordance with the provisions of Section 18.14.060.
- H. Home occupations in accordance with the provisions of Article 14.
- I. Incidental and accessory structures and uses located on the same site as a use permitted by administrative approval or conditional use.
- J. Other uses which are added to this list according to the procedure in Article 14.

SECTION 18.08.040 RM - CONDITIONAL USES: COMMISSION APPROVAL

The following uses may be permitted in accordance with the procedures prescribed in Article 17:

- A. Public and quasi-public uses of an educational or religious type, including public and parochial elementary schools, junior high schools, high schools and colleges; nursery schools, private non-profit schools and colleges; churches, parsonages and other religious institutions.
- B. Public and private charitable institutions, hospitals, sanitariums, nursing homes, rehabilitation homes and rest homes, including state authorized homes as prescribed under Section 18.07.040 B.
- C. Public uses of an administrative, public service or cultural type including city, county, state or federal administrative centers and courts, libraries, museums, art galleries, police and fire stations and other public buildings, structures and facilities; public playgrounds, parks and community centers.
- D. Mobile home parks, in accordance with the provisions of Article 14.
- E. Modest expansion or remodeling of an existing non-conforming use of a structure or land, limited to 25% or less of the assessed value of existing structures, or reestablishment of a non-conforming use which has been damaged, except nonconforming signs and outdoor advertising structures, non-conforming use occupying a structure with an assessed valuation of less than \$100, and non-conforming fences, walls and hedges.
- F. Expansion, remodeling, or additions to a conditional use that are not considered an incidental or accessory use as defined in Article 25.
- G. Professional offices, only within the REM-1.5 District.
- H. A state authorized licensed day care center for 13 or more children.
- I. Other uses which are added to this list according to the procedure in Article 14.

SECTION 18.08.050 RM - PROPERTY DEVELOPMENT STANDARDS

A. **Fences, Walls and Hedges:** Fences, walls and hedges shall be permitted in accordance with Section 18.06.050.

B. **Site Area:** The minimum site area shall be 5,000 square feet.

C. **Site Area Per Dwelling Unit:** The minimum site area per dwelling unit shall be as follows:

<u>District</u>	<u>Area Per Unit</u>
REM-MH8	5,000 sq. ft.
RM-3.0	3,000 sq. ft.
RM-2.0	2,500 sq. ft.
RM-1.5	1,500 sq. ft.

D. **Frontage, Width and Depth of Site:**

1. Each site, other than for a mobilehome in a mobile home park, shall have not less than 50 feet of frontage on a public street, except that those sites which front on a cul-de-sac or loop-out street may have a frontage of not less than 40 feet provided the width of the site, as measured along the front yard setback line, is at least 60 feet.
2. The minimum width of each site shall be 50 feet.
3. The minimum depth of each site, other than for a mobilehome in a mobile home park, shall be 80 feet.

E. **Coverage:** The maximum site area covered by structures shall be as follows:

<u>District</u>	<u>Coverage</u>
RM-MH8	[Not Applicable]
RM-3.0	50%
RM-2.0	60%
RM-1.5	70%

F. **Yard Requirements:**

1. **Front Yard:** The minimum front yard shall be 15 feet, provided that the distance from the centerline of a public street to the rear of the required front yard shall not be less than 45 feet. Any fixed mechanical equipment shall not be located within the front yard.
2. **Rear Yard:** The minimum rear yard shall be 10 feet. Garden structures less than seven (7) feet in height may be located within any portion of a required rear yard. Where construction involves more than one story, including decks, balconies, garden structures and other related platforms with a floor level over five (5) feet in height, the rear yard shall be increased by five (5) feet for each additional story. Accessory and garden structures under seven (7) feet in height may be located within any portion of the required rear yard, provided that any mechanical equipment shall not be located closer than five (5) feet from an adjoining property line.

3. **Side Yards:** The minimum side yard shall be five (5) feet, subject to the following conditions and exceptions:
- a. On a reversed corner lot, the side yard adjoining the street shall be not less than one-half (1/2) the required front yard of the adjoining key lot.
 - b. Accessory and garden structures under seven (7) feet in height may be located in any portion of a required side yard, subject to approval under Article 16, provided that any mechanical equipment shall be located a minimum of five (5) feet from a side property line adjoining an interior lot in an UR, RA, R or RM District.
 - c. Where construction involves more than one story, the side yard shall be increased by five (5) feet for each additional story, provided however that the side yard on the street side yard of a corner lot that is not a reversed corner lot need not be greater than five (5) feet.
 - d. A side yard providing access to more than one dwelling unit shall not be less than 10 feet.
 - e. Garages or carports shall be subject to the setback requirements of Section 18.07.100 C.4.
- G. **Distances between Structures:** The minimum distance between a dwelling unit and another structure shall be 10 feet.
- H. **Building Height:** No building or structure shall have a height greater than 35 feet, except as may be allowed under Articles 17 and 18.
- I. **Signs:** No sign or outdoor advertising structure of any character shall be permitted except as provided in Article 14.
- J. **Off-Street Parking and Off-Street Loading:** Off-street parking and off-street loading facilities shall be provided on the site for each use as prescribed in Article 13.

SECTION 18.08.060 RM - SITE PLAN REVIEW

No multi-family use may be established on any lot or site in this district until a site plan shall have been approved under the provisions of Article 18.

SECTION 18.08.070 RM - GENERAL PROVISIONS AND EXCEPTIONS

All uses shall be subject to the general provisions and exceptions prescribed in Article 15.

ARTICLE 9 PO - PROFESSIONAL OFFICE DISTRICT

SECTION 18.09.010 PO - PURPOSES AND APPLICATION

This district is intended to provide opportunities for the location of professional and commercial offices in close relationship to one another in areas designated for combined Professional Office use and High Density use, by the General Plan; to provide adequate space to meet the needs of such offices for off-street parking and loading space; and to protect offices from noise, disturbances, traffic hazards and other objectionable influences which would adversely affect professional and business practices being conducted.

SECTION 18.09.020 PO - PERMITTED USES

- A. Offices which deal in professional and business services, in which goods, wares and merchandise are not commercially created, sold or exchanged.
- B. Medical and dental laboratories and clinics, and prescription pharmacies in conjunction therewith or with a hospital.
- C. Any use listed as a permitted use within the R or RM 1.5 Districts.
- D. Instruction studios.
- E. Accessory structures and uses located on the same site as a permitted use.
- F. Other uses which are added to this list according to the procedure in Article 14.

SECTION 18.09.030 PO - PERMITTED USES: ADMINISTRATIVE APPROVAL

- A. Boarding and rooming houses.
- B. Guest houses.
- C. Mobilehomes on permanent foundations designed in accordance with the standards of Section 18.15.050.
- D. Gas and electric transmission lines, in accordance with Article 16, electrical transmission and distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations and elevated pressure tanks.
- E. Licensed Family Day Care Centers for seven (7) to 12 children as an accessory use in a dwelling.
- F. Home occupations in accordance with Article 14.
- G. Incidental and accessory structures and uses as defined in Article 25 located on the same site as a use permitted by administrative approval or conditional use.
- H. Other uses which are added to this list according to the procedure in Article 14.

SECTION 18.09.040 PO - CONDITIONAL USES: COMMISSION APPROVAL

- A. Churches, parsonages and other religious institutions.

- B. Public and private charitable institutions, hospitals, sanitariums, nursing homes, rehabilitation homes and rest homes, including State authorized homes as prescribed under Section 18.07.040 B.
- C. Public uses of a cultural type, including libraries, museums, and art galleries.
- D. Mortuaries.
- E. Modest expansion or remodeling of an existing non-conforming use of a structure or land, limited to 25% or less of the assessed value of existing structures, or reestablishment of a non-conforming use which has been damaged, except non-conforming signs and outdoor advertising structures, non-conforming uses occupying a structure with an assessed valuation of less than \$100, and non-conforming fences, walls and hedges.
- F. Expansion, remodeling, or additions to a conditional use that are not considered an incidental or accessory use as defined in Article 25.
- G. Other uses which are added to this list according to the procedure in Article 14.

SECTION 18.09.050 PO - PROPERTY DEVELOPMENT STANDARDS

- A. **Fences, Walls and Hedges:** Fences, walls and hedges shall be permitted in accordance with provisions of Section 18.06.050.
- B. **Site Area:** The minimum office site shall be 5,000 square feet. The minimum site area per one-family dwelling unit shall be 6,000 square feet. The minimum site area per multi-family dwelling unit shall be 1,500 square feet.
- C. **Frontage, Width and Depth of Site:**
 - 1. Each site shall have not less than 50 feet of frontage on a public street, except that those sites which front on a cul-de-sac or loop-out street may have a frontage of not less than 40 feet provided that the width of the site as measured along the front yard setback line is at least 50 feet.
 - 2. The minimum width of each site shall be 50 feet at all other locations on the site which lay to the rear of the front yard setback line.
 - 3. The minimum depth of each site shall be 100 feet.
- D. **Coverage:** The maximum site area covered by structures shall be 70% of the total area of the site.
- E. **Yard Requirements:**
 - 1. **Front Yard:** The minimum front yard shall be 15 feet; provided, however, the Community Development Director may approve, under Article 16, within any part of the front yard for non-residential uses, ornamental covers such as a sidewalk or entry awning, trellis or other similar improvement when said improvement is intended solely as an improved passageway or for aesthetic purposes, providing architectural integrity with the building to which it is attached. Supports shall not occupy more than 90% of the horizontal area covered by the improvement, and the space between supports shall not be enclosed.
 - 2. **Rear Yard:** The minimum rear yard shall be five (5) feet; provided however, that where construction involves more than one story and the site lays adjacent to a site in an R District, the rear yard shall be increased by five (5) feet for each additional story.

Accessory and garden structures under seven (7) feet in height may be located within any portion of a required rear yard.

3. **Side Yards:** The minimum side yard shall be five (5) feet, subject to the following conditions and exceptions:
- a. On a reversed corner lot, the side yard adjoining the street shall be not less than one-half (1/2) the required front yard on the adjoining key lot.
 - b. Accessory structures under seven (7) feet in height may be located in any portion of a required side yard, subject to approval under the provisions of Article 16, except in the street side yard of a reversed corner lot.
 - c. Where construction involves more than one story, the side yard shall be increased by five (5) feet for each additional story, provided however, that the side yard on the street side of a corner lot need not be greater than five (5) feet.
 - d. A side yard providing access to more than one dwelling unit shall not be less than 10 feet.
 - e. Garages or carports on the street side yard of a corner lot shall be subject to the provisions of Section 18.07.050 F.3.
- F. **Distances between Structures:**The minimum distance between a permitted or conditional use and another building on the same site shall be 10 feet.
- G. **Building Height:** The maximum height of a permitted or conditional use shall be 40 feet.
- H. **Signs:** No sign or outdoor advertising structure of any character shall be permitted except as prescribed in Article 14.
- I. **Off-Street Parking and Off-Street Loading:** Off-street parking and off-street loading facilities shall be provided on the site for each use as prescribed in Article 13.

SECTION 18.09.060 PO - SITE PLAN REVIEW

Except for one-family dwellings, and accessory structures and uses related to one-family dwellings, no use shall be erected on any lot or site in this district until a site plan shall have been approved under Article 18.

SECTION 18.09.070 PO - GENERAL PROVISIONS AND EXCEPTIONS

All uses shall be subject to the general provisions and exceptions prescribed in Article 15.

ARTICLE 10 C - COMMERCIAL DISTRICTS

SECTION 18.10.010 C - PURPOSES AND APPLICATION

The several classes of commercial districts included in this code are designed to provide the opportunity for various types of retail stores, offices, service establishments and wholesale business to concentrate for the convenience of the public; to be established in such relationships to each other as to be mutually beneficial; and to be located and grouped on sites that are in logical proximity to the respective geographical areas and respective categories of patrons which they serve.

SECTION 18.10.020 CN - NEIGHBORHOOD COMMERCIAL DISTRICT

A. CN - APPLICATION

The CN Neighborhood Commercial District is intended primarily for the provision of retail and personal service facilities to satisfy the convenience-goods needs of the consumer relatively close to his or her place of residence.

B. CN - PERMITTED USES

Office, retail stores and service establishments which supply commodities or provide services primarily to meet the convenience needs of residents of one or more residential neighborhoods shall be permitted, including the following:

- Art supply stores;
- Automobile supply stores, not including repair or service garages;
- Bakery goods stores;
- Banks, including drive-in banks;
- Barber shops and beauty shops;
- Book stores and rental libraries;
- Cafeterias;
- Camera shops, photographic supplies, and photography studios;
- Candy and confectionery stores;
- Christmas tree sales lots;
- Cleaning agencies (pickup and delivery only);
- Cleaning and dyeing shops (retail only, dry cleaning, cleaning clothes in enclosed machines, non-inflammable cleaning compounds);
- Clinics (medical);
- Commercial offices;
- Dairy products sales stores;
- Drug stores;
- Dry goods stores;
- Electrical appliance and incidental repair shops;
- Florists;
- Food lockers (no slaughtering, handling of dressed meats only);
- Food stores, delicatessens, and supermarkets
- Garden supply stores and nurseries provided all equipment, supplies, and merchandise, other than plants and mulches, shall be kept within completely enclosed buildings or under a lath or other type of sun screened structure, and provided further, that fertilizer of any type shall be stored and sold in packaged form only;
- Gift shops;
- Hardware stores;
- Ice dispensers (coin-operated);

Hobby supply stores;
Liquor stores;
Locksmiths;
Newstands and magazine stores;
Parking lots improved in conformity with the standards prescribed for required off-street parking facilities in this ordinance;
Pressing, altering, and repairing of wearing apparel;
Radio and television stores and repair shops;
Restaurants, tea rooms, and cafes, including outdoor cafes, but excluding the sale of alcoholic beverages;
Self-service laundry and dry cleaning establishments
Shoe repair shops;
Shoe stores;
Soda fountains;
Stationery stores;
Tailors and dressmakers;
Tobacco stores;
Variety stores, less than 10,000 square feet in area;
Signs in accordance with the provisions of Article 14;
Incidental and accessory structures and uses on the same site as a permitted use.
Other uses added to this list according to the procedure in Article 14.

C. CN - PERMITTED USES: ADMINISTRATIVE APPROVAL

The following uses may be permitted in accordance with the provisions of Article 16:

City, county, State and Federal administrative offices, libraries, and police and fire stations;
One-family dwellings over or to the rear of a permitted use provided such dwellings shall be subject to the use, site area, coverage and yard requirements of the RM-2 District;
Service stations (gasoline), excluding automotive repair services not included in the definition of "service station" in this ordinance, provided all operations, except the sale of gasoline and oil, shall be conducted in a building enclosed on at least two (2) sides;
Electric transmission lines subject to the provisions of Article 16, electric transmission and distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations, and/or elevated pressure tanks;
Private clubs and lodges and drive-in restaurants;
Public parks and playgrounds, public and quasi-public uses of an educational or religious type, including public and private elementary, junior and senior high schools, colleges, nursery schools, trade schools and private schools;
Incidental and accessory structures and uses as defined in Article 25 located on the same site as a use permitted by administrative approval or conditional use.
Other uses that are added to this list according to the procedure in Article 14;

D. CN - CONDITIONAL USES: COMMISSION APPROVAL

The following conditional uses may be permitted in accordance with Article 17:

Bowling centers;
Churches
Restaurants and cafes, and including alcoholic beverages where served incidental to food service.
Signs having an aggregate area greater than prescribed in Article 14;
Modest expansion or remodeling of an existing non-conforming use of a structure or land, limited to 50% or less of the assessed value of existing structures, or reestablishment of a non-conforming use which has been damaged, except non-conforming signs and outdoor advertising structures, non-conforming uses occupying a structure with an assessed valuation of less than \$100, and non-conforming fences, walls and hedges.

Expansion, remodeling or additions to a conditional use that are not considered an incidental or accessory use as defined in Article 25;
Other uses which are added to this list according to the procedure in Article 14.

SECTION 18.10.030 CC - CENTRAL COMMERCIAL DISTRICT

A. CC - APPLICATION

The Central Commercial District is intended to be applied both to the central commercial core of the city, and to central commercial areas outside of the central core as may be designated by the General Plan. These areas constitute the primary commercial districts of the community where a wide range of retail financial, governmental, professional, business service and entertainment activities and uses are encouraged to concentrate to serve the entire community. Central Commercial areas outside of the city's commercial core are intended to be developed only as unified commercial centers, except where the existing development pattern makes it impractical.

B. CC - PERMITTED USES

Any use listed as a permitted use in the CN District.

Parking lots improved in conformity with the standards prescribed for required off-street parking facilities in Article 13.

Professional and commercial offices.

Retail stores and service establishments which supply commodities or provide services primarily to meet the needs of residents of the entire community, including:

- Addressograph and copying services;
- Apparel stores;
- Arcades;
- Art and antique stores;
- Art and craft schools and colleges;
- Art galleries;
- Art supply stores;
- Auction rooms;
- Automobile supply stores Bakery goods stores;
- Banks, including drive-in banks, and other lending agencies;;
- Barber shops and beauty shops;
- Bicycle shops;
- Billiard and pool halls;
- Blueprint and photocopy shops;
- Book stores and rental libraries;
- Bowling centers;
- Bus depots and transit stations, provided that buses or other transit vehicles shall not be stored on the site and no repair work or servicing of vehicles shall be conducted on the site;
- Business, professional and trade schools and colleges;
- Cafeterias;
- Camera shops, photographic supplies and photography studios;
- Candy, nut and confectionery stores;
- Card rooms;
- Catering shops;
- Christmas tree sales lots;
- Clothing and costume rental establishments;
- Communications equipment buildings;
- Dairy products stores;
- Drapery and interior decorating shops;
- Dance halls;

Department stores;
Drug stores;
Dry cleaning service;
Dry goods stores;
Egg and poultry stores (no slaughtering, eviscerating or plucking); Electrical appliance and incidental repair shops;
Employment agencies;
Fire and police stations;
Florists;
Food stores, delicatessens and supermarkets;
Furniture stores;
Garden shops;
Garden supply stores and nurseries, provided that all equipment, supplies and merchandise, other than plants, shall be kept within a completely enclosed building or under a lath or other sun screen structure, and further provided that fertilizer of any type shall be stored and sold in packaged form only;
Gift, novelty or souvenir shops;
Gymnasium and health studios;
Hardware stores;
Health food stores;
Hobby supply stores;
Home furnishings;
Home improvements supplies;
Hotel, motels and apartment hotels;
Household appliance and repair shops;
Ice dispensers (coin operated);
Inns, providing temporary visitor accommodations and accessory recreational and commercial facilities;
Interior decorating shops;
Jewelry stores, including clock and watch repairing;
Leather goods and luggage stores;
Libraries;
Liquor stores;
Locksmith;
Massage and physical culture studios;
Medical and orthopedic appliance stores;
Medical buildings;
Meeting halls;
Messenger offices;
Millinery shops;
Music stores;
Music and dance studios;
Newspaper publishing;
Newsstands and magazine stores;
Office and business machine stores;
Paint and wallpaper stores;
Pawn shops;
Pet and bird stores and pet grooming, but not including boarding of pets;
Photographic supply stores;
Picture framing shops;
Photography studios;
Pool halls Post offices;
Pressing, altering and repairing of wearing apparel;
Printing shops;

Private clubs and lodges;
Public and private non-profit charitable institutions;
Radio and television broadcasting studios;
Radio and television stores and repair shops;
Reading rooms;
Restaurants, including drive-in restaurants, cafes, and outdoor cafes; Scientific instrument stores;
Secretarial services;
Self-service laundry and dry cleaning establishments;
Shoe repair shops;;
Shoe stores;
Soda fountains;
Sporting goods stores, including incidental boat sales and sporting equipment repair;
Sports arenas within buildings;
Stamp and coin stores;
Stationery stores;
Storage buildings incidental to a permitted use;
Tailor and dressmaking shops;
Telegraph offices;
Theaters and auditoriums;
Tobacco shops;
Toy stores;
Travel bureaus;
Variety stores;
Wedding chapels;
Incidental and accessory structures and uses located on the same site as a permitted use;
Other uses which are added to this list according to the procedure in Article 14.

C. CC - PERMITTED USES: ADMINISTRATIVE APPROVAL

The following uses may be permitted in accordance with the provisions of Article 16:

Electrical distribution substations, communication equipment buildings, gas regulator stations and utility pumping stations.
Service stations (gasoline), excluding automotive repair services not included in the definition of "service station", provided that all operations, except the sale of gasoline and oil, shall be conducted in a building enclosed on at least two (2) sides.
Incidental and accessory structures and uses as defined in Article 25, located on the same site as a use permitted by administrative approval, or conditional use.
Other uses which are added to this list according to the procedure in Article 14.

D. CC - CONDITIONAL USES: COMMISSION APPROVAL

The following uses may be permitted in accordance with the provisions of Article 17

Bars, cocktail lounges and nightclubs;
Car washing, self service and coin operated;
Churches;
City, county, state or federal administrative offices; libraries, police and fire stations;
Dwellings over a permitted use in accordance with requirements of the RM- 1.5 District;
Farmers markets, including indoor and outdoor facilities;
Mini-storage facilities;
Service commercial uses designated by an asterisk (*) as listed under Section 18.10.040 B. of this article, which include incidental retail and/or office use.
Temporary revival church services.

Modest expansion or remodeling of an existing non-conforming use of a structure or land, up to 50% or less of the assessed value of the structure, or reestablishment of a non-conforming use which has been damaged, except non-conforming signs and outdoor advertising structures, non-conforming uses occupying a structure with an assessed valuation of less than \$100, and non-conforming fences, walls and hedges.

Expansion, remodeling, or additions to a conditional use that are not Considered an incidental or accessory use as defined in Article 25.

Other uses which are added to this list according to the procedure in Article 14.

SECTION 18.10.040 CS - SERVICE COMMERCIAL DISTRICT

A. CS - APPLICATION

The Service Commercial District is intended primarily for establishments engaged in servicing equipment, materials and products, but which do not require the manufacturing, assembly, packaging or processing of articles or merchandise for distribution and retail sale. Land requirements for most service commercial uses generally dictates its application along arterial and collector streets of the city which generally lie close to central commercial, highway commercial and industrial districts, in accordance with the General Plan.

B. CS - PERMITTED USES

Parking lots improved in conformity with Article 13; Service commercial establishments, including:

- * Addressograph services;
Automobile body and fender repair;
Automobile repairing, overhauling, rebuilding and painting;
- * Automobile sale and service (new);
Automobile supply stores;
- * Automobile and tractor parts and equipment stores;
Automobile upholstery and top shops;
- * Automobile washing involving the use of mechanical conveyors, blowers and steam cleaning;
- * Bakeries, retail and wholesale;
Bars, cocktail lounges and nightclubs;
Bicycle shops;
Blacksmith shops;
- * Blueprint and photocopy shops;
- * Boat sales and service;
Book binding;
Bottling works;
- * Building materials yards;
Bus depots and transit stations (including repair and storage);
Business, professional and trade schools and colleges;
Cabinet shops;
- * Canvas shops;
Car washing;
Carpenters' shops;
Carpet stores;
Catering shops;
Ceramic and pottery works;
- * Cleaning, pressing and dyeing establishments (using non-inflammable and non-explosive cleaning fluid);
Cold storage plants;
Columbariums and crematoriums;
Communications equipment buildings;

Contractors' storage yards;
Convenience-oriented food stores limited to a maximum of 5,000 square feet of floor area;
Dairy products plants;
Diaper supply services;
Drapery and interior decorating stores;
* Electrical repair shops;
Equipment rental yards;
Exterminators;
Farm equipment sales and service;
Feed and seed stores;
Food lockers;
Freight forwarding terminals;
Furniture stores, new and used;
Furniture warehouses and van services;
* Glass shops;
* Gunsmith shops;
Heating and ventilating or air-conditioning shops, including incidental sheet metal;
Home improvement centers;
Household and office equipment and machinery repair shops;
* Household repair shops;
Ice storage or sale houses;
Kennels located not closer than 500 feet to an RA, R, RM, PO, or CC District;
* Laboratories;
* Laundries;
* Linen supply services;
Liquor stores;
Locksmith;
* Lumber yards, not including planing mills or saw mills
Machinery sales and rentals;
Mattress repair shops;
* Mini-storage facilities;
* Mortuaries;
* Motorcycle sales and service;
* Musical instrument repair shops and incidental sales;
* Nurseries and garden supply stores;
Offices;
Packing and crating;
Paint and wallpaper stores;
* Parcel delivery services;
* Photographic and blueprint processing and printing;
Picture framing shops;
* Plumbing and sheet metal shops;
Pool halls;
* Pressing establishments;
* Printing, lithographing and engraving;
Public utility service yards;
Radio and television broadcasting studios;
Radio, television, VCR, video, and related electronic equipment repair shops;
* Railroad freight and passenger stations;
Repair garages;
Restaurants, including drive-in restaurants;
Rug and carpet cleaning and dyeing;
Safe and vault repairing;
Self-service laundry and dry cleaning establishments;

- * Service stations (gasoline), including dispensing of diesel fuel and complete truck service;
 - Sheet metal shops
 - Shoe repair shops
- * Sign painting shops
- Small animal hospitals or clinics and veterinarians' offices including short-term boarding of animals and incidental care such as bathing and trimming, provided that all operations are conducted entirely within a completely enclosed structure which complies with specifications of soundproof construction as prescribed by the Building Official;
- Stone and monument yards or mills
- * Storage garages and buildings
 - Storage yards for commercial vehicles
- * Taxidermists
 - Thrift shops and secondhand stores
- * Tire sales, retreading and recapping
- * Tool or cutlery sharpening or grinding;
- * Trade schools;
 - Trailer sales and service and rentals;
 - Transit terminals;
 - Trucking terminals;
- * Typewriter repair shops;
- * Upholstery shops;
- * Used car sales;
 - Warehouses except for the storage of fuel oil or flammable liquids and explosives;
 - Welding and blacksmiths shops, excepting drop hammer;
- * Wholesale establishments;
 - Other uses which are added to this list according to the procedure in Article 14.
 - Offices and retail stores incidental to and on the same site with a commercial service establishment;
 - Electrical transmission and distribution substations, gas regulator stations, public service pumping stations and elevated pressure tanks;
 - Incidental and accessory uses and structures located on the same site as a permitted use.

C. CS - PERMITTED USES: ADMINISTRATIVE APPROVAL

- Gas and electrical transmission lines, in accordance with Article 16;
- Christmas tree sales lots.
- Incidental and accessory structures and uses as defined in Article 25 located on the same site as a use permitted by administrative approval, or conditional use;
- Other uses which are added to this list according to the procedure in Article 14.

D. CS - CONDITIONAL USES: COMMISSION APPROVAL

- Any use listed as a permitted use in the IL, Light Industrial District.
- Drive-in theaters, golf driving ranges, pony riding rings, racetracks, riding stables, skating rinks, sports arenas and sports stadiums, and other similar, open, unenclosed commercial recreation facilities.
- Electroplating shops.
- Modest expansion or remodeling of an existing non-conforming use of a structure or land, up to 50% or less of the assessed value of the structure, or reestablishment of a non-conforming use which has been damaged, except non-conforming signs and outdoor advertising structures, non-conforming uses occupying a structure with an assessed valuation of less than \$100, and non-conforming fences, walls and hedges.

Hotels and motels
Public buildings and grounds.
Private clubs and lodges.
Temporary revival church services.
Expansion, remodeling, or additions to a conditional use that are not considered an incidental or accessory use as defined in Article 25.
Other uses which are added to this list according to the procedure in Article 14.

SECTION 18.10.050 CH - HIGHWAY COMMERCIAL DISTRICT

A. CH - APPLICATION

The Highway commercial District is intended primarily for application to areas along major highway entrances to the city in accord with policies of the General Plan where controlled access to the highway is afforded for the convenience of patrons traveling the highway by the provision of frontage roads, interchanges and channelized intersections.

B. CH - PERMITTED USES

Highway commercial uses, including:

Ambulance service;
Automobile sales, service and repair, including body and fender work;
Automobile and farm equipment sales and supply stores;
Automobile washing;
Bars, cocktail lounges or night clubs;
Boat sales and service;
Bowling alleys;
Bus depots and transit stations
Hotels and motels;
Motorcycle sales, service and repair;
Public utility structures, service and facilities, including gas and electrical distribution and transmission substations, gas regulator stations, public service pumping stations;
Private clubs and lodges;
Recreation vehicle sales and service;
Repair garages;
Restaurants, including drive-in restaurants;
Service stations (gasoline, butane and diesel fuels only);
Soda fountains;
Used car sales;
Utility trailer sales, service and rental;
Incidental and accessory structures and uses located on the same site as a permitted use;
Other uses which are added to this list according to the procedure in Article 14.
Convenience stores and services for the highway traveler, only at locations close to highway intersections or freeway interchanges, including:
Barber and beauty shops;
Drug stores;
Food stores (under 10,000 square feet in area), excluding supermarkets;
Gift shops;
Laundromats;
Liquor stores;
Offices providing financial lending services;
Offices and retail stores incidental to and on the same site with a highway commercial establishment;
Incidental and accessory structures and uses located on the same site as a permitted use.
Other uses which are added to this list according to the procedure in Article 14.

C. CH - PERMITTED USES: ADMINISTRATIVE APPROVAL

Gas and electric transmission lines, in accordance with the provisions of Article 17.
Public buildings and grounds.
Christmas tree sales lots.
Incidental and accessory structures and uses located on the same site as a use permitted by administrative approval or conditional use.
Other uses which are added to this list according to the procedure in Article 14.

D. CH - CONDITIONAL USES: COMMISSION APPROVAL

Drive-in theaters, golf driving ranges, pony riding rings, race tracks, riding stables, skating rinks, sports arenas and sports stadiums, and other similar, open, unenclosed commercial recreation facilities.
Overnight parking for recreational vehicles;
Service stations involving the dispensing of petroleum gas fuels for use by the traveling public;
Modest expansion or remodeling of an existing non-conforming use of a structure or land, up to 50% or less of the assessed value of the structure, or reestablishment of a non-conforming use which has been damaged, except non-conforming signs and outdoor advertising structures, non-conforming uses occupying a structure with an assessed valuation of less than \$100, and non-conforming fences, walls and hedges;
Expansion, remodeling, or additions to a conditional use that are not considered an incidental or accessory use as defined in Article 25.
Other uses which are added to this list according to the procedure in Article 14.

SECTION 18.10.060 C - REQUIRED CONDITIONS

- A. In a CN or CC District, all businesses, services and processes shall be conducted entirely within a completely enclosed structure, except for off-street parking and off-street loading areas, gasoline service stations, outdoor dining areas, nurseries, garden shops, signs, Christmas tree sales lots, bus depots and transit stations, public utility stations, and used car sales incidental to new car sales.
- B. No use shall be permitted and no process, equipment or materials shall be used which are found by the Planning Commission to be objectionable to persons living or working in the vicinity by reasons of odor, fumes, dust, smoke, cinders, dirt, refuse, water-carried waste, noise, vibration, illumination, glare or unsightliness or to involve any hazard of fire, explosion or toxic chemicals.
- C. Temporary sidewalk sales and use of the public right-of-way for the display and sales of merchandise shall require approval by the Planning Commission. Permanent use for such purposes is strictly prohibited.
- D. All commercial site boundaries adjacent to any residential zoning district shall be visually screened with ornamental masonry walls and landscaping. Wall height shall be a minimum of seven (7) feet, except as may be designated otherwise under Site Plan Review.
- E. Street trees and frontage landscaping, with automatic irrigation, shall be provided for all commercial sites. Parking area landscaping may also be required under Site Plan Review.

SECTION 18.10.070 C - PROPERTY DEVELOPMENT STANDARDS

- A. **Screening and Landscaping; Fences, Wall and Hedges:**
 - 1. Where a site adjoins or is located across a street or alley from a RCO, UR, R, RM or PO District, an ornamental solid wall or fence, seven (7) feet minimum in height, or such other

height or type of screening device as may be required by the Planning Commission, shall be located on the property line common to such districts, except in a required front yard.

2. Open storage of materials and equipment attendant to a permitted use or conditional use shall be permitted only within an area surrounded or screened by a solid wall or fence seven (7) feet minimum in height, except as may be modified under Site Plan Review. Said storage shall not be visible above said fence or wall.
3. Street trees and other forms of landscaping may be required under the provisions of Article 19.

B. **Site Area:** No limitation.

C. **Frontage, Width and Depth of Site:** No limitation.

D. **Coverage:** No limitation.

E. **Yard Requirements:** The minimum front yard shall be as follows:

<u>District</u>	<u>Minimum</u>	<u>Minimum on a site abutting on property in a RCO, UR, R, RM or PO District and fronting on the same street</u>
CN	15 feet	15 feet
CC	0 feet, except 15' outside of the CBD	10 feet
CS	0 feet	10 feet
CH	10 feet	15 feet

Except as specified in paragraphs 1 and 2 hereunder, no side yards or rear yards shall be required.

1. In any commercial district, the minimum side yard abutting a RCO, UR, RA, R, RM or PO District shall be 10 feet.
2. In any commercial district, the minimum rear yard abutting a RCO, UR, RA, R, RM or PO District shall be 10 feet.

F. **Distances between Structures:** The minimum distance between a dwelling unit and another structure shall be 10'.

G. **Building Height:** In a CN or CH District, 50' maximum; in a CC or CS District, 75' maximum except as may be provided under the provisions of Article 17.

H. **Off-Street Parking and Off-Street Loading:** Off-street parking and off-street loading facilities shall be provided on the site for each use as prescribed in Article 13.

I. **Signs and Outdoor Advertising Structures:** No sign or outdoor advertising structure of any character shall be provided except as prescribed in Article 14.

SECTION 18.10.080 C - SITE PLAN REVIEW

No use shall be erected on any lot or site in any C District until a site plan shall have been submitted to and approved by the City pursuant to the provisions of Article 18.

SECTION 18.10.090 C - GENERAL PROVISIONS AND EXCEPTIONS

All uses shall be subject to the general provisions and exceptions in Article 15.

ARTICLE 11 I - INDUSTRIAL DISTRICTS

SECTION 18.11.010 I - PURPOSES AND APPLICATION

The industrial districts are included in the zoning code to achieve the following purposes:

- A. To reserve appropriately located areas for various types of industrial plants and related activities;
- B. To protect areas appropriate for industrial use from intrusion by residences and other inharmonious uses;
- C. To protect residential, commercial and nuisance-free non-hazardous industrial uses from noise, odor, dust, dirt, smoke, vibration, heat, glare, fire, explosion, noxious fumes, radiation, hazardous chemicals and other hazardous and objectionable influences incidental to certain industrial uses;
- D. To provide opportunities for certain types of industrial plants to concentrate in mutually beneficial relationships to each other;
- E. To provide adequate space to meet the needs of modern industrial development, including off-street parking and truck loading areas; and
- F. To provide industrial employment opportunities for residents of the city.

SECTION 18.11.020 IL - LIGHT INDUSTRIAL DISTRICT

A. IL - APPLICATION

This district is intended primarily for application to those areas of the city which are designated for Light Industrial use by the General Plan.

B. IL - PERMITTED USES

Any use listed as a permitted use in the CS, Service Commercial District;
Light industrial and related uses, including:

- Assembly of small electric appliances such as lighting fixtures, irons, fans, toasters and electric toys, refrigerators, washing machines, dryers, dishwashers and similar home appliances.
- Assembly of small electrical equipment such as home motion picture equipment, phonographs, video cameras and radio and television receivers, but not including electrical machinery.
- Manufacture of scientific, medical, dental and drafting instruments, orthopedic and medical appliances, cameras and photographic equipment, except film, electronic equipment, musical instruments, precision instruments, optical goods, watches and clocks.
- Manufacture of ceramic products, such as pottery, figurines and small glazed tile
- Manufacturing, assembling, compounding, packaging and processing of cosmetics, drugs, pharmaceuticals, toilet soap (not including refining or rendering of fats or oils) and toiletries.
- Manufacture and assembly of electrical supplies such as coils, condensers, crystal holders, insulation, lamps, switches and wire and cable assembly, provided no noxious or offensive fumes or odors are produced.

Manufacture of cutlery, hardware, hand tools and furniture, die and pattern making; metal stamping and extrusion of small products such as costume jewelry, pins and needles, razor blades, bottle caps, buttons and kitchen utensils.

Manufacturing, assembling, compounding, packaging and processing of articles or merchandise from the following previously prepared materials: asbestos, bone, canvas, cellophane, cellulose, cloth, cork, feathers, felt, fiber and synthetic fiber, fur, glass, hair, horn, leather, paint (not employing a boiling process), paper, plastics, precious or semi-precious metals or stones, rubber and synthetic rubber, shell, straw, textiles, tobacco and wood.

Manufacturing, assembling, compounding, processing, packaging or treatment of such products as bakery goods, candy, dairy products, food products, including fruits and vegetables, but not including fish and meat products, pickles, sauerkraut, vinegar or yeast, or refining or rendering of fats and oils.

Blacksmith shops; boat building; electric motor rebuilding, machine shops, paint shops.

Food lockers and accessory sales;

Gasoline service stations, including dispensing of diesel and liquid petroleum gas fuels and complete truck service.

Lumber yards, including planing mills; mattress manufacture; storage yards for commercial vehicles or feed; flour, feed and grain mills; grain elevators;

Manufacture and maintenance of electric and neon signs, billboards and commercial advertising structures.

Offices, retail stores and watchman's living quarters incidental to and on the same site with an industrial use.

Public utility and public service structures and facilities such as communications equipment buildings, electric distribution substations, electric transmission substations, gas regulator stations, public service pumping stations, public utility service yards, corporation yards, railroad rights-of-way and stations, reservoirs and storage tanks.

Incidental and accessory structures and uses located on the same site as a permitted use.

Other uses which are added to this list according to the procedure in Article 14.

C. IL - PERMITTED USES: ADMINISTRATIVE APPROVAL

Gas and electric transmission lines, in accordance with Article 16;

Mobile or modular offices in accordance with the requirements of Article 14.

Incidental and accessory structures and uses located on the same site as a use permitted by administrative approval, or conditional use.

Other uses which have been added to this list according to the procedure in Article 14.

D. IL - CONDITIONAL USES: COMMISSION APPROVAL

Any of the uses listed in Section 18.11.030 B., provided that, on the basis of the use permit application and the evidence submitted, the Planning Commission makes the following findings in addition to the findings prescribed in Article 17:

1. That consideration of all the determinable characteristics of the use which is the subject of the application indicates that the use has the same essential characteristics as the uses listed in Section 18.11.020 B., with respect to methods of operation, type of process, materials, equipment, structures, storage and appearances.
2. If the use involves nuisance or hazardous characteristics, that the application include sufficient evidence to indicate that special devices, construction or site design are planned to eliminate the nuisance or hazardous characteristics normally attendant to operation of the use.

3. That the use reasonably can be expected to conform with the required conditions prescribed for the I District in Section 18.11.060.

Public buildings and grounds.

Modest expansion or remodeling of an existing non-conforming use of a structure or land, up to 50% or less of the assessed value of the structure, or reestablishment of a non-conforming use which has been damaged, except non-conforming signs and outdoor advertising structures, non-conforming uses occupying a structure with an assessed valuation of less than \$100, and non-conforming fences, walls and hedges.

Bulk storage and delivery of liquefied petroleum gas.

Expansion, remodeling, or additions to a conditional use that are not considered an incidental or accessory use as defined in Article 25;

Other uses which are added to this list according to the procedure in Article 14.

SECTION 18.11.030 IH - HEAVY INDUSTRIAL DISTRICT

A. IH - APPLICATION

This district is intended for application to those urban areas of the city which are designated for heavy industrial use in the General Plan.

B. IH - PERMITTED USES

Any use listed as a permitted use in the IL District, excluding all CS uses. Heavy industrial and related uses including:

Aircraft and aircraft accessories and parts manufacture;
Automobile, truck and trailer accessories and parts manufacture;
Bag cleaning;
Battery manufacture;
Boiler works;
Box factories and cooperage;
Breweries, distilleries and wineries;
Building materials manufacture and assembly including composition wallboard, partitions, panels and prefabricated structures;
Business machine manufacture including accounting machines, calculators, card counting equipment and typewriters;
Can and metal container manufacture;
Candle manufacture, not including rendering;
Carpet and rug manufacture;
Cement products manufacture provided no hazard of fire or explosion is created, including adhesives, bleaching products, bluing, calcimine, dye stuffs (except aniline dyes), essential oils, soda and soda compounds and vegetable gelatin, glue and size;
Concrete and concrete products manufacture;
Cotton ginning, cotton wadding, cotton seed processing and linter manufacture;
Clay products manufacture including brick, fire brick, tile and pipe;
Fire arms manufacture;
Food products manufacture including such processing as cooking, dehydrating, roasting, refining, pasteurization and extracting involved in the preparation of such products as casein, cereal, chocolate and cocoa products, cider and vinegar, coffee, fruits and vegetables, glucose, milk and dairy products, molasses and syrups, oleo/margarine, pickles, sauerkraut, sugar, vegetable oils and yeast;

Glass and glass products manufacture;
Graphite and graphite products manufacture;
Gravel, rock and cement yards;
Ink manufacture;
Insecticides, fungicides, disinfectants and similar agricultural, industrial and household chemical compounds manufacture;
Jute, hemp, sisal and oakum products manufacture;
Leather and fur finishing and dyeing, not including tanning and curing;
Machinery manufacture including heavy electrical, agricultural, construction and mining machinery and light machinery and equipment such as air conditioning, commercial motion picture equipment, dishwashers, dryers, furnaces; heaters, refrigerators, stoves and washing machines;
Machine tools manufacture including metal lathes, metal presses, metal stamping machines and woodworking machines;
Meat products processing and packaging, not including slaughtering and glue and size manufacture;
Metal alloys and foil manufacture including solder, pewter, brass, bronze and tin, lead and gold foil;
Metal casting and foundries not including magnesium foundries;
Motor and generator manufacture and testing;
Paper products manufacture including shipping containers, pump goods, carbon paper and coated paper stencils;
Paraffin products manufacture;
Plastic manufacture;
Porcelain products manufacture including bathroom and kitchen fixtures and equipment;
Precious metals reduction, smelting and refining;
Rubber products manufacture including tires and tubes;
Sand blasting;
Shoe polish manufacture;
Solid waste recycling;
Starch and dextrine manufacturing;
Steel products manufacture and assembly including steel cabinets and lockers, doors, fencing and furniture;
Steam electric generating stations;
Stone products manufacture and stone processing including abrasives, asbestos, stone screening and sand and lime products;
Storage, sorting, collecting or baling or iron, junk, paper, rags, or scrap; structural steel products manufacture including bars, girders, rail and wire rope;
Textile bleaching;
Wire and cable manufacturing;
Wood and lumber processing and woodworking including planing mills and saw mills, excelsior, plywood, veneer and wood-preserving treatment;
Incidental and accessory structures and uses located on the same site as a permitted use.
Other uses which are added to this list according to the procedure in Article 14.

C. IH - PERMITTED USES: ADMINISTRATIVE APPROVAL

Gas and electric transmission lines.
Mobile and modular offices.
Incidental and accessory structures and uses located on the same site as a use permitted by administrative approval, or conditional use.
Other uses which are added to this list according to the procedure in Article 14.

D. IH - CONDITIONAL USES: COMMISSION APPROVAL

The following uses and other uses may be approved according to the procedures in Article 17; provided however that for uses which involve nuisances, dangers of fire or explosion or other hazards to health and safety, the Planning Commission shall make a specific finding that the use can be expected to conform with each of the required conditions prescribed for an IH District in Section 18.11.040. The Commission may require submission of reports by technical consultants or other evidence in addition to the data prescribed in Article 17:

- Asphalt and asphalt products manufacture;
- Cement, lime, gypsum and plaster of paris manufacture;
- Charcoal, lampblack and fuel briquettes manufacture;
- Chemical products manufacture including acetylene, aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, cleaning and polishing preparations, creosote, exterminating agents, hydrogen and oxygen, industrial alcohol, nitrating of cotton or other materials, nitrates of an explosive nature, potash, pyroxlin, rayon yarn, and carbolic, hydrochloric, picric and sulfuric acids;
- Coal, coke and tar products manufacture;
- Drop forges;
- Dumps and slag piles;
- Electroplating shops;
- Explosives manufacture and storage;
- Fertilizer manufacture;
- Film manufacture;
- Fireworks manufacture and storage;
- Fish products processing and packaging;
- Garbage and refuse dumps;
- Gas and oil wells;
- Gas manufacture or storage;
- Gelatin, glue and size manufacture from animal or fish refuse;
- Grain rolling and storage;
- Incineration or reduction of garbage, offal and dead animals;
- Junk yards;
- Lard manufacture;
- Linoleum and oil cloth manufacture; liquefied petroleum gas bulk storage and delivery;
- Magnesium foundries;
- Manure, peat and topsoil processing and storage;
- Metal and metal ores reduction, refining, smelting and alloying;
- Motor vehicles wrecking yards;
- Paint manufacture including enamel, lacquer, shellac, turpentine and varnish;
- Paper mills;
- Petroleum and petroleum products refining and storage;
- Rifle and pistol ranges;
- Rubber manufacture or processing including natural or synthetic rubber and gutta-percha;
- Soap manufacture including fat rendering;
- Steam plants;
- Stock yards, stock feeding yards and slaughter houses;
- Stone quarries, gravel pits, mines and stone mills;
- Storage of inflammable liquids;
- Storage of used building materials;
- Tallow manufacture;
- Tanneries and curing and storage of rawhides;
- Wood and bones distillation;

Wood pulp and fiber reduction and processing;

Public buildings and grounds.

Modest expansion or remodeling of an existing non-conforming use of a structure or land, up to 50% or less of the assessed value of the structure, or reestablishment of a non-conforming use which has been damaged, except non-conforming signs and outdoor advertising structures, non-conforming uses occupying a structure with an assessed valuation of less than \$100, and non-conforming fences, walls and hedges.

Expansion, remodeling, or additions to a conditional use that are not considered an incidental or accessory use as defined in Article 25.

Other uses which are added to this list according to the procedure in Article 14.

SECTION 18.11.040 I - REQUIRED CONDITIONS

- A. In the IL and IH Districts, all open and unlandscaped portions of any lot shall be maintained in good condition free from weeds, dust, trash and debris.
- B. No use shall be permitted and no process, equipment or materials shall be employed which is found by the Planning Commission to be injurious to persons residing or working in the vicinity by reason of odor, fumes, dust, smoke, cinders, dirt refuse, noise, vibrations, illumination, glare or heavy truck traffic or to involve any hazard of fire, explosion or radio activity or to emit electrical disturbances which adversely affect commercial or electronic equipment outside the boundaries of the site.
- C. No solid or liquid wastes shall be discharged into a natural watercourse, nor into a public or private sewage disposal system except in compliance with applicable regulations of the Central Valley Regional Water Quality Control Board.
- D. In an IL or IH District, no use shall emit particulate matter or other air pollutants in excess of the applicable air pollution emission standards of the Tulare County Air Pollution Control District, the State of California or of the Federal Government.
- E. Notwithstanding the provisions of paragraph D. of this section, no industrial use shall be permitted to utilize coal as a fuel in any form as a source of fuel for the conduct of any industrial operations within the City.

SECTION 18.11.050 I - PROPERTY DEVELOPMENT STANDARDS

- A. **Screening and Landscaping; Fences, Walls and Hedges:**
 - 1. Where a site adjoins a UR, RCO, RA, R, RM, PO, or CC District, a solid wall or screen fence seven (7) feet in height or such other height or type of screening device as may be required by the Community Development Department, shall be located on the property line common to such districts, except in a required front yard.
 - 2. A use not conducted entirely within a completely enclosed structure, on site across a street or an alley from a UR, RA, R, RM, or CC District, shall be screened by an ornamental solid wall or screen fence, not less than seven (7) feet in height, if found by the Community Development Department to be unsightly.
 - 3. In an IL District, open storage of materials and equipment shall be permitted only within an area surrounded and screened by an ornamental solid wall or fence or compact evergreen hedge (with solid gates where necessary), not less than seven (7) feet in height.

4. No fence, wall or hedge exceeding four (4) feet in height, with the top one (1) foot being 50% or more open, shall be located or maintained within the area of a corner lot on the street side of a diagonal line connecting points located 30 feet along the property lines as measured from the intersection of the property lines at the street corner.
 5. No fence or wall shall exceed seven (7) feet in height if located in a required side or rear yard or three (3) feet in height if located in a required front yard, except that a chain-link fence greater than three (3) feet in height may be located in any portion of a required front yard.
- B. **Site Area:** The minimum site area shall be one-half (1/2) acre in the IH District. No minimum site area shall be required in the IL District.
- C. **Frontage, Width and Depth of Site:** No limitations.
- D. **Coverage:** No limitations.
- E. **Yard Requirements:**
1. **Front Yard:** The minimum front yard for both the IL and IH districts shall be 10'.
 2. **Rear and Side Yards:** Except as provided below, no rear yard or side yards shall be required:
 - a. The minimum rear yard abutting a UR, RCO, RA, R, RM, PO, or District shall be 15 feet.
 - b. On a reversed corner lot adjoining a key lot in a UR, REO, RA, R, RM, PO or C District, the minimum side yard adjoining the street shall not be less than one-half (1/2) the required front yard on the key lot.
 - c. The minimum side yard abutting a UR, RCO, RA, R, RM, PO or C District shall be 15 feet.
- F. **Distances between Structures:** No limitations.
- G. **Building Height:** No greater than 75', except that a greater height may be approved for tanks, towers, silos and similar facilities under the provisions of Article 17.
- H. **Off-Street Parking and Off-Street Loading:** Off-street parking and off-street loading facilities shall be provided on the site for each use as prescribed in Article 13.
- I. **Signs and Outdoor Advertising Structures:** No signs or outdoor advertising structure of any character shall be permitted except as provided in Article 14.

SECTION 18.11.060 I - SITE PLAN REVIEW

No use shall be erected on any lot or site in an I district until the site plan shall have been approved in accordance with the provisions of Article 18.

SECTION 18.11.070 I - GENERAL PROVISIONS AND EXCEPTIONS

All uses shall be subject to the general provisions and exceptions in Article 15.

SECTION 18.11.180 IP - PLANNED INDUSTRIAL DISTRICTS

A. IP - PURPOSES AND APPLICATION

The IP Planned Industrial District is intended for application to those industrial areas which are planned for development for the mutual protection of a community of industries in accordance with a development program approved by the City. Such a program involves the combining of certain uses and a set of development regulations which are more restrictive than those otherwise provided in the IL and IH Districts.

B. IP - REGULATIONS

In order to assure the mutual protection and compatibility of uses to be located, within a IP District, the owners of all the land within the area proposed to be classified IP shall submit the following to the City:

1. A more restrictive list of those uses set forth in Sections 18.11.020 B and C., and Sections 18.11.030 B and C of this article which uses are desired by the owners to be listed as permitted uses under this section;
2. A statement of more restrictive regulations relating to each of the subjects of Sections 18.10.060 through 18.10.150, and Sections 18.11.040 through 18.11.140 of this article than are now provided by these sections and which are desired by the owners to become additional regulations under this section.

Upon written approval of the Planning Commission, the list of permitted uses and statements of more restrictive regulations requested for a particular parcel of land shall become the regulations of this section with respect to such parcel of land by reference with the same force and effect as if the regulations were specifically set out and described under this section; provided, however, such statements of more restrictive regulations shall apply in addition to those prescribed within Section 18.11.050 of this article.

3. All uses listed as requiring conditional use permits in the IL or IH districts shall be considered as conditional uses under this section.
4. The minimum acreage required for the application of the IP District shall be five (5) acres.

C. IP - REQUIRED CONDITIONS

Before the Planning Commission may give written approval pursuant to this section and classify property as being within the IP District, the owners shall record, in the office of the County Recorder, deed restrictions running with the land affected corresponding to the list of permitted uses and statements of more restrictive regulations approved pursuant to the provisions of paragraph B. of this section.

ARTICLE 12 COMBINING DISTRICTS

SECTION 18.12.010 PUD - PLANNED UNIT DEVELOPMENT COMBINING DISTRICT

A. PUD - PURPOSES AND APPLICATION

The PUD - Planned Unit Development Combining District is intended for application to those residential, professional office, commercial and industrial base zoning districts which are designated by the General Plan and/or the City Council as areas to assure that property will be developed in a manner superior to that which otherwise would be achieved through regulations of the base zoning district involved. The PUD Combining District is also intended as an optional approach to achieving the purposes of Article 20, at the discretion of the City rather than the landowner.

B. PUD - APPLICABLE REGULATIONS AND PROCEDURES

The development of property within a PUD Combining District shall be subject to all of the regulations and procedures of Article 20.

SECTION 18.12.020 MXU - MIXED USE COMBINING DISTRICT.

A. PURPOSES AND APPLICATION

The MXU - Mixed Use Combining District is intended for application to those residential, commercial and industrial base zoning districts which are designated as areas characterized by a mixture of uses, blighted structures and sites, and/or inadequate street and alley improvements.

B. APPLICABLE REGULATIONS AND PROCEDURES:

The MXU Combining District provides the flexibility needed to improve land use conditions within redevelopment project areas under conditions of uncertainty as to the types of uses that may be proposed or that may be economically feasible for specific properties over time. Under Mixed Use, all categories of land use shown on the General Plan Diagram are eligible for consideration within redevelopment project areas.

Because the best potential use for some properties may be more clear-cut than for others, the base land use designations of the General Plan provide guidance for the selection of those base zoning districts to be applied throughout the redevelopment project area(s). However, such guidance does not abrogate the potential and flexibility offered for mixed use. An application for a building permit, site plan review or PUD will initiate the process for determining an appropriate development proposal under mixed use regulations. The Planning Commission shall make a determination as to which procedures shall be followed under the provisions of Articles 18, 19 and 20 of this ordinance.

ARTICLE 13 - OFF-STREET PARKING AND OFF-STREET LOADING FACILITIES

SECTION 18.13.010 PURPOSES AND APPLICATION

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

Provisions of this article are also intended to deal with problems, conditions and needs which are apparent in attempting to provide sufficient off-street parking facilities in areas of intense commercial development, including:

- A. The difficulty in assembling land by private means, including the often excessive time required;
- B. The varying financial capabilities and traffic generating characteristics among varying types of commercial enterprise;
- C. The importance of avoiding fragmented patterns of off-street parking facilities which may bear little relation to the needs of a commercial area as a whole;
- D. The importance of having regulations which will not inadvertently discourage private investment while alleviating or preventing traffic congestion; and
- E. The importance of achieving a reasonable distribution of financial burden among private interests and the public at large consistent with their individual and collective responsibilities to provide off-street parking facilities.

SECTION 18.13.020 OFF-STREET PARKING FACILITIES REQUIRED

A. Parking Space Definition:

A parking space shall be an area for the parking of a motor vehicle, plus those additional areas and facilities required to provide for safe access to and from said space. The area set aside to met these provisions must be usable and accessible for the type of parking need that must be satisfied.

B. Special Limitations and Requirements in Residential Areas

In any residential district, no recreation vehicle, including motor home, camping trailer, boat trailer, boat, pick-up camper, fifth wheel or dune buggy, shall be stored or parked except within an enclosed side or rear yard or within a garage or carport; no semi truck and trailer, semi-truck, trailer, or other truck exceeding one ton of capacity shall be parked within any residential district.

In any residential district, all motor vehicles incapable of movement under their own power, other than in cases of emergency accident or breakdown, shall be stored in an entirely enclosed space, garage or carport. No more than one such vehicle shall be so stored at any time, and no more than one such vehicle shall be allowed to be under repair at any time. Parking on lawns or other areas in front yards, other than on a driveway, is prohibited.

C. Time when Off-Street Parking is Required

Except as provided in paragraph J. of this section or in Section 18.13.018.13.100 of this article, there shall be provided off-street parking facilities in accordance with the provisions of this article when any of the following shall occur:

1. Initial occupancy of a site;
2. A major alteration or enlargement of a use, site or building [see para. F, Art.13, p.5];
3. A change in use that requires additional parking.

D. Parking Space Schedule

1. **Residential Uses:**

- a. One-family dwellings -- two (2) spaces for each dwelling unit, with at least one (1) space within a garage or carport.
- b. Duplexes, triplexes, 4-plexes and multi-family dwellings -- in accordance with the following schedule:

<u>No. of Bedrooms</u>	<u>No. of Spaces</u>
Studio (no bedrooms)	1.5
One bedrooms	1.5
Two bedrooms	2.0
Three or more bedrooms	2.0

- c. Except for driveways allowed in the front setback area of a garage or carport, or by variance, all additional parking for 2-4 unit structures and multi-family units shall be to the rear or side of such units. If practicably feasible.
- d. Housing for the elderly -- one (1) space for each dwelling unit, provided however that sufficient space shall be set aside and incorporated into the site plan for the number of spaces prescribed under subparagraph 1.b., above, in the event of a change of use to housing for the non-elderly.
- e. Private clubs, fraternity or sorority houses, lodging and rooming houses -- one (1) space for each two (2) beds.
- f. Motels, hotels, inns and bed and breakfast establishments -- one (1) space for each guest room, plus one (1) space for each employee.

2. **Uses within the Central Commercial District:**

- a. Commercial and office uses, excluding conditional uses, within the area designated as the Central Business District by the General Plan -- (1) space for each 800 square feet of floor area.

- b. Uses within an integrated shopping center involving a combination of three or more retail uses permitted within the CC District for which building area, off-street parking, off-street loading, landscaping, lighting and other features are developed, managed and maintained as if a single unit -- three spaces for each 1,000 square feet of gross leasable area, or four spaces for each 1,000 square feet of gross leasable area if the center includes a supermarket.
- c. Other uses within the Central Commercial District within or outside of the Central Business District -- the number of spaces otherwise required by this article for the type of use.

3. **Other Commercial Use; Industrial Use:**

- a. Banks -- one (1) space for each 300 square feet of floor area.
- b. Offices (not including medically related or public administrative offices) -- one (1) space for each 400 square feet of floor area.
- c. Retail stores, food -- one (1) space for each 150 square feet of floor area; mini-market food stores -- one (1) space for each 300 square feet of floor area for stores under 2,000 square feet of gross floor area.
- d. Retail stores, other than food, and personal service establishments -- one (1) space for each 200 square feet of floor space.
- e. Retail stores which handle primarily bulky merchandise such as furniture, household appliances, motor vehicles, farm implements, machinery and bulk supplies -- one (1) space for each 600 square feet of floor area.
- f. Service commercial uses, repair shops and wholesale establishments -- one (1) space for each 800 square feet of floor area, plus one (1) space for each employee.
- g. Commercial and industrial uses conducted primarily outside of buildings -- one (1) space for each employee of the maximum working shift.
- h. Manufacturing, indoor storage and other industrial uses -- one (1) space for each employee of the maximum working shift.

4. **Utility Uses:**

Electrical distribution and transmission substations, gas regulator stations, public utility pumping stations, reservoirs, water or gas storage tank farms, sewage treatment plants and other public utility buildings and uses -- one (1) space for each two employees of the maximum working shift, plus one (1) space for each vehicle stored at the site. Where the use is unmanned, one (1) space for each service vehicle to be parked at the site.

5. **Health Uses:**

- a. Medical and dental offices and clinics, including (but not limited to) surgeons, general practitioners, psychiatrists, psychologists, medical specialists, ophthalmologists, dentists, optometrists and similar medically-related professions - three (3) spaces for each practitioner, plus one (1) space for each employee, or one (1) space for each 250 square feet of floor area, whichever is greater.

- b. Rest homes, nursing homes, convalescent homes, homes for the aged -- one (1) space for each employee of the daytime shift, plus one (1) space for each four (4) beds.
- c. Charitable and religious institutions providing sleeping accommodations -- one (1) space for each employee and one (1) space for each four (4) beds.
- d. Hospitals -- one (1) space for each four (4) beds and one (1) space for each two (2) employees of the maximum working shift, plus one (1) space for each staff doctor.

6. **Places of Assembly:**

- a. Cafe, restaurant or other establishment for the sale and consumption of food and beverages on the premises -- one (1) space for each four (4) seats.
- b. Drive-in and fast food restaurants -- one (1) space for each two (2) seats, one (1) space for each employee of the maximum working shift.
- c. Auditoriums (except school auditoriums), churches, mortuaries, sports arenas and stadiums, dance halls, private clubs and lodges -- one (1) space for each 50 square feet of floor area used for seating if seats are not fixed, or one (1) space for each four (4) seats, plus one (1) space for each employee. School classrooms associated with a church do not require parking in addition to that required for church seating.
- d. Theaters (indoor) -- one (1) space for each four (5) seats.
- e. Bowling alleys -- four (4) spaces for each alley, plus one (1) space for each four (4) seats devoted to restaurant and/or cocktail lounge, plus one (1) space for each employee of the maximum working shift.
- f. Other places of assembly without fixed seats -- one (1) space for each 50 square feet of floor areas used for assembly, plus one (1) space for each employee of the maximum working shift.

7. **Educational Uses:**

- a. Public and private elementary and junior high schools -- one (1) space for each employee, plus sufficient space for safe and convenient bus loading and unloading of students.
- b. High schools -- one (1) space for each employee, one (1) space for each 10 students, plus sufficient space for safe and convenient bus loading and unloading of students.
- c. Colleges -- one (1) space for each employee, plus one (1) space for each five (5) students enrolled.
- d. Nursery schools and day care centers -- one (1) space for each employee, plus sufficient space for safe and convenient loading and unloading of students enrolled.
- e. Business, professional and trade schools and colleges, and art, craft, music and dancing schools -- one (1) space for each employee, plus one (1) space for each three (3) adult students.

8. **Public Uses:**

- a. City, county, special district, state and federal administrative offices -- one (1) space for each employee, plus one (1) space for each 1,000 square feet of floor area.
- b. Public buildings and grounds other than offices and educational uses -- one (1) space for each employee of the maximum working shift, plus the number of additional spaces prescribed by the Planning Commission.

9. **Transportation Terminals and Facilities:**

Airports, heliports, bus depots, taxi stations, railroad stations and yards -- one (1) space for each employee of the maximum working shift, plus sufficient space for the loading and unloading of passengers.

10. **Miscellaneous Uses:**

For a use not specified or covered by the above parking schedule, the same number of spaces shall be provided, as determined by the Planning Department, as are required for the most similar use.

11. **Recreation Vehicle Parking within Multi-Family Developments:**

Recreation vehicle parking shall not be permitted within multi-family developments unless confined to an area designed for the purpose enclosed by a security fence, and located where it will have the least visual impact on the site as a whole. RV parking within yard spaces of individual dwelling units or multi-family structures shall be prohibited.

12. **Demonstrated Alternative Parking Requirements:**

Notwithstanding the parking requirements of subparagraphs D.2. and D.3. of the above schedule, an applicant shall be entitled to submit a parking formula for consideration and approval by the Planning Commission which is based on a demonstrated satisfaction of parking requirements for the same or similar use at another location. Such alternative demonstration shall be submitted in writing, together with photographic and other evidence as may be necessary in support of the request. Evidence from a location outside of the City of Lindsay shall include a letter from the Planning Official having jurisdiction corroborating that the evidence supports the alternative formula.

E. Units of Measurement

1. For purposes of this article, "floor area" shall mean that floor area used, or intended to be used, for direct service to the public as customers, patrons, clients or patients, or as tenants, including areas occupied by fixtures and equipment for the display and sale of merchandise. It shall not include areas used principally for non-public use, including storage or administrative offices incidental to a commercial use.
2. In outdoor or indoor places of assembly, in which patrons or spectators occupy benches, pews or other similar seating facilities, each 24 lineal inches of each seating facility shall be counted as one (1) seat for purposes of calculating off-street parking requirements.
3. If, in the application of the requirements of this section, a fractional number is obtained, one (1) parking space shall be provided for a fraction of one-half (1/2) or more, and no parking space shall be required for a fraction of less than one-half (1/2).

F. Change in Use, Additions and Enlargements

Whenever there is a change in use or increase in floor area, or change in other unit of measurement specified herein, and such change of increase creates a need for an increase in the number of off-street parking spaces by 20% or more, such increase in parking facilities shall be provided on the basis of the increased requirements of the new or enlarged use; provided, however, that in the event a change in use creates a need for an increase of two (2) or less off-street parking spaces, no additional parking facilities shall be required.

G. Remodeling

No additional off-street parking facilities shall be required solely because of the remodeling of an existing use or building, unless there is a change in use, addition or enlargement for which additional facilities are required in accordance with paragraph F. of this section.

H. Mixed Uses

In the case of mixed uses, the total requirements for off-street parking shall be the sum of the requirements for the several uses computed separately. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use except as herein specified for joint use and uses within integrated shopping centers and the Central Business District.

I. Joint Use

The Director of Community Development may, upon written application by the owner or lessee of any property, authorize the joint use of parking facilities by the following uses and activities, and under the conditions specified herein:

1. Seventy-five percent (75%) of the parking facilities required for a use considered to be primarily a daytime use may be provided by the parking facilities of a use considered to be primarily a nighttime use, or the reciprocal; provided however, that such parking area shall meet the conditions set forth for in-lieu payments in paragraph K.3., below.
2. The following uses are typical daytime uses: banks, business offices, retail stores, personal services, manufacturing or wholesale uses and similar uses. The following uses are typical nighttime uses: dance halls, theaters, bars, auditorium and restaurants that only serve dinners.
3. The following are conditions required for joint use:
 - a. The building or use for which application is made for authority to utilize the existing off-street parking facilities provided by another building or use shall be located within 200 feet from such parking facility.
 - b. The applicant shall show that there is no substantial conflict in the principal operating hours of the building or uses for which the joint use of off-street parking facilities is proposed.
 - c. If the building, structure or improvement requiring parking space is in one ownership and the required parking space provided is in another ownership, partially or wholly, there shall be a recording in the office of the County Recorder of a covenant by such owners for the benefit of the City, in a form approved by the City, that such owner or owners will continue to maintain such parking space so long as said building structure or improvement is maintained by said owner within said City.

The covenant herein required shall stipulate that the title to and right to use the parcel or parcels upon which the parking space is to be provided will be subservient to the title to the premises upon which the building is to be erected and that said parcel or parcels are not and will not be made subject to any other covenant or contract for use without prior written consent of the City .

J. Common Facilities

Common parking facilities may be provided in lieu of the individual requirements contained herein, but such facilities shall be approved by the Planning Commission as to size, shape and relationship to sites to be served. The total of such off-street parking spaces, when used together, shall not be less than the sum required for the various uses computed separately, except as follows:

1. Where joint use is allowed.
2. When such common parking facility is to occupy a site 3,000 square feet or more, a 15% reduction in the total number of spaces shall be permitted.
3. Where the provisions of paragraph D.2 of this section apply.

K. In-Lieu Payments for Uses within the Central Business District

In lieu of furnishing the parking spaces and facilities required by the provisions of this section for uses within the Central Business District, the requirements thereof may be satisfied by electing one of the following options:

1. Payment to the City of an amount of money, per parking space, for each parking space required by the provisions of this article, equal to 50% of the value of a parking space, which value shall be fixed annually by the City Council based on the City's experience in the cost of developing municipal off-street parking facilities. The payments of such money shall constitute full compliance with the provisions of this section, and the City shall provide such spaces for the benefit of the public as part of, and through the expansion of, the City's municipal off-street parking program. The City shall construct, maintain and manage such spaces at such locations and at such times as will best benefit the public-at-large in accordance with the policies and programs of the Off-Street Parking Plan of the City as adopted by the Council.
2. Construction of such off-street parking spaces and facilities as reasonably may be provided in view of the physical limitations of the property available for such purpose and the deposit of money with the City in accordance with the provisions, and under the terms of paragraph K.1., above, for the remainder of the off-street parking spaces and facilities required by this section; or
3. With the consent of the Council, the owner of the property or use for which 20 or more off-street parking spaces are required may deposit with the City an amount of money, per parking space for each parking space required by the provisions of this article, equal to 75% of the value of a parking space, which value shall be fixed annually by the Council based on the City's experience in the cost of developing municipal off- street parking facilities.

The payment of such money shall constitute full compliance with the provisions of this section, and the City shall provide such spaces for the benefit of the public as a part of, and as an expansion of, the City's municipal off-street parking program. The City shall construct, maintain and manage such spaces within 400 feet of the exterior boundaries of the property or use for which the spaces were originally required and within a time period determined by the mutual agreement of the depositor and the Council.

Whenever a payment of money is made to the City in lieu of the provision of parking spaces and facilities required by this section, such money shall be deposited in a special fund and shall be used and expended exclusively for the purpose of acquiring and developing off-street parking facilities as an expansion of the City's municipal off-street parking program. The value of an off-street parking space, to be fixed annually by the Council, shall be determined in such a manner that it will reflect reasonably the actual unit parking space costs to the City for the acquisition and development of parking facilities.

Whenever a payment of money is made to the City in lieu of the provision of parking spaces and facilities required by this section, the payment may be made in equal monthly installments, with interest, over the maximum period of time possible consistent with attaining the objectives of the City's municipal off-street parking program. The time period for such payment shall be stated in an agreement with the City for payment, with the first installment due and payable upon execution of the agreement with the City for such payment. No use permit shall become effective, nor shall any building permit be approved, where in lieu payments are required, until such agreement has been duly executed.

SECTION 18.13.030 STANDARDS FOR OFF-STREET PARKING FACILITIES

Off-street parking facilities shall conform to the following standards:

- A. All parking area shall have adequate ingress and egress to and from a street or alley. Sufficient room for turning and maneuvering vehicles shall be provided on the site. Bumper rails or other barriers shall be provided where needed for safety or to protect property, as determined by the Public Works Director.
- B. Entrances and exits to parking lots and other parking facilities shall be provided only at locations approved under Site Plan Review procedures of this code..
- C. Each parking space shall be not less than 20 feet in length and nine (9) feet in width, exclusive of aisles and access drives, except that up to 40% of all spaces may be provided for compact cars with such spaces not less than 17 feet in length and eight (8) feet in width, and marked for compact cars. Spaces for the handicapped shall meet State standards.
- D. Parking lot lighting shall be deflected away from abutting sites so as not to cause annoying glare to such sites.
- E. No commercial repair work or servicing of vehicles shall be conducted on a parking site.
- F. The parking area, aisles and access drives shall be paved so as to provide a durable, dustless surface and shall be so graded and drained as to dispose of surface water, with the design and specifications of such work subject to City a standards and the approval of the Director of Public Works.
- G. The requirements of this section shall apply to all uses for which a site plan must be approved in accordance with the provisions of Articles 17 and 18.

SECTION 18.13.040 OFF-STREET LOADING FACILITIES REQUIRED

In any district, in connection with every building or part thereof hereafter erected and having a gross floor area of 10,000 square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of materials or merchandise, there shall be provided and maintained, on the same parcel with such building, at least one (1) off-street loading space, plus one (1) additional off-street loading space for each 20,000 square feet or major fraction thereof of gross floor area.

SECTION 18.13.050 STANDARDS FOR OFF-STREET LOADING FACILITIES

Off-street loading facilities provided in compliance with Section 18.13.040 shall conform with the following standards:

- A. Each loading berth shall be of a length and width, and shall have an overhead clearance sufficient to accommodate fully the maximum size of vehicles used in loading or unloading operations.
- B. Sufficient room for the turning and maneuvering of vehicles shall be provided on the site.
- C. Entrances and exits shall be provided at locations approved under Site Plan Review procedures of this code.
- D. The loading area, access drives and aisles shall be paved so as to provide a durable, dustless surface and shall be so graded and drained as to dispose of surface water, with the design and specifications of such work subject to City standards and approval of the Public Works Director.
- E. Bumper rails or other barriers shall be provided where needed for safety or to protect property, as determined by the Public Works Director.
- F. If the loading area is illuminated, lighting shall be deflected away from abutting sites so as not to cause annoying glare to such sites.
- G. A loading area shall not be located in a required front yard. A loading area may be located in a required side or rear yard.
- H. No commercial repair work or servicing of vehicles shall be conducted in an off-street loading area.

SECTION 18.13.060 LOCATION OF OFF-STREET PARKING AND OFF-STREET LOADING FACILITIES

Off-street parking and off-street loading facilities shall be located on the same site with the use for which the berths are required or on an adjoining site, except that within the Central Business District as located within the CC District, off-street parking facilities may be located within 400 feet of the use for which the spaces are required, measured by the shortest route of pedestrian access. No off-street loading space shall be required where buildings are served by a public alley.

SECTION 18.13.070 SCREENING, FENCING AND LANDSCAPING

- A. Where an off-street parking area in a C District adjoins a UR, RA, R, RM, or PO District, an ornamental solid wall or fence, vine-covered open fence, or compact screening device, as may be required under Site Plan Review, shall be located on the property line common to such districts, except in a required front yard.
- B. In a RM, PO, C, or I District, not less than five percent (5%) of the interior of a parking area shall be landscaped with trees and other plant materials suitable for ornamentation. Landscaped areas shall be distributed throughout the parking area to the extent practical in consideration of the size and design of the parking area.

SECTION 18.13.080 EXISTING USES

No existing use of land or structure shall be deemed to be a non-conforming use solely because of the lack of off-street parking facilities or off-street loading facilities prescribed in this article; provided, however, that facilities being used for off-street parking and off-street loading at the time of the adoption of this ordinance

shall not be reduced in capacity to less than the number of spaces or berths or reduced to less than the minimum standards prescribed in this article. Where an existing use is expanded, the parking requirements of this article shall apply only to the addition.

SECTION 18.13.090 REDUCTION OF OFF-STREET PARKING AND OFF-STREET LOADING FACILITIES

No off-street parking or off-street loading facilities provided for a use of land or structure in compliance with this article shall be reduced in capacity or in area without sufficient additional capacity or additional area being provided to comply with the regulations of this article.

SECTION 18.13.100 EXCEPTIONS TO OFF-STREET PARKING AND OFF-STREET LOADING REQUIREMENTS

None of the provisions of this ordinance which require the provisions of off-street parking and off-street loading spaces in connection with the use of property for commercial or industrial purposes shall apply to any parcel of property which is located within any vehicle parking district hereafter formed and existing under the provisions of any parking district act approved by the City Council, and where parking and loading facilities provided by such district are determined by the City Council to be adequate to serve the district.

ARTICLE 14 - HOME OCCUPATIONS; TEMPORARY SUBDIVISION SIGNS AND SALES OFFICES;
MOBILE HOME PARKS; SIGNS AND OUTDOOR ADVERTISING STRUCTURES; MANUFACTURED AND
SECOND HOUSING UNITS

SECTION 18.14.010 HOME OCCUPATIONS

14.010 A. PROCEDURE

Home occupations shall be permitted only in accordance with the regulations in Article 16 and this section, provided that notice to property owners shall be given as under Article 17.

14.010 B. STANDARDS

Before approving an application for a home occupation in accordance with the provisions of Article 16 and this section, the Director of Community Development shall determine that the proposed home occupation will comply with the following standards:

1. A home occupation within a dwelling unit shall be clearly incidental to the use of the structure as a dwelling.
2. A home occupation shall not be conducted in any accessory structure, other than a garage, and there shall be no storage of equipment or supplies in any accessory structure, other than a garage, or outside the dwelling.
3. No one other than a resident of the dwelling shall be employed in the conduct of the home occupation.
4. Sales of goods on the premises shall be limited to the products of the home occupation, and no merchandise or goods shall be sold, kept or displayed for the purposes of sale on the premises.
5. Merchandise not produced on the premises may be kept and stores for purposes of sale at locations off the premises, provided that such merchandise is limited to small articles such as jewelry, cosmetics and similar items of merchandise which can be carried by one person in a case. For purposes of this standard, contracting services such as plumbing, heating, air conditioning, electrical, carpentry and landscaping are not included within the meaning of the phrase "small articles".
6. A home occupation may involve the performance of business and professional services in which goods, wares and merchandise are not commercially created, sold or exchanged, but shall not include beauty salons, barber shops, medical offices, tattoo parlors, fortune tellers, palm readers or similar services.
7. A home occupation shall not involve the performance of any repair services on the premises other than the repair of small appliances and equipment or other small objects which normally are capable of being carried by one person without the aid of mechanical equipment or devices.
8. A home occupation shall not involve the use of any material or mechanical equipment not recognized as being part of normal household or hobby uses.
9. No motor power other than electrically operated motors shall be used in connection with a home occupation.

10. A home occupation shall not create any radio or television interference or noise audible beyond the walls of the dwelling.
11. There shall be no external alteration of the appearance of a dwelling in which a home occupation is conducted.
12. The existence of a home occupation shall not be apparent beyond the boundaries of the site except for one non-illuminated name plate affixed to the dwelling not exceeding two (2) square feet in area.
13. The number of customers of a home occupation who must travel to the site of the home occupation shall not exceed four (4) persons per day.
14. Not more than one (1) truck of not more than one (1) ton capacity and no semi-trailers incidental to a home occupation shall be kept on the site.
15. A home occupation shall not be permitted until an application for Administrative Approval shall be made in the manner prescribed under Article 16.
16. The City Council may also place other conditions deemed necessary to make the home occupation compatible with the neighborhood.

Upon approval of a permit for a home occupation, the Community Development Director shall attach the above standards to the notice of approval as conditions which must, in all cases, be met by the applicant, together with such additional conditions as may be prescribed under the Administrative Approval process of Article 16.

14.010.C. MODIFICATION AND REVOCATION

A permit for a home occupation may be modified in the same manner as originally applied for by the applicant. A permit for a home occupation may be revoked in the manner prescribed under Section 18.16.060.

SECTION 18.14.020 TEMPORARY SUBDIVISION SIGNS AND SALES OFFICES

Temporary subdivision signs and sales offices may be located within subdivisions for a period not to exceed two (2) years from the date of recording of the subdivision. Subdivision signs and sales offices shall be removed at the expense of the owner, unless, prior to the expiration of two (2) years, a renewal of time is granted by the City Council. Upon expiration of such renewal period, subdivision signs and sales offices shall be removed at the expense of the owner. Subdivision signs shall be governed by the regulations prescribed in Section 18.14.040 of this article. A temporary subdivision sales office shall not be permitted until an application for a subdivision sales office permit shall be made to and approved by the City Council in the manner prescribed in Article 17.

SECTION 18.14.030 MOBILE HOME PARKS

14.030 A. OCCUPANCY

No mobile home shall be occupied or used for living or sleeping purposes, or be parked, other than in a mobile home sales yard or in an approved storage area within a CS, CH or I District, unless it is located within a licensed mobile home park; provided, that a mobile home may also be used as follows: as an office for a construction project, circus or carnival; as a residence of a watchman on the site of a construction project or an industrial use; or to provide temporary living quarters for circus or carnival personnel in accordance with the provisions of an approved conditional use permit; or as a single family dwelling when set on a permanent foundation within any RA, R, RM or PO district.

14.030 B. LOCATION AND ACCESS

For purposes of this ordinance, mobile home parks are considered to require the same considerations in their location as do other types of multi-family dwellings under Medium Density policies of the General Plan. Mobile home parks shall be located only within RM Districts, with access from elements of the Arterial or Collector street system to be considered as a condition of approval.

14.030 C. DEVELOPMENT STANDARDS, MOBILE HOME PARKS

1. Park Area, Density and Site Area:

- a. The minimum area of a mobile home park shall be five (5) acres. The first phase of mobile home park development shall be not less than five (5) acres and shall include all required recreational and service amenities.
- b. The maximum density shall be eight (8) mobile home sites per gross acre.
- c. Each mobile home site shall be not less than 3,000 square feet in area, including pad, parking, private access, landscaping and private storage areas.
- d. No mobile home site shall be less than 30 feet in width.

2. Clearances, Setbacks and Yard Spaces:

a. Mobile home Park:

- 1) Front yard: 20 feet
- 2) Interior side yard: 10 feet
- 3) Street side yard: 10 feet
- 4) Interior rear yard: 10 feet
- 5) Street rear yard: 20 feet

b. Mobile home Sites within the park:

- 1) Front yard: 10 feet
- 2) Side yard: 5 feet
- 3) Rear yard: 10 feet

- c. No mobile home shall be located in any required yard space, except that tow bars may extend into such yard space, and other incidental structures may be located in accordance with the provisions of Section 18.08.050 F.

3. Patios and Pads:

- a. Each mobile home site shall have a hard surfaced patio area of not less than 200 square feet. A permanent porch greater than 20 square feet in area may be counted as part of the required patio area.
- b. Each mobile home site shall have a support pad of concrete or asphaltic concrete laid over a compacted surface base which, in combination, will be adequate to support the mobile home on a level plane.

4. Parking:

- a. Not less than two (2) off-street parking spaces shall be provided within each mobile home site, one of which may be tandem to the other.
- b. Not less than one (1) guest parking space shall be provided for each mobile home site at a location central to each four (4) contiguous mobile home sites, provided that guest parking shall not be required for mobile home sites along a collector street constructed to the width prescribed under 14.030 C.5., below.
- c. Parking shall be provided for central recreation buildings, park offices and other similar buildings at a ratio of one (1) parking space for each 400 square feet of gross floor space.
- d. Supplemental parking for pleasure boats, recreation vehicles and non-occupied travel trailers shall be provided at a ratio of one (1) parking space for each 10 mobile home sites, and shall be used only by mobile home park tenants. Said parking shall be clustered, easily accessible via interior drives, and shall be screened from view by means of a solid ornamental fence or wall and landscaping.
- e. All parking areas and spaces shall be designed and constructed in accordance with the provisions of Article 13 of this ordinance.

5. Streets:

- a. Entrance streets shall be located to assure safe access to and from the public street system.
- b. Minor streets within the mobile home park shall be a minimum of 30 feet of paved width; collector streets shall be a minimum of 36 feet of paved width. Paving shall be to City standards.
- c. Streets shall be constructed to effect positive drainage, including concrete curbs and gutters constructed to City standards.
- d. Parallel parking shall be permitted on both sides of a collector street and on only one side of a minor street. Such on-street parking shall be in addition to off-street parking requirements of this section.

6. Driveways, Street Signs, Lighting, Storm Drainage, Water and Sewer Systems

Driveways for individual mobile home sites, street signs, interior street lighting, storm drainage facilities and water and sewer systems shall be installed subject to approval of the Director of Public Works.

7. Underground Utilities:

All public utilities shall be installed underground, including electrical, telephone, street lighting cable, community television antenna connections and ducts for cable television. A community television antenna with underground ducts and connections to each mobile home site shall be provided.

8. Recreation Areas and Pedestrian Ways:

- a. Common recreation area in an aggregate total equal to 10% of the gross area of the mobile home park shall be provided at a location or locations which are easily accessible and convenient to park residents.
- b. Recreation areas shall be landscaped and maintained, with all landscaped areas to be irrigated by an automatic underground system.
- c. Pedestrian ways shall be provided throughout the mobile home park, connecting all mobile home sites with each other and with common recreation areas. Such pedestrian ways shall be provided where possible at locations away from the interior street system to avoid conflict in pedestrian and vehicle traffic.
- d. The calculation of common recreation areas shall not include yard areas, pedestrian ways, management offices, laundry and tenant storage areas and parking areas.

9. Signs:

No more than one (1) identification sign shall be erected displaying the name of the mobile home park. Such signs shall be located near the park entrance drive and shall not exceed 32 square feet in total readable surface area, or eight (8) feet in height. Such sign shall be installed within the front yard area of the mobile home park, parallel to the abutting street, with landscaping at its base. Additional directional and identification signs may be installed within the mobile home park subject to the approval of the Community Development Director.

10. Landscaping and Screening:

Mobile home parks shall provide permanently maintained landscaped areas and site screening as follows:

- a. A landscaped border along the entire street frontage yard area and along the rear yard if such yard is adjacent to a public street.
- b. Ornamental screen wall or fencing, seven (7) feet in height, along all interior side property lines, along all rear property lines which do not abut a public street, and along street side yard and street front yard setback lines.

11. Other Requirements:

- a. Each mobile home park shall provide: (1) A laundry building equipped for clothes washing and drying; (2) an outdoor clothes drying area screened from view from other areas of the mobile home park by an ornamental screen fence or wall and landscaped area; and (3) trash enclosures at locations along the interior street system which are convenient to all residents and to municipal refuse trucks, integrated with parking areas.
- b. Applications for mobile home parks shall be subject to Site Plan Review under the provisions of Article 18.

12. Placement and Sale of Mobile Homes:

- a. At the time of placement on the site, all mobile homes shall be fitted with appropriate skirts to obscure stands, pads, and under-carriage equipment.

- b. Mobile homes may be displayed and sold within a mobile home park similar to the sale of model homes within a residential subdivision, provided that such mobile homes are not sold for delivery to any location other than within the mobile home park in which sold, and that all mobile homes are placed on mobile home sites and connected to all utility services. No more than four (4) mobile homes shall be offered for sale at any one time, and advertising for sale shall be limited to one (1) non-illuminated sign not exceeding eight (8) square feet in area on the site of each mobile home offered for sale.

SECTION 18.14.040 REGULATION OF SIGNS AND OUTDOOR ADVERTISING

14.040 A. PURPOSES AND APPLICATION

In order to maintain and enhance the attractiveness and orderliness of the City's appearance, and to protect the public safety and general welfare, the location, size, height, illumination and maintenance of signs and outdoor advertising structures are regulated as follows:

14.040 B. GENERAL PROVISIONS AND EXCEPTIONS

1. Application:

The provisions set forth in this section shall be applicable to all signs permitted by this ordinance.

2. Computation of Sign Area or Display Surface:

For purposes of this section, measurements for computing the areas of a given sign shall be made as follows:

- a. For signs comprised of individual letters attached to the business structure, including module letters and logo graphic symbols, the effective sign area shall mean any area(s) enclosed by the minimum imaginary rectangle or parallelogram of vertical and horizontal lines which fully contains all extremities of each word and/or logo graphic symbol of the sign. Each word and/or logo graphic symbol shall be measured separately in computing total sign area. Shadow box borders and other border trims which are an intrinsic part of the building, either architecturally or structurally, shall not be included in such area computations.
- b. Where the sign consists of module letters only, and such letters are separated a minimum distance of one and one-half (1-1/2) times the width of the individual module, the space between such letters shall not be included when computing sign area.
- c. For single unit signs containing letters or logo graphic symbols on cabinets or panels, the effective sign area shall mean the area enclosed by the minimum imaginary rectangle or parallelogram of vertical and horizontal lines which fully contains the perimeter of the cabinet or panel sign.
- d. For projecting signs and free-standing detached signs containing letters and/or logo graphic symbols, the effective sign area means the area enclosed by the minimum imaginary rectangle of vertical and horizontal lines which fully contains all extremities of the sign, exclusive of its supports and/or ornamental and decorative trim on cabinets or support columns.
- e. For free-standing and projecting signs intended to be read from either side along a single frontage, both sides of the sign shall be counted in computing the total sign area for that frontage.

- f. The effective sign area of a ball or sphere shall be 75% of the surface area of the ball or sphere.

3. Projection and Height:

- a. No sign shall project more than 14 inches beyond the property line, except that a free standing sign shall not extend beyond the property line. The minimum height clearance for any free-standing sign, projecting building sign or sign located on a building marquee shall be not less than eight (8) feet as measured from ground level to the lowest portion of the sign display area.
- b. No sign other than a directional sign shall project more than 12 inches into a required rear yard or interior side yard.
- c. In an RCO, UR, RA, R, RM or PO District, a sign attached to a building shall not project above the parapet or roof line, whichever is higher.

4. Number of Free-Standing Signs:

Not more than one (1) free-standing on-premise sign, or free-standing outdoor advertising structure, may be located on each parcel of property within a zoning district in which a free-standing sign or free-standing outdoor advertising structure is permitted.

5. Traffic Hazards:

- a. No sign or outdoor advertising structure shall be placed within 30 feet of the intersecting curb lines of a street intersection, unless placed on a single pole with a ground clearance of at least 10 feet, or unless placed so that the top of the sign and its supporting structure is a maximum of two and one-half (2-1/2) feet above the ground.
- b. No red, green or amber lights or illuminated signs or outdoor advertising structures illuminated by or including flashing lights, shall be placed in such position that they reasonably could be expected to interfere with or be confused with any official traffic control device, traffic signal or official directional guide sign.

6. Movement:

A moving sign shall be permitted only in C or I Districts, provided that movement shall be slow (not to exceed 10 r.p.m.) and shall not simulate effects obtained by varying the intensity, color, pattern or illumination.

7. Utility Lines and Easements:

No sign or outdoor advertising structure shall be located within a utility easement, or erected or located in a manner which will reduce the vertical or horizontal clearance from communication lines or energized electric power lines as required by laws, rules and regulations of the State of California and agencies thereof.

8. Special Signs - Exceptions:

The following types of signs shall be exempt from the provisions of this section, provided, however, that temporary signs shall be removed by the agency, corporation, group or individual responsible for their erection, within 30 days after the date of their original erection, or when the signs become damaged or are no longer intelligible, whichever time occurs first:

- a. Signs used exclusively for the posting or display of official notices by a public agency or official, or by a person giving legal notice;
- b. Signs erected or maintained by a public agency or official or required by law to be displayed by a public utility for directional, warning or informational purposes;
- c. Temporary signs or displays of an emergency, patriotic, religious or community nature, including temporary, non-structural posters for civic or political campaigns and non-illuminated, non-verbal religious symbols.
- d. Signs announcing garage or yard sales shall be removed immediately after the completion of the sale.

9. Special Signs - Prohibition

Animated signs, the movement of which is simulated by variations in the intensity, color, pattern or illumination of the sign, and flashing signs, shall be prohibited in all districts, subject to the following exceptions:

- a. A sign changing so as to show time and/or temperature.
- b. An on-premise barber pole.

10. Area Identification Signs

Area identification signs intended to identify a neighborhood, subdivisions, shopping or industrial district, complex or other area composed of multiple ownerships, shall be limited to a maximum single surface area of 25 square feet, and total sign area not exceeding 50 square feet.

11. Outdoor Advertising Signs

Outdoor advertising signs are signs having part or all of their area devoted to directing attention to a business, profession, commodity, product or service that is not the primary business, profession, commodity, product or service soled, manufactured, conducted or offered on the site on which the sign is located, and shall be subject to the following conditions:

- a. Outdoor advertising signs shall not be permitted in the RCO, UR, R, RM, PO or C Districts.
- b. The maximum single surface area per site of an outdoor advertising structure in the I District shall be 500 square feet; the maximum aggregate area per site of outdoor advertising signs in the I District shall be 1,000 square feet. No outdoor advertising signs shall be placed within 200 feet of another such sign on the same side of a street or highway.

14.040 C. SIGNS IN THE RCO, UR, RA, R, RM AND PO DISTRICTS

No sign of any character shall be permitted in the RCO, UR, RA, R, Rm or PO Districts, except as follows:

1. One (1) name plate, not directly illuminated, with a maximum of two (2) square feet in area, containing the name or names of occupants of a residence or office.
2. One (1) identification sign, not directly illuminated, located flat against a wall and not projecting above the roof line, with a single surface area of not more than 16 square feet pertaining to a permitted or conditional use conducted on the site.

3. One (1) non-illuminated sign, with a single surface area of not more than eight (8) square feet, pertaining to the sale, lease, rental or display of a structure or site.
4. Non-illuminated directional signs, with a single surface area of not more than six (6) square feet, pertaining to vehicular or pedestrian traffic directions and located along a driveway or within a parking lot. Arrows painted on pavement are not included in this regulation.
5. One (1) bulletin board, not directly illuminated, with a single surface area of not more than 20 square feet, located on the site of a church, school, auditorium or other similar place of public assembly.
6. One (1) non-illuminated temporary construction sign, with a single surface area of not more than 16 square feet, on the site of a construction project, which shall be removed at the owner's expense at the time of project completion.
7. One (1) temporary subdivision sales sign, not directly illuminated, with a single surface area of not more than 32 square feet, on the site of a residential subdivision.

14.040 D. REGULATION OF SIGNS WITHIN THE C DISTRICTS

1. Purposes and Application

The purpose of sign regulation within the C Districts is to avoid unsightly, inharmonious, competing, cluttered and hazardous location and appearance of signs, and to encourage the replacement of existing non-conforming signs. Sign regulations of this section shall apply to any permitted or conditional use listed within a C District.

2. Maximum Total Aggregate Area in the CN and CC Districts

Primary frontage: An allowable minimum sign area of up to 50 square feet shall be permitted for each primary building frontage (portion of building occupied by the business and facing street), regardless of the width of such primary building frontage. A maximum total sign area, not to exceed 350 square feet, shall be permitted for each primary building frontage based on two (2) square feet of sign area for each lineal foot of primary building frontage occupied by the business.

Secondary frontage: An allowable minimum sign area of up to 35 square feet shall be permitted for each secondary building frontage (portion of building occupied by the business and facing an alley, an adjacent building, parking lot, or the like), regardless of the width of such secondary frontage. A maximum total sign area, not to exceed 200 square feet, shall be permitted for each secondary frontage based on one (1) square foot of secondary building frontage occupied by the business.

3. Maximum Total Aggregate Area in the CS and CH Districts

Primary frontage: An allowable minimum sign area of up to 100 square feet shall be permitted for each primary business frontage along a street, regardless of the width of such primary business frontage. A maximum total sign area, not to exceed 500 square feet, shall be permitted for each primary building frontage based on two (2) square feet of sign area for each lineal foot of primary business frontage occupied by the business.

Secondary frontage: An allowable minimum sign area of up to fifty (50) square feet shall be permitted for each secondary business frontage, regardless of the width of such secondary frontage occupied by the business. A maximum total sign area, not to exceed 200 square feet shall be permitted for each secondary business frontage based on two (2) square feet of sign area for each lineal foot of secondary business frontage occupied by the business.

4. Directional signs

Directional signs for off-street parking and off-street loading facilities shall not exceed six (6) square feet for each sign; parking lot identification signs shall not exceed six (6) square feet per face of sign.

5. Sale, Lease & Rental Signs

Signs pertaining to the sale, lease, rental, or display of a structure or land shall not exceed 32 square feet per single face of sign.

6. Projecting signs

No sign, other than a directional sign, shall project more than 24 inches into a required rear yard or required interior side yard. No sign, other than a sign required by law or a marquee sign, shall project more than 14 inches into a public right-of-way.

7. Signs Attached to Buildings

Signs attached to buildings shall be installed parallel with the building, with no more than a 14 inch projection from the wall except where permitted under subparagraph D.8., below and/or attached directly to the vertical or sloped face of the marquee.

8. Marquee or Canopy Signs

Signs attached below the marquee or canopy shall not exceed six (6) square feet per face of sign and shall have a minimum ground clearance of seven (7') feet above the sidewalk grade in order not to impede or interfere with pedestrian traffic and safety. Where the marquee or canopy is attached at an angle from a building, signs may be affixed to the sloped portion above the horizontal extension of the marquee or canopy as an integral part of the facade.

9. Painted Wall Signs

Within each of the C Districts, signs painted upon a wall exterior surface shall be included when computing the allowable sign area.

10. Freestanding Signs

- a. New freestanding signs shall have a permanently landscaped area at their bases, and shall be maintained with live plant materials around the base of such signs equal to at least 10% of the total sign area, and with a minimum landscaped area of ten 10 square feet.
- b. Freestanding area identification signs displaying the name and/or logographic symbol of a shopping center and/or the names of other groupings of businesses, offices, services, or combinations thereof, shall not exceed a total sign area of 350 square feet.

11. Temporary Signs

Temporary signs, including official notices, campaign posters, and posters advertising community functions or events, shall be removed by the agency, official, or person responsible for their erection within seven (7) days after the date of the advertised event or election. In the CC District, such temporary signs shall be permitted only on special structures which may be provided at various locations, such as public bulletin boards, kiosks, and other authorized informational centers.

12. Announcement and Bulletin Boards

Announcement and bulletin boards or structures for any public, philanthropic, civic, religious, or charitable organization or agency, non-illuminated or illuminated by indirect lighting only, may not exceed 32 square feet in area in any district when appurtenant to the premises on which they are located.

13. Public Service Signs

Electronic public service signs displaying such information as time of day, temperature, or events of community interest, with the purpose of augmenting on-premise identification shall be permitted. The area of such signs shall be included when computing the total sign area of a business or site.

14. Portable Signs

Portable signs, including, but not limited to, sandwich board, "A" board, movable freestanding, tire stack, and wind signs, shall be permitted but shall in no case be placed on a public right-of way or within 30 feet of a street intersection.

15. Public Utility Signs

Non-advertising signs of public utility companies shall be permitted as required in their operation, providing service for the health, safety, and welfare of the general public, including, but not limited to, the following: informational signs for public telephone facilities or marking the location of underground facilities, directional signs for public utility services, signs notifying the public of "danger", "emergency", "construction", and similar conditions. No sign or other item shall be attached to private utility company poles and/or light standards or supports without prior written approval from the utility company to which such poles belong.

16. Sight Distance at Intersections.

No sign permitted by this section shall be placed within 30 feet of a street intersection (intersecting curb lines) unless placed so that the top of the sign is at a maximum of three (3') feet above the ground or unless the bottom of the sign is a minimum of 10 feet above the ground level.

17. Height of Signs

The height of signs within the CN and CC Districts shall not exceed the height of the structure which houses the business being advertised, and in no case shall such sign exceed the height limitations of the district in which it is located.

18. Signs Expressly Prohibited

- a. No red, green, or amber light or illuminated sign may be placed in such a position that it could reasonably be expected to interfere with, or be confused with, any official traffic control device, traffic signal, or official directional guide sign.
- b. Outdoor advertising structures shall not be permitted.
- c. Glaring, flashing, and scintillating signs shall not be permitted.
- d. Open letter signs which may be viewed from the reverse shall not be permitted.

- e. Except in the CS and CH Districts, canvas, plastic, cloth, paper, or other types of banners or streamers suspended across public or private property, buildings, or structures shall not be permitted, except temporary banners announcing civic events such as parades and homecomings which extend over or across a street.

19. Brand Name Advertising

Up to 30% of the signing allowance for any frontage may be devoted to the advertising or identification of an individual brand or brands of products. This provision shall not apply to the identification of one primary brand name identifying a service station.

20. Design of Signs

All signs shall be designed in scale and harmony with the architectural design of the buildings and uses they are intended to relate to or identify.

21. Alteration and Removal

Achieving the alteration or removal of dangerous, obsolete and nonconforming signs is a major policy of this section. To this end, certain signs are hereby declared to be dangerous, obsolete, or nonconforming, and shall be removed or altered to conform as follows:

- a. A dangerous sign is hereby defined as any sign which is an immediate peril or a potential menace to the safety of persons or property. The Building Inspector shall give a written order for the repair or removal of any unsafe or dangerous sign to the owner of the real property upon which such sign is located. If such owner shall fail to remove or repair such sign or advertising structure, within six (6) months of notification by the Building Inspector, the Building Inspector may cause the removal of such sign and may enter upon such property for such purpose. Any cost accrued by the City in the removal of such sign shall be charged to the owner of the real property upon which such sign is located and added to the real taxes thereon for the ensuing tax year or be collected in civil action at the option of the City.
- b. Any sign hereafter existing which no longer advertises a bonafide business conducted or product sold on the premises where such sign exists shall be removed or made to conform by the owner of the building, structure, or property upon which such sign is located within 90 days after written notification by the Building Inspector, or the Building Inspector may cause the removal of such sign. Any cost incurred by the City shall be treated in the same manner as provided, above, for dangerous or unsafe signs.
- c. Signs which are non-conforming because of their lighting, movement or animation shall be made to conform or be removed within 120 days after written notification by the Building Inspector.

22. Appeals Procedure

If, because of any ambiguity, inadvertent omission, or error, the interpretation of the provisions and/or intent of this section by the Director of Community Development is disputed, the applicant or any aggrieved person may appeal, in writing, setting forth his reason for such appeal to the Planning Commission. The appeal shall be filed with the Director of Community Development within 15 days after an adverse decision of the Director. The appeal shall be placed on the regular meeting agenda of the Planning Commission at the first opportunity.

The Commission shall review the sign proposal and shall approve, approve with conditions, or disapprove it, based on the findings set forth in Section 18.21.060 of this code.

14.040 E. REGULATION OF SIGNS WITHIN THE I DISTRICTS

No sign, outdoor advertising structure or display of any character shall be permitted in the I Districts, except as follows:

1. Outdoor advertising signs in accordance with the district limitations and standards prescribed in Section 14.040 B.11.
2. The maximum permissible area of all faces of all permanent and temporary signs pertaining to a permitted use or conditional use, excluding outdoor advertising signs, directional signs and signs identifying products within a window display area, shall be as follows: one (1) square foot of sign area per lineal foot of property line adjoining a street, or 100 square feet per acre of site area in use, whichever is greater, to a maximum of 600 square feet of sign area.
3. Temporary non-verbal signs, such as banners and flags, and window displays, shall be permitted in all I Districts, provided that their combined area shall not exceed 10% of the maximum total aggregate sign area allowed, or 60 square feet.
4. One (1) non-illuminated sign, not exceeding a single surface areas of 32 square feet, pertaining to the sale, lease, rental or display of a structure or site.
5. Non-illuminated directional signs along driveways or within parking lots, not exceeding a single surface area of six (6) square feet, pertaining to vehicular and pedestrian traffic direction.
6. One (1) bulletin board not directly illuminated, not exceeding a single surface area of 20 square feet located on the site of a place of public assembly.
7. One (1) non-illuminated temporary construction sign, not exceeding a single surface area of 32 square feet, on the site of a construction project, to be removed at the owner's expense at the time of project completion.

14.040 F. NON-CONFORMING SIGNS AND NON-CONFORMING OUTDOOR ADVERTISING STRUCTURES

Non-conforming signs and non-conforming outdoor advertising structures shall be subject to the regulations prescribed in Article 15.

14.040 G. ABANDONED AND DILAPIDATED SIGNS

No person shall maintain or permit to be maintained on any premises owned or controlled by him, any sign which has been abandoned or which is physically dilapidated. Any such sign shall be promptly removed by the owner or such other person. Any sign which is located on property which becomes vacant and unoccupied for a period of six (6) months or more, or any sign which was erected for an occupant or business unrelated to the present occupant or his business, or any sign which pertains to a time, event or purpose which no longer is applied, shall be presumed to have been abandoned. Where the owner or other person responsible for maintaining an abandoned or dilapidated sign fails to remove the sign in conformance with these provisions, the City shall cause the sign to be removed and shall assess the owner or other person responsible at a rate established by resolution of the City Council to cover the costs of such removal.

14.040 H. AUTHORITY TO MODIFY SIGN REGULATIONS

Notwithstanding other provisions of this article, the City Council have the authority to modify or adjust regulations of this article in order to prevent or lessen practical difficulties or unnecessary physical hardships inconsistent with the objectives of the Zoning Ordinance and the purpose of this section as would result from a strict or literal interpretation and enforcement of certain of the regulations of this article.

14.040 I. PUBLIC UTILITY SIGNS

Non-advertising signs of public utility companies shall be permitted as required in their operation, providing service for the health, safety and welfare of the general public, including but not limited to the following: the location of underground facilities, directional signs for public utility services, signs notifying the public of "danger", "emergency", "construction" and similar conditions. No signs or other items shall be attached to private utility company poles and/or light standards or supports, without prior written approval from the affected utility company.

SECTION 18.14.050 REGULATION OF MANUFACTURED HOUSING WITHIN RESIDENTIAL DISTRICTS

14.050 A. APPLICATION

The provisions of this Section shall apply to all single family dwellings and mobile homes on permanent foundations listed as permitted uses within UR, RA, R, RM and PO districts.

14.050 C. DEVELOPMENTAL/ARCHITECTURAL STANDARDS

All single family dwellings and mobile homes on permanent foundations shall meet the following developmental/architectural standards:

1. Garages or Carports

A garage or carport shall be provided for every dwelling located on a lot which is not a part of a mobile home subdivision.

2. Minimum Floor Area

The minimum floor area for every dwelling located which is not a part of a mobile home subdivision, shall be 800 square feet, excluding the area of the garage or carport.

3. Roof Overhang

All main buildings shall have a pitched roof with a minimum twelve (12") inch roof overhang on each of the dwelling's perimeter walls such that the overhang is architecturally integrated into the design of the dwelling unit.

4. Roofing Material

All main buildings, and all detached garages and carports located on the front half of the lot shall have a roof constituted of either wood shakes, asphalt, composition or wood shingles, clay, tile, concrete or metal tile, slate or built-up asphalted-gravel materials.

5. Siding Material

All main buildings and all detached garages located on the front half of the lot shall have exterior siding material consisting of either wood, masonry, concrete, stucco, Masonite or metal lap. The exterior siding material shall extend to ground level, except that when a solid concrete or masonry perimeter foundation is used, the siding material need not extend below the top of the foundation.

6. Foundations

All main buildings shall be placed on a permanent foundation which meets applicable building code requirements and/or the provisions of Section 18551 of the California Health and Safety Code, such that the floor elevation of the dwelling is reasonably compatible with the floor elevations of the surrounding dwelling units.

7. Minimum Width

The minimum width of a dwelling located on a lot outside of a mobile home subdivision shall be 20 feet.

8. Surrender of Registration

Subsequent to applying for a building permit, and prior to occupancy of a mobile home on a permanent foundation, the owner shall request a certification of occupancy be issued by the Building Official pursuant to Section 18557 (a) (2) of the California Health and Safety Code. Thereafter, any vehicle license plate, certificate of ownership and certificate of registration issued by a State Agency is to be surrendered to the issuing State Agency. Any mobile home on a permanent foundation must bear a California insignia or Federal label pursuant to Section 18550 (b) of the California Health and Safety Code.

9. Tow Bars, Wheels and Axles

All mobile home tow bars, wheels and axles shall be removed when the dwelling is installed on a residential lot.

10. Deviations

The Community Development Director may approve deviations from one or more of the standards of this Section on the basis of a finding that the architectural style proposed provides compensating design features and that the proposed dwelling will be compatible and harmonious with existing structures in the vicinity. The determination of the Director may be appealed to the City Council in accordance with the provisions of Section 18.16.050 of this code.

SECTION 18.14.060 SECOND UNIT HOUSING

14.060 A. APPLICATION

This section provides standards by which the Planning Commission shall evaluate Conditional Use Permit applications for the siting and construction of a second housing unit to be attached to an existing one-family detached residence located in either the UR, RA, R or RM zoning districts.

14.060 B. DEVELOPMENTAL STANDARDS

All second housing units shall meet the following standards:

1. Maximum Floor Area: A second housing unit pursuant to this section shall not exceed 600 square feet of floor area.

dwelling, or be separated from it by a breezeway and common roof not less than 10 feet in width.

3. Access: Doorway access shall be provided either to the side or rear of the second housing unit. Direct doorway access to the front yard is prohibited.
4. Owner Occupancy: Either the existing one-family residence or the second unit shall be occupied by the owner of the property.
5. Off-Street Parking: At least one additional off-street parking space shall be provided for the second housing unit.
6. Utility Service: Second housing units shall be provided with adequate water, sewer, and other utilities as determined by the City Building Official.
7. Visual Appearance: A second housing unit shall be designed and constructed so as to blend with and complement the existing one-family unit to which it is attached in terms of height, roofing and siding materials, and color.
8. Mobile Homes or Manufactured Housing: mobile homes or manufactured housing on permanent foundations shall be permitted as a second housing unit within the intent of this Section.
9. Compliance with Other Regulations: Notwithstanding the above standards, all second housing units established under this section shall meet all of the requirements of the UR, RA, R and RM zoning districts as to: fences, walls and hedges; site area; frontage; width and depth of site; coverage; yard requirements; height of structures; distance between structures; signs; and, general provisions and exceptions.

ARTICLE 15 - GENERAL PROVISIONS AND EXCEPTIONS

SECTION 18.15.010 ADDITION OF PERMITTED USES

Upon receipt of an application, or on its own initiative, the Planning Commission may add a use to the lists of permitted uses, permitted uses subject to administrative approval, and conditional uses prescribed in Articles 4 through 12 of this code, if the Commission makes the following findings, as applicable:

- A. That the addition of the use to the list of permitted uses will be in accordance with the purposes of the district in which the use is proposed.
- B. That the use has the same basic characteristics as the uses permitted in the district.
- C. That the use reasonably can be expected to conform with the required conditions prescribed for the district.
- D. That the use will not be detrimental to the public health, safety or welfare, or adversely affect the character of any district in which it would be located.
- E. That the use will not create more vehicular traffic than the volume normally created by the uses permitted in the district.
- F. That the use will not create more odor, dirt, smoke, noise, vibration, illumination, glare, unsightliness or any other objectionable influence than the amount normally created by any of the other uses permitted in the district.
- H. That the use will not create any greater hazard of fire or explosion than the hazards normally created by any of the uses permitted in the district.

When a use has been added to a list of permitted uses in accordance with the procedure prescribed in this section, the use shall be deemed to be listed as a permitted use in the appropriate section and shall be added to the text of that section of this ordinance when it is next published with a notation of the date when the use was added to the list.

SECTION 18.15.020 COVERAGE - MEASUREMENT

The percent of the site area covered by structures shall be measured by dividing the number of square feet of horizontal floor area covered by structures, open or enclosed, by the total horizontal area within the property lines of the site.

SECTION 18.15.030 YARD SPACES

- A. No yard space about any structure in compliance with the regulations for the district in which it is located shall be deemed to provide a yard for any other structure, and no yard on one site shall be deemed to provide a yard space for a structure on another site.
- B. Where two or more dwellings are located on the same lot, and any one of them has a door facing a side yard, such dwelling shall be located not less than 10 feet from the adjacent side lot line. A door shall be deemed to face a side yard if the wall in which the door is set is located at an angle of 45 degrees or less to the side yard.

SECTION 18.15.040 YARD REQUIREMENTS - MEASUREMENT

Required yards shall be measured as the minimum horizontal distance from the property line of the site or street line to a line parallel thereto on the site: provided that where a precise street plan has been adopted by the City Council, required front yards shall be measured from the plan line, and no provision of this ordinance shall be construed to permit a structure or use to extend beyond such line] and provided further that where a site abuts on a street having only a portion of its required width dedicated or reserved for street purposes, site area and required yards shall be measured from a line representing the boundary of the additional width required for street purposes abutting the site. Where a site abuts a public alley, required yards shall be measured from the nearest line of the alley, except that garages and carports shall be located a minimum of 27 feet from the opposite alley which has access perpendicular to the alley right-of-way line.

SECTION 18.15.050 YARD REQUIREMENTS - EXCEPTIONS

- A. Architectural features including sills, chimneys, fireplaces, cornices and eaves may extend into a required side yard, a required rear yard, or a space between structures not more than 36 inches and may extend into a required front yard not more than six (6) feet, provided that where an architectural feature extends more than 24 inches into a required side yard, said extension shall be protected by a minimum one (1) hour fire resistant standard. No building or projection thereof, except a garden structure, may extend into a public easement.
- B. Open, unenclosed, uncovered metal fire escapes and depressed ramps or stair-ways may project into any required yard or space between buildings not more than four (4) feet; planter boxes attached to a building, may be extended into a required front yard by not more than three (3) feet.
- C. Fences, walls, hedges, garden structures walks, driveways and retaining walls may occupy any required yard or other open spaces, subject to the limitations prescribed in the district regulations, and except that the provisions of this ordinance shall not apply to a fence or wall necessary for public safety or as required by any law or regulation of the State of California or any agency thereof, and further that a chainlinked fence up to seven (7) feet in height may be located in any required front yard in conjunction with public and quasi-public uses.
- D. Where more than 60% of such portion of the linear frontage of lots improved with residential buildings within any block is comprised of lots with less than the minimum front yard requirement, the minimum front yard requirement for other residential buildings in such block may be reduced to the average of the actual front yards of all the lots in such block improved with residential buildings, counting those which have front yards greater than the minimum front yard requirement of the district as having the minimum requirement.

SECTION 18.15.060 THROUGH LOTS

A front yard shall be provided on each frontage of a through lot, except where a waiver-of-access has been dedicated to one of the frontages.

SECTION 18.15.070 MAINTENANCE OF LANDSCAPED AREAS

A landscaped area provided in compliance with the regulations prescribed in this ordinance or as a condition of a site plan review, a use permit or variance shall be planted with live and healthy plant materials suitable for screening or ornamenting the site, whichever is appropriate, and plant materials shall be replaced as needed to screen or ornament the site. Landscaped areas shall be watered, weeded, pruned,

fertilized, sprayed or otherwise maintained to assure compliance with the regulations requiring landscaped areas. Landscaped areas within sites subject to site plan review shall be watered by automatic systems.

SECTION 18.15.080 MAINTENANCE AND ELIMINATION OF NON-CONFORMING SITES, USES, AND STRUCTURES

A. PURPOSES AND APPLICATION

1. A non-conforming use is a use of a structure or land which was lawfully established and maintained prior to the adoption of this ordinance, but which does not conform with the use regulations for the district in which it is located. This section is intended to limit the number and extent of non-conforming uses by limiting their enlargement and prohibiting their reestablishment after abandonment, and by prohibiting the alteration of the structures they occupy and their restoration after destruction.
2. A non-conforming structure is a structure which was lawfully erected prior to the adoption of this ordinance, but which does not conform with the standards of coverage, yard space, height of structures or distance between structures prescribed in the regulations for the district in which the structure is located. While permitting the use and maintenance of non-conforming structures, this section is intended to limit the number and extent of non-conforming structures by prohibiting their being moved, altered or enlarged so as to increase the discrepancy between existing conditions and the standards prescribed in this ordinance and by prohibiting their restoration after destruction, within a reasonable period of time.
3. Priorities for enforcement under this section shall be as follows, in descending order of importance:
 - a. Uses listed under Section 18.15.080 G.
 - b. Non-conforming uses.

B. CONTINUATION AND MAINTENANCE

1. A use lawfully occupying a structure or a site on the effective date of this ordinance or of amendments thereto which does not conform with the use regulations for the district in which the use is located shall be deemed to be a non-conforming use and may be continued, except as otherwise provided in this section.
2. A structure lawfully occupying a site on the effective date of this ordinance or of amendments thereto, which does not conform with the standards of coverage, front yard, side yards, rear yard or distances between structures prescribed in the regulations for the district in which the structure is located, shall be deemed to be a non-conforming structure and may be used and maintained except as otherwise provided in this section.
3. A sign or outdoor advertising display of any character lawfully occupying a site on the effective date of this ordinance or amendments thereto, which does not conform with the standards for subject matter, location, size, lighting, or movement prescribed for the district in which it is located, shall be deemed to be a non-conforming sign or outdoor advertising structure, and may be displayed and maintained except as otherwise provided in this section.

4. Routine maintenance and repairs may be performed on a structure or site, the use of which is non-conforming, on a non-conforming structure, and on a non-conforming sign or outdoor advertising structure.

C. ALTERATIONS AND ADDITIONS TO NON-CONFORMING USES AND SIGNS

Except as provided in Sections 18.15.080 D. through 18.15.080 I., no structure, the use of which is non-conforming, and no non-conforming sign shall be moved, altered, or enlarged unless required by law or unless the moving, alteration or enlargement will result in the elimination of the non-conforming use. No structure partially occupied by a non-conforming use shall be moved, altered or enlarged in such a way as to permit the enlargement of the space occupied by the non-conforming use.

D. ALTERATIONS AND ADDITIONS TO NON-CONFORMING STRUCTURES

No non-conforming structure shall be altered or reconstructed so as to increase the amount of floor space or the discrepancy between existing conditions and the standard of coverage, front yards, side yards, rear yard, height of structure or distances between structures prescribed in the regulations prescribed for the district in which the structure is located, except as may be permitted through the granting of a Conditional Use Permit under the provisions of Article 17. The modest expansion of a non-conforming use which may be allowed within any zoning district under Conditional Use Permit procedures shall not exceed 25% of the existing floor area of the structure.

E. ABANDONMENT OF A NON-CONFORMING USE

Whenever a non-conforming use has been abandoned, discontinued or changed to a conforming use for a continuous period of six (6) months, the non-conforming use shall not be reestablished, and the use of the structure or site thereafter shall be in conformity with the regulations for the district in which it is located.

F. RESTORATION OF A DAMAGED STRUCTURE

1. Whenever a non-conforming use, or a non-conforming structure shall be destroyed by fire or other calamity, or by an act of God or by the public enemy to the extent of less than 60%, the structure may be restored and the non-conforming use may be resumed, provided that restoration is started within six (6) months and diligently pursued to completion. The extent of damage to any structure shall be determined by the Building Official, and shall be based upon the ratio of the estimated cost of restoring the use or structure to its condition prior to such damage to the estimated cost of duplicating the entire structure as it existed prior thereto.
2. Whenever a non-conforming use or a non-conforming structure shall be destroyed by fire or other calamity, or by an act of God or by the public enemy to the extent of 60% or more, or shall be voluntarily razed or shall be required by law to be razed, the structure shall not be restored except in full conformity with the regulations for the district in which it is located, and the non-conforming use shall not be resumed.

G. ELIMINATION OF NON-CONFORMING USES AND STRUCTURES

1. The following non-conforming uses and structures shall be discontinued and completely removed or altered and converted to a conforming status within five (5) years after the effective date of this ordinance:
 - a. A non-conforming use which does not occupy a structure.
 - b. A non-conforming use occupying a structure having an assessed valuation of less than \$200.00.

- c. A non-conforming outdoor advertising structure.
 - d. Abandoned or dilapidated signs in accordance with the provisions of Section 14.040 D.11.
2. A non-conforming home occupation shall be discontinued within one (1) year of the adoption of this ordinance.
 3. Uses permitted only within a RA, R or RM District which are located in a C or I District, and uses permitted only within a C or I District which are located within a RA, R or RM District shall be completely removed or altered and converted to a conforming status upon abandonment of the previous use for six months or more. When a non-conforming use is removed, every future use shall be in conformity with the provisions of this ordinance. Repairs necessary to maintain a non-conforming use and other maintenance (excluding signs), not exceeding an assessed valuation of \$2,500.00, shall not be construed as lengthening the useful life of the non-conforming use.
 4. Fences, walls and hedges which do not conform to the provisions of this ordinance governing the erection of fences, walls and hedges in relation to street intersections shall, within one month of receipt of written notification by the Community Development Department, be removed or made to conform.

H. TIME WHEN USE, STRUCTURE OR SIGN BECOMES NON-CONFORMING

Whenever a use or structure becomes non-conforming because of a change of zoning district boundaries or a change of regulations for the district in which the site is located, the period of time prescribed in this section for the elimination of the use shall be computed from the effective date of the change of district or regulations, and the Building Official shall carry out the provisions of Section 18.15.080 I. in respect thereto.

I. RECORDS AND NOTIFICATION OF NON-CONFORMING STATUS OF A USE, STRUCTURE OR SIGN

1. Within 180 days after the effective date of this ordinance, and amendments thereto, the Community Development Department shall compile a list of all structures or uses which shall have become non-conforming by the adoption of this ordinance under the provisions of section 18.15.080 H., together with a description of their locations and the names and addresses of all persons whose names appear on the latest adopted tax roll of Tulare County as owning such non-conforming structures, uses or signs, which list shall be recorded in the office of the Tulare County Recorder with copies placed on file with each title company operating within Tulare County.
2. Within one year after the effective date of this ordinance, the Community Development Department shall notify, in writing, the owners of all non-conforming structures, uses, signs and fences, walls and hedges, of the non-conforming status of their property and the date when such structure or use shall be removed or made conforming by said owners, if such removal or conformance is required by the provisions of this ordinance. An excerpt of this ordinance will be attached to said notice which excerpt shall include all of the provisions of Section 18.15.080 of this article.

J. EFFECT OF EMINENT DOMAIN

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

1. If the area of a lot is reduced below the minimum requirement thereby, such lot shall be deemed to be a legal substandard lot under the provisions of Section 18.02.030 G., and any existing building or structure thereon shall be deemed to be non-conforming.
2. If a required yard is reduced or eliminated thereby, any affected building or structure shall be deemed non-conforming; provided, however, that such building or structure may be structurally altered or enlarged as long as such alterations or enlargements comply with all other requirements of the zoning district.
3. If any required parking space on a lot is reduced or eliminated thereby, the provisions of Article 13 shall not be construed to require the replacement of the required parking space.

K. CHANGE OF NON-CONFORMING USE

Except as otherwise set forth in this section, the nonconforming use of a structure or site may be changed to another nonconforming use provided the change of use is approved by the Planning Commission in accordance with the following procedure:

1. An application for a change of use shall be made to the Planning Commission on a form prescribed by the Commission, which form shall include the following data:
 - a. The name and address of the applicant;
 - b. A statement that the applicant is the owner of the property or is the authorized agent of the owner;
 - c. The address or description of the property; and
 - d. A statement of the precise nature of the existing or preexisting nonconforming use, the proposed nonconforming use, and any other data pertinent to the findings prerequisite to the granting of the application as set forth in subsection 4 of this subsection, below.

The application shall be filed with the Community Development Department. Notice shall be given to the applicant of the time when the application will be considered by the Commission, and notice may be given of the time to any other interested party.

2. The Commission shall hold a public hearing on an application for a change of use. Notice of the hearing shall be given not less than 10 days, nor more than 30 days, prior to the date of the hearing in the manner set forth in Article 17 of this code.
3. The Community Development Director shall make an investigation of the application and shall prepare a written report thereon, which report shall be submitted to the Commission. The Commission shall consider the report of the Director before taking action on the application.
4. The Commission may grant an application for a change of use if, on the basis of the application and the evidence submitted, the Commission makes the following findings:
 - a. That the proposed use is classified in a more restricted category than the existing or preexisting use by the district regulations of this ordinance. The classification of a nonconforming use shall be determined on the basis of the district in which it is first permitted; provided, however, a conditional use shall be deemed to be in a less restrictive category than a permitted use in the same district;

- b. That the proposed use will not more adversely affect the character of the district in which it is proposed to be located than the existing or preexisting use;
 - c. That the proposed use will not create more vehicular or rail traffic than the volumes created by the existing or preexisting use;
 - d. That the proposed use will not create more odor, dust, dirt, smoke, noise, vibration, illumination, glare, unsightliness, or any other objectionable influence than the amount created by the existing or preexisting use; and
 - e. That the proposed use will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
5. The Planning Commission may grant an application for a change of use for a limited time period, or subject to such conditions as the Commission may prescribe. The Commission may deny an application for a change of use.
 6. An action of the Commission granting an application for a change of use shall become null and void six months following the date of the action unless, prior to the expiration of six months, a building permit is issued by the Chief Building Inspector and construction is commenced and diligently pursued toward completion on the site which was the subject of the application. The action of the Commission may be made effective for an additional six months if, within six months of the original application, an application to continue the action in effect is made to the Commission. The Commission may grant or deny an application to continue its action in effect.
 7. An action of the Commission granting an application for a change of use subject to conditions shall be revoked by the Commission if the conditions are not complied with.
 8. Following the date of denial of an application for a change of use or the revocation of an action of the Commission granting an application, no application for the same, or substantially the same, structure or on the same, or substantially the same, site shall be filed within six (6) months of the denial of the application or the revocation of the action of the Commission.

L. USE OF NON-CONFORMING SITES

Except as otherwise provided in this section, a site having an area, frontage, width or depth, less than the minimum prescribed for the district in which the site is located, which is shown on a duly approved and recorded subdivision map, or for which a deed or valid contract of sale was of record prior to the adoption of this ordinance, and which had a legal area, frontage, width and depth at the time that the subdivision map, deed or contract of sale was recorded, may be used for any permitted use listed for the district in which the site is located, but shall be subject to all other regulations for such district.

SECTION 18.15.090 CLARIFICATION OF AMBIGUITY; INTERPRETATION

- A. In event of need for any clarification or interpretation of the provisions of this ordinance, the Planning Commission shall ascertain all pertinent facts and by resolution shall set forth its findings. If approved by the Commission, said clarifications or interpretation shall govern until modified by resolution adopted in like manner or by appropriate amendment to this ordinance.
- B. The authority of the Planning Commission prescribed by this section shall apply in all of the following cases:

1. If ambiguity arises concerning the appropriate classification of a particular use within the meaning and intent of this ordinance, subject to the additional requirements of Section 18.15.010;
2. If ambiguity exists with reference to matters of height, yard area, and other requirements;
3. If uncertainty exists with reference to a zone district boundary;
4. If an unforeseen condition arises or technological changes have been introduced which require interpretation of their impact on the provisions of this ordinance.
5. If ambiguity or uncertainty arises as to the meaning of any word or provision contained in this ordinance.

SECTION 18.15.100 HEIGHT LIMITATIONS - MEASUREMENT AND EXCEPTIONS

- A. The height of a structure shall be measured vertically from the average elevation of the surface of the ground covered by the structure to the highest point of the structure; provided, however, the provisions of this section shall not apply to the height of any structure necessary for public safety or as required by any law or regulation of the State or an agency thereof.
- B. Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, air conditioning equipment or similar equipment required to operate and maintain buildings, and fire and parapet walls, skylights, towers, spires, cupolas, road signs (where permitted), flagpoles, chimneys, smokestacks, television and radio masts, or similar structures, may be erected above the height limit but shall not be allowed for the purpose of providing additional floor space.

SECTION 18.15.110 GARAGE SALES WITHIN RESIDENTIAL AREAS

The sale of personal possessions in outdoor areas of a dwelling within an RA, R, RM or PO zoning district shall be limited to no more than two such sales per year. Commonly referred to as "garage sales", such sales shall be conducted only on weekends, and unsold possessions shall be removed from public view and stored within the premises. Materials to be sold shall be personal possessions. No materials shall be offered for sale which have been acquired solely for the purposes of the "garage sale". Possessions offered for sale shall be neatly displayed. The driveway, yard, or other space used for purposes of the sale shall be restored to its normal residential character at the conclusion of the sale.

ARTICLE 16 - USES PERMITTED BY ADMINISTRATIVE APPROVAL

SECTION 18.16.010 PURPOSES AND APPLICATION

The purpose of requiring administrative approval of certain enumerated uses is to determine whether or not, in any particular case, a use listed under a section of district regulations entitled "Permitted Uses: Administrative Approval" should be treated as a conditional use because of the peculiar circumstances and conditions of the case. This article sets forth the procedure for approval of such use by an administrative act where findings can be made that such use is in conformance with the intent and provisions of the district regulations and other applicable regulations of this ordinance. The provisions of this article take cognizance of the impracticality of listing certain uses as categorically possessing the characteristics of those uses listed under either the "Permitted Use" or "Conditional Use: Commission Approval" sections of the various districts provided in this ordinance.

Except as provided in Sections 16.050 and 16.070 of this article, the provisions of Sections 16.010 through 16.060 shall apply to all uses listed as permitted uses, subject to administrative approval.

As a matter of policy, any use listed as subject to administrative approval shall be considered as if it were a permitted use in the district where listed unless otherwise found to require modifications under the review procedures provided in this article.

SECTION 18.16.020 PROCEDURE

- A. An application for administrative approval shall be submitted to the Community Development Director on a form prescribed by the Director. The application shall include a statement of the use proposed and a site plan prepared in accordance with and subject to the provisions of Article 18.
- B. The Director shall review the proposed use to ascertain all facts pertinent thereto, and in writing, shall state either approval or approval with conditions of the proposed use, together with his findings and reasons for such decision within 15 days, excluding Saturdays, Sundays and legal holidays, of the filing of the application.
- C. In approving the use, the Director shall impose such conditions and requirements as may be applicable as listed under Sections 18.17.080 and 18.18.060.

SECTION 18.16.030 FINDINGS

The Director may grant an application for administrative approval as the permit was applied for or in modified form, if, on the basis of the application and evidence submitted, the Director is able to make the findings prescribed under Section 18.17.070, plus the following additional findings:

- A. That the use will not involve any process, equipment or materials which, in the opinion of the Director, will be objectionable to persons living or working in the vicinity by reasons of odor, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare or unsightliness or to involve any hazard of fire or explosion.
- B. That the proposed use will be harmonious with existing structures and use of land in the vicinity.

SECTION 18.16.040 NOTICE OF DECISION

One (1) copy of the written decision of the Director shall be signed and dated by the Director and mailed to the applicant.

SECTION 18.16.050 APPEALS

- A. In the event the applicant is not satisfied with any condition or conditions of approval imposed by the Director, the applicant may submit an application to the Planning Commission for a conditional use permit in the manner prescribed in Article 17. In submitting an application for a conditional use permit, only that information and data required under Article 17 need be submitted which is required in addition to that previously submitted as part of the application for administrative approval.
- B. Except as provided in Paragraph C, of this Section, in the event the application for administrative approval is disapproved by the Director, the application, upon written appeal from the applicant within 15 days following the notice of the decision date pursuant to the provisions in Section 16.040 this article, shall automatically become an application for conditional use permit and shall be processed in the manner prescribed in Article 17. The applicant shall submit such additional information and data required by the provisions of Article 17 as not previously submitted with his application for administrative approval, within five (5) days following the filing of an appeal.
- C. Appeals filed in the event of Director disapproval of an application for a mobile home on a permanent foundation shall be processed as provided under Paragraphs D., E., and F. of this subsection.
- D. Within 15 days following the date of a decision by the Director, the decision may be appealed in writing to the Planning Commission by the applicant or any interested party. An appeal shall be filed with the Department, and shall state specifically wherein it is claimed that there was an error or abuse of discretion by the Director, or wherein the decision is not supported by the evidence in the record.
- E. The Director shall give notice in writing to the applicant and to the appellant (if the applicant is not the appellant) of the time when the appeal will be considered by the Planning Commission.
- F. The Planning Commission shall hear the appeal at its next regular meeting to be held not less than 14 days after the filing of the appeal. The Planning Commission may affirm, modify or reverse a decision of the Community Development Director, provided that if the decision is modified or reversed, the Planning Commission shall, on the basis of the record and such additional evidence as may be submitted, make the determination required under Section 18.17.070 of this ordinance.

SECTION 18.16.060 REVOCATION

Upon violation of any applicable provisions of this ordinance, or, if granted subject to a condition or conditions, upon failure to comply with the condition or conditions, a use permit shall be suspended automatically. Notice of such suspension shall be sent immediately to the person or persons responsible for non-compliance by the Building Official. Within 30 days of the suspension, the Planning Commission shall consider the suspension. If not satisfied that the regulation, general provision, condition or conditions are being complied with, the Planning Commission may revoke the use permit or take such action as may be necessary to ensure compliance with the regulation, general provision, condition or conditions.

SECTION 18.16.070 BUILDING PERMIT

Before a building permit shall be issued for any building or structure proposed as part of an approved application for administrative approval, the Community Development Director shall determine that the proposed building location, facilities and improvements are in conformity with the site plan and conditions as approved.

SECTION 18.16.080 REVIEW OF UTILITY TOWERS AND LINES

16.080 A. APPLICATION

The provisions of this ordinance 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 Public Utilities Commission, which uses are related to the public utility purposes of water and gas pipes, mains and conduits, telegraph and telephone lines, pole mounted repeaters, telephone booths, sewers and sewer mains, electric light and power distribution and transmission lines, except as provided in paragraph B. of this section.

16.080 B. PROCEDURE

1. The routes of proposed gas or electric transmission lines shall be submitted to the Community Development Director for review and recommendations. The Director shall confine its review to the route, placement and height of such towers or lines and the effect on land use. Power transmission lines shall be those lines which are intended to transmit gas or electric energy from the source of such energy to a receiving substation, or from a receiving substation to a distribution substation.
2. Prior to the acquisition of rights-of-way, the following plans and information shall be submitted to the Director for review and recommendations:
 - a. The location of the proposed route.
 - b. Type of towers and transmission lines.
 - c. Approximate height of towers or size of lines.
 - d. Widths of rights-of-ways.
 - e. Other pertinent data.
3. The Director may, when in the public interest, recommend such modifications as deemed necessary to protect the health, safety and welfare.
4. The Director shall complete the review and make findings within 60 days after the filing of said plans and data.

16.080. C. APPEALS

The recommendations of the Community Development Director may be appealed to the Planning Commission within 15 days of the completion of the review and findings. The appeal shall be placed on the agenda of the Planning Commission's next regular meeting. The Planning Commission shall review the findings and recommendations and shall act to uphold, modify or disapprove the recommendations of the Director.

ARTICLE 17 - PERMITS FOR CONDITIONAL USES

SECTION 18.17.010 PURPOSES

In certain districts, conditional uses are permitted subject to the granting of a use permit. Because of their unusual characteristics, conditional uses require special considerations so that they may be located properly with respect to the objectives of the zoning ordinance and their effects on surrounding properties. In order to achieve these purposes, and thus give the district use regulations of this ordinance additional flexibility necessary to achieve the objectives of this ordinance, the Planning Commission is empowered to grant and to deny applications for use permits and to impose reasonable conditions upon the granting of use permits.

SECTION 18.17.020 POWERS OF THE PLANNING COMMISSION

The Planning Commission may grant use permits for such conditional uses in such districts as are prescribed in the district regulations of this ordinance, in accordance with the procedure prescribed in this article.

SECTION 18.17.030 APPLICATION AND FEE

Application for a use permit shall be made to the Community Development Department, which shall include the following data:

- A. Name and address of applicant.
- B. Statement that the applicant is the owner of the property or is the authorized agent of the owner or the plaintiff in an action of eminent domain to acquire the property involved.
- C. Address or description of the property.
- D. Statement setting forth the precise circumstances or conditions applicable to the land, structure or use which makes the granting of a use permit necessary for the preservation and enjoyment of a substantial property right, together with any other data pertinent to the findings prerequisite to the granting of a use permit.
- E. A drawing of the site and the surrounding area for a distance of at least 300 feet from each boundary of the site showing the existing locations of streets and property lines and a list of the names and last known addresses of the recorded legal owners, as shown on the latest adopted assessment roll of Tulare County, of all properties shown on the drawing. County Assessor's maps may be used for this purpose.
- F. Preliminary floor plans and front, side and rear elevations of proposed structures, if available.
- G. Nine (9) prints of a site plan, drawn to scale, which shall indicate clearly and with full dimensions, the following information:
 1. Lot or site dimensions.
 2. All buildings and structures: location, size, height, proposed use.
 3. Yards and space between buildings.
 4. Walls and fences: location, height and materials.

5. Off-street parking and off-street loading: location, number of spaces and dimensions of parking and loading areas, internal circulation pattern.
6. Access: pedestrian, vehicular, service; points of ingress and egress; internal circulation.
7. Signs: location, size height and type of illumination, including hooding devices.
8. Lighting: location and general nature; hooding devices.
9. Street dedications and improvements.
10. Landscaping: location and type.
11. Refuse containers: location and type.
12. Such other data as may be required by the Planning Commission to make the required findings.

H. The site plan shall fulfill all requirements of Article 18, and shall be so prepared by the applicant to enable the Planning Commission to make the following findings:

1. All applicable provisions of this ordinance are complied with.
2. The following are so arranged that traffic congestion is avoided and pedestrian and vehicular safety and welfare are protected and there will be no adverse effect on surrounding property:
 - a. All facilities and improvements.
 - b. Vehicular ingress, egress and internal circulation.
 - c. Setbacks.
 - d. Height of buildings.
 - e. Location of utilities and other services.
 - f. Walls.
 - g. Landscaping, including screen landscaping and street trees.
 - h. Drainage of site.
 - i. Trash enclosures and refuse pickup.
3. Proposed lighting is so arranged as to deflect the light away from adjoining properties.
4. Proposed signs will comply with all applicable provisions of Article 14.

In making the above findings, the Planning Commission shall determine that approvals will be consistent with established legislative policies with respect to traffic safety, street dedication and street improvements.

- I. The application shall be accompanied by a fee set by resolution of the Planning Commission sufficient to cover the cost of handling the application as prescribed in this article.

SECTION 18.17.040 PUBLIC HEARING - NOTICE

The Planning Commission shall hold a public hearing on each application for a conditional use permit. Such hearing shall be held within 45 days of the date when the application was filed. Notice of the public hearing shall be given not less than 10 days nor more than 25 days prior to the date of the hearing by: (1) mailing postage prepaid, a notice of the time and place of the hearing to all persons whose names appear on the property owners list submitted with the application; and (2) by publishing a notice at least once in a newspaper of general circulation in the City of Lindsay.

SECTION 18.17.050 PUBLIC HEARING - PROCEDURE

At the public hearing, the Planning Commission shall review the application and the statement and drawings submitted therewith, and shall receive pertinent evidence and testimony concerning the proposed use and the proposed conditions under which it would be operated or maintained, particularly with respect to the findings prescribed in Section 18.17.070

SECTION 18.17.060 INVESTIGATION, REPORT AND NOTICE

The Community Development Director shall give written notice to the applicant of the time when the application will be considered by the Planning Commission.

SECTION 18.17.070 ACTION BY THE PLANNING COMMISSION

The Planning Commission shall act on the application within 30 days following the closing of the public hearing. The Council may grant an application for a conditional use permit as the use permit was applied for or in modified form if, on the basis of the application and the evidence submitted, the Council makes all of the following findings:

- A. That there are circumstances or conditions applicable to the land, structure or use which makes the granting of a use permit necessary for the preservation and enjoyment of a substantial property right.
- B. That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinance and the purposes of the district in which the site is located.
- C. That the proposed use will comply with each of the applicable provisions of this ordinance.

A use permit may be revocable, may be granted for a limited time period, or may be granted subject to such conditions as the Commission may prescribe. The Commission may deny an application for a use permit. A use permit may not grant variances to the regulations prescribed by this ordinance for which variance procedures are prescribed by Article 21 of this ordinance. A use permit shall become effective immediately after it is granted by the Commission.

SECTION 18.17.080 CONDITIONS OF APPROVAL

In approving a conditional use permit, the Planning Commission shall, in its resolution, state those conditions of approval necessary to protect the public health, safety and general welfare. Such conditions may cover any of the considerations listed in Section 18.18.040 of this ordinance.

SECTION 18.17.090 REVIEW BY THE CITY COUNCIL

At the first regular City Council meeting held more than 10 days after a decision on a use permit application by the Planning Commission, the City Council shall review the Commission's decision. The Council may affirm, reverse or modify a decision of the Commission, provided that if a decision denying a use permit is reversed, or a decision granting a use permit is modified, the Council shall, on the basis of the record transmitted and such additional evidence as may be submitted, make the findings prerequisite to the granting of a use permit as prescribed in Section 18.17.070.

SECTION 18.17.100 BUILDING PERMIT

Before a building permit shall be issued for any building or structure proposed as part of the approved conditional use permit application, the Community Development Director shall determine that the proposed building location, facilities and improvements are in conformity with the site plan and conditions approved by the Planning Commission.

SECTION 18.17.110 LAPSE OF USE PERMIT

A use permit shall lapse and shall become void one (1) year following the date on which the use permit became effective unless by conditions of the use permit, a lesser or greater time is prescribed in accordance with Section 17.120, or unless prior to the expiration of one (1) year, a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion on the site which was the subject of the use permit application. A use permit may be renewed for an additional period of one (1) year or for a lesser or greater period as prescribed in Section 18.17.110, provided that, prior to the expiration of the time period granted, an application of renewal of the use permit is filed with the Community Development Department. The Planning Commission may grant or deny an application for renewal of a use permit. The City Council shall review the decision of the Commission in accordance with the procedure prescribed in Section 18.17.090.

SECTION 18.17.120 TIME LIMIT FOR DEVELOPMENT

The Planning Commission may establish a lesser or greater time limit than that provided by Section 18.17.110, within which the subject property and use or any stage or phase thereof shall be commenced and completed. The time limits set by the Commission shall be reasonable, based on the size, nature and complexity of the proposed development. Said time limit may be extended by the Commission for good cause, such as proof of an unusual hardship not of the applicant's own making.

SECTION 18.17.130 PREEXISTING CONDITIONAL USES AND USE PERMITS

A conforming conditional use established prior to enactment of this ordinance shall be permitted to continue. A conditional use permit granted under the provisions of the Tulare County Zoning Ordinance and amendments thereto prior to the enactment of this ordinance shall, upon the annexation of the property affected to the City, become null and void at the end of six (6) months following the date of its original approval or extension thereof granted by the County prior to the annexation, unless a building permit has been issued by the County and construction has commenced. Alteration or expansion of a conditional use established prior to enactment of this ordinance may be permitted upon the granting of a use Permit. Accessory structures may be permitted under the provisions of Article 16.

A use permit shall be required for the reconstruction of a structure housing a conditional use established prior to enactment of this ordinance if the structure is destroyed by fire, or other calamity, or by act of God, or by the public enemy, to the extent of 60% or more. The extent of damage or partial destruction shall be determined by the Building Official on the basis prescribed in Section 18.15.080 G., of this ordinance.

SECTION 18.17.140 REVOCATION

Upon violation of any applicable provisions of this ordinance, or, if granted subject to a condition or conditions, upon failure to comply with the condition or conditions, a use permit shall be suspended automatically. Notice of such suspension shall be sent immediately to the person or persons responsible for non-compliance by the Community Development Department. Within 30 days of the suspension, the City Council shall consider the suspension. If not satisfied that the regulation, general provision, condition or conditions are being complied with, the City Council may revoke the use permit or take such action as may be necessary to ensure compliance with the regulation, general provision, condition or conditions.

SECTION 18.17.150 NOTATION ON ZONING MAP

A use permit shall be indicated on the Zone Plan by a number located on or pointing to the site of the conditional use (e.g., CUP #___).

SECTION 18.17.160 NEW APPLICATION

Following the denial of a use permit application or the revocation of a use permit, no application for a use permit for the same or substantially the same conditional use on the same or substantially the same site shall be filed within six (6) months from the date of denial or revocation of the use permit, except when the City Council "without prejudice".

SECTION 18.17.170 USE PERMIT TO RUN WITH THE LAND

A use permit granted pursuant to the provisions of this article shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the use permit application.

SECTION 18.17.180 MINOR REVISIONS TO A PREVIOUSLY APPROVED
CONDITIONAL USE

A use permit granted under the provisions of this article or a conforming conditional use established prior to the enactment of this ordinance may be revised as to features of the site plan previously approved, provided that such revisions are minor, as determined by the Planning Commission. Application for minor revisions to the site plan shall be made in writing, including three (3) copies of the revised site plan, to the Commission. The Commission may approve such revisions without public hearing, provided that the Commission can determine that the revisions will not substantially change the intensity or character of the use as previously approved by the City.

ARTICLE 18 - SITE PLAN REVIEW

SECTION 18.18.010 PURPOSES AND APPLICATION

- A. The purposes of the site plan review process are to enable the Planning Commission to make a finding that the proposed development is in conformity with the intent and provisions of this ordinance and to guide the Building Official in the issuance of building permits. More specifically, site plan review is provided to ensure the following:
1. That structures, parking areas, walks, refuse containers, landscaping and street improvements are properly related to their sites and to surrounding sites and structures;
 2. To prevent excessive grading of the land and creation of drainage hazards;
 3. To prevent the indiscriminate clearing of property and the destruction of trees and shrubs of ornamental value;
 4. To avoid unsightly, inharmonious, monotonous and hazardous site development, and to encourage originality in site design and development in a manner which will enhance the physical appearance and attractiveness of the community. The site plan review process is intended to provide for expeditious review of Environmental Impact Assessments required by official policy of the City and the State of California.
- B. Site plan review provisions of this article shall apply to the following uses:
1. Any use within the RCO, UR, RA, R, RM, PO, C and I Districts, excepting single family residential use which is to be constructed on a residential site with complete street improvements.
 2. Any use subject to an Environmental Impact Assessment under applicable provisions of City policy as adopted by resolution pursuant to the California Environmental Quality Act of 1970, as amended.
- C. Minor change in property use or change in occupancy:
1. Minor changes in property use or occupancy that do not warrant full site plan review as determined by the Community Development Department will be required to make reasonable minor improvements or upgrade existing improvements under the provisions of Section 18.18.040.
 2. Minor changes in property use or occupancy that are obviously in a neglected state of repair or maintenance, as determined by the Department, will be required to be processed as a site plan review and be required to totally upgrade the property under the provisions of Section 18.18.040.
- D. A separate Site Plan Review shall not be required of any use approved as a Conditional Use under Article 17 of this ordinance.

SECTION 18.18.020 DRAWINGS TO BE SUBMITTED

The applicant shall submit nine (9) prints of the site plan to the Department. The site plan shall be drawn to scale and indicate clearly and with full dimensions, the following information:

- A. Lot or site dimensions;
- B. All buildings and structures: location, size, height, proposed use;
- C. Yards and space between buildings;
- D. Walls and fences: location, height and materials;
- E. Off-street parking and off-street loading: location, number of spaces and dimensions of parking and loading areas, internal circulation pattern.
- F. Access -- pedestrian, vehicular, service, points of ingress and egress, internal circulation;
- G. Signs: location, size, height and type of illumination, if any, including hooding devices.
- H. Lighting: location and general nature, hooding devices.
- I. Names of all adjacent streets, roads or alleys, showing rights-of-way and dedication widths, reservation widths, and all types of improvements existing or proposed.
- J. Landscaping: location, type, size and botanical name of plants and method of irrigation.
- K. Refuse enclosures: location, type and material.
- L. Such other data pertaining to site development as may be required by the Planning Commission to make the required findings.

SECTION 18.18.030 REFERRAL AND ACTION

- A. Within 15 working days after submission of the site plan, the Community Development Director shall review the site plan. If the Director determines that the site plan cannot be approved without the granting of a variance or use permit, or the enactment of an amendment to this ordinance, the Director shall inform the applicant and shall not act on the application until proper application for a variance or an amendment has been filed with the Director and acted upon as prescribed by this ordinance.
- B. Except as provided under 18.030 A., above, within 15 working days after the submission of the site plan, the Planning Commission shall approve, approve with conditions, or disapprove the site plan. In approving the site plan, the Commission shall make the findings prescribed under Section 18.050.
- C. The approved site plan, with any conditions shown thereon or attached thereto, shall be dated and signed by the Community Development Director, with one (1) copy mailed to the applicant and one (1) copy filed with the Building Official.
- D. Revisions by the applicant to an approved site plan shall be resubmitted to the Department in the manner required for drawings first submitted.

SECTION 18.18.040 CONDITIONS OF APPROVAL

In recommending approval of a site plan, the Director shall state those conditions of approval necessary to protect the public health, safety and general welfare. To the extent applicable, such conditions shall include consideration and/or requirement of the following:

- A. Special yards, spaces and buffers.
- B. Fences and walls.
- C. Surfacing of parking areas and provisions for surface water drainage subject to City specifications.
- D. Requiring street dedications and improvements, subject to the provisions of Section 18.18.060, including service roads or alleys when practical, and the requiring of drainage, sewer and water connection fees when applicable.
- E. Regulation of points of vehicular ingress and egress.
- F. Regulation of signs, in accordance with the standards prescribed under Article 14 of this ordinance.
- G. Requiring maintenance of the grounds and the undergrounding of utilities.
- H. Requiring landscaping and refuse enclosures and maintenance thereof.
- I. Regulation of noise, vibration, odors and other similar characteristics.
- J. Measures necessary to eliminate or to effect mitigation to acceptable levels of environmental impact.
- K. Regulation of time for certain activities to be conducted on the site.
- L. Regulation of the time period within which the proposed use shall be developed.
- M. A bond, deposit of money, recorded lien secured by deed of trust, or letter of credit for the completion of street and site improvements and other facilities or for the removal of such use within a specified period of time to assure conformance with the intent and purposes set forth in this ordinance.
- N. Such other requirements which reasonably may be required by the Planning Commission.

SECTION 18.18.050 REQUIRED FINDINGS

In taking action on a proposed site plan, the Planning Commission shall make all of the following findings:

- A. That the site plan complies with all applicable provisions of this ordinance.
- B. The following are so arranged that traffic congestion is avoided and that pedestrian and vehicular safety and welfare are protected and there will not be adverse effect on surrounding property:
 - 1. Facilities and improvements.
 - 2. Vehicular ingress, egress, internal circulation and off-street parking and loading.
 - 3. Setbacks.
 - 4. Height of buildings.

5. Location of service.
 6. Walls and fences.
 7. Landscaping, including screen planting and street trees.
 8. Drainage of site.
 9. Refuse enclosures.
- C. Proposed lighting is so arranged as to deflect the light away from adjoining properties.
- D. Proposed signs will comply with all of the applicable provisions of Article 14 of this ordinance.
- E. That adequate provision is made to reduce adverse or potentially adverse environmental impacts to acceptable levels.

In making the above findings, the Planning Commission shall determine that approvals will be consistent with established legislative policies relating to traffic safety, street dedications and street improvements, environmental quality, and to zoning, fire, police, building and health codes.

SECTION 18.18.060 STREET DEDICATIONS AND IMPROVEMENTS

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

A. Development bordering or traversed by an existing street:

If the development borders or is traversed by an existing street, the applicant may be required to:

1. Dedicate all necessary rights-of-way to widen a bordering minor or collector street to the extent of one-half (1/2) the ultimate width established by the City as the standard for such minor or collector street, or the full extent required for a frontage road.
2. Dedicate all necessary rights-of-way to widen a traversing minor or collector street to its ultimate width established by the City as the standard for such minor or collector street.
3. Dedicate all necessary rights-of-way to widen a bordering or traversing arterial street to the standards of width established by the City for an arterial street.
4. Set back all facilities the required distance from ultimate property lines along an arterial street as shown on any master, official or precise plan of streets and highways, or by the City's General Plan.
5. Install curbs, gutters, sidewalks, street signs, street lights and street trees along one side of a bordering or along both sides of a traversing minor, collector or arterial street.
6. Install utilities and drainage facilities to the full extent of the service requirements generated by the development.
7. Grade and improve traversing minor or collector streets from curb to the center line of the ultimate right-of-way.
8. Grade and improve traversing minor or collector streets from curb to curb.

9. Grade and improve the parking lane and one traffic lane adjacent to the development, long a bordering arterial street.
 10. Grade and improve both parking lanes and the two outside traffic lanes of a traversing major arterial street.
- B. Except as provided in Sections 18.060 C. and D., all new roads shall be dedicated and improved in accordance with the requirements of Section 18.060 A.
 - C. Where a frontage road is provided and improved along an arterial street in accordance with City standards, the curb, gutter, sidewalk, street sign, street light, grading and paving requirements of Sections 18.060 A.5. and 10., pertaining to arterial streets shall not be required.
 - D. Where total access to or from a bordering or traversing arterial street is prohibited as a condition of approval, or by law, the curb, gutter, sidewalk, street sign, street light, grading and paving requirements of Section 18.060 A. 5. and 10., pertaining to arterial streets, shall not be required.
 - E. All improvements shall be to City standards existing at the time the site plan is approved and shall be installed at the time of the proposed development. Where it is determined by the City that it is impractical to put in any or all improvements at the time of the proposed development, an agreement to make such improvements may be accepted in lieu thereof. In any event, the applicant shall enter into an agreement with the City for the provision of improvements before a building permit may be issued, at which time there shall be money deposited with or in favor of the City, or a letter of credit or performance bond posted with the City, in an amount equal to 125% of the estimated cost of improvements, as estimated by the City Engineer, to guarantee the making of such improvements.
 - F. Street dedications and improvements which may be required by this section shall be considered only on the principle that they are required as near as practical in proportion to the traffic, utility and other demands generated by the proposed development.

SECTION 18.18.070 RELATIONSHIP TO ENVIRONMENTAL ASSESSMENT AND ENVIRONMENTAL IMPACT REPORTING PROCEDURES

A. Environmental Impact Assessment:

A site plan approved pursuant to the provisions of this article shall be considered in relation to requirements of City policy governing the preparation of Environmental Impact Assessments, including Initial Studies prepared as a basis for a determination for a Negative Declaration or and Environmental Impact report. It is the intent of this article that an Initial Study Environmental Impact Assessment be made concurrently with and as part of the Site Plan Review process, and that a site plan may be approved with conditions that will permit the City Council to find that the proposed project will not have significant adverse physical effect on the environment and that a Negative Declaration should be prepared.

B. Environmental Impact Reports:

Where it is determined by the City , based on the findings of an Inital Studyt, that an Environmental Impact Report (EIR) is required for a proposed project, action on a proposed site plan shall be deferred until such time as the EIR has been prepared and reviewed pursuant to provisions of the City's Guidelines and State law. The Planning Commission shall, at the completion of said EIR review, attach such conditions to the approval of the site plan as in their judgment will mitigate or reduce to acceptable levels any of the environmental impacts identified during review of the EIR. The Planning Commission may deny a site plan if it is found that such mitigation or reduction of environmental impacts is not feasible.

C. Monitoring Program to Assure Compliance with Mitigation Measures:

As a condition of the agreement between the City and the applicant, or as a condition of site plan approval, the City shall institute an EIR mitigation monitoring program to meet the requirements of AB 3180 (Codified as Public Resources Code Section 21081.6, and as may be amended). Mitigation monitoring shall take place during all successive review procedures of the building construction and land development process, including: 1) at the time of plan checking for buildings and public and private improvements, 2) during field inspection of construction, 3) at the time of the issuance of an occupancy permit, and 4) during ensuing operations of the project after project completion.

The ultimate responsibility for the monitoring of mitigation measures shall rest with the City of Lindsay. However, to the extent practical, short-term or on-going responsibility may be shared by the City with the party responsible for project management and operation after project completion, and especially where on-going operations are required to meet specific standards. The initiation and conduct of an adequate mitigation monitoring program shall apply to a project approved with a "mitigated" Negative Declaration or to an EIR.

The provisions of the mitigation monitoring program for any given project shall be established by a Mitigation Monitoring Agreement between the applicant and the City immediately following completion of the environmental review process. The proposed provisions of the contract shall be presented to the City Council at the time of certifying the adequacy of the Negative Declaration or Final EIR, whichever procedure applies, and prior to formal project approval, so that the program provisions will be known to all parties in interest and can be discussed as to their adequacy prior to City Council certification of a Negative Declaration or EIR.

The programming and monitoring process to be followed generally shall be that process established by resolution of the City Council specifying general responsibilities of City personnel for participation in the process, and including procedures for the prompt resolution of disputes that may arise during the monitoring process. Where the extent of mitigation may be complex, and/or where mitigation may require action to satisfy more than one governmental agency having participated in the environmental review process for a given project, the "monitoring team" should involve appropriate personnel of such other agencies. For projects where all mitigation can be completed prior to or at the time of project completion, the City shall notify the applicant in writing that the project has been completed in compliance with all applicable mitigation measures.

The City shall levy such fees as may be necessary to fully cover the City's costs of in conducting the mitigation monitoring program for any given project. Provision for such charges shall be included in the Mitigation Monitoring Agreement established between the City and the applicant as an enforceable contract.

SECTION 18.18.080 BUILDING PERMIT

Before a building permit shall be issued for any building, structure or sign proposed as part of an approved site plan, the Building Official shall determine that the proposed building location, facilities and improvements are in conformity with the approved site plan and any applicable Mitigation Monitoring Agreement. Before a building may be occupied or a sign erected, the Building Official shall certify to the Community Development Department that such improvements have been made in conformity with the plans, programs and conditions approved by the Planning Commission and/or City Council.

SECTION 18.18.090 LAPSE OF SITE PLAN APPROVAL

A site plan approval shall lapse and shall become void one (1) year following the date on which approval by the Community Development Department or Planning Commission became effective unless, prior to the expiration of one (1) year, a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion of the site or structures which were the subject of the site plan. Approval may be extended for an additional period or periods of one (1) year upon written application to the Planning Commission before expiration of the first approval.

SECTION 18.18.100 REVOCATION

The revocation of a site plan shall be governed by the provisions of Section 18.17.130 of this ordinance.

SECTION 18.18.110 SITE PLAN APPROVAL TO RUN WITH THE LAND

A site plan approved pursuant to the provisions of this article shall run with the land and shall continue to be valid upon a change of ownership of the site which was the subject of the site plan.

SECTION 18.18.120 MINOR REVISIONS TO A PREVIOUSLY APPROVED SITE PLAN

A site plan granted under the provisions of this article may be revised as to features of the site plan previously approved, provided that such provisions are minor as determined by the Community Development Director. Application for minor revisions shall be made in the same manner as prescribed by Section 18.17.170 of this ordinance.

ARTICLE 19 - PLANNED UNIT DEVELOPMENTS

SECTION 18.19.010 PURPOSES

Planned unit developments (PUD's), involving the careful application of design, are encouraged to achieve a more functional, aesthetically pleasing and harmonious living and working environment within the City which otherwise might not be possible by strict adherence to the regulations of this ordinance.

In certain instances, the objectives of the zoning ordinance may be achieved by the development of planned units which do not conform in all respects with the land use pattern designated on the Zone Plan or the district regulations prescribed by this ordinance. A planned unit development may include a combination of different dwelling types and/or a variety of land uses which are made to complement each other and harmonize with existing and proposed land uses in the vicinity, by design. In order to provide locations for such well-planned developments, the Planning Commission is empowered to grant use permits for planned unit developments, provided that such developments comply with the regulations prescribed in this article. The Planning Commission is also empowered to zone lands for PUD under the provisions of Article 12 of this ordinance. The approval of a PUD is intended to be discretionary on the part of the City rather than an entitlement of a landowner.

SECTION 18.19.020 DISTRICTS

A PUD may be located in any district other than a R-1-7X District upon the granting of a use permit in accordance with the provisions of this article, or by applying the PUD Combining District in accordance with the provisions of Article 12 of this ordinance.

SECTION 18.19.030 PERMITTED USES

A PUD shall include only those uses permitted, either as permitted uses or conditional uses, in the zoning district in which the planned unit development is located, subject to the following exceptions:

- A. Any combination of uses permitted in any RA, R, RM or PO District as a permitted use, a use permitted by administrative approval, or a conditional use, may be included in a PUD located in a RA, R or RM District.
- B. Any combination of uses permitted within any PO, C, or IL District as a permitted use, a use permitted by administrative approval, or a conditional use, may be included in a PUD located in a PO or C District.
- C. Any combination of use permitted in any CS, CH, IL or IH District as a permitted use, a use permitted by administrative approval, or conditional use, may be located in a PUD located in a IL or IH District.

SECTION 18.19.040 SITE AREA

The minimum site area for a PUD shall be one (1) acre.

SECTION 18.19.050 STANDARDS

- A. The standards of site area and dimensions, site coverage, yard spaces, distances between structures, off-street parking and off-street loading facilities and landscaped areas need not be equivalent to the standards prescribed for the regulations for the district in which the PUD is located if the

applicant has demonstrated by his design proposal, that the objectives of the zoning ordinance and the objectives of this article will be achieved.

- B. Except in the R-1-7X District, the average population density per net acre in any R or RM District may exceed by not more than 10% the maximum population density prescribed by the General Plan or the site area per dwelling unit regulations for the district in which the PUD is to be located, if the applicant can demonstrate by his design proposal and such additional evidence as may be submitted, that the objectives of this article will be achieved. Since planned unit development may also involve the subdivision process, the applicant must be prepared to show what changes in conventional street and lot design will be necessary to achieve desired goals.
- C. The average population density per net acre in any R or RM District may exceed by not more than 25% the maximum population density prescribed by the General Plan or the site area per dwelling unit regulations for the district in which the PUD is to be located, if the applicant can demonstrate that the proposal qualifies under applicable provisions of Section 65915 of the California Government Code pertaining to the granting of density bonuses and other incentives for housing development intended for low- or moderate-income households.
- D. Within any RM district, density bonuses other than but not in addition to those qualifying under Section 65915 of the Government Code may be approved which exceed by up to 25% the number of units prescribed for the affected area by the General Plan if the PUD complies with the following criteria:
 - 1. The Planning Commission may grant a density bonus up to 12.5% if the proposal meets the following minimum criteria:
 - a. Provision of a private internal street system (where possible) designed to avoid traffic congestion and provide for ease of access and circulation by emergency vehicles.
 - b. Provision of a common recreational open space area equal to 12.5% of total site area, excluding required yards.
 - c. Provision of peripheral visual buffers along property lines adjacent to existing or planned single-family housing areas which are designated for Low Density or Very Low Density by the General Plan.
 - d. Provision of back-on housing design and placement along Arterial streets, where applicable, including a seven (7) foot high ornamental block wall along the property line, landscaping between the wall and sidewalk in an area at least six (6) feet in width, and waiver of direct access from the street. The waiver of access shall be recorded in the form approved by the City Attorney.
 - 2. The Planning Commission may grant a density bonus up to 25% if the proposal meets all of the applicable criteria described under subsection D.1., above, plus at least three of the following additional criteria:
 - a. The provision of common recreational open space or other open space amenities equal to 25% of total net site area, excluding required yards.
 - b. Pedestrian circulation substantially separated from the internal street system (total separation not required).

- c. Provision of a separate area for the parking of recreation vehicles (RV's) at a ratio of one (1) space for every 10 dwelling units.
- d. Provision of landscaped corridors of common area as a substitute for individual front yards for single-family detached or attached housing, to be maintained by a Home Owner's Association or other appropriate approach to guaranteed maintenance.
- e. Provision of guest parking, in addition to basic requirements for off-street parking as prescribed by Article 13, equal to one-half (1/2) space per dwelling unit. Guest parking may be provided as parallel parking, as parking in-set at an angle to the street, or both, provided that such parking is consistent with criteria D.,1.,a., above.

SECTION 18.19.060 REQUIRED CONDITIONS

No use shall be permitted and no process, equipment or materials shall be employed which is found by the Planning Commission to be objectionable to persons residing or working in the vicinity or injurious to property located in the vicinity by reason of odor, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare, unsightliness or heavy truck traffic, or to involve any hazard of fire or explosion.

SECTION 18.19.070 USE PERMIT PROCEDURE

The regulations prescribed in Sections 18.17.020 through 18.17.170 shall control the procedure for making application for and processing of a planned unit development, subject to the following procedures:

- A. In lieu of the drawing of the site prescribed in Section 17.030 G., the application shall be accompanied by a general development plan of the entire planned unit development, drawn to scale and showing provisions for the following: draining of surface waters, water courses, public utility rights-of-way, streets, driveways and pedestrian walks, off-street parking and loading facilities, reservations and dedications for public uses, private uses including dwelling types, lot layout, locations, heights and elevations of structures and landscaped areas.
- B. In addition to the data and drawings prescribed in Section 17.030 and paragraph A. of this section, the application shall be accompanied by a tabulation of the area proposed to be devoted to each land use and a tabulation of the average population density and number of housing units per net acre in the area or areas proposed to be devoted to residential use.
- C. When a PUD involves proposals which necessitate the filing of a tentative parcel map or subdivision map, and/or which would also necessitate the granting of exceptions of the regulations of the subdivision ordinance, the Planning Commission may grant tentative approval of the proposal. Where such tentative approval is requested by the applicant, the requirements of paragraphs A. and B. of this section may be waived temporarily, provided the applicant submits the following:
 - 1. In lieu of the drawing of the site prescribed in paragraph A. of this section, the application shall be accompanied by a schematic drawing drawn to a minimum scale of one inch equals one hundred feet (1" = 100'), showing the general relationships contemplated among all public and private uses and existing and proposed physical features.
 - 2. A written statement setting forth the source of water supply, method of sewage disposal, means of drainage, dwelling types, non-residential uses, lot layout, public and private access, height of structures, lighting, landscaped areas and provisions for maintenance of landscaped areas, area to be devoted to various uses and population density per net acre contemplated by the applicant.

Upon approval of a tentative subdivision map, in accordance with the procedures prescribed by the subdivision ordinance, the applicant shall submit a development plan in accordance with the requirements of paragraphs A. and B. of this section before the Planning Commission may grant a final approval of the applicant's proposal.

- D. The Community Development Director shall give written notice to the applicant of the time when the application will be considered by the Planning Commission.
- E. The Planning Commission may grant a use permit for a PUD as the use permit was applied for or in modified form if, on the basis of the application and the evidence submitted, the Planning Commission makes the following findings:
 - 1. That the proposed location of the PUD is in accordance with the objectives of the zoning ordinance.
 - 2. That the proposed location of the PUD and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity.
 - 3. That the proposed PUD will comply with each of the applicable provisions of this section.
 - 4. That the standards of population density, site area and dimensions, site coverage, yard spaces, height of structures, distance between structures, off-street parking and off-street loading facilities, landscaped areas and street design will produce an environment of stable and desirable character consistent with the objectives of the zoning ordinance, and will not generate more traffic than the streets in the vicinity can carry without congestion and will not overload utilities.
 - 5. That the combination of different dwelling types and/or variety of land uses in the development will complement each other and will harmonize with existing and proposed land uses in the vicinity.
 - 6. That the proposed PUD will satisfactorily mitigate potential environmental impacts in accordance with the provisions of Section 18.18.070 of this ordinance.
- F. The Planning Commission may deny an application for a use permit for a planned unit development.

ARTICLE 20 - ARCHITECTURAL DESIGN REVIEW (Blank)

ARTICLE 21 - VARIANCES

SECTION 18.21.010 PURPOSES

The Planning Commission is empowered to grant variances only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. The power to grant variances does not extend to use regulations, because the flexibility necessary to avoid results inconsistent with the objectives of the zoning ordinance is provided by the conditional use, planned unit development and amendment provisions of this ordinance.

SECTION 18.21.020 AUTHORITY OF THE PLANNING COMMISSION

The Planning Commission may grant variances to the regulations prescribed by this ordinance only with respect to fences and walls, site areas, width, frontage, depth, coverage, front yard, rear yard, side yards, height of structures, distances between structures, off-street parking facilities and off-street loading facilities.

SECTION 18.21.030 APPLICATION AND FEE

- A. Application for a variance shall be made to the Community Development Department on a form prescribed by the Commission which shall include the following data:
1. Name and address of applicant.
 2. Statement that the applicant is the owner of the property or is the authorized agent of the owner or the plaintiff in an action of eminent domain to acquire the property involved.
 3. Address or description of property.
 4. Statement of the precise nature of the variance requested and why approval is necessary under the purposes described in Section 21.010, together with any other data pertinent to the findings prerequisite to the granting of variance prescribed in Section 21.060.
- B. The application shall be accompanied by a drawing of the site and any adjacent property affected, showing all existing and proposed locations of streets, property lines, uses, structures, driveways, pedestrian walks, off-street parking and off-street loading facilities and landscaped areas.
- C. A drawing of the site and surrounding area, showing all surrounding properties within 300 feet of the site, and a list of names and last known addresses of the recorded legal owners of such properties, as shown on the latest adopted assessment roll of Tulare County. County Assessor's maps may be used for this purpose.
- D. The application shall be accompanied by a fee set by resolution of the Commission sufficient to cover the cost of processing the application.
- E. The City Clerk shall give notice to the applicant of the time when the application will be considered, and may give notice of the time to any other interested party.

SECTION 18.21.040 HEARING AND NOTICE

The Planning Commission shall hold a public hearing in accordance with the provisions of Section 18.17.040.

SECTION 18.21.050 PUBLIC HEARING - PROCEDURE

At a public hearing, the Commission shall review the application and the statements and drawings submitted therewith and shall receive pertinent evidence concerning the variance, particularly with respect to the findings prescribed in Section 21.060.

SECTION 18.21.060 ACTION OF THE PLANNING COMMISSION

- A. The Commission shall act on the application within 30 days after the close of the public hearing. The Commission may grant a variance to regulations prescribed by this ordinance, as the variance was applied for or in modified form, if, on the basis of the application, investigation and evidence submitted, the Commission makes the following findings:
1. That there are special circumstances or conditions applicable to the property involved, such that strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.
 2. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the vicinity and in the same zoning district.
- B. The Commission may grant a variance to a regulation prescribed by this ordinance, with respect to off-street parking facilities or off-street loading facilities as the variance was applied for or in modified form, if, on the basis of the application, investigation and the evidence submitted, the Commission makes the findings prescribed in paragraph A. of this section and the following additional findings:
1. That neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specified regulation.
 2. That the granting of the variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic on the streets.
 3. That the variance will not create a safety hazard or any other condition inconsistent with the objectives of the zoning ordinance.
- C. In approving a variance, the Commission shall add such conditions of approval as it deems necessary to assure that the variance adjustment shall not constitute a grant of special privilege as described under paragraph A. of this section.
- D. A variance may be revocable, may be granted for a limited time period, or may be granted subject to such conditions as the Commission may prescribe. The Commission may deny a variance application.
- E. A variance shall become effective 10 days following the date on which the variance was granted by the Commission.

SECTION 18.21.070 APPEAL TO CITY COUNCIL

- A. Within 10 days following the date of a decision of the Planning Commission on a variance application, the decision may be appealed to the City Council by the applicant or any interested party. An appeal shall be made in writing and filed with the City Clerk. The appeal shall state specifically wherein it is claimed that there was an error or abuse of discretion by the Commission or wherein its decision is not supported by evidence in the record.
- B. Within five (5) days of the filing of an appeal, the Secretary of the Planning Commission shall transmit to the City Clerk the variance application and the complete record of review and action by the Commission for review and action by the City Council.
- C. The City Clerk shall give notice to the applicant and to the appellant (if the applicant is not the appellant) and may give notice to any other interested party of the time when the appeal will be considered by the City Council.

SECTION 18.21.080 ACTION OF THE CITY COUNCIL

- A. The City Council shall hear the appeal at its next regular meeting following a period of 10 days after the filing of the appeal. The Council may affirm, reverse or modify a decision of the Planning Commission on a variance application, provided that if a decision denying a variance is reversed or a decision granting a variance is modified, the Council shall, based on the record transmitted and such additional evidence as may be submitted, make the findings prerequisite to the granting of a variance as prescribed in Section 18.21.060 A., and 18.21.060 B, when applicable.
- B. A variance which has been the subject of an appeal to the City Council shall become effective immediately following the date on which the variance is granted by the Council.

SECTION 18.21.070 BUILDING PERMIT

The issuance of a building permit shall be governed by the provisions of Section 18.17.090.

SECTION 18.21.090 LAPSE OF VARIANCE

A variance shall lapse and shall become void one (1) year following the date on which the variance becomes effective unless by condition of the variance a greater time is allowed, or unless prior to the expiration of one (1) year, a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion on a site which was the subject of the variance application. A variance may be renewed for an additional one (1) year, provided that prior to the expiration of one (1) year from the date when the variance originally became effective, an application for renewal of the variance is made to the Planning Commission. The Commission may grant or deny an application for renewal of a variance.

SECTION 18.21.100 REVOCATION

The revocation of a variance approval shall be governed by the provisions of Section 18.17.130.

SECTION 18.21.110 NEW APPLICATION

Following the denial of a variance application or the revocation of a variance, no application for the same or substantially the same variance on the same or substantially the same site shall be filed within six (6) months of the date of denial of the variance application or revocation of the variance.

ARTICLE 22 - AMENDMENTS

SECTION 18.22.010 PURPOSE

As the Lindsay General Plan is carried out over the years, there will be a need for changes in district boundaries and other regulations of this ordinance. As the General Plan is reviewed and revised periodically, other changes in the regulations of this ordinance may be warranted. Such amendments shall be made in accordance with the procedure prescribed in this article.

SECTION 18.22.020 INITIATION

- A. A change in the boundaries of any district may be initiated by the owner of the property within the area for which a change of district is proposed, or the authorized agent of the owner, as prescribed in Section 18.22.030.
- B. A change in boundaries of any district, or a change in a district regulation, off-street parking or loading facilities requirement, general provision, exception or other provision may be initiated by action of the Planning Commission.

SECTION 18.22.030 APPLICATION AND FEE

- A. A property owner or his authorized agent desiring to propose a change in the boundaries of the district in which his property is located, may file an application with the Community Development Department for a change of district boundaries on a form prescribed by the Department, which shall include the following data:
 - 1. Name and address of the applicant.
 - 2. Statement that the applicant is the owner of the property for which the change in district boundaries is proposed or the authorized agent of the owner, or the plaintiff in an action of eminent domain to acquire the property involved.
 - 3. Address and description of the property.
- B. The application shall be accompanied by a drawing of the site and the surrounding area for a distance of at least 300 feet from each boundary of the site, showing the location of streets and property lines and the names and last known addresses of the recorded legal owners of all properties shown on the drawing, as shown on the latest adopted tax roll of the County of Tulare. Assessor's maps may be used for this purpose.
- C. The application shall be accompanied by a fee set by resolution of the City Council, sufficient to cover the cost of processing the application as prescribed in this article.
- D. Amendments to this ordinance required as the result of General Plan amendments initiated by the Planning Commission shall be processed at the expense of the City.

SECTION 18.22.040 PUBLIC HEARING - NOTICE

- A. The Planning Commission shall hold a public hearing on each application for a change in district boundaries or of a district regulation, off-street parking or loading facilities requirement, general provision,

exception or other provision of this ordinance initiated by the Planning Commission within 45 days of the date when the application was filed or the proposal was initiated.

- B. Notice of a public hearing shall be given not less than 10 days prior to the date of the hearing by: 1) publication of a notice of the time and place of the hearing in a newspaper of general circulation, published and circulated within the City; 2) first class mailing, postage prepaid, a notice of the time and place of the hearing to all persons whose names appear on the property owners list submitted under Section 22.030; and 3) first class mailing, postage prepaid, a notice of the time and place of the hearing to any person who has filed a written request, therefore, with the Planning Commission. Such request may be submitted at any time during the calendar year and shall apply to the balance of such year.

SECTION 18.22.050 HEARING

- A. At the public hearing, the Planning Commission shall review the application or the proposal and may receive pertinent evidence and testimony as to why and how the proposed change is necessary to achieve the objectives of the zoning ordinance prescribed in Section 18.01.020 how or why the proposed change is consistent with the General Plan and the stated purposes and application intended for the zone classification proposed.
- B. The Commission may review proposals for the use of the property for which a change in district boundaries is proposed, or plans or drawings showing proposed structures or other improvements, in light of the fact that under the provisions of this ordinance, a change in district boundaries cannot be made conditionally, except as provided in Section 22.090, and the owner of the property is bound only to comply with the regulations prescribed in this ordinance.

SECTION 18.22.060 INVESTIGATION AND REPORT

The Community Development Department shall make an investigation of the application and shall prepare a report thereon, which shall be submitted to the Planning Commission, including a recommendation as to the action to be taken by the Commission and a statement supporting such recommendation.

SECTION 18.22.070 RELATIONSHIP TO ENVIRONMENTAL IMPACT ASSESSMENT AND ENVIRONMENTAL IMPACT REPORTING PROCESS.

An amendment to the zoning ordinance shall be subject to the same procedures and regulations with respect to environmental assessment as are set forth for Site Plan Review under the provisions of Section 18.18.070 of this ordinance.

SECTION 18.22.080 ACTION OF THE PLANNING COMMISSION

- A. Within 30 days following the close of the public hearing, the Planning Commission shall make a specific finding in writing as to whether the amendment is required in order to achieve the objectives of the zoning ordinance described in Article 1 and, when applicable, whether the amendment would be consistent with the General Plan and the purposes and application intended for the zoning district classification proposed.
- B. If the Commission finds that the proposed change is required, in its original or modified form, it shall enact an ordinance amending the regulations of this ordinance, or grant a special zoning exception as prescribed in Section 22.110. If the Commission finds that a change is not required, it shall deny the application or proposal for change.

SECTION 18.22.090

ACTION OF THE CITY COUNCIL

- A. Upon receipt of the resolution or report of the Planning Commission, the City Council shall hold a public hearing; provided, however, that if the matter under consideration is an amendment to change property from one district classification to another, and the Commission has recommended against the adoption of such amendment, the Council need not take any further action thereon unless an interested party shall request such a hearing by filing a written request with the City Clerk within five (5) days after the Commission files its recommendations with the Council.
- B. Notice of the time and place of said hearing shall be given in the manner provided under Section 22.050 of this article.
- C. After the close of the public hearing, the Council shall make a specific finding in writing as to whether the amendment is required in order to achieve the objectives of the zoning ordinance, and, when applicable, whether the amendment would be consistent with the General Plan and the purposes and application intended for the zoning district classification proposed.
- D. The Council may approve, modify or disapprove the action of the Commission; provided, however, that any modification shall first be referred to the Commission for report and recommendation, but the Commission shall not be required to hold a hearing thereon. Failure of the Commission to report to the Council within 40 days of the reference, or such longer period as may be designated by the Council, shall be deemed to be approval of the proposed modification.

SECTION 18.22.100

SPECIAL ZONING EXCEPTIONS -- ALTERNATE PROCEDURE

FOR ACTION OF THE PLANNING COMMISSION AND CITY COUNCIL

Whenever an application is filed with the City for a change in district boundaries, the Planning Commission or City Council, in lieu of granting or denying said application, may grant to the applicant a special zoning exception by resolution which will permit said applicant (or his assignee) to develop or use said property in accordance with said application and the provisions of this section.

- A. Before a special zoning exception may be granted by the Planning Commission or City Council, the Commission or Council may require the applicant to submit additional information relative to his or her proposal in the manner required in the filing of an application for a conditional use permit under this ordinance. In any event, the provisions of Sections 18.22.010 through 22.100 and Sections 22.110 and 22.120 shall apply in addition to the provisions of this section. In filing an application, the applicant may request that the application be considered as a request for a special zoning exception.
- B. The Planning Commission may grant a special zoning exception subject to any of the conditions prescribed in Section 18.18.040 and in accordance with the provisions of Sections 18.17.090 through 18.17.110 and Sections 18.18.030, 18.18.040 and 18.18.050 through 18.18.090 of this ordinance.
- C. Upon being granted a special zoning exception by the Planning Commission, the applicant shall develop his property in accordance with approved plans and conditions imposed under the provisions of this section.
- D. Upon the development and use of property in accordance with the provision of paragraph C. of this section, the district or part thereof for which the special zoning exception was granted, shall be thereon rezoned, altered, amended and established in accordance with the original application, or as set forth in the order of the City Council made at the time said zoning exception was granted.

SECTION 18.22.110 CHANGE OF ZONE PLAN

A change in a district boundary shall be indicated on the zone plan with a notation of the date and number of the ordinance amending the plan.

SECTION 18.22.120 NEW APPLICATION

Following the denial of an application for a change in district boundary, no application for the same or substantially the same change shall be filed within six (6) months of the date of denial of the application.

ARTICLE 23 - ENFORCEMENT

SECTION 18.23.010 PERMITS, CERTIFICATES AND LICENSES

All officials, departments and employees of the City of Lindsay vested with the authority or duty to issue permits, certificates or licenses, shall comply with the provisions of this ordinance and shall issue no permit, certificate or license which conflicts with the provisions of this ordinance. Any permits, certificates or licenses issued in conflict with the provisions of this ordinance shall be void.

Before issuing a business license for any new business or for a new location for any existing business activity, the City Clerk or other authorized licensing official shall obtain the approval of the Community Development Director respecting compliance with the provisions of this ordinance.

SECTION 18.23.020 DUTIES OF THE COMMUNITY DEVELOPMENT DIRECTOR AND BUILDING OFFICIAL

The Community Development Director and Building Official shall be the officials responsible for the enforcement of this ordinance. In the discharge of their duty, these officials shall have the right to enter on any site or to enter any structure for the purpose of investigation and inspection, provided that the right of entry shall be exercised only at reasonable hours and that in no case shall any structure be entered in the absence of the owner or tenant without the written order of a court of competent jurisdiction. These officials may serve notice requiring the removal of any structure or use in violation of this ordinance to the owner or his authorized agent, on a tenant, or on an architect, builder, contractor or other person who commits or participates in any violation. These officials may call upon the City Attorney to institute necessary legal proceedings to enforce the provisions of this ordinance, and the City Attorney is hereby authorized to institute appropriate actions to that end. These officials may call upon the Chief of Police and his authorized agents to assist in the enforcement of this ordinance.

SECTION 18.23.030 VIOLATIONS - PENALTIES

- A. Any person, firm, corporation or organization violating any provision of this ordinance shall be guilty of an infraction. A person, firm or corporation or organization shall be deemed guilty of a separate offense for each day during any portion of which a violation of this ordinance is committed, continued or permitted by the person, firm, corporation or organization.
- B. Any structure erected, moved, altered, enlarged or maintained and any use of site contrary to the provisions of this ordinance shall be and is hereby declared to be unlawful and a public nuisance, and the City Attorney shall immediately institute necessary legal proceedings for the abatement, removal and injunction thereof in the manner provided by law and shall take such other steps as may be necessary to accomplish these ends, and shall apply to a court of competent jurisdiction to grant such relief as will remove or abate the structure or use and restrain or enjoin the person, firm, corporation or organization from erecting, moving, altering or enlarging the structure or using the site contrary to the provisions of this ordinance.
- C. All remedies provided for herein shall be cumulative and not exclusive.

SECTION 18.23.040 PROPERTY MAINTENANCE

- A. It is hereby declared to be a public nuisance for any person owning, leasing, occupying or having charge or possession of any property within the City of Lindsay to maintain such premises in such manner than any of the following conditions are found to exist thereon:

1. Buildings or structures which violate the City's Building Code by creating a fire hazard, danger to human life, or hazards to public health, safety and general welfare, including dilapidation, broken equipment, hazardous pools excavations, neglected machinery, indiscriminate outdoor storage of household goods or equipment, the keeping and outdoor storage of vehicles incapable of moving under their own power, and other similar attractive nuisances.
 2. Premises unmaintained so as to constitute a fire hazard by reason of weeds, grasses, rank overgrowth or accumulation of debris, or which could harbor rats or other vermin, create unsightly appearance, or create conditions which are detrimental to neighboring properties.
 3. Broken windows or other structural defects which create hazardous conditions and invite trespassing and malicious mischief, including unsafe structural supports, boarded doorways and windows, dry rot, termites and similar hazards.
 4. Clothes lines within front yard areas.
 5. Garbage cans and garbage receptacles permanently stored within front yards which are visible from the public street and neighboring property owners.
 6. Failure to maintain any wall, fence or hedge as to constitute a hazard to persons or property or to cause depreciation in the value of adjacent property.
- B. Whenever the Director or Building Official determines that any building or premises is in violation of the provisions of this section, he shall give written notice thereof to the owner of record as shown on the last equalized assessment roll, and shall post said written notice on the premises.
- C. If the owner, duly noticed under Paragraph B of this section, fails to comply with directives requiring abatement of violations of this section, the appropriate City official shall file the official complaint with the Lindsay City Council, with a copy of said complaint being sent to the affected property owner by certified mail. Said complaint, or notice of complaint, shall be made the subject of a public hearing before the City Council in the manner prescribed for the conduct of public hearings provided Section 18.17.040 of this code.
- D. The City Council shall hear the matter, review all pertinent testimony and information, and determine whether a public nuisance does in fact exist, and further determine the method by which abatement of the nuisance shall be accomplished by the affected property owner. A copy of the City Council's decision shall be served by certified mail upon the affected property owner.
- E. Failure on the part of an affected property owner to abate public nuisance determined by the City Council to exist under the provisions of this section shall constitute an infraction, and shall be abated under the proceedings prescribed under Section 18.24.030.

ARTICLE 24 - CONSTRUCTION AND DEFINITIONS

SECTION 18.24.010 CONSTRUCTION

The following rules of construction shall apply unless inconsistent with the plain meaning of the context of this ordinance.

- A. TENSE: Words used in the present tense include the future tense.
- B. NUMBER: Words used in the singular include the plural, and words used in the plural include the singular.
- C. SHALL and MAY: The word "shall" is mandatory; the word "may" is permissive.
- D. GENDER: The masculine shall include the feminine and neuter.
- E. HEADINGS: In the event that there is any conflict or inconsistency between the heading of an article, section or paragraph of this ordinance and the context thereof, the said heading shall not be deemed to affect the scope, meaning or intent of such context.

SECTION 18.24.020 GENERAL TERMINOLOGY

The word "City" shall mean the City of Lindsay, California. The words "City Council" and "Council" shall mean the City Council of the City of Lindsay. The words "Community Development Department" and "Department" shall mean the Community Development Department of the City of Lindsay. The words "Community Development Director" and "Director" shall mean the Community Development Director of the City of Lindsay. The words "City Clerk" and "City Engineer" shall mean the City Clerk and City Engineer of the City of Lindsay. The words "Building Official" shall mean the Building Official of the City of Lindsay. The words "Architectural Design Review Committee" shall mean the Architectural Design Review Committee of the City of Lindsay.

SECTION 18.24.030 DEFINITIONS

For the purpose of this ordinance, certain words and terms used herein are defined as follows:

ACCESSORY BUILDING: A building or structure which is subordinate to, and the use of which is customarily incidental to that of the main building, structure or use on the same site, including patio covers. Except in the case of garden structures, if any accessory building is attached to the main building by a common wall or a connecting roof, such accessory building shall be deemed to be a part of the main building.

ACCESSORY USE: A use incidental, related, appropriate and clearly subordinate to the main use of the site or building, which accessory use does not alter the principle use of the site.

ALTER: To make any change in the supporting or load-bearing members of a building, such as bearing walls, columns, beams, girders or floor joists.

ANIMAL HOSPITAL: A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short time boarding and shall be only incidental to such hospital use, and within an enclosed soundproof structure.

ARTICLE 25 - REPEALS AND CONSTITUTIONALITY

SECTION 18.25.010 INCONSISTENT ORDINANCES REPEALED

All ordinances and parts of ordinances inconsistent with the provisions of this chapter are hereby repealed insofar as they are inconsistent with the provisions hereof.

SECTION 18.25.020 CONSTITUTIONALITY

If any article, section, subsection, paragraph, clause or phrase of this chapter for any reason shall be held to be invalid or unconstitutional, the decision shall not effect the remaining portions of this ordinance.

The City Council of the City of Lindsay hereby declares that it would have enacted this chapter and each article, section, subsection, paragraph, sentence, clause and phrase hereof, irrespective of the fact that any one or more articles, sections, subsections, paragraphs, sentences, clauses or phrases are declared to be invalid or unconstitutional.

SECTION 2: Having certified that the Environmental Impact Report related to the zoning ordinance has been considered and filed in accordance with the California Environmental Quality Act, the City Council hereby finds that the amendments to Title 18 of the Lindsay Municipal Code are required to achieve the requirements of Section 65860 of the California Government Code, which section requires that a city's zoning ordinance shall be consistent with a city's General Plan, and that this Ordinance has been adopted by the City Council after public hearing held on December 18, 1989, at 7:00 p.m. of said day after notice required under the provisions of Section 65856 of the Government Code.

SECTION 3: This ordinance shall take effect 30 days after its passage and shall be published once in the Lindsay Gazette within fifteen (15) days after its passage.

Passed and adopted at a regular meeting of the City Council of the City of Lindsay duly called and held on December 18, 1989 by the following vote:

AYES:	COUNCIL MEMBER: _____ _____ _____ _____
NOES:	COUNCIL MEMBER: _____ _____
ABSTAIN:	COUNCIL MEMBER: _____ _____
APPROVED:	COUNCIL MEMBER: _____ (MAYOR)

ATTEST: _____
(City Clerk)

AUTOMOBILE WRECKING YARD: A site or portions of a site on which the dismantling or wrecking of used vehicles or the storage, sale or dumping of dismantled or wrecked vehicles or their parts are conducted. The presence on a site of three (3) or more motor vehicles which have not been capable or operating under their own power for 15 days or more, in the case of vehicles not self-propelled, which have not been towable or from which parts have been removed for reuse or sales, shall constitute prima facie evidence of a motor vehicle wrecking yard.

BILLBOARD: Shall mean the same as "outdoor advertising structure".

BLOCK: The properties abutting on one (1) side of a street and lying between two (2) nearest intersecting or intercepting street and railroad right-of-way, unsubdivided land or watercourse.

BOARDING OR ROOMING HOUSE: A building where lodging and meals are provided for compensation for five (5) but no more than 15 persons, not including rest homes.

BORROW PIT: Any place or premises where dirt, soil, sand, gravel or other materials are removed by excavation or otherwise below the grade of surrounding land for any purpose other than that necessary and incidental to grading or to building construction or operation on the premises.

BREEZEWAY: A roofed passageway, open on at least two (2) sides, connecting the main structure on a site with another main structure or accessory use on the same site.

BUILDING: A permanently located structure, having a roof, for the housing or enclosure of persons, chattels or property of any kind. Mobile homes, travel trailers and other vehicles, even though permanently immobilized, shall not be deemed to be buildings.

BUILDING, MAIN: A building within which is conducted the principle use permitted on the lot or site as provided by this ordinance.

BUILDING SETBACK LINE: The minimum distance as prescribed by this ordinance between any property line and the closest point on the foundation or any supporting post or pillar of any building or structure related thereto.

CARPORT: An accessory structure or portion of a main structure open on two (2) or more sides designed for the storage of motor vehicles, without full enclosure.

CEMETERY: Land used or intended to be used for the burial of the dead, and dedicated for such purposes, including columbariums, crematoriums, mausoleums and mortuaries, when operated in conjunction with and within the boundaries of such premises.

CLINIC: A place for the provision of group medical services.

CLUB: An association of persons for some common non-profit purposes, but not including groups organized primarily to render a service which is customarily carried on as a business.

COLLEGE: An education institution offering advanced instruction in any academic field beyond the secondary level, but not including trade schools or business colleges.

COLLEGE, TRADE: Shall mean the same as "school, trade."

COMMERCIAL OFFICE: Any administrative or clerical office maintained as a business and any office established by a public service over which this ordinance has jurisdiction.

COMMUNICATIONS EQUIPMENT BUILDING: A building housing electrical and mechanical equipment necessary for the conduct of a public communication business, with or without personnel.

CONVALESCENT HOME: Shall mean the same as "rest home."

DUMP: A place used for the disposal, abandonment or discarding by burial, incineration or by any other means of any garbage, sewage, trash, refuse, rubble, waste material, offal or dead animals.

DRIVE-IN RESTAURANT: An establishment which serves food or beverages to persons while seated in or on a motor vehicle, and/or which serves food or beverages for consumption off the premises of the restaurant.

DWELLING: A building or portion thereof, designed exclusively for residential purposes, including one-family, two-family, three-family and multiple dwellings; including mobile homes; not including hotels, apartment hotels, boarding and lodging houses, fraternity and sorority houses, rest homes, convalescent homes, nursing homes, child care nurseries, or house trailers even though permanently immobilized.

DWELLING, ONE-FAMILY: A detached building designed exclusively for occupancy by one family for residential purposes.

DWELLING, TWO-FAMILY: A building designed exclusively for occupancy by two families living independently of each other (e.g., duplex).

DWELLING, THREE-FAMILY: A building designed exclusively for occupancy by three families living independently of each other (e.g., triplex).

DWELLING, MULTI-FAMILY: A building designed exclusively for occupancy by one family for living and sleeping purposes.

DWELLING UNIT: One (1) or more rooms and a kitchen designed for occupancy by one family for living and sleeping purposes.

EDUCATIONAL INSTITUTIONS: Public or other non-profit institutions conducting regular academic instruction at preschool, kindergarten, elementary, secondary and collegiate levels, and including graduate schools, universities, non-profit research institutions and religious institutions. Such institutions must either: 1) offer general academic instruction equivalent to the standards prescribed by the State Board of Education, 2) confer degrees as a college or university of under-graduate or graduate standing, 3) conduct research or 4) give religious instruction. This definition does not include schools, academics or institutes, incorporated or otherwise, which operate for a profit, nor does it include commercial or trade schools.

ELECTRICAL DISTRIBUTION SUBSTATION: An assemblage of equipment which is part of a system for the distribution of electric power where electric energy is received at a subtransmission voltage and transformed to a lower voltage for distribution for general consumer use.

ELECTRICAL TRANSMISSION SUBSTATION: An assemblage of equipment which is part of a system for the transmission of electric power where electric energy is received at a very high voltage from its source of generation by means of a network of high voltage lines and where, by means of transformers, said high voltage is transformed to a low subtransmission voltage for purposes of supplying electric power to large individual consumers, interchange connections with other power producing agencies or electric distribution substations for transformation to still lower voltages for distribution to smaller individual users.

FAMILY: An individual two (2) or more persons who are related by blood or marriage, or a group of not more than five (5) persons not necessarily related by blood or marriage, living together in a dwelling unit.

FENCE, OPEN: A fence, 50% or more of the vertical surface of which is open to the transmission of light air and vision.

FENCE, SCREENED: A fence, 90% or more of the vertical surface of which is closed to the transmission of light, air and vision.

FRONTAGE: The property line of a site abutting on a street, other than the side line of a corner lot.

GARAGE, PRIVATE: A detached accessory building or a portion of a main building on the same lot as a dwelling for the housing of vehicles of the occupants of the dwelling, including carports.

GARAGE, REPAIR: A structure or part thereof, other than a private garage, where motor vehicles are repaired or painted.

GARAGE STRUCTURE: An arbor, deck, fountain, lath house, pergola, raised planting bed, trellis or other similar structure intended specifically to enhance the appearance of the garden or which has a function relating to the use of outdoor space, but not including a house, garage, carport or storage building.

GUEST HOUSE: Living or sleeping quarters within an accessory building for the sole use of occupants of the premises, guests of such occupants or persons employed on the premises. Such quarters shall have no kitchen facilities and shall not be rented.

HOME OCCUPATION: The conduct of an art or profession, the offering of a service or the conduct of a business, or the handcraft manufacture of products within a dwelling in a residential district, which use is clearly incidental and secondary to the use of the structure for dwelling purposes and which does not change the character thereof, in accordance with the regulations prescribed in Article 14.

HOTEL: A building in which there are 16 or more guest rooms where lodging with or without meals is provided for compensation, usually on a transient basis. "Hotel" shall not be construed to include motel, trailer court, sanitarium, hospital or other institutional building, or jail or other building where persons are housed under restraint.

JUNK YARD: A site or portion of a site on which waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including used furniture and household equipment yards, house wrecking yards, used lumber yards and similar storage yards, excepting a site on which uses are conducted within a completely enclosed structure and excepting motor vehicle wrecking yards as defined in this section. An establishment for the sale, purchase or storage of used cars, farm equipment or salvaged machinery in operable condition and the processing of used or salvaged materials as part of a manufacturing operation shall not be deemed a junk yard.

KENNEL: Any lot or premises on which four (4) or more dogs and/or cats at least four (4) months of age are kept, boarded or trained, whether in special buildings or runways or not.

KITCHEN: Any room used or intended or designed to be used for cooking or the preparation of food.

LODGE: An order or society of persons organized for some common non-profit purpose, but not including groups organized primarily to render a service which is customarily carried on as a business.

LODGING HOUSE: A dwelling in which lodging or lodging and means are provided for compensation for more than five (5) but not more than 15 persons other than members of the resident family, excepting a nursing home as defined in this section.

LOT: A single parcel of land for which a legal description is filed of record, or the boundaries of which are shown on a subdivision map, or record of survey map filed in the office of the Tulare County Recorder. The term "lot" shall include a part of a single parcel of land when such part is used as though a separate lot for all of the purposes and under all of the requirements of this ordinance. The term "lot" shall include two or more abutting lots when combined and used as though a single lot.

LOT AREA: The total horizontal area within the lot lines of a lot.

LOT, CORNER: A lot situated at the intersection of two (2) or more streets which have an angle of intersection of not more than 135 degrees.

LOT, COVERAGE: That portion of a lot or building site which is occupied by any building or structure, excepting paved areas, walks and swimming pools, regardless of whether said building or structure is intended for human occupancy.

LOT DEPTH: The depth of a lot shall be the horizontal length of a straight line connecting the midpoints of the front and rear lot lines.

LOT, DOUBLE FRONTAGE: An interior lot having frontage on and with access on two (2) parallel or approximately parallel streets.

LOT, INTERIOR: A lot other than a corner lot or reverse corner lot.

LOT, KEY: The first lot to the rear of a reversed corner lot, whether or not separated by an alley.

LOT LINE, FRONT: In the case of an interior lot, a line separating the lot from the street. In the case of a corner lot, the line separating the narrowest street frontage of the lot from the street.

LOT LINE, REAR: A lot line which is opposite and most distant from the front lot line, or, in the case of an irregular triangular or gore-shaped lot, a line 10 feet in length within the lot parallel to and at a maximum distance from the front lot line.

LOT LINE, SIDE: Any lot boundary line not a front lot line or a rear lot line.

LOT, REVERSED CORNER: A corner lot, the street side of which is substantially a continuation of the front lot line of the lot upon which it rears.

LOT, THROUGH: See "lot, double frontage".

LOT, WIDTH: The average horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

MEDICAL BUILDING: Clinics or offices for doctors, dentists, oculists, chiropractors, osteopaths, chiropodists or similar practitioners of the healing arts; including accessory laboratories and a prescription pharmacy, but not including offices for veterinarians.

MOBILE HOME: A structure or a structure having multiple sections equaling or exceeding exterior dimensions of eight (8) feet in width and 40 feet in length, having a chassis and designed to be movable, with kitchen, bathroom and living facilities, designed for use as a single-family dwelling when connected to appropriate utility lines, with or without a permanent foundation.

RESTAURANT: An establishment which serves food or beverages primarily to persons seated within the building. This includes cafes and tea rooms, and outdoor cafes.

REST HOMES OR HOMES FOR THE AGED: An establishment or home intended primarily for the care and nursing of invalids and aged persons; excluding cases of communicable diseases and surgical or obstetrical operations. The term shall not include nursing home.

SCHOOL, ELEMENTARY , JUNIOR HIGH OR HIGH: Public and other non-profit institutions conducting regular academic instruction at kindergarten, elementary and secondary levels. Such institutions shall offer general academic instructions equivalent to the standards prescribed by the State Board of Education.

SCHOOL, PRIVATE OR PAROCHIAL: An institution conducting regular academic instruction at kindergarten, elementary or secondary levels, operated by a non-governmental organization.

SCHOOL, TRADE: Schools offering preponderant instruction in the technical, commercial or trade skills, such as real estate schools, business colleges, electronics schools, automotive and aircraft technicians schools and similar commercial establishments operated by a non-governmental organization.

SERVICE STATION: An occupancy engaged in the retail sales of gasoline, diesel or liquefied petroleum gas fuels, oil, tires, batteries and new accessories and which provides for the servicing of motor vehicles and operations, incidental thereto, including: automobile washing, incidental waxing and polishing, tire changing and repairing (but not including recapping), battery service, charging and replacement (but not including repair or rebuilding), radiator cleaning, flushing and repair, installation of minor accessories, lubrication of motor vehicles, rental of utility trailers, the testing, adjustment and replacement of motor parts and accessories.

SIGN: Any letter or symbol made of cloth, metal, paint, paper, wood or other material of any kind whatsoever, placed for advertising, identification or other similar purposes, on the ground or on any wall, post, fence, building, structure, vehicle or on any place whatsoever. The term "placed" shall include constructing, erecting, posting, painting, printing, tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing or making visible in any manner whatsoever.

SITE: A parcel of and, subdivided or unsubdivided, occupied or to be occupied by a use or structure.

SITE AREA: The total horizontal area included within the property lines of a site.

SITE DEPTH: The average horizontal distance between the front and rear property lines of a site measured along a line midway between side property lines.

SITE WIDTH: The average horizontal distance between the side property lines of a site measured at right angles to the depth at a point midway between the front and rear property lines.

STABLE: A detached accessory structure including, but not limited to, a corral or paddock for the keeping of one or more horses owned by the occupants of the premises and which are not kept for remuneration, hire or sale.

STABLE, COMMERCIAL: A structure including, but not limited to, a corral or paddock for the keeping of horses for remuneration, hire or sale.

STREET: A public or private way permanently dedicated or reserved as a primary means of access to abutting property.

STREET LINE: The boundary line between street rights-of-way and abutting property.

STRUCTURE: Anything constructed or erected which requires a fixed location on the ground, including a building or sign pole or standard, but not including a fence or wall used as a fence, a patio, walk, driveway or raised planting bed.

STRUCTURE, MAIN: A structure housing the principle use of a site or functioning as the principle use.

STRUCTURAL ALTERATION: Any change in the supporting members of a building, such as foundations, bearing walls, columns, beams, floor or roof joists, girders or rafters, or any change in the exterior dimensions of a building, excepting those changes which may result from providing minor repairs and building maintenance.

TRAILER SALES LOT: An open area where trailers are sold, leased or rented and where no repairs, repainting or remodeling are done.

TRAILER, UTILITY: A vehicle without motive power, designed and constructed to travel on the public thoroughfares in accordance with the provisions of the State Vehicle Code, and to be used only for carrying property.

TRAVEL TRAILER: A vehicle with or without motive power, designed and constructed to travel on the public thoroughfares in accordance with provisions of the State Vehicle Code, designed for human habitation, with no footing or foundation other wheels and temporary stabilizing units, with exterior dimensions less than eight (8) feet in width and less than 40 feet in length. The terms "camper" and "motor home" are included within the meaning of the term "travel trailer".

TRAVEL TRAILER PARKS: A parcel, or contiguous parcels of land under single ownership, designed or intended to be used to accommodate travel trailers on a transient basis (one month continuous occupancy or less).

USE: The purpose for which a site or structure is arranged, designed, intended, constructed, moved, erected, altered or enlarged on for which either a site or structure is or may be occupied or maintained.

USE, PERMITTED: A use which is listed as a permitted use in any given district in this ordinance. Permitted uses need not meet special requirements as a condition precedent to be allowed to establish in a given district, except as required by the provisions of Articles 14 and 16.

USE, CONDITIONAL: A use which is listed as a conditional use in any given district in this ordinance. Conditional uses may be required to meet certain requirements as a condition precedent to the granting of a use permit which will allow the establishing of a conditional use in any given district.

YARD: Open and unoccupied space on a lot.

YARD, FRONT: A yard, the depth of which is the minimum required horizontal distance between the front lot line and the line parallel thereto on the lot, which yard extends across the full width of the lot.

YARD REAR: A yard, the depth of which is the minimum required horizontal distance between the rear lot line and a line parallel thereto on the lot, which yard extends across the full width of the lot.

ORDINANCE NO. 437

CITY CLERK CERTIFICATION

I, Bobbi Paul, City Clerk of the City of Lindsay do hereby certify that the foregoing is a full, true and correct copy of the original ORDINANCE introduced at a regular meeting of the City Council on December 4, 1989, and made and entered into by the City Council of the City of Lindsay at a regular meeting duly called and held on December 18, 1989, as the same appears of record and on file in my office. Published in the Lindsay Gazette December 21, 1989.

WITNESS my hand and official City Seal of Lindsay.

Bobbi Paul
Bobbi Paul, City Clerk

Date: December 19, 1989