Porterville

Development Ordinance
Public Review Draft

March 2010
User’s Guide

Background

In 2008, the City of Porterville adopted a new General Plan, establishing policy direction for the city’s evolution and growth. The Porterville 2030 General Plan included new land use, economic development, circulation, parks, schools, and community facilities, open space and conservation, public health and safety, public utilities, and noise elements, all of which have implications for land use planning and zoning. The Land Use Element establishes a set of land use designations and describes the intended land uses and development intensities for each designation. In some instances, the General Plan also offers specific development standards, such as floor area limits, lot coverage, or residential density, for the land use designations.

The zoning and subdivision ordinances and the zoning map are the key documents that implement the General Plan, and under California law, they must be updated to be consistent with the new General Plan.

To this end, the City’s Community Development Department embarked on a year-long effort to comprehensively update the City’s zoning regulations and subdivision ordinance and integrate them into a new Development Ordinance. Consultant assistance was provided from Dyett & Bhatia, Urban and Regional Planners, and a Zoning Update Advisory Committee provided policy direction and oversight during the update.

Organization of the Development Ordinance

The proposed ordinance is organized into seven series, as follows:

- **100 Series: Introductory Provisions** establishes the overall organization and applicability of the regulations. This series also establishes the purpose of the ordinance, the authority for its establishment, and rules for construction of language and for measurements such as height, lot width, and floor area, that are applicable throughout the ordinance.

- **200 Series: Base Districts** specifies the land uses permitted or conditionally permitted in each set of base districts: agricultural/rural/conservation, residential, commercial, downtown, employment, public and open space, residential neighborhood, and planned development. The 200 Series also includes special requirements or limitations, if any, that are applicable to specific uses. Base district
regulations also include development standards to control the size, height, bulk, location, and appearance of structures, as well as lot dimensions.

- **300 Series: Additional Use and Development Regulations** contains general standards that apply to multiple zoning districts, such as regulations for parking and loading, signs, lighting, landscaping, screening, and wireless telecommunications facilities. The 300 Series also includes a chapter devoted to standards for specific land uses, such as automotive repair, personal storage facilities and temporary uses.

- **400 Series: Land Divisions** contains the regulations related to the subdivision of land. This series includes administrative procedures for the processing of land division applications as well as design standards for streets and block layouts and requirements for bicycle paths, transit facilities, parks, and other public facilities.

- **500 Series: Overlay Zones** includes general provisions for overlay districts, which modify base district regulations for specific purposes in specific geographical areas. Airport Environs, Floodplain, Hillside Development, and Single Story overlay zones are established.

- **600 Series: Administration and Permits** establishes the decision-making authority for different types of zoning permits, as well as application processes, required findings, rules for hearings, public notification, and appeals, and procedures for enforcement of the ordinance.

- **700 Series: General Terms** contains two chapters. The first defines terms that appear throughout the ordinance; the second defines all land use classifications.

### Major Provisions

The proposed development ordinance is based upon the City’s land use policies in the General Plan, but also provides a new organizing framework and introduces new zoning in certain areas:

- **Use Classifications.** Use classifications describe groups of similar uses (Residential, Public and Semi-Public, Commercial, Industrial, and Transportation, Communication, and Utilities) that are regulated by the classification title. Rather than attempt to list all uses that might be permitted, the classifications provide for an administrative determination of the most logical category. The land use classifications have been updated to reflect modern businesses, industries and community service types; to reflect the particularities of existing and desired uses in Porterville; and to be consistent across the ordinance.

- **Districts.** Zoning districts have been updated to be consistent with the new General Plan. The ordinance has 29 base districts, as shown below. These districts are indicated on the Zoning Map by the Short Name/Map Symbol.
## BASE DISTRICTS

<table>
<thead>
<tr>
<th>Short Name/ Map Symbol</th>
<th>Full Name</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Agriculture/Rural/Conservation Districts</strong></td>
<td></td>
</tr>
<tr>
<td>AC</td>
<td>Agricultural/Conservation</td>
</tr>
<tr>
<td>RR</td>
<td>Rural Residential</td>
</tr>
<tr>
<td><strong>Residential Districts</strong></td>
<td></td>
</tr>
<tr>
<td>RS-1</td>
<td>Very Low Density Residential</td>
</tr>
<tr>
<td>RS-2</td>
<td>Low Density Residential</td>
</tr>
<tr>
<td>RM-1</td>
<td>Low-Medium Density Residential</td>
</tr>
<tr>
<td>RM-2</td>
<td>Medium Density Residential</td>
</tr>
<tr>
<td>RM-3</td>
<td>High Density Residential</td>
</tr>
<tr>
<td><strong>Downtown Districts</strong></td>
<td></td>
</tr>
<tr>
<td>DR-N</td>
<td>Downtown Retail – North of Olive Avenue</td>
</tr>
<tr>
<td>DR-S</td>
<td>Downtown Retail – South of Olive Avenue</td>
</tr>
<tr>
<td>DR-D</td>
<td>Downtown Retail – D Street Corridor</td>
</tr>
<tr>
<td>D-MX</td>
<td>Downtown Mixed-Use</td>
</tr>
<tr>
<td>D-CG</td>
<td>Downtown General Commercial</td>
</tr>
<tr>
<td>D-PO</td>
<td>Downtown Professional Office</td>
</tr>
<tr>
<td>D-PS</td>
<td>Downtown Public and Semi-Public</td>
</tr>
<tr>
<td>DRM-2</td>
<td>Downtown Medium Density Residential</td>
</tr>
<tr>
<td>DRM-3</td>
<td>Downtown High Density Residential</td>
</tr>
<tr>
<td><strong>Commercial Districts</strong></td>
<td></td>
</tr>
<tr>
<td>CN</td>
<td>Neighborhood Commercial</td>
</tr>
<tr>
<td>CR</td>
<td>Retail Centers</td>
</tr>
<tr>
<td>CG</td>
<td>General and Service Commercial</td>
</tr>
<tr>
<td>CMX</td>
<td>Commercial Mixed-Use</td>
</tr>
<tr>
<td><strong>Employment Districts</strong></td>
<td></td>
</tr>
<tr>
<td>PO</td>
<td>Professional Office</td>
</tr>
<tr>
<td>IP</td>
<td>Industrial Park</td>
</tr>
<tr>
<td>IG</td>
<td>General Industrial</td>
</tr>
<tr>
<td>IA</td>
<td>Airport Industrial</td>
</tr>
<tr>
<td><strong>Public and Open Space Districts</strong></td>
<td></td>
</tr>
<tr>
<td>PS</td>
<td>Public and Semi-Public</td>
</tr>
<tr>
<td>PK</td>
<td>Parks and Public Recreation Facilities</td>
</tr>
<tr>
<td>REC</td>
<td>Commercial Recreation</td>
</tr>
</tbody>
</table>
### BASE DISTRICTS

<table>
<thead>
<tr>
<th>Short Name/ Map Symbol</th>
<th>Full Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other Base Districts</td>
<td></td>
</tr>
<tr>
<td>RN</td>
<td>Residential Neighborhood</td>
</tr>
<tr>
<td>PD</td>
<td>Planned Development</td>
</tr>
</tbody>
</table>

- **Purpose Statements.** Purpose statements are included for each base district. Purpose statements help clarify the distinctions between districts by explaining the intent of the districts and provide an essential link between General Plan policies and use regulations and standards.

- **Graphics.** Graphics are use throughout the ordinance to strengthen written provisions and to provide visual examples of both lawful and unlawful development, helping to clarify regulations that are often subject to competing or incorrect interpretations.

- **Downtown District.** A new Downtown district, consisting of nine subdistricts is established to implement General Plan policies related to enhancing the Downtown as a pedestrian-oriented district that reflects local history and culture and supports the City’s economic development initiatives. The primary focus of the Downtown district zoning regulations is lot development and building form. The complementary Downtown Design Guidelines give more attention to streetscape design. Together, the guidelines and regulations emphasize how streetscape design and building form work together to create a vibrant, pedestrian-friendly downtown area.

- **Mixed-Use Districts.** Two mixed-use districts, Downtown Mixed-Use and Commercial Mixed-Use, have been created. These districts allow by right the vertical co-location of residential and commercial uses.

- **Industrial Park District.** A new Industrial Park District has been created for development near the airport and in other areas where a mix of light industrial, research and development, office, commercial, and service uses are appropriate. Development standards to assure high quality design amid a “campus-like” setting are included.

- **Residential Neighborhood District.** A Residential Neighborhood District has been created to implement the neighborhood center concepts shown on the General Plan Land Use Diagram and guide the design of new residential neighborhoods. This district is established as a “floating zoning district”. Floating zoning districts are zoning districts that are defined in the Development Ordinance but are not applied unless a request is made by the landowner. Development consistent with existing zoning could occur or a landowner may opt to process a zoning amendment to apply the Residential Neighborhood District.
• **Hillside Development Overlay.** The Hillside Development Ordinance has been incorporated virtually as adopted with minor technical edits to achieve consistency throughout the ordinance.

• **Parking Requirements.** Parking ratios are revised to correspond to the updated set of land use classifications. Parking reductions are allowed for commercial/mixed use projects that incorporate shared parking facilities and have different peak demand times, if justified by a parking demand study. On-street parking may substitute for a portion of the off-street requirements in the Downtown area to ensure that land is used efficiently. Specific bicycle parking requirements, and size and location standards for short- and long-term bicycle parking facilities are included.

• **Non-conforming Uses and Structures.** Provisions in the ordinance allow nonconforming uses and structures to continue and expand, in instances where they are benign and will fit into the neighborhood, subject to specific findings and/or approval of a conditional use permit. The intent of these regulations is to allow the City flexibility in treating nonconforming uses and structures.

• **Green Building.** Green building standards that refer to the LEED™ Green Building Rating System approved by the United States Green Building Council (USGBC) have been included for City buildings over 5,000 square feet; non-residential new construction, additions, or tenant improvements over 25,000 square feet; and multi-family and hotel buildings over four stories. Building commissioning, although specified as a prerequisite for LEED™ certification, is not required for applicable projects under this section, except for City buildings.

• **Landscaping.** Simplified provisions for water efficient landscaping consistent with State law are included. Provisions also include the option create an Alternative Landscape Plan for sites with unique characteristics that may find the standard landscaping requirements difficult to satisfy.

• **Emergency Shelters.** Emergency shelters, classified as “Social Service Facilities”, are allowed by right in a number of districts in order to reflect recent changes in State law [Chapter 633, Statutes of 2007 (SB 2)].

• **Subdivision Regulations.** The existing subdivision regulations have been reorganized to make them easier to use. Design standards have been revised to conform to the updated General Plan and specific provisions have been added to strengthen the authority to require dedications and reservations. Provisions for condominium conversions and other land divisions, including mergers, reversion to acreage, and lot line adjustments have also been added.

• **Enforcement.** New provisions have been added that allow the City to record a notice of violation against a property in the County Recorder’s office. This would not only ensure that new owners receive legal notice of zoning problems, but could also be an obstacle to securing financing, which should provide an additional incentive for correcting zoning violations.
Using the Development Ordinance

Numbering and Referencing
The Development Ordinance is Chapter 21 of the Porterville Municipal Code. Each Section in the Development Ordinance follows the numbering format of XXX.XX. The first three digits refer to the series chapter and the two digits after the decimal refer to the sections within the chapter. For example, 101.02 refers to the second section of Chapter 101. Within sections; subsections, paragraphs and subparagraphs are denoted by letters and numbers. The overall organization is as follows:

Chapter XXX Development

100.01 Title of First Section
(a) Subsection
   (1) Paragraph
      a. Subparagraph
         1. Sub-subparagraph

100.02 Title of Second Section
(a) Subsection
   (1) Paragraph
      a. Subparagraph
         1. Sub-subparagraph

Determining the Regulations for a Specific Site
To determine the regulations of the development ordinance applicable to a specific site, you must first find the site on the Zoning Map. The map will show the base zoning district that is applicable to the site. It will also show if the site is subject to an overlay district.

Next, look up the corresponding regulations. Start with the regulations for the base districts in the 200 Series. The tables in the base district regulations state whether a use is permitted by right, permitted with limitations, permitted with a conditional use permit, or not permitted. Included in the tables is a column with references to additional regulations that apply to a specific use. Also, the regulations in the 200 Series contain applicable development standards and references to applicable development regulations elsewhere in the ordinance, such as parking and loading. In these cases, refer to the indicated sections.

Certain uses have specific regulations in the 300 Series, Additional Use and Development Regulations. Although these regulations are likely to be referenced in regulations for the base districts, it is a good idea to check over the 300 Series to confirm if any of the
regulations apply to the type of development you are proposing. Next, if the Zoning Map
indicates that your site is subject to an overlay district, look up the regulations for overlay
districts in the 500 Series, Overlay Zones. If any terms are unclear, or if you want to know
what the intended use of a property is classified as, then look at the 700 Series, General
Terms.

The regulations in the 200, 300 and 500 Series will indicate whether a use is subject to a
permit or development plan review. These procedures are described in the 600 Series,
Administration and Permits. Appeal provisions in this series show what steps to follow if
you want to appeal a decision of the Zoning Administrator or Parcel Map Committee.

To determine the regulations of the development ordinance applicable to the division or
merger of land, to lot line adjustments, or to condominium conversions, you must look in
the 400 Series, Land Divisions. The regulations in the 400 Series will indicate the
procedures for processing the land division request as well as detail the applicable design
and dedication requirements associated with the request.

Next Steps

The proposed development ordinance will be the subject of an advertised public hearing by
the City Council. The City Council will act on the proposed ordinance after receiving
public input. For additional information, contact:

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Porterville, CA 93257
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Table of Contents

Series 100: Introductory Provisions

Chapter 100  Title, Components, and Purposes ................................................. 1
100.01  Title and Authority .................................................................................. 1
100.02  Purpose .................................................................................................... 1
100.03  Structure of Zoning Regulations .......................................................... 2
100.04  General Rules for Applicability of Zoning Regulations ...................... 3
100.05  Consistency with the General Plan ....................................................... 4
100.06  Effect on Previously Approved Projects and Projects in Progress .......... 4
100.07  Severability ........................................................................................... 4
100.08  Fees ......................................................................................................... 4

Chapter 101  Zoning Districts, Zoning Map, and Boundaries ............................ 5
101.01  Districts Established ............................................................................... 5
101.02  Official Zoning Map and District Boundaries ...................................... 7

Chapter 102  Rules for Construction of Language ............................................ 9
102.01  Purpose ................................................................................................... 9
102.02  Rules for Construction of Language ...................................................... 9
102.03  Rules of Interpretation .......................................................................... 10

Chapter 103  Rules of Measurement ................................................................. 11
103.01  Purpose .................................................................................................. 11
103.02  General Provisions ................................................................................ 11
103.03  Fractions ................................................................................................ 11
103.04  Measuring Distances .......................................................................... 12
103.05  Measuring Height ............................................................................... 12
103.06  Measuring Lot Width and Depth ........................................................... 13
103.07  Determining Average Slope ................................................................. 14
103.08  Determining Floor Area ....................................................................... 14
103.09  Determining Floor Area Ratio ............................................................... 15
103.10  Determining Lot Coverage ................................................................... 15
103.11  Determining Lot Frontage .................................................................... 16
103.12  Determining Setbacks (Yards) .............................................................. 16
103.13  Measuring Signs .................................................................................. 17
## Series 200: Base Districts

### Chapter 200 Agriculture/Rural/Conservation Districts  19

- **200.01** Purpose...................................................................................................... 19
- **200.02** Land Use Regulations................................................................................ 19
- **200.03** Development Regulations.......................................................................... 21

### Chapter 201 Residential Districts  23

- **201.01** Purpose...................................................................................................... 23
- **201.02** Land Use Regulations................................................................................ 24
- **201.03** Development Regulations.......................................................................... 26
- **201.04** Supplemental Regulations.......................................................................... 31

### Chapter 202 Downtown Districts  39

- **202.01** Purpose...................................................................................................... 39
- **202.02** Land Use Regulations................................................................................ 41
- **202.03** Development Standards............................................................................. 49
- **202.04** Supplemental Regulations.......................................................................... 55

### Chapter 203 Commercial Districts  67

- **203.01** Purpose...................................................................................................... 67
- **203.02** Land Use Regulations................................................................................ 67
- **203.03** Development Regulations.......................................................................... 73
- **203.04** Supplemental Regulations.......................................................................... 75

### Chapter 204 Employment Districts  87

- **204.01** Purpose...................................................................................................... 87
- **204.02** Land Use Regulations................................................................................ 88
- **204.03** Development Regulations.......................................................................... 92
- **204.04** Supplemental Regulations.......................................................................... 94

### Chapter 205 Public and Open Space Districts  99

- **205.01** Purpose...................................................................................................... 99
- **205.02** Land Use Regulations................................................................................ 99
- **205.03** Development Regulations.......................................................................... 101

### Chapter 206 Residential Neighborhood District  105

- **206.01** Purpose...................................................................................................... 105
- **206.02** Establishment .......................................................................................... 105
- **206.03** Master Plan Required .............................................................................. 105
- **206.04** Land Use Mix and Distribution within a Residential Neighborhood ...... 106
- **206.05** Park Design Standards ............................................................................. 108
Table of Contents

206.06 Street/Transportation System Requirements ............................................. 108
206.07 Variety in Housing Design ....................................................................... 109

Chapter 207 Planned Development (PD) District ............................................ 111

207.01 Purpose .................................................................................................... 111
207.02 Zoning Map Designation ......................................................................... 111
207.03 Land Use Regulations ........................................................................... 111
207.04 Development Regulations ...................................................................... 112
207.05 Procedures ............................................................................................... 112
207.06 Required Findings ................................................................................... 113
207.07 Conditions ............................................................................................... 113
207.08 Expiration and Renewal .......................................................................... 114
207.09 Amendments of Approved Plans .............................................................. 114
207.10 Status of Specific Plan ............................................................................. 115
207.11 Development Plan Review ....................................................................... 115

Series 300: Additional Use and Development Regulations

Chapter 300 General Site Regulations ............................................................... 117

300.01 Building Projections Into Yards ............................................................... 117
300.02 Development on Substandard Lots ........................................................... 119
300.03 Fences and Freestanding Walls ................................................................. 119
300.04 Green Building Standards and Incentives ................................................. 120
300.05 Habitat Conservation ............................................................................... 122
300.06 Heights and Height Exceptions ................................................................ 123
300.07 Lighting and Illumination ........................................................................ 123
300.08 Outdoor Seating ....................................................................................... 127
300.09 Outdoor Storage ...................................................................................... 128
300.10 Screening ................................................................................................. 129
300.11 Street Dedication, Construction of Public Improvements, and Installation of Certain Parkway Improvements ........................................................... 131
300.12 Swimming Pools ...................................................................................... 133
300.13 Trash and Refuse Collection Areas .......................................................... 133
300.14 Truck Docks, Loading, and Service Areas ............................................... 134
300.15 Underground Utilities ............................................................................ 134
300.16 Visibility at Driveways and Intersections (Sight Distance) ....................... 135

Chapter 301 Standards for Specific Uses and Activities ................................. 139

301.01 Accessory Uses and Structures ............................................................... 139
301.02 Adult Oriented Businesses ...................................................................... 141
301.03 Alcoholic Beverage Sales ...................................................................... 141
Chapter 302 Affordable Housing Density Bonus and Other Incentives

302.01 Purpose ....................................................................................... 163
302.02 General Provisions ................................................................... 163
302.03 State Affordable Housing Density Bonus .................................... 164
302.04 State Childcare Facility Density Bonus ....................................... 165
302.05 Affordable Housing Concessions and Incentives .......................... 166
302.06 Application Requirements .......................................................... 168
302.07 Review ...................................................................................... 168

Chapter 303 Landscaping

303.01 Purpose ....................................................................................... 171
303.02 Applicability ............................................................................... 171
303.03 Landscape Design Principles ....................................................... 172
303.04 Landscape Plans ......................................................................... 173
303.05 Areas to be Landscaped ............................................................... 174
303.06 General Landscaping Standards ................................................. 176
303.07 Water Efficiency ....................................................................... 177
303.08 Irrigation Specifications .............................................................. 178
303.09 Model Homes ............................................................................. 179
303.10 Installation and Completion ......................................................... 179

Chapter 304 On-Site Parking and Loading

304.01 Purpose ....................................................................................... 181
304.02 Applicability ............................................................................... 181
304.03 General Provisions ................................................................... 182
304.04 Required Parking Spaces ............................................................ 182
304.05 Location of Required Parking ...................................................... 188
304.06 Parking Reductions ..................................................................... 190
304.07 Vehicle Parking Districts .............................................................. 192
304.08 Bicycle Parking .......................................................................... 195
<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>304.09</td>
<td>On-Site Loading</td>
<td>197</td>
</tr>
<tr>
<td>304.10</td>
<td>Parking Area Design and Development Standards</td>
<td>198</td>
</tr>
<tr>
<td>304.11</td>
<td>Parking and Storage of Recreational Vehicles</td>
<td>206</td>
</tr>
<tr>
<td><strong>Chapter 305 Signs</strong></td>
<td>207</td>
<td></td>
</tr>
<tr>
<td>305.01</td>
<td>Purpose</td>
<td>207</td>
</tr>
<tr>
<td>305.02</td>
<td>Applicability</td>
<td>208</td>
</tr>
<tr>
<td>305.03</td>
<td>Design Principles</td>
<td>208</td>
</tr>
<tr>
<td>305.04</td>
<td>Exempt Signs</td>
<td>209</td>
</tr>
<tr>
<td>305.05</td>
<td>Prohibited Signs</td>
<td>211</td>
</tr>
<tr>
<td>305.06</td>
<td>General Standards</td>
<td>213</td>
</tr>
<tr>
<td>305.07</td>
<td>Sign Standards for Residential Districts</td>
<td>217</td>
</tr>
<tr>
<td>305.08</td>
<td>Sign Standards for Non-Residential Districts</td>
<td>217</td>
</tr>
<tr>
<td>305.09</td>
<td>Standards for Specific Types of Signs</td>
<td>219</td>
</tr>
<tr>
<td>305.10</td>
<td>Temporary Signs</td>
<td>224</td>
</tr>
<tr>
<td>305.11</td>
<td>Permits Required; Review Process</td>
<td>222</td>
</tr>
<tr>
<td>305.12</td>
<td>Master Sign Program</td>
<td>227</td>
</tr>
<tr>
<td>305.13</td>
<td>Nonconforming Signs</td>
<td>228</td>
</tr>
<tr>
<td>305.14</td>
<td>Abatement and Removal of Illegal Signs</td>
<td>228</td>
</tr>
<tr>
<td><strong>Chapter 306 Telecommunications Facilities</strong></td>
<td>231</td>
<td></td>
</tr>
<tr>
<td>306.01</td>
<td>Purpose</td>
<td>231</td>
</tr>
<tr>
<td>306.02</td>
<td>Applicability</td>
<td>232</td>
</tr>
<tr>
<td>306.03</td>
<td>General Requirements</td>
<td>233</td>
</tr>
<tr>
<td>306.04</td>
<td>Minimum Application Requirements</td>
<td>234</td>
</tr>
<tr>
<td>306.05</td>
<td>Location and Siting</td>
<td>235</td>
</tr>
<tr>
<td>306.06</td>
<td>General Development Requirements</td>
<td>236</td>
</tr>
<tr>
<td>306.07</td>
<td>Required Findings</td>
<td>238</td>
</tr>
<tr>
<td><strong>Chapter 307 Performance Standards</strong></td>
<td>239</td>
<td></td>
</tr>
<tr>
<td>307.01</td>
<td>Purpose</td>
<td>239</td>
</tr>
<tr>
<td>307.02</td>
<td>Applicability</td>
<td>239</td>
</tr>
<tr>
<td>307.03</td>
<td>General Standard</td>
<td>239</td>
</tr>
<tr>
<td>307.04</td>
<td>Location of Measurement for Determining Compliance</td>
<td>240</td>
</tr>
<tr>
<td>307.05</td>
<td>Noise</td>
<td>240</td>
</tr>
<tr>
<td>307.06</td>
<td>Vibration</td>
<td>240</td>
</tr>
<tr>
<td>307.07</td>
<td>Lighting and Glare</td>
<td>241</td>
</tr>
<tr>
<td>307.08</td>
<td>Maintenance</td>
<td>241</td>
</tr>
<tr>
<td>307.09</td>
<td>Odors</td>
<td>242</td>
</tr>
<tr>
<td>307.10</td>
<td>Heat and Humidity</td>
<td>242</td>
</tr>
<tr>
<td>307.11</td>
<td>Air Contaminants</td>
<td>242</td>
</tr>
<tr>
<td>307.12</td>
<td>Liquid or Solid Wastes</td>
<td>242</td>
</tr>
<tr>
<td>307.13</td>
<td>Fire and Explosive Hazards</td>
<td>242</td>
</tr>
<tr>
<td>307.14</td>
<td>Hazardous and Extremely Hazardous Materials</td>
<td>243</td>
</tr>
<tr>
<td>307.15</td>
<td>Electromagnetic Interference</td>
<td>243</td>
</tr>
<tr>
<td>307.16</td>
<td>Radioactivity</td>
<td>243</td>
</tr>
</tbody>
</table>
**Chapter 308 Nonconforming Uses, Structures, and Lots**

- **308.01** Purpose ................................................................. 245
- **308.02** Applicability ......................................................... 245
- **308.03** Establishment of Lawful Nonconforming Uses and Structures ........ 245
- **308.04** Continuation and Maintenance of Nonconforming Structures ..... 246
- **308.05** Alterations and Enlargements to Nonconforming Structures ........ 246
- **308.06** Classification of Nonconforming Uses ................................ 248
- **308.07** Changes and Substitutions of Nonconforming Uses .................. 248
- **308.08** Restoration of Damaged Nonconforming Structures ................. 251
- **308.09** Correction of Nonconforming Site Features ............................. 252
- **308.10** Abandonment of Nonconforming Uses ................................. 252

---

**Series 400: Land Divisions**

**Chapter 400 General Provisions**

- **400.01** Introductory Provisions .............................................. 253
- **400.02** Administration and Common Procedures ............................. 255
- **400.03** Maps Required .......................................................... 257

**Chapter 401 Major and Minor Subdivisions**

- **401.01** Tentative Maps .......................................................... 259
- **401.02** Parcel and Final Maps .................................................. 264

**Chapter 402 Vesting Tentative Maps**

- **402.01** Vesting Tentative Maps ............................................... 271
- **402.02** Vesting of Development Rights ........................................ 272

**Chapter 403 Dedications, Reservations and Improvements**

- **403.01** Dedications ............................................................... 275
- **403.02** Improvements ............................................................ 284
- **403.03** Design and Construction Standards ................................. 290

**Chapter 404 Common Interest Developments (Condominiums)**

- **404.01** Standards for New Residential Condominiums ....................... 299
- **404.02** Standards for Residential Condominium Conversions ............... 301
- **404.03** Standards for New Commercial and Industrial Condominiums ........ 306
- **404.04** Commercial and Industrial Condominium Conversions ............ 309
Chapter 503  Single Story (S) Overlay District

503.01  Purpose ................................................................. 395
503.02  Applicability ......................................................... 395
503.03  Building Height and Number of Stories ......................... 395

Series 600: Administration and Permits

Chapter 600  Planning Agency

600.01  Purpose ................................................................. 397
600.02  City Council ............................................................ 397
600.03  Zoning Administrator ..................................................... 398
600.04  Project Review Committee ................................................. 399
600.05  Parcel Map Committee ....................................................... 399

Chapter 601  Common Procedures

601.01  Purpose ................................................................. 401
601.02  Application Forms and Fees ............................................... 401
601.03  Mandatory Pre-Application Review ................................. 402
601.04  Review of Applications ..................................................... 404
601.05  Public Notification .......................................................... 404
601.06  Conduct of Public Hearings .............................................. 405
601.07  Notice of Action and Findings Required ............................... 406
601.08  Scope of Approvals ........................................................ 406
601.09  Effective Dates ............................................................. 407
601.10  Expiration and Extension .................................................. 407
601.11  Modification of Approvals; Changed Plans .......................... 408
601.12  Revocation of Approvals ................................................... 408
601.13  Appeals ................................................................. 409

Chapter 602  Zoning Conformance Review

602.01  Purpose ................................................................. 411
602.02  Applicability ............................................................ 411
602.03  Procedures ............................................................... 411
602.04  Request for Other Zoning Administrator’s Determinations ............. 412

Chapter 603  Development Plan Review

603.01  Purpose ................................................................. 413
603.02  Applicability ............................................................ 413
603.03  Scope ................................................................. 414
603.04  Procedures and Responsibilities ........................................... 414
603.05  Findings, Criteria, and Conditions .................................... 415
## Table of Contents

### Chapter 604  Hillside Development Permit 417

604.01 Purpose .................................................................................................... 417
604.02 Applicability ............................................................................................ 417
604.03 Decision-Making Authority ..................................................................... 418
604.04 Procedures ............................................................................................... 418
604.05 Appeals, Expiration and Extensions ......................................................... 419

### Chapter 605  Conditional Use Permits 421

605.01 Purpose .................................................................................................... 421
605.02 Applicability ............................................................................................ 421
605.03 Procedures ............................................................................................... 421
605.04 Required Findings ................................................................................... 421
605.05 Conditions of Approval ........................................................................... 422
605.06 Decision; Expiration and Extensions; Modifications ................................. 422

### Chapter 606  Temporary Use Permits 423

606.01 Purpose .................................................................................................... 423
606.02 Applicability ............................................................................................ 423
606.03 Procedures ............................................................................................... 423
606.04 Required Findings ................................................................................... 423
606.05 Conditions of Approval ........................................................................... 424

### Chapter 607  Variances 425

607.01 Purpose .................................................................................................... 425
607.02 Procedures ............................................................................................... 425
607.03 Required Findings ................................................................................... 425
607.04 Use Variances Prohibited ......................................................................... 426
607.05 Conditions of Approval ........................................................................... 426
607.06 Decision; Expiration and Extensions; Modifications ................................. 427

### Chapter 608  Adjustments 429

608.01 Purpose .................................................................................................... 429
608.02 Procedures ............................................................................................... 429
608.03 Public Notice and Hearing ....................................................................... 430
608.04 Required Findings ................................................................................... 430
608.05 Conditions of Approval ........................................................................... 430

### Chapter 609  Environmental Review 431

609.01 Purpose and Applicability ....................................................................... 431
609.02 Procedures ............................................................................................... 431
609.03 Mitigation Monitoring and Reporting Program .......................................... 434
609.04 Preparation of Environmental Documents by Consultants ......................... 435
## Chapter 610 Appeals 437

- **610.01** Purpose ......................................................... 437
- **610.02** Rights of Appeal ............................................... 437
- **610.03** Time Limits ...................................................... 437
- **610.04** Procedures ...................................................... 437
- **610.05** Standards of Review ........................................... 438

## Chapter 611 Development Agreements 439

- **611.01** Purpose ......................................................... 439
- **611.02** Objective ......................................................... 439
- **611.03** Requirements .................................................. 439
- **611.04** Contents ......................................................... 439
- **611.05** Application ...................................................... 440
- **611.06** Hearings and Notice ........................................... 440
- **611.07** Report and Findings .......................................... 440
- **611.08** Action of City Council ....................................... 440
- **611.09** Initiation of Amendment or Cancellation ............... 440
- **611.10** Recordation ...................................................... 441
- **611.11** Review .......................................................... 441

## Chapter 612 Amendments to General Plan 443

- **612.01** Purpose ......................................................... 443
- **612.02** Applicability .................................................... 443
- **612.03** Initiation of Amendment ..................................... 443
- **612.04** Application Requirements .................................. 443
- **612.05** Review of Application and Determinations by Zoning Administrator ...... 444
- **612.06** Public Hearing Scheduling .................................. 444
- **612.07** City Council Hearing and Action .......................... 444

## Chapter 613 Amendments to Zoning Map and Text 445

- **613.01** Purpose ......................................................... 445
- **613.02** Applicability .................................................... 445
- **613.03** Initiation of Amendment ..................................... 445
- **613.04** Application Requirements .................................. 445
- **613.05** Review of Application and Determinations by Zoning Administrator ...... 446
- **613.06** City Council Hearing and Action .......................... 446

## Chapter 614 Enforcement 447

- **614.01** Purpose ......................................................... 447
- **614.02** Enforcement Responsibilities ............................. 447
- **614.03** Nuisance Defined ............................................... 448
- **614.04** Penalties ........................................................ 448
- **614.05** Remedies ......................................................... 448
- **614.06** Nuisance Abatement .......................................... 449
- **614.07** Recording a Notice and Order .............................. 450
# Series 700: General Terms

**Chapter 700  List of Terms and Definitions**  
- 700.01 List of Terms .......................................................... 451  
- 700.02 Definitions ............................................................. 455  

**Chapter 701  Use Classifications**  
- 701.01 Purpose and Applicability ........................................ 485  
- 701.02 Residential Use Classifications ................................. 485  
- 701.03 Public and Semi-Public Use Classifications ............... 487  
- 701.04 Commercial Use Classifications ............................... 489  
- 701.05 Industrial Use Classifications ................................. 495  
- 701.06 Transportation, Communication, and Utilities Use Classifications .... 496  
- 701.07 Agricultural and Extractive Use Classifications .......... 497
# List of Figures

<table>
<thead>
<tr>
<th>Figure</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Figure 103.04</td>
<td>Measuring Distances</td>
<td>12</td>
</tr>
<tr>
<td>Figure 103.05</td>
<td>Measuring Height</td>
<td>13</td>
</tr>
<tr>
<td>Figure 103.06</td>
<td>Measuring Lot Width and Depth</td>
<td>14</td>
</tr>
<tr>
<td>Figure 103.09</td>
<td>Determining Floor Area Ratio</td>
<td>15</td>
</tr>
<tr>
<td>Figure 103.10</td>
<td>Determining Lot Coverage</td>
<td>16</td>
</tr>
<tr>
<td>Figure 103.12</td>
<td>Determining Setbacks</td>
<td>17</td>
</tr>
<tr>
<td>Figure 201.03(A)(1)</td>
<td>Residential District Transitional Standards</td>
<td>28</td>
</tr>
<tr>
<td>Figure 201.03(B)</td>
<td>Front Yards</td>
<td>29</td>
</tr>
<tr>
<td>Figure 201.03(D)</td>
<td>Setbacks for Attached Single-Family Dwellings</td>
<td>30</td>
</tr>
<tr>
<td>Figure 201.04(A)(1)</td>
<td>Garage Frontage and Location</td>
<td>31</td>
</tr>
<tr>
<td>Figure 201.04(B)(1)</td>
<td>Parking and Garage Frontage Limitations</td>
<td>33</td>
</tr>
<tr>
<td>Figure 201.04(C)(3)</td>
<td>Architectural Articulation</td>
<td>35</td>
</tr>
<tr>
<td>Figure 202.04(G)(5)</td>
<td>Sidewalk Shade</td>
<td>58</td>
</tr>
<tr>
<td>Figure 202.04(I)(3)</td>
<td>Projections into Right-of-Way</td>
<td>60</td>
</tr>
<tr>
<td>Figure 202.04(I)(4)</td>
<td>Awnings and Overhangs</td>
<td>60</td>
</tr>
<tr>
<td>Figure 202.04(J)(1)A</td>
<td>Ground Floor Windows</td>
<td>61</td>
</tr>
<tr>
<td>Figure 202.04(J)(1)B</td>
<td>Limits on Blank Walls</td>
<td>61</td>
</tr>
<tr>
<td>Figure 202.04(J)(1)C</td>
<td>Wall Plane Articulation</td>
<td>62</td>
</tr>
<tr>
<td>Figure 202.04(J)(2)(A):</td>
<td>Façade Articulation</td>
<td>64</td>
</tr>
<tr>
<td>Figure 203.03(B)(1):</td>
<td>Commercial District Transitional Standards</td>
<td>75</td>
</tr>
<tr>
<td>Figure 203.04(A)(1):</td>
<td>Pedestrian-Oriented Design</td>
<td>77</td>
</tr>
<tr>
<td>Figure 203.04(A)(2):</td>
<td>Pedestrian Access</td>
<td>79</td>
</tr>
<tr>
<td>Figure 203.04(A)(3)B:</td>
<td>Location of Parking</td>
<td>80</td>
</tr>
<tr>
<td>Figure 203.04(B)(4):</td>
<td>Side and Rear Yard Setback Requirements for Residential Uses in CMX District</td>
<td>81</td>
</tr>
<tr>
<td>Figure 203.04(C)(1)C:</td>
<td>Parking Setback from Buildings</td>
<td>82</td>
</tr>
<tr>
<td>Figure 203.04(C)(1)D:</td>
<td>Location of Loading and Service Areas</td>
<td>83</td>
</tr>
<tr>
<td>Figure 204.03(B)(1):</td>
<td>Employment District Transitional Standards</td>
<td>94</td>
</tr>
<tr>
<td>Figure 204.04(A):</td>
<td>Parking Setbacks and Screening Requirements</td>
<td>95</td>
</tr>
<tr>
<td>Figure 204.04(B)(3)B:</td>
<td>Location of Parking</td>
<td>97</td>
</tr>
<tr>
<td>Figure 205.03(A)(1):</td>
<td>Public and Open Space District Transitional Standards</td>
<td>102</td>
</tr>
<tr>
<td>Figure 300.01(B):</td>
<td>Architectural Projections</td>
<td>118</td>
</tr>
<tr>
<td>Figure 300.01:</td>
<td>Building Projections – Balconies, Decks, Porches and Stairs</td>
<td>119</td>
</tr>
<tr>
<td>Figure 300.03:</td>
<td>Fences and Freestanding Walls</td>
<td>120</td>
</tr>
<tr>
<td>Figure 300.06(A)(1):</td>
<td>Increased Height Limit for Projections</td>
<td>123</td>
</tr>
<tr>
<td>Figure 300.07(D):</td>
<td>Light Fixture Shielding</td>
<td>125</td>
</tr>
<tr>
<td>Figure 300.16(A):</td>
<td>Driveway Visibility</td>
<td>135</td>
</tr>
<tr>
<td>Figure 300.16(B):</td>
<td>Visibility at Controlled Intersections</td>
<td>136</td>
</tr>
<tr>
<td>Figure 300.16(C):</td>
<td>Visibility at Uncontrolled Intersections</td>
<td>136</td>
</tr>
<tr>
<td>Figure 303.05(B):</td>
<td>Interior Property Lines</td>
<td>175</td>
</tr>
<tr>
<td>Figure 303.05(C):</td>
<td>Building Perimeters</td>
<td>175</td>
</tr>
<tr>
<td>Figure 304.05:</td>
<td>Location of Required Parking</td>
<td>190</td>
</tr>
<tr>
<td>Figure 304.07(A):</td>
<td>Vehicle Parking District No. 1</td>
<td>193</td>
</tr>
<tr>
<td>Figure 304.07(B):</td>
<td>Vehicle Parking District No. 2</td>
<td>194</td>
</tr>
<tr>
<td>Figure 304.08(A)(2):</td>
<td>Short-Term Bicycle Parking</td>
<td>196</td>
</tr>
<tr>
<td>Figure 304.10(C)(1):</td>
<td>Standard Parking Spaces</td>
<td>199</td>
</tr>
</tbody>
</table>
Figure 304.10(C)(6): Minimum Dimensions for Residential Carports ....................... 200
Figure 304.10(I): Landscaping .................................................................................. 203
Figure 304.10(I)(8): Protection of Vegetation ........................................................... 204
Figure 304.10(J): Circulation and Safety ................................................................... 206
Figure 305.03(C): Legibility ..................................................................................... 208
Figure 305.04(D): Equipment Signs .......................................................................... 210
Figure 305.05(L): Roof Signs ................................................................................... 212
Figure 305.06(C): Measuring Sign Area ................................................................... 214
Figure 305.06(C)(2): Double and Multi-Faced Signs ................................................... 215
Figure 305.06(J)(3): Three-dimensional Signs ............................................................. 215
Figure 305.06(E): Building Frontage ........................................................................ 216
Figure 305.09(B): Marquee Signs ............................................................................ 220
Figure 305.09(C): Projecting Signs .......................................................................... 221
Figure 305.09(F): Monument Signs .......................................................................... 222
Figure 305.09(G): Pole Signs ................................................................................... 223
Figure 502.01(B)(1): Hillside Developments .............................................................. 350
Figure 502.01(B)(2): Ridgelines .............................................................................. 350
Figure 502.01(B)(3): Landscaping ............................................................................ 351
Figure 502.01(B)(4): Open Space Areas .................................................................... 352
Figure 502.01(B)(5): Bioswales ............................................................................... 352
Figure 502.05(B)(1): Ridgeline Setbacks ................................................................. 360
Figure 502.06(A)(1): Grading ................................................................................... 361
Figure 502.06(C): Berming ...................................................................................... 363
Figure 502.06(D): Slopes Between Residential Pads ..................................................... 363
Figure 502.06(E): Road Systems along Project Edges ............................................... 364
Figure 502.06(F): Use of Loffelstein and Similar Living Walls ................................... 365
Figure 502.07(A): Runoff Control ............................................................................ 366
Figure 502.07(D)(1): Use Of Bioswales .................................................................... 367
Figure 502.07(D)(2): Landscaping Of Bioswales ....................................................... 368
Figure 502.08(B): Split Level Roadways ................................................................. 369
Figure 502.09(E): Planting Areas ............................................................................ 372
Figure 502.10(C): Standards for Tree Protection ....................................................... 374
Figure 502.10(D)(1): Landscape Planting Sensitive to Views .................................... 375
Figure 502.10(D)(2): Landscaping Along Right-Of-Way ............................................ 375
Figure 502.10(G): Landscaped Entries and Focal Points .......................................... 377
Figure 502.10(J): Fuel Modification Zones ............................................................... 379
Figure 502.10(M): On-Lot Tree Program ................................................................ 380
Figure 502.11(A): Hillside Developments ................................................................. 383
Figure 502.11(B): Building Setbacks ........................................................................ 384
Figure 502.11(B)(5): Building Height ....................................................................... 385
Figure 502.11(C)(1): Building Separation and Setbacks ............................................ 386
Figure 502.11(C)(2): Rear Yard and Side Yard Setbacks ............................................ 387
Figure 502.11(G)(3): Building Facades .................................................................... 391
Figure 502.11(G)(5): Support Structures ................................................................. 392
Figure 502.11(G)(6): Setback from Privacy Wall ...................................................... 393
Figure 700.02(A): Rear Lot Line for Purpose of Determining Setback ...................... 470
Figure 700.02(B): Lot and Yard Types .................................................................... 471
List of Maps

Map 500-1: Airport Impact Map: Future Noise ................................................................. 343
Map 500-2: Airport Impact Map: Safety ................................................................. 344
Map 500-3: Airport Impact Map: Overflight ............................................................ 345
Map 500-4: Airport Impact Map: Airspace Protection .................................................. 346
List of Tables

Table 200.02: Land Use Regulations—Agriculture/Rural/Conservation Districts ....... 20
Table 200.03: Development Standards—Agricultural/Rural/Conservation Districts ... 21
Table 201.02: Land Use Regulations—Residential Districts ..................................... 24
Table 201.03: Development Standards—Residential Districts ..................................... 27
Table 202.02: Land Use Regulations—Downtown Districts ....................................... 43
Table 202.03: Development Standards—Downtown Districts ..................................... 51
Table 203.02: Land Use Regulations—Commercial Districts ..................................... 68
Table 203.03: Development Standards—Commercial Districts ..................................... 73
Table 204.02: Land Use Regulations—Employment Districts ..................................... 88
Table 204.03: Development Standards—Employment Districts ..................................... 92
Table 205.02: Land Use Regulations—Public and Open Space Districts .................... 100
Table 205.03: Development Standards—Public and Open Space Districts ............... 101
Table 300.07(C): Maximum Height of Lighting Fixtures ........................................ 124
Table 300.07(E): Requirements for Shielding and Filtering .................................... 127
Table 300.09: Open Storage Regulations by District and Location ............................ 128
Table 300.16: Sight Distance Standards .................................................................... 137
Table 303.07(B)(3): Water Use Values Of Planting Types ......................................... 177
Table 304.04(A): Required On-Site Parking Spaces ............................................... 184
Table 304.07(B): Required Parking Spaces in Vehicle Parking District No. 1 ............ 193
Table 304.10(C)(1): Standard Parking Space and Aisle Dimensions ......................... 198
Table 305.08: Sign Area and Sign Standards for Specific Sign Types and Zoning Districts ............................................................. 218
Table 500.05(B): Land Use Compatibility by Noise Exposure Level ......................... 330
Table 500.06(A): Development Standards - Airport Safety Zones ........................... 334
Table 500.06(C): Land Use Compatibility - Airport Safety Zones ............................ 336
Table 502.11(A): Maximum Allowed Density Based On Average Slope .................. 381
Table 502.11(A)(3): Unit Yield Based On Floor Area Ratio ....................................... 382
Table 502.11(B)(3): Building Setbacks Detached Dwellings .................................... 383
Table 502.11(C)(3): Attached Building Setbacks from Lot Lines ............................. 386
Table 502.11(C)(4): Required Common Open Space for Attached Dwellings ............ 387
Table 603.02: Thresholds for Development Plan Review ......................................... 413
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100 Series: Introductory Provisions

Chapter 100    Title, Components, and Purposes

Sections:

100.01    Title and Authority
100.02    Purpose
100.03    Structure of Zoning Regulations
100.04    General Rules for Applicability of Zoning Regulations
100.05    Consistency with the General Plan
100.06    Effect on Previously Approved Projects and Projects in Progress
100.07    Severability
100.08    Fees

100.01    Title and Authority
Chapter 21 of the Porterville City Code shall be known and cited as the "Porterville Development Ordinance," "Development Ordinance of the City of Porterville," “Development Ordinance,” or “Ordinance.”

The Porterville Development Ordinance is adopted pursuant to the authority contained in Section 65850 of the California Government Code. In addition, the provisions of this Ordinance relating to the regulation and control of subdivisions are adopted pursuant to the authority contained in Title 7, Division 2 of the California Government Code, commencing with Section 66410, hereinafter referred to as the “Subdivision Map Act,” as may be amended from time to time.

100.02    Purpose
The purpose of this Ordinance is to implement the City’s General Plan and to protect and promote the public health, safety, peace, comfort, convenience, prosperity and general welfare. More specifically, the Ordinance is adopted to achieve the following objectives:

(a) To provide a precise guide for the physical development of the City in a manner as to progressively achieve the arrangement of land uses depicted in the Porterville General Plan, consistent with the goals and policies of the General Plan.

(b) To foster a harmonious, convenient and workable relationship among land uses and ensure compatible infill development, consistent with the General Plan.

(c) To support economic development and job creation.

(d) To provide for the housing needs of all economic segments of the community.
(e) To promote high quality architecture and design, consistent with the General Plan.

(f) To promote the stability of existing land uses that conform with the General Plan, protecting them from incompatible development.

(g) To promote a safe and efficient traffic circulation system, foster the provision of adequate off-street parking and off-street loading facilities, bicycle facilities and pedestrian amenities, and support a multi-modal transportation system.

(h) To facilitate the appropriate location of community facilities, institutions, parks, and other recreational areas.

(i) To protect and enhance real property values.

(j) To safeguard and enhance the appearance of the City.

(k) To define duties and powers of administrative bodies and officers responsible for implementation of the Ordinance.

100.03 Structure of Zoning Regulations

(a) Organization of Regulations. This Ordinance consists of seven Series:

100 Series: Introductory Provisions
200 Series: Base Districts
300 Series: Additional Use and Development Regulations
400 Series: Land Divisions
500 Series: Overlay Districts
600 Series: Administration and Permits
700 Series: General Terms

(b) Types of Regulations. Four (4) types of zoning regulations control the use and development of property:

(1) Land Use Regulations. These regulations specify land uses permitted, conditionally permitted or specifically prohibited in each zoning district, and include special requirements, if any, applicable to specific uses. Land use regulations for base zoning districts are in the 200 Series of this Ordinance and in the 500 Series for overlay district regulations. Certain regulations, applicable in some or all of the districts, and performance standards which govern special uses, are in the 300 Series.

(2) Development Regulations. These regulations control the height, bulk, location and appearance of structures on development sites. Development regulations for base zoning districts are in the 200 Series of this Ordinance. The regulations for overlay districts, are in the 500 Series. Certain development regulations, applicable to some or all districts are in the 300 Series. These include regulations for specific uses, development and site
regulations, performance standards, parking, sign, antennas and wireless communications and nonconforming uses.

(3) **Subdivision Regulations.** These regulations control the division of land and specify the design, improvement, and survey data of subdivisions as well as the procedures to be followed to secure final approval for subdivision maps. Subdivision regulations are in the 400 Series of this Ordinance.

(4) **Administrative Regulations.** These regulations contain detailed procedures for the administration of this Ordinance, and include common procedures, processes and standards for discretionary entitlement applications and other permits. Administrative regulations are in the 600 Series.

(5) **General Terms and Use Classifications.** The 700 Series provides a list of use classifications and a list of terms and definitions used in the Ordinance.

### 100.04 General Rules for Applicability of Zoning Regulations

(a) **Applicability to Property.** This Ordinance shall apply, to the extent permitted by law, to all property within the corporate limits of the City of Porterville and to property for which applications for annexation and/or subdivisions have been submitted to the City of Porterville, including all uses, structures and land owned by any private person, firm, corporation or organization, or the City of Porterville or other local, State or federal agencies. Any governmental agency shall be exempt from the provisions of this Ordinance only to the extent that such property may not be lawfully regulated by the City of Porterville.

(b) **Compliance with Regulations.** No land shall be used, and no structure shall be constructed, occupied, enlarged, altered, demolished or moved in any zoning district, except in accordance with the provisions of this Ordinance.

(c) **Relation to Other Regulations.**

(1) **General.** The regulations of this Ordinance and requirements or conditions imposed pursuant to this Ordinance shall not supersede any other regulations or requirements adopted or imposed by the Porterville City Council, the State of California, or any federal agency that has jurisdiction by law over uses and development authorized by this Ordinance. All uses and development authorized by this Ordinance shall comply with all other such regulations and requirements. Where conflict occurs between the provisions of the Ordinance and any other city Ordinance, chapter, resolution, guideline or regulation, the more restrictive provisions shall control, unless otherwise specified.

(2) **Permit Streamlining Act.** It is the intent of this Ordinance that all actions taken by the decision-making body pursuant to this Ordinance that are solely adjudicatory in nature be within a time frame consistent with the provisions of Government Ordinance Section 65920 et. seq. (the Permit Streamlining Act). Nothing in this Ordinance shall be interpreted as imposing time limits on actions taken by the decision-making body pursuant to this Ordinance.
that are legislative in nature or that require both adjudicatory and legislative judgments.

(d) **Relation to Private Agreements.** This Ordinance shall not interfere with or annul any recorded easement, covenant, or other agreement now in effect, provided that where this Ordinance imposes greater restriction than imposed by an easement, covenant, or agreement, this Ordinance shall control.

(e) **Relation to Prior Ordinance.** The provisions of this Ordinance supersede all prior Ordinances and any amendments of the City of Porterville. No provision of this Ordinance shall validate any land use or structure established, constructed or maintained in violation of the prior Ordinance, unless such validation is specifically authorized by this Ordinance and is in conformance with all other regulations.

(f) **Application During Local Emergency.** The City Council may authorize a deviation from a provision of this Ordinance during a local emergency declared and ratified under the Porterville Municipal Code. The City Council may authorize a deviation by resolution without notice or public hearing.

### 100.05 Consistency with the General Plan

Any permit, license or approval issued pursuant to this Ordinance must be consistent with the Porterville General Plan and all applicable specific plans. In any case where there is a conflict between this Ordinance and the General Plan, the General Plan shall prevail.

### 100.06 Effect on Previously Approved Projects and Projects in Progress

Any building or structure for which a Building Permit has been issued may be completed and used in accordance with the plans, specifications and permits on which said Building Permit was granted, provided at least one inspection has been requested and posted for the primary structure on the site where this permit is issued and provided construction is diligently pursued and completed within six months of permit issuance. No extensions of time shall be granted for commencement of construction.

### 100.07 Severability

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Porterville City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and phrase thereof, regardless of the fact that any or one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

### 100.08 Fees

The City Council shall establish by resolution, and may amend and revise from time to time, fees for processing the discretionary entitlement applications and other permits authorized or required by this Ordinance. All fees shall be paid at the time an application is filed, and no processing shall commence until the fees are paid in full.
Chapter 101  Zoning Districts, Zoning Map, and Boundaries

Sections:

101.01  Districts Established
101.02  Official Zoning Map and District Boundaries

101.01  Districts Established
The City shall be classified into districts or zones, the designation and regulation of which are set forth in this Ordinance and as follows.

(a)  Base Zoning Districts. Base zoning districts into which the City is divided are established as follows:

<table>
<thead>
<tr>
<th>Short Name/ Map Symbol</th>
<th>Full Name</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Agriculture/Rural/Conservation Districts</strong></td>
<td></td>
</tr>
<tr>
<td>AC</td>
<td>Agricultural/Conservation</td>
</tr>
<tr>
<td>RR</td>
<td>Rural Residential</td>
</tr>
<tr>
<td><strong>Residential Districts</strong></td>
<td></td>
</tr>
<tr>
<td>RS-1</td>
<td>Very Low Density Residential</td>
</tr>
<tr>
<td>RS-2</td>
<td>Low Density Residential</td>
</tr>
<tr>
<td>RM-1</td>
<td>Low-Medium Density Residential</td>
</tr>
<tr>
<td>RM-2</td>
<td>Medium Density Residential</td>
</tr>
<tr>
<td>RM-3</td>
<td>High Density Residential</td>
</tr>
<tr>
<td><strong>Downtown Districts</strong></td>
<td></td>
</tr>
<tr>
<td>DR-N</td>
<td>Downtown Retail – North of Olive Avenue</td>
</tr>
<tr>
<td>DR-S</td>
<td>Downtown Retail – South of Olive Avenue</td>
</tr>
<tr>
<td>DR-D</td>
<td>Downtown Retail – D Street Corridor</td>
</tr>
<tr>
<td>D-MX</td>
<td>Downtown Mixed-Use</td>
</tr>
<tr>
<td>D-CG</td>
<td>Downtown General Commercial</td>
</tr>
<tr>
<td>D-PO</td>
<td>Downtown Professional Office</td>
</tr>
<tr>
<td>D-PS</td>
<td>Downtown Public and Semi-Public</td>
</tr>
<tr>
<td>DRM-2</td>
<td>Downtown Medium Density Residential</td>
</tr>
<tr>
<td>DRM-3</td>
<td>Downtown High Density Residential</td>
</tr>
<tr>
<td><strong>Commercial Districts</strong></td>
<td></td>
</tr>
<tr>
<td>CN</td>
<td>Neighborhood Commercial</td>
</tr>
<tr>
<td>CR</td>
<td>Retail Centers</td>
</tr>
<tr>
<td>CG</td>
<td>General and Service Commercial</td>
</tr>
<tr>
<td>CMX</td>
<td>Commercial Mixed-Use</td>
</tr>
<tr>
<td>Short Name/ Map Symbol</td>
<td>Full Name</td>
</tr>
<tr>
<td>------------------------</td>
<td>------------------------------------------</td>
</tr>
<tr>
<td>Employment Districts</td>
<td></td>
</tr>
<tr>
<td>PO</td>
<td>Professional Office</td>
</tr>
<tr>
<td>IP</td>
<td>Industrial Park</td>
</tr>
<tr>
<td>IG</td>
<td>General Industrial</td>
</tr>
<tr>
<td>IA</td>
<td>Airport Industrial</td>
</tr>
<tr>
<td>Public and Open Space Districts</td>
<td></td>
</tr>
<tr>
<td>PS</td>
<td>Public and Semi-Public</td>
</tr>
<tr>
<td>PK</td>
<td>Parks and Public Recreation Facilities</td>
</tr>
<tr>
<td>REC</td>
<td>Commercial Recreation</td>
</tr>
<tr>
<td>Other Base Districts</td>
<td></td>
</tr>
<tr>
<td>RN</td>
<td>Residential Neighborhood</td>
</tr>
<tr>
<td>PD</td>
<td>Planned Development</td>
</tr>
</tbody>
</table>

(b) **Overlay Zoning Districts.** Overlay zoning districts, one or more of which may be combined with a base district, are established as follows:

<table>
<thead>
<tr>
<th>Short Name/ Map Symbol</th>
<th>Full Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>AE</td>
<td>Airport Environ</td>
</tr>
<tr>
<td>FP</td>
<td>Flood Plain</td>
</tr>
<tr>
<td>HZ</td>
<td>Hillside Development Zone</td>
</tr>
<tr>
<td>S</td>
<td>Single Story</td>
</tr>
</tbody>
</table>

(c) **References to Classes of Base Districts.** Throughout the Ordinance, the following references apply:

1. “R district” or “residential district” means one or more of the following districts: RS-1 Very Low Density Residential, RS-2 Low Density Residential, Low-Medium Density Residential RM-1, Medium Density Residential RM-2, and High Density RM-3.

2. “D district” or “downtown district” means one or more of the following districts: DR-N Downtown Retail – North of Olive Avenue, DR-S Downtown Retail – South of Olive Avenue, DR-D Downtown Retail – D Street Corridor, D-MX Downtown Mixed-Use, D-PO Downtown Professional Office, D-CG Downtown General and Service Commercial, D-PS Downtown Public and Semi Public, DRM-2 Downtown Medium Density Residential, and DRM-3 Downtown High Density Residential.

3. “C district” or “commercial district” means one or more of the following districts: CN Neighborhood Commercial, CR Retail Centers, CG General and Service Commercial, and CMX Commercial Mixed-Use.
(4) “E district” or “employment district” means one or more of the following: PO Professional Office, IP Industrial Park, IG General Industrial, and IA Airport Industrial.

101.02 Official Zoning Map and District Boundaries

The boundaries of the zoning districts established by this Ordinance are not included in this Ordinance but are shown on the Official Zoning Map maintained by the City Clerk. The Official Zoning Map, together with all legends, symbols, notations, references, zoning district boundaries, map symbols, and other information on the maps, have been adopted by the Council and are hereby incorporated into this Ordinance by reference, together with any amendments previously or hereafter adopted, as though they were fully included here.

(a) Application of Pre-Annexation Zoning. The City may apply pre-annexation zoning to unincorporated property located within the Planning Area Boundary consistent with the Porterville General Plan. The pre-annexation zoning process shall comply with the provisions of Chapter 613, Amendments to Zoning Map and Text. The zoning provisions and requirements so established shall become applicable at the same time that the annexation of such territory becomes effective.

(b) Uncertainty of Boundaries. There uncertainty exists as to the boundaries of any district shown on the Official Zoning Map, the following rules shall apply:

(1) Boundaries indicated as approximately following the centerlines of alleys, streets, highways, streams or railroads shall be construed to follow such centerlines.

(2) Boundaries indicated as approximately following lot lines, city limits, or extraterritorial boundary lines shall be construed as following such lines, limits or boundaries.

(3) In the case of unsubsidized property or where a district boundary divides a lot and no dimensions are indicated, the following shall apply.

a. Lots Greater than One Acre. The location of such boundary shall be determined by the use of the scale appearing on the Official Zoning Map.

b. Lots Less than One Acre. The lot shall be deemed to be included within the zone which is the more restrictive.

(4) In the case of any remaining uncertainty, the Zoning Administrator shall determine the location of boundaries.

(5) Where any public street or alley is officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.

(6) Where any private right-of-way or easement of any railroad, railway, transportation or public utility company is vacated or abandoned and said property is unclassified, said property shall be automatically classified as being in the Public and Semi-Public (PS) District.
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Chapter 102 Rules for Construction of Language

Sections:

102.01 Purpose
102.02 Rules for Construction of Language
102.03 Rules of Interpretation

102.01 Purpose

The purpose of this chapter is to provide precision in the interpretation of the zoning regulations. The meaning and construction of words and phrases defined in this chapter apply throughout the Ordinance, except where the context indicates a different meaning.

102.02 Rules for Construction of Language

In interpreting the various provisions of the Ordinance, the following rules of construction shall apply:

(a) The particular controls the general.

(b) Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:

(1) “And” indicates that all connected words or provisions shall apply.

(2) “And/or” indicates that the connected words or provisions may apply singly or in any combination.

(3) “Or” indicates that the connected words or provisions may apply singly or in any combination.

(4) “Either . . . or” indicates that the connected words or provisions shall apply singly but not in combination.

(c) In case of conflict between the text and a diagram or graphic, the text controls.

(d) All references to departments, committees, commissions, boards, or other public agencies are to those of the City of Porterville, unless otherwise indicated.

(e) All references to public officials are to those of the City of Porterville, and include designated deputies of such officials, unless otherwise indicated.

(f) All references to days are to calendar days, unless otherwise indicated. If a deadline falls on a weekend or holiday, or a day when the City offices are closed, it shall be extended to the next working day. The end of a time period shall be the close of business on the last day of the period.

(g) The words “shall,” “will,” “must” and “is to” are always mandatory and not discretionary. The words "should" or "may" are permissive.

(h) The present tense includes the past and future tenses, and the future tense includes the past.
(i) The singular number includes the plural, and the plural, the singular.

(j) Sections and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any section.

102.03 Rules of Interpretation

The Zoning Administrator shall make the interpretation for any definition not expressly identified in this section or provide clarification and determination of these rules.
Chapter 103   Rules of Measurement

Sections:

103.01   Purpose
The purpose of this chapter is to explain how various measurements referred to in this Ordinance are to be calculated.

103.02   General Provisions
For all calculations, the applicant shall be responsible for supplying drawings illustrating the measurements that apply to a project. These drawings shall be drawn to scale and of sufficient detail to allow easy verification upon inspection by the Zoning Administrator.

103.03   Fractions
Whenever this Ordinance requires consideration of distances, parking spaces, dwelling units or other aspects of development or the physical environment expressed in numerical quantities, and the result of a calculation contains a fraction of a whole number, the results will be rounded as follows:

(a)   General Rounding. Fractions of one-half (0.5) or greater shall be rounded up to the nearest whole number and fractions of less than one-half (0.5) shall be rounded down to the nearest whole number, except as otherwise provided.

(b)   Exception for State Affordable Housing Density Bonus. For projects eligible for bonus density pursuant to Government Ordinance Section 65915 or any successor statute, and Chapter 302, Affordable Housing Density Bonus and Other Incentives, any fractional number of permitted bonus density units shall be rounded up to the next whole number.
103.04 Measuring Distances

(a) **Measurements are Shortest Distance.** When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is made at the closest or shortest distance between the two objects.

(b) **Distances are Measured Horizontally.** When determining distances for setbacks and structure dimensions, all distances are measured along a horizontal plane from the appropriate line, edge of building, structure, storage area, parking area, or other object. These distances are not measured by following the topography or slope of the land.

(c) **Measurements Involving a Structure.** Measurements involving a structure are made to the outside edge of the foundation for the closest support wall of the structure. Structures or portions of structures that are entirely underground are not included in measuring required distances.

(d) **Measurement of Vehicle Stacking or Travel Areas.** Measurement of a minimum travel distance for vehicles, such as garage entrance setbacks and stacking lane distances, are measured down the center of the vehicle travel area. For example, curving driveways and travel lanes are measured along the center arc of the driveway or traffic lane.

(e) **Measuring Radius.** When a specified land use is required to be located a minimum distance from another land use, the minimum distance is measured in a straight line from all points along the lot line of the subject project.

![FIGURE 103.04: MEASURING DISTANCES](image)

103.05 Measuring Height

(a) **Measuring Building Height.** Building height is measured from the average level of the highest and lowest point of that portion of the lot covered by the building to the highest point of the roof ride, or parapet wall.

(b) **Measuring Height of Other Structures.** The height of other structures such as fences is the vertical distance from the ground level immediately under the structure to the top of the structure. Special measurement provisions are also provided below.

(1) **Measuring the Height of Fences on Retaining Walls.** The height of a fence that is on top of a retaining wall is measured from the ground level on the highest side of the fence and wall.
(2) **Measuring the Height of Decks.** Deck height is determined by measuring from the ground to the top of the floor of the deck.

**FIGURE 103.05: MEASURING HEIGHT**

103.06 **Measuring Lot Width and Depth**

(a) **Lot Width.** Lot width is the horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

(b) **Lot Depth.** Lot depth is measured along an imaginary straight line drawn from the midpoint of the front property line of the lot to the midpoint of the rear property line or to the most distant point on any other lot line where there is no rear lot line.
103.07 Determining Average Slope

The average slope of a parcel is calculated using the following formula: \( S = \frac{100(I)(L)}{A} \), where:

(a) \( S \) = Average slope (in percent)
(b) \( I \) = Contour interval (in feet)
(c) \( L \) = Total length of all contour lines on the parcel (in feet)
(d) \( A \) = Area of subject parcel (in square feet)

103.08 Determining Floor Area

Floor area is the horizontal area (usually expressed in square feet) of all floors included within a building or buildings, according to the following rules:

(a) **Included in Floor Area.** Floor area is deemed to include:
   
   (1) The floor of atrium and lobby areas;
   (2) Storage and equipment spaces that are roofed and enclosed on all sides;
   (3) Enclosed and roofed halls, stairways, and elevator shafts;
   (4) Enclosed and roofed porches and balconies;
(5) Portions of basements and attics that meet Building Code height requirements for habitable space; and
(6) The actual floor space of mezzanines, interior balconies, lofts, closets and all habitable rooms.

(b) **Excluded from Floor Area.** Floor area does not include:

1. Garages, carports or other areas used for parking and loading, or vehicular access to parking and loading spaces;
2. Unenclosed exterior balconies, decks, porches and stairs;
3. Substandard height portions of attics and basements not used as habitable space (per Building Code).

### 103.09 Determining Floor Area Ratio

Floor area ratio (FAR) is the ratio of the floor area of all principal and accessory buildings on a lot to the lot area. To calculate FAR, floor area is divided by lot area, and typically expressed as a decimal. For example, if the floor area of all buildings on a lot totals twenty thousand (20,000) square feet, and the lot area is ten thousand (10,000) square feet, the FAR is expressed as 2.0.

**FIGURE 103.09: DETERMINING FLOOR AREA RATIO**

### 103.10 Determining Lot Coverage

Lot coverage is the ratio of the total footprint area of all structures on a lot to the net lot area, typically expressed as a percentage. The footprints of all principal and accessory structures, including garages, carports, covered patios, and roofed porches, shall be summed in order to calculate lot coverage. The following structures shall be excluded from the calculation:
(a) Unenclosed and unroofed decks, uncovered patio slab, porches, landings, balconies and stairways less than six (6) feet in height;
(b) Eaves and roof overhangs projecting up to two-and-a-half feet from a wall;
(c) Trellises and similar structures that do not have solid roofs;
(d) Swimming pools and hot tubs that are not enclosed in roofed structures or decks; and
(e) One small, non-habitable accessory structure under one hundred twenty (120) square feet and under seven feet high. Structures above quantity of one shall be included in lot coverage.

FIGURE 103.10: DETERMINING LOT COVERAGE

103.11 Determining Lot Frontage
(a) Corner Lot. The front of a lot is the narrowest dimension of the lot with street frontage.
(b) Through Lot (Double Frontage Lot). The front yard borders the street primarily used as frontage by neighboring lots.

103.12 Determining Setbacks (Yards)
A setback line defining a required yard is parallel to and at the specified distance from the corresponding front, side, or rear property line. The following special regulations for determining yards apply when a lot abuts a proposed street or alley.

(a) Yards Abutting Planned Street Expansions. If a property abuts an existing or proposed street for which the existing right-of-way is narrower than the right-of-
way ultimately required for the street, the required setback shall be established form the future right-of-way rather that the property line.

(b) **Yards on Alleys.**

(1) If a side lot line abuts an alley, the yard shall be considered an interior side yard rather than a corner side yard.

(2) In computing the minimum yard for any lot where such yard abuts an alley, no part of the width of the alley may be considered as part of the required yard.

**FIGURE 103.12: DETERMINING SETBACKS**

103.13 **Measuring Signs**

The height of signs is measured in the same method as the height of other structures (See Subsection 103.05(b), Measuring Height of Other Structures). Calculation of sign area is described in Chapter 305, Signs.
Series 200: Base Districts

Chapter 200 Agriculture/Rural/Conservation Districts

Sections:

200.01 Purpose
200.02 Land Use Regulations
200.03 Development Regulations

200.01 Purpose

The specific purpose of the “Agricultural/Rural/Conservation” Districts is to preserve agricultural and resource conservation areas while providing opportunities for rural living.

Additional purposes of each “Agriculture/Rural/Conservation” District:

**AC Agricultural/Conservation.** To preserve agricultural and resource conservation areas. Incidental residential uses with septic systems are allowed. Industrial gravel and aggregate mining are allowed in areas classified by the State as Mineral Resource Zones. Clustered development is encouraged.

**RR Rural Residential.** To provide opportunities for rural living on 2.5 acre or larger lots. This district serves as a transition between agriculture/open space and more intensive urban uses and helps define the limits of urban development. Clustered development is encouraged, and smaller lots may be allowed, provided that the overall density does not exceed 0.2 units per acre, with lower limits applying in the Hillside Development Zone.

200.02 Land Use Regulations

Table 200.02 below prescribes the land use regulations for “Agricultural/Rural/Conservation” Districts. The regulations for each district are established by letter designations as follows:

“P” designates permitted uses.

“C” designates use classifications that are permitted after review and approval of a Conditional Use Permit by the City Council.

“(#)” numbers in parentheses refer to specific limitations listed at the end of the table.

“-” designates uses that are not permitted.
Use classifications are defined in Chapter 701, Use Classifications. In cases where a specific land use or activity is not defined, the Zoning Administrator shall assign the land use or activity to a classification that is substantially similar in character. Use classifications and subclassifications not listed in the table or not found to be substantially similar to the uses below are prohibited. The table also notes additional use regulations that apply to various uses. Section numbers in the right hand column refer to other sections of this Ordinance.

<table>
<thead>
<tr>
<th>TABLE 200.02: LAND USE REGULATIONS—AGRICULTURE/RURAL/CONSERVATION DISTRICTS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Use Classification</strong></td>
</tr>
<tr>
<td><strong>Residential Uses</strong></td>
</tr>
<tr>
<td>Single Family Dwelling</td>
</tr>
<tr>
<td>Detached</td>
</tr>
<tr>
<td>Family Day Care Home</td>
</tr>
<tr>
<td>Small</td>
</tr>
<tr>
<td>Group Residential</td>
</tr>
<tr>
<td>Residential Care Facilities, Limited</td>
</tr>
<tr>
<td><strong>Public and Semi-Public Uses</strong></td>
</tr>
<tr>
<td>Religious Facilities</td>
</tr>
<tr>
<td><strong>Transportation, Communication, and Utilities Uses</strong></td>
</tr>
<tr>
<td>Communication Facilities</td>
</tr>
<tr>
<td>Antenna and Transmission Towers, camouflage facilities</td>
</tr>
<tr>
<td>Antenna and Transmission Towers, non-camouflage facilities</td>
</tr>
<tr>
<td>Utilities, Minor</td>
</tr>
<tr>
<td><strong>Agricultural and Extractive Uses</strong></td>
</tr>
<tr>
<td>Animal Raising</td>
</tr>
<tr>
<td>Crop Cultivation</td>
</tr>
<tr>
<td>Mining and Quarrying</td>
</tr>
<tr>
<td><strong>Other Applicable Types</strong></td>
</tr>
<tr>
<td>Accessory Uses and Structures</td>
</tr>
<tr>
<td>Animal Keeping</td>
</tr>
<tr>
<td>Caretaker Unit</td>
</tr>
<tr>
<td>Use Classification</td>
</tr>
<tr>
<td>----------------------------</td>
</tr>
<tr>
<td>Home Occupations</td>
</tr>
<tr>
<td>Second Dwelling Unit</td>
</tr>
<tr>
<td>Nonconforming Use</td>
</tr>
<tr>
<td>Temporary Use</td>
</tr>
</tbody>
</table>

**Specific Limitations:**

1. Limited to no more than two rooms in a dwelling rented to not more than a total of four persons and meals are not provided to more than four boarders.
2. Limited to 4-H and FFA projects, recognized youth organizations, school projects, and other similar projects when conducted in compliance with the public health and animal laws of the City and to the keeping of bovine animals, horses and other equine animals, sheep and goats on lots 20,000 sq ft or more. The shelter for such animals shall not be closer than 50 feet to any residences, including that of the owner.
4. For agricultural employees, when located on farms or ranches containing not less than 10 acres.

### 200.03 Development Regulations

Table 200.03 prescribes the development standards for “Agricultural/Rural/Conservation” Districts. Additional regulations are denoted in the right hand column. Section numbers in this column refer to other sections of this Ordinance, while individual letters refer to subsections that directly follow the table.

<table>
<thead>
<tr>
<th>Standard</th>
<th>AC</th>
<th>RR</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lot and Density Standards</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum Lot Area (acres)</td>
<td>40</td>
<td>2.5</td>
<td>(a)</td>
</tr>
<tr>
<td>Minimum Lot Width (ft)</td>
<td>120</td>
<td>120</td>
<td>(a)</td>
</tr>
<tr>
<td>Minimum Lot Depth (ft)</td>
<td>120</td>
<td>120</td>
<td>(a)</td>
</tr>
<tr>
<td>Maximum Density (dwelling units/net acre)</td>
<td>.02</td>
<td>.25</td>
<td></td>
</tr>
<tr>
<td><strong>Building Form and Location</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum Height (ft)</td>
<td>35</td>
<td>35</td>
<td>Section 300.06, Heights and Height Exceptions</td>
</tr>
<tr>
<td>Standard</td>
<td>AC</td>
<td>RR</td>
<td>Additional Regulations</td>
</tr>
<tr>
<td>------------------------------</td>
<td>----</td>
<td>----</td>
<td>----------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Minimum Yards (ft)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>30</td>
<td>30</td>
<td>Section 300.01, Building Projections into Yards</td>
</tr>
<tr>
<td>Interior Side</td>
<td>30</td>
<td>30</td>
<td>Section 300.01, Building Projections into Yards; and (b)</td>
</tr>
<tr>
<td>Street Side</td>
<td>30</td>
<td>30</td>
<td>Section 300.01, Building Projections into Yards; and (b)</td>
</tr>
<tr>
<td>Rear</td>
<td>30</td>
<td>30</td>
<td>Section 300.01, Building Projections into Yards</td>
</tr>
<tr>
<td>Maximum Building Coverage (% of lot)</td>
<td>5</td>
<td>10</td>
<td>(c)</td>
</tr>
</tbody>
</table>

**Additional Development Regulations:**

(a) **Reduced Lot Area, Width, and Depth.** Reduced lot area, width, and depth are allowed with cluster development provided the overall maximum density does not exceed the standard. Deed restrictions shall be filed on each property to ensure the overall maximum density is not exceeded through future subdivision or development.

(b) **Narrow Lots.** For lots less than one hundred (100) feet in width, each side yard shall be a minimum of ten (10) percent of the lot width, or five (5) feet, whichever is greater.

(c) **Coverage Exception.** Greater coverage on individual lots may be allowed with clustered development provided the overall site coverage of the entire development does not exceed the standard.
Chapter 201 Residential Districts

Sections:
201.01 Purpose
201.02 Land Use Regulations
201.03 Development Regulations
201.04 Supplemental Regulations

201.01 Purpose
The specific purposes of the “Residential” Districts are to:

(a) Maintain and enhance the city’s neighborhoods.
(b) Ensure the provision of services and facilities needed to accommodate planned population densities.
(c) Provide a basis for the evaluation of development proposals for appropriate densities within the given ranges.
(d) Implement and provide appropriate regulations for General Plan classifications of “Very Low Density Residential”, “Low Density Residential”, “Low-Medium Density Residential”, “Medium Density Residential”, and “High Density Residential”.

Additional purposes of each “Residential” District:

**RS1 Very Low Density Residential.** To provide areas for large lot or executive home single-family subdivisions with a maximum residential density is 3.1 units per acre. This district also allows for limited uses such as day care homes and religious facilities that are appropriate in a very low density residential environment.

**RS2 Low Density Residential.** To provide areas for attached or detached single family homes with a maximum residential density of 7.5 units per acre. This district also allows for limited uses such as day care homes, parks, and religious facilities that are appropriate in a low density residential environment.

**RM1 Low-Medium Density Residential.** To accommodate low-medium densities and more varied forms of residential development, including small-lot single-family homes, detached zero lot line developments, duplexes, townhouses, and garden apartments with a maximum residential density of 11.3 units per acre. This district also allows for limited uses such as day care homes, parks, schools and religious facilities that are appropriate in a low-medium density residential environment. This district provides for a transition from lower-density residential neighborhoods to medium-density multi-family areas.

**RM2 Medium Density Residential.** To accommodate a variety of housing types, such as small-lot single-family homes, detached zero lot line developments, duplexes, townhouses,
and garden apartments with a maximum residential density of 15.0 units per gross acre. This district is intended to be located closer to community and retail services, mixed use areas, parks, and areas where greater access can be provided. In addition to residential uses, this district allows for a variety of public and semi-public uses such as cultural institutions, hospitals and clinics, and religious facilities that are appropriate in a medium-density residential environment. This district provides for a transition from lower-density residential neighborhoods to higher-density multi-family development and commercial areas.

**RM3 High Density Residential.** This classification is intended to accommodate attached homes, two- to four-plexes, and apartment buildings with a maximum residential density 30.0 units per gross acre. This district allows for a variety of public and semi-public uses such as clubs and lodges, cultural institutions, hospitals and clinics, and religious facilities that are appropriate in a high-density residential environment.

**201.02 Land Use Regulations**

Table 201.02 below prescribes the land use regulations for “Residential” Districts. The regulations for each district are established by letter designations as follows:

“P” designates permitted uses.

“C” designates use classifications that are permitted after review and approval of a Conditional Use Permit by the City Council.

“(#)” numbers in parentheses refer to specific limitations listed at the end of the table.

“-” designates uses that are not permitted.

Use classifications are defined in Chapter 701, Use Classifications. In cases where a specific land use or activity is not defined, the Zoning Administrator shall assign the land use or activity to a classification that is substantially similar in character. Use classifications and subclassifications not listed in the table or not found to be substantially similar to the uses below are prohibited. The table also notes additional use regulations that apply to various uses. Section numbers in the right hand column refer to other sections of this Ordinance.

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>RS-1</th>
<th>RS-2</th>
<th>RM-1</th>
<th>RM-2</th>
<th>RM-3</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family Dwelling</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>See subclassifications below</td>
</tr>
<tr>
<td>Attached</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>P P P P</td>
</tr>
<tr>
<td>Detached</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>P P P P</td>
</tr>
<tr>
<td>Multiple Residence</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>P P P P</td>
</tr>
<tr>
<td>Use Classification</td>
<td>RS-1</td>
<td>RS-2</td>
<td>RM-1</td>
<td>RM-2</td>
<td>RM-3</td>
<td>Additional Regulations</td>
</tr>
<tr>
<td>--------------------</td>
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<td>------</td>
<td>------</td>
<td>------</td>
<td>------</td>
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</tr>
<tr>
<td>Family Day Care Home</td>
<td>See subclassifications below</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Small</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Large</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>Section 301.07, Family Day Care Home, Large</td>
</tr>
<tr>
<td>Group Residential</td>
<td>P(1)</td>
<td>P(1)</td>
<td>P(1)</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Mobile Home Parks</td>
<td>-</td>
<td>C(2)</td>
<td>C(2)</td>
<td>C(2)</td>
<td>C(2)</td>
<td>See Section 301.10, Manufactured Homes and Section 301.11, Mobile Home Parks</td>
</tr>
<tr>
<td>Residential Care Facilities, Limited</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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**Public and Semi-Public Uses**

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>RS-1</th>
<th>RS-2</th>
<th>RM-1</th>
<th>RM-2</th>
<th>RM-3</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clubs and Lodges</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>C</td>
<td>Section 301.03, Alcoholic Beverage Sales</td>
</tr>
<tr>
<td>Cultural Institutions</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>C</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Elderly and Long-term Care</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>C</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Hospitals and Clinics</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>C(3)</td>
<td>C(3)</td>
<td></td>
</tr>
<tr>
<td>Park and Recreation Facilities, Public</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Religious Facilities</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td></td>
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<tr>
<td>Residential Care Facilities, General</td>
<td>-</td>
<td>-</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>Section 301.15, Residential Care Facilities, General</td>
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<tr>
<td>Schools, Public or Private</td>
<td>-</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Social Service Facilities</td>
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<td>-</td>
<td>-</td>
<td>-</td>
<td>C</td>
<td>Section 301.17, Social Service Facilities</td>
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</table>

**Commercial Uses**

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>RS-1</th>
<th>RS-2</th>
<th>RM-1</th>
<th>RM-2</th>
<th>RM-3</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eating, Drinking, and Smoking Establishments</td>
<td>See subclassifications below</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Coffee Shops/Cafes</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>C(4)</td>
<td>Section 300.08, Outdoor Seating</td>
</tr>
<tr>
<td>Restaurants</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>C(4)</td>
<td>Section 301.03, Alcoholic Beverage Sales and Section 300.08, Outdoor Seating</td>
</tr>
</tbody>
</table>
TABLE 201.02: LAND USE REGULATIONS—RESIDENTIAL DISTRICTS

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>RS-1</th>
<th>RS-2</th>
<th>RM-1</th>
<th>RM-2</th>
<th>RM-3</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transportation, Communication, and Utilities Uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Communication Facilities</td>
<td>See subclassifications below</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Antenna and Transmission Towers, camouflaged facilities</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>Chapter 306, Telecommunications Facilities</td>
</tr>
<tr>
<td>Utilities, Minor</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Agricultural and Extractive Uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Applicable Types</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory Uses and Structures</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>Section 301.01, Accessory Uses and Structures</td>
</tr>
<tr>
<td>Animal Keeping</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>Section 301.04, Animal Keeping</td>
</tr>
<tr>
<td>Home Occupations</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>Section 301.09, Home Occupations</td>
</tr>
<tr>
<td>Second Dwelling Unit</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>Section 301.16, Second Dwelling Units</td>
</tr>
<tr>
<td>Nonconforming Use</td>
<td>Chapter 308, Nonconforming Uses, Structures, and Lots</td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Temporary Use</td>
<td>Section 301.19, Temporary Uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Specific Limitations:

1. Limited to no more than two rooms in a dwelling rented to not more than a total of four persons and meals are not provided to more than four boarders.
2. Limited to sites with a minimum gross site area of 10 acres.
3. Limited to 2,500 square feet in size.
4. Limited to a restaurant or café/coffee shop accessory to a mobile home court or a private club or lodge when such use has no direct access off a public street and accommodates only residents, members, or their guests.
5. Limited to non-commercial orchards and flower and vegetable gardens.

201.03 Development Regulations

Table 201.03 prescribes the development standards for Residential Districts. Additional regulations are denoted in the right hand column. Section numbers in this column refer to other sections of this Ordinance, while individual letters refer to subsections that directly follow the table.
### TABLE 201.03: DEVELOPMENT STANDARDS—RESIDENTIAL DISTRICTS

<table>
<thead>
<tr>
<th>Standard</th>
<th>RS-1</th>
<th>RS-2</th>
<th>RM-1</th>
<th>RM-2</th>
<th>RM-3</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lot and Density Standards</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum Lot Area (sq ft)</td>
<td>12,500</td>
<td>6,000</td>
<td>6,000</td>
<td>6,000</td>
<td>6,000</td>
<td>Section 201.04(c), Reduced Minimum Lot Size, Width, and Depth</td>
</tr>
<tr>
<td>Minimum Lot Width (ft)</td>
<td>100</td>
<td>60</td>
<td>60</td>
<td>60</td>
<td>60</td>
<td>Section 201.04(c), Reduced Minimum Lot Size, Width, and Depth</td>
</tr>
<tr>
<td>Minimum Lot Depth (ft)</td>
<td>100</td>
<td>75</td>
<td>75</td>
<td>75</td>
<td>75</td>
<td>Section 201.04(c), Reduced Minimum Lot Size, Width, and Depth</td>
</tr>
<tr>
<td>Maximum Density (units/acre)</td>
<td>3.1</td>
<td>7.5</td>
<td>11.3</td>
<td>15.0</td>
<td>30.0</td>
<td></td>
</tr>
<tr>
<td>Minimum Area per Dwelling Unit (sq ft)</td>
<td>n/a</td>
<td>n/a</td>
<td>3,000</td>
<td>1,500</td>
<td>1,000</td>
<td></td>
</tr>
<tr>
<td><strong>Building Form and Location</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum Height (ft)</td>
<td>35</td>
<td>35</td>
<td>35</td>
<td>50</td>
<td>50</td>
<td>Section 300.06, Heights and Height Exceptions; and (a)</td>
</tr>
<tr>
<td>Minimum Yards (ft)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residence (front)</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>Section 300.01 Building Projections into Yards; and (b)</td>
</tr>
<tr>
<td>Porch (front)</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>Garage (front)</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>Interior Side</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>Section 300.01 Building Projections into Yards; (c), (d) and (f)</td>
</tr>
<tr>
<td>Street Side</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>Section 300.01 Building Projections into Yards; (e)</td>
</tr>
<tr>
<td>Rear</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>Section 300.01 Building Projections into Yards; (f) and (g)</td>
</tr>
</tbody>
</table>
**TABLE 201.03: DEVELOPMENT STANDARDS—RESIDENTIAL DISTRICTS**

<table>
<thead>
<tr>
<th>Standard</th>
<th>RS-1</th>
<th>RS-2</th>
<th>RM-1</th>
<th>RM-2</th>
<th>RM-3</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Building Coverage (% of lot)</td>
<td>30</td>
<td>45</td>
<td>45</td>
<td>50</td>
<td>60</td>
<td></td>
</tr>
<tr>
<td>Minimum Courtyard Dimension</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>20</td>
<td>20</td>
<td>(h)</td>
</tr>
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</table>

**Additional Standards**

<table>
<thead>
<tr>
<th></th>
<th>RS-1</th>
<th>RS-2</th>
<th>RM-1</th>
<th>RM-2</th>
<th>RM-3</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private Open Space (sq ft per unit)</td>
<td>n/a</td>
<td>n/a</td>
<td>200</td>
<td>75</td>
<td>50</td>
<td>Section 201.04(b), Residential Multi-Family Development</td>
</tr>
<tr>
<td>Common Open Space (sq ft per unit)</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>100</td>
<td>100</td>
<td>Section 201.04(b), Residential Multi-Family Development</td>
</tr>
</tbody>
</table>

Additional Development Regulations:

(a) **Transitional Standards.** Where a site is adjacent to an RS-1, RS-2, or RM-1 district, the following standards apply:

(1) The maximum height within forty (40) feet of an RS-1, RS-2, or RM-1 district boundary is thirty-five (35) feet. The maximum height within fifty (50) feet of an RS-1, RS-2, or RM-1 district boundary is forty (40) feet.

**FIGURE 201.03(A)(1): RESIDENTIAL DISTRICT TRANSITIONAL STANDARDS**

(2) Buildings exceeding thirty (30) feet in height must be set back or stepped back one (1) foot from the required interior side and rear setback lines for every foot of height above thirty (30) feet.
(b) **Front Yards.** Where more than sixty (60) percent of such portion of the lineal frontage of lots improved with residential buildings within any block is comprised of lots with less than the minimum front yard requirement, then the minimum front yard requirement for other residential buildings in such block may be reduced to the average of the actual front yards of all of the lots in such block with existing residential buildings, counting those which have front yards of greater depth than the minimum requirement.

**FIGURE 201.03(B): FRONT YARDS**

![Diagram showing front yards](image)

- **Street**
- **60 percent of block improved with residential buildings with less than minimum front yard setback**
- **Vacant**

---

The normally required setback

The existing setback

The averaged setback

(c) **Existing Structures.** When the existing side yard setback is less than required in this Ordinance, additions to such structures may conform to the existing setback, provided that the addition does not encroach closer to the property line than the existing structure.

(d) **Attached Single-Family Dwellings.** Required setbacks apply to the ends of rows of attached single-family dwellings.
FIGURE 201.03(D): SETBACKS FOR ATTACHED SINGLE-FAMILY DWELLINGS

(e) **Street Side Yard - Reversed Corner Lots.** Reversed corner lots shall have a minimum street side yard width of twelve (12) feet or the required front yard requirement of the lot in the rear (key lot), whichever is less. No accessory structure shall project beyond the extension of the required front yard line of the lot in the rear (key lot).

(f) **Increased Yard for Certain Institutional Uses.** Any building erected or used for a school, government, or other institutional use mentioned elsewhere in this Ordinance, shall be located at least fifteen (15) feet from an RS district, notwithstanding any lesser requirement in the district where located, provided such building shall not be required to be located more than five (5) feet from any lot line adjacent to any alley. The City Council may waive this requirement for accessory buildings to provide reasonable accommodation.

(g) **Rear Yards.** All rear yards must contain a minimum area of seven hundred fifty (750) square feet uncovered on the rear one-third of the lot, exclusive of the side yard. In RM districts, open space with a minimum dimension of ten (10) feet exclusive of setbacks, parking, driveways, or other designated use and is provided other than on the rear one-third of the lot, shall be considered as a credit against this requirement. In multiple-family projects, no vehicle parking facilities or driveways shall be permitted to occur in the required seven hundred fifty (750) square feet. This requirement may be modified with a Conditional Use Permit when the City Council finds that sufficient private open area has been provided with the overall development for the outdoor enjoyment of the development’s residents.

(h) **Minimum Courtyard Dimensions.** Courtyards surrounded by building walls on three (3) sides shall have a minimum dimension of twenty (20) feet.
201.04 Supplemental Regulations

(a) Residential Single-Family Development. Residential single-family structures shall be developed in accordance with the following standards.

(1) Garage Frontage and Location.
   a. Where garage doors face a street, garage width shall not exceed fifty (50) percent of the width of the front façade of the building.
   b. Garages shall not project more than five (5) feet beyond the primary wall facing the street, and never less than the required yard.
   c. Garages with three (3) or more doors, at least one (1) garage front must be separated from the remaining garage fronts by at least two (2) feet.

FIGURE 201.04(A)(1): GARAGE FRONitage AND LOCATION

(2) Driveway Surfacing. New residences or improvements to an existing residence of $25,000 or more within a two (2) year period, shall provide a paved driveway consisting of asphalt, concrete, or other surface materials approved by the Zoning Administrator.

(3) Window Trim or Recess. On all street-facing facades, trim at least two (2) inches in depth must be provided around all windows, or windows must be recessed at least four (4) inches from the plane of the surrounding exterior wall.
(4) **Width.** All residential structures shall have a minimum width of twenty (20) feet.

(5) **Two-story Dwellings.** Two-story dwellings shall include windows on the façade facing the each street. No second-story street-facing wall shall run in a continuous plane of more than twenty (20) feet without a window or a projection, offset, or recess of the building wall at least one (1) foot in depth.

(b) **Residential Multi-Family Development.** Each multiple family residential project two (2) or more dwelling units on a single lot) shall be developed in accordance with the following standards.

(1) **Parking and Garage Frontage Limitation.** The total frontage of parking areas visible from the street, including open parking, carports, and garages, but excluding underground parking and parking located behind buildings, shall not exceed thirty (30) percent of the lot frontage. The Zoning Administrator may approve a modification to this standard where existing development patterns or topographic features make it infeasible to limit parking and garage frontage to thirty (30) percent of lot frontage. Parking areas not visible from the street are not subject to this limitation.
FIGURE 201.04(B)(1): PARKING AND GARAGE FRONTAGE LIMITATIONS

Parking frontage can not exceed 30 percent of lot frontage ($y \leq 30\% x$)
(2) **Building Entrances.**

a. *Orientation.* All units located along public rights-of-way must have the primary entrance facing this right-of-way. Exceptions to this requirement may be approved for projects where multiple-family housing is located on four-lane streets carrying high traffic volumes and/or streets that do not allow on-street parking. In such cases, the project may be oriented around courtyards.

b. *Projection or Recess.* Building entrances must have a roofed projection (such as a porch) or recess with a minimum depth of at least five (5) feet and minimum area of fifty (50) square feet. Alternative designs that create an entry feature facing the street, such as a trellis or landscaped courtyard entry, may be approved.

(3) **Architectural Articulation.** All multiple-family residential buildings shall include adequate design features to create visual variety and avoid a large-scale and bulky appearance. Long facades shall be broken up into smaller modules. This requirement can be met by using two (2) or more of the following methods.

a. *Façade Articulation.* All street-facing facades have at least one (1) horizontal or vertical projection or recess at least four (4) feet in depth, or two (2) projections or recesses at least two and one-half (2.5) feet in depth, for every twenty-five (25) horizontal feet of wall. If located on a building with two (2) or more stories, the articulated elements must be greater than one (1) story in height, and may be grouped rather than evenly spaced in twenty-five (25) foot modules. Building entrances and front porches and projections into required yards such as stoops, bays, overhangs, fireplaces, and trellises may count towards meeting this requirement.

b. *Variable Roof Form.* Variable roof forms incorporated into the building design, and no more than two (2) side-by-side units may be covered by one (1) unarticulated roof. Articulations may be accomplished by changing roof height, offsets, and direction of slope, and by introducing elements such as dormers, towers, or parapets.

c. *Façade Detailing and Materials.* All visible building façades incorporate details, such as window trim, window recesses, cornices, changes in materials or other design elements, in an integrated composition. Each side of a building that is visible from a public right-of-way shall be designed with a complementary level of detailing and quality of materials.

d. *Use of Balconies, Bay Windows, and Other Such Projections or Recesses.* The building incorporates balconies, bay windows, entry porches or other projections and recesses in a pattern that creates architectural interest across the length of the façade.
(4) **Open Space.** Private and common areas shall be provided in accordance with this section. Private areas typically consist of balconies, decks, patios, and fenced yards. Common areas typically consist of landscaped areas, patios, swimming pools, barbeque areas, playgrounds, trees, bushes, groundcover, and turf. All areas not improved with buildings, parking, vehicular accessways, trash enclosures, and similar items shall be developed as common areas with the types of attributes described above.

a. **Minimum Dimensions.** Open space shall have the following minimum dimensions in order to count towards open space requirements:

1. Open space located on the ground level (e.g., yards, decks, patios): ten (10) feet.
2. Open space located above ground level (e.g., balconies): five (5) feet.

b. **Usability.** A surface shall be provided that allows convenient use for outdoor living and/or recreation. Such surface shall be a combination of lawn, garden, flagstone, wood planking, concrete, or other serviceable, dust-free surfacing. Slope shall not exceed ten (10) percent.

c. **Accessibility.**

1. **Private Open Space.** The space shall be accessible to only one (1) residential unit by a doorway to a habitable room or hallway.
2. **Common Open Space.** The space shall be accessible to all the residential units on the lot. It shall be served by any stairway.
or other accessway qualifying as an egress facility from a habitable room.

(5) **Walkways.** Walkways shall link the residential units with recreational and other internal facilities as well as with other residential units.

(c) **Reduced Minimum Lot Size, Width, and Depth.** Smaller lots with a minimum area of three thousand (3,000) square feet, a minimum lot width of thirty-five (35) feet, and a minimum lot depth of sixty (60) feet may be approved with a Conditional Use Permit when the City Council finds that the lot size and configuration are consistent with the General Plan and will not adversely affect adjoining uses. In addition, projects that would result in five (5) or more lots are subject to the following standards.

(1) **Development Design Elements.** The following required elements and the specified number of optional elements shall be provided in addition to the open space requirements listed below.

a. **Required Elements.** All of the following elements shall be provided.

1. **Street Trees.** Fifteen gallon shade trees shall be planted at least thirty (30) feet on center along all sidewalks. Tree guards shall be provided.

2. **Variety of Lot Widths.** A variety of lot widths shall be provided to accommodate a variety of home styles, setbacks, and garage placements. At least thirty (30) percent of the lots shall vary from the "typical" (mode) lot width in the development by at least twenty (20) percent.

b. **Optional Elements.** At least two (2) of the following elements shall be provided.

1. **Traffic Calming.** The development shall include streetscape improvements, such as roundabouts, neck downs, curb bulbs, or similar traffic-calming techniques. Provisions shall be included for the private maintenance of such facilities by a homeowners association or other body or a local assessment district established by the developer.

2. **Parkland and Open Space.** The development shall include privately maintained park or common open space at least thirty (30) percent greater in area than the minimum required. (See subsection (3) below for required open space area.)

3. **Variable Front Yards.** No more than fifty (50) percent of homes shall be set back the same distance from the front lot line unless at least half of them have front porches, and at least twenty-five (25) percent of the homes shall be set back at least five (5) feet farther than the minimum. This component may be implemented by recording "build-to" lines on the final subdivision map.
4. **Alley-Accessed Parking.** Parking for at least seventy-five (75) percent of lots in the development shall be provided in the rear half of the lot and accessed from a rear alley.

5. **Shared or Clustered Driveways.** Driveways shall be paired so that there is a single curb-cut providing access to two (2) houses, and the total width for the paired driveway is not more than eighteen (18) feet. Alternatively, driveways may be clustered (but need not share the same curb cut) so that there is at least thirty-six (36) feet of uninterrupted curb between each pair of clustered driveways.

(2) **Building Design Elements.** At least two (2) of the following elements shall be provided.

a. **Variable Garage Entries.** The development plan shall include provisions for variable location of garage entries. At least thirty-five (35) percent of the lots shall have garages that are side-loaded, set at least five (5) feet behind the primary façade of the building or set entirely in the rear half of the lot in a detached garage.

b. **Porches.** All single-family dwellings, attached or detached, shall have a front porch, raised a minimum of eighteen (18) inches from the finished grade with a minimum width of eight (8) feet and a minimum depth of four (4) feet.

c. **Architectural Diversity.** Projects with up to twenty (20) lots shall have a minimum of three (3) unique elevations. Projects of between twenty-one (21) and one hundred (100) lots shall have a minimum of four (4) unique elevations. Projects of one hundred (100) or more lots shall have a minimum of five (5) unique elevations.

(3) **Open Space.** A minimum total open space area (including, but not limited to private yards, porches, balconies, and patios) of three hundred (300) square feet shall be provided on each lot. Also required are common open-space areas of two hundred (200) square feet per lot that provide usable and accessible open space for the recreation and outdoor enjoyment of the development’s residents and their guests. To qualify as common open space, the area(s) shall be centrally located, have a minimum usable width of twenty-five (25) feet, and be at least fifty (50) percent open to the sky. Open space areas shall comply with the standards of Subsection 201.04(c)4, Required Findings; except that common open space is not located on the lot served, but serves multiple lots.

(4) **Required Findings:**

a. The lot size and project density are consistent with the General Plan;

b. The lots and associated development would not adversely affect adjoining uses;

c. Additional site and building design elements are in evidence; and
d. The lot size is acceptable considering site topography, public-street access, availability of utilities, existing neighborhood characteristics, including the average density of surrounding development.
Chapter 202 Downtown Districts

Sections:

202.01 Purpose
202.02 Land Use Regulations
202.03 Development Standards
202.04 Supplemental Regulations

202.01 Purpose

The specific purposes of the Downtown Districts are to:

(a) Maintain a thriving, vibrant Downtown compatible with surrounding land uses.

(b) Foster the location of cultural and civic uses and public open space to maintain Downtown as the civic core of the City.

(c) Provide for a range of commercial and retail services that add to a diversified economic base.

(d) Allow mixed uses to create a more vibrant community and offer additional opportunities for housing for residents requiring convenient access to community services and less dependency on auto transportation.

(e) Ensure that development is visually attractive and pedestrian friendly.

(f) Preserve and enhance the pedestrian-oriented environment of the Downtown area.

(g) Ensure that potential development and redevelopment is integrated into the Downtown and supports the vitality of the area.

Additional purposes of each district within the Downtown Districts:

**DR-N Downtown Retail – North of Olive Avenue.** Maintain the pedestrian- and transit-oriented environment of retail, restaurants, services, and government offices in the heart of Porterville’s Downtown, focused on Main Street. Maintain the traditional Downtown character, with buildings built immediately adjacent to the sidewalk, active commercial uses on the ground floor, ample on-street parking, and a visually attractive streetscape with trees, historic street lights, benches, and other pedestrian amenities.

**DR-S Downtown Retail – South of Olive Avenue.** Create an attractive commercial corridor that provides a welcoming gateway at the southern entrance to Downtown. Buildings should line the street, with street trees along the entire length of the street, and small landscaped front yards between the buildings and the sidewalk.

**DR-D Downtown Retail – D Street Corridor.** Provide for a mix of medium-scale retail and service uses in a manner compatible with the Downtown pedestrian environment. Buildings should line the street, with deep landscaped front yards and rows of trees.
**D-MX Downtown Mixed-Use.** Create a mixed-use area that attracts businesses and residents to locate Downtown, and provides a transition area between commercial areas and residential neighborhoods. Allow a mix of commercial, service, office, and residential uses that do not adversely impact one another in a significant way. Create an attractive streetscape of buildings that line the street, with landscaping and trees tailored to the width and the existing design character of the street.

**D-PO Downtown Professional Office.** Encourage the adaptive re-use of existing buildings with office and professional uses, and infill of new small office buildings, in order to provide convenient services to local residents and businesses, complement nearby retail development, and maintain the historic residential character of the area. Maintain the pattern of small lots, historic residential building forms, landscaped front yards, and street trees in planter strips.

**D-PS Downtown Public and Semi-Public.** Provide areas for larger-scale public facilities that serve the community, with a focus on integrating development into the Downtown. Encourage land uses and design features that enhance the vitality, character and quality of life of the Downtown and surrounding residential areas. Ensure that the traditional block pattern of Downtown is maintained. Incorporate public streets and pedestrian walkways that connect these larger scale projects to Downtown streets and walkways. Design streets with attractive landscaped front yards and street trees, consistent with the character of existing and adjoining streets.

**DRM-2 Downtown Medium Density Residential.** Encourage a variety of housing types, such as small-lot single-family homes, detached zero lot line developments, duplexes, townhouses, and garden apartments with a maximum residential density of 16.5 units per acre in the Downtown area. Encourage housing in Downtown to provide opportunities for residents to live in close proximity to community services and retail establishments, and to help support the vitality of Downtown businesses. Maintain the existing character of buildings that front the street, landscaped front yards, and street trees.

**DRM-3 Downtown High Density Residential.** Facilitate the development of attached homes, two- to four-plexes, and apartment or condominium buildings with a maximum residential density of 33.0 units per acre in Downtown, to create a more vibrant community and offer additional opportunities for housing for residents requiring convenient access to community services and less dependency on auto transportation. Maintain the existing character of buildings that front the street, landscaped front yards, and street trees.

**D-GC Downtown General Commercial.** Provide areas for retail, service, and heavier commercial uses that meet local and community needs in a manner complimentary to the adjacent Downtown pedestrian-oriented environment.
202.02 Land Use Regulations

Table 202.02 below prescribes the land use regulations for “Downtown” Districts. The regulations for each district are established by letter designations as follows:

“P” designates permitted uses.

“C” designates use classifications that are permitted after review and approval of a Conditional Use Permit by the City Council.

“(#)” numbers in parentheses refer to specific limitations listed at the end of the table.

“-” designates uses that are not permitted.

Use classifications are defined in Chapter 700, Use Classifications. In cases where a specific land use or activity is not defined, the Zoning Administrator shall assign the land use or activity to a classification that is substantially similar in character. Use classifications and subclassifications not listed in the table or not found to be substantially similar to the uses below are prohibited. The table also notes additional use regulations that apply to various uses. Section numbers in the right hand column refer to other sections of this Ordinance.
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## TABLE 202.02: LAND USE REGULATIONS – DOWNTOWN DISTRICTS

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<thead>
<tr>
<th>Use Classification</th>
<th>DR-N</th>
<th>DR-S</th>
<th>DR-D</th>
<th>D-MX</th>
<th>DRM-2</th>
<th>DRM-3</th>
<th>D-PO</th>
<th>D-GC</th>
<th>D-PS</th>
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### Commercial Use Classifications

#### Animal Care, Sales, and Services
- See subclassifications below

| Kennels                                               | -    | -    | C    | -    | -     | -     | -    | -    | C    | -                                          |
| Pet Stores, no other use located above                | C    | P    | P    | P    | -     | -     | -    | -    | P    |                                            |
| Pet Stores, another use located above                 | C    | C    | C    | C    | -     | -     | -    | -    | C    |                                            |
| Veterinary Services                                   | -    | -    | C    | -    | -     | -     | -    | -    | P    |                                            |
| Artists' Studios                                      | P    | P    | P    | P    | -     | -     | -    | -    | P    |                                            |

#### Automobile/Vehicle Sales and Services
- See subclassifications below

| Automobile/Vehicle Rentals.                          | -    | -    | -    | -    | -     | -     | -    | -    | P    |                                            |
| Automobile/Vehicle Sales and Leasing.                | -    | C(6) | C(6) | -    | -     | -     | -    | -    | P    | Section 301.05 Automobile/Vehicle Repair, Major and Minor |
| Automobile/Vehicle Service and Repair, Major.        | -    | -    | -    | -    | -     | -     | -    | C    | -    | Section 301.05 Automobile/Vehicle Repair, Major and Minor |
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<td>Section 301.19 Temporary Uses</td>
</tr>
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</table>

**Specific Limitations:**

1. Residential units allowed only on upper floors unless approved with a Conditional Use Permit. Common ancillary areas are allowed on the ground floor except on Main Street.
2. On Main Street, residential units are allowed only on upper floors unless approved with a Conditional Use Permit.
3. Limited to no more than two rooms in a dwelling rented to not more than a total of four persons and meals are not provided to more than four boarders.
4. Allowed only on upper floors and limited to 5,000 square feet in size.
5. Limited to 5,000 square feet in size. Libraries are exempt from this size limitation.
6. Limited to uses conducted wholly within a building enclosed on all sides including the display, storage, repair, and reconditioning of vehicles.
7. Drive-through facilities are prohibited.
8. Bulk storage of sand, gravel, or cement is not allowed.
9. Wholesale services are not allowed.
10. Campgrounds are prohibited.
11. Permitted only as accessory to a primary use.
12. Shall not be located within 500 feet of any R district, public park, or any educational, religious, or cultural institution or within 100 feet of any restaurant or cafe.
13. No outdoor operations or outdoor storage are allowed.
14. Limited to 25 percent of ground floor area unless additional floor area is approved with a Conditional Use Permit. No square footage limitation on upper floors.
15. Shall not be located within 300 feet of any R district.
16. Not allowed on Main Street. No repair or storage of vehicles is allowed.
202.03 Development Standards

Table 202.03 prescribes the development standards for Downtown Districts. Additional regulations are denoted in the right hand column. Section numbers in this column refer to other sections of this Ordinance, while individual letters refer to subsections that directly follow the table.
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### TABLE 202.03: DEVELOPMENT STANDARDS – DOWNTOWN DISTRICTS

<table>
<thead>
<tr>
<th>Standard</th>
<th>DR-N</th>
<th>DR-S</th>
<th>DR-D</th>
<th>D-MX</th>
<th>DRM-2</th>
<th>DRM-3</th>
<th>D-PO</th>
<th>D-GC</th>
<th>D-PS</th>
<th>Additional Standards</th>
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<tr>
<td>Lot, Density, and Block Standards</td>
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<tr>
<td>Minimum Lot Area (sq ft)</td>
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<td>6,000</td>
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<tr>
<td>Minimum Lot Width (ft)</td>
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<tr>
<td>Minimum Lot Depth (ft)</td>
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<td>75</td>
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<tr>
<td>Minimum Density (dwelling units/acre)</td>
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<td>15</td>
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<td>Applicable only to new construction of residential only projects.</td>
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<td>Maximum Density (dwelling units/net acre)</td>
<td>No max, FAR applies to combined Residential and Non-residential</td>
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<td>41.0</td>
<td>16.5</td>
<td>33.0</td>
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<tr>
<td>Maximum Block Dimension (ft)</td>
<td>Dimension: 500; 600 with mid-block pedestrian way</td>
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<td>Section 202.04 (b): Maximum Block Length</td>
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<tr>
<td>Maximum Height (ft)</td>
<td>50 on corner lots and lots over 2 acres; 40 on all other lots</td>
<td>40, 50 with CUP</td>
<td>35</td>
<td>40, 50 on corner lots</td>
<td>30; 40 with CUP</td>
<td>• 50 on corner lots and lots over 2 acres; • 40 on interior lots</td>
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<td>Section 300.06 Heights and Height Exceptions</td>
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<td>Minimum Height (ft)</td>
<td>Main St: 28</td>
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<td>Minimum Yards (ft)</td>
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<tr>
<td>(Main Street frontage is always considered the front of the lot)</td>
<td>0 min; 10 max Shall be paved on Main St with tile, stone, brick, concrete, or comparable material.</td>
<td>Commercial: 15 for buildings, 10 for parking. Main St and Olive St: 10 min, 20 max Residential: 15</td>
<td>10 min; 20 max D St: 15</td>
<td>0; 10 on Main St and for ground floor residential</td>
<td>20</td>
<td>15</td>
<td>15 min; 25 max</td>
<td>10</td>
<td>20</td>
<td>• Section 202.04 (i): Building Projections; • Unless otherwise stated, shall be landscaped in accord with Chapter 303: Landscaping unless otherwise noted.</td>
</tr>
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</table>
### Table 202.03: Development Standards – Downtown Districts

<table>
<thead>
<tr>
<th>Standard</th>
<th>DR-N</th>
<th>DR-S</th>
<th>DR-D</th>
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<th>DRM-3</th>
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<th>D-GC</th>
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<td><strong>Interior Side</strong></td>
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<td><strong>Section 202.04 (i): Building Projections</strong></td>
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<td>Commercial: 0</td>
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<tr>
<td>Residential: Where residential is allowed, every unit shall have at least one window with a minimum of 15 ft of clear separation from another building or wall</td>
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<td>1-2 stories: 5</td>
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<td><strong>Section 202.04 (i): Building Projections</strong></td>
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<td>3 or more stories: 10</td>
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<td><strong>Section 202.04 (i): Building Projections</strong></td>
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<td><strong>Street Side or Rear on a Street Frontage</strong></td>
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<td>10</td>
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<td>0; 10 if on Main St and for ground floor residential</td>
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<td>10</td>
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<td>East of 2nd St: 10; Otherwise: 0 min; 10 max</td>
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<td><strong>Unless otherwise stated, shall be landscaped in accord with Chapter 303: Landscaping</strong></td>
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<td>0, 5 from alley</td>
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<td>Commercial: 0</td>
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<td>Residential: Where residential is allowed, every unit shall have at least one window with a minimum of 15 ft of clear separation from another building or wall</td>
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<tr>
<td><strong>Maximum Curb Cut per Lot or Street Frontage</strong></td>
<td>One, none on Main Street</td>
<td>One, unless more are required by the City for public services</td>
<td>One</td>
<td>One, unless more are required by the City for public services</td>
<td></td>
<td><strong>Section 202.04 (d): Parking</strong></td>
<td></td>
<td></td>
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</tbody>
</table>
### TABLE 202.03: DEVELOPMENT STANDARDS – DOWNTOWN DISTRICTS

<table>
<thead>
<tr>
<th>Standard</th>
<th>DR-N</th>
<th>DR-S</th>
<th>DR-D</th>
<th>D-MX</th>
<th>DRM-2</th>
<th>DRM-3</th>
<th>D-PO</th>
<th>D-GC</th>
<th>D-PS</th>
<th>Additional Standards</th>
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<tbody>
<tr>
<td>Maximum Curb Cut Width (ft)</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
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<td>20</td>
<td>10</td>
<td>20</td>
<td>20</td>
<td>Shall be landscaped in accord with Chapter 303: Landscaping</td>
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<tr>
<td>Landscaped Setback between Parking and Street (ft)</td>
<td>5</td>
<td>5; 10 on Main, Orange, and C Streets</td>
<td>5, 10 on D St</td>
<td>5, 10 on Main St</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>5</td>
<td>10</td>
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<tr>
<td>Setback of Parking from Buildings</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>10, 5 may be occupied by a pedestrian walkway paved with tile, stone, brick, concrete, or comparable material.</td>
<td>5, may be occupied by a pedestrian walkway with tile, stone, brick, concrete, or comparable material.</td>
<td>5</td>
<td>10</td>
<td>Unless otherwise stated, shall be landscaped in accord with Chapter 303: Landscaping</td>
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<td>Parking Lot Location Standards Apply</td>
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<td>Usable Open Space (sq ft per residential unit)</td>
<td>75</td>
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<td>-</td>
<td>100</td>
<td>150, 50 of which shall be private</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Section 202.04 (e): Open Space</td>
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<td><strong>Additional Standards</strong></td>
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<td>Yes</td>
<td>Yes</td>
<td>Section 202.04: Supplemental Regulations</td>
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</tbody>
</table>
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Additional Development Standards:

(a) **Determining FAR.** When determining FAR in the D-PS district, meeting rooms, cafeteria facilities, and conference facilities are excluded from floor area.

(b) **Retail Stores or Shopping Centers.** The percent of building at setback line requirement may be waived with Conditional Use Permit approval for retail stores or shopping centers with a gross floor area of fifty thousand (50,000) square feet or greater when the City Council finds that alternative features have been incorporated into the project to achieve pedestrian orientation and to accommodate pedestrians and bicycle access.

202.04 **Supplemental Regulations**

(a) **Design Guidelines.** All development shall comply with the Downtown Design Guidelines adopted by resolution.

(b) **Maximum Block Length.** Block length in the downtown districts are limited to five hundred (500) feet, measured from curb edge to curb edge. A block length of up to six hundred (600) feet shall only be allowed when a mid-block pedestrian connection is provided.

(c) **Street Preservation.** Existing streets in Downtown shall be preserved. Public right-of-way shall not be eliminated or abandoned unless substantial public benefits are provided such as a new park.

(d) **Parking.** Parking shall be provided and maintained according to the general standards of Chapter 304, On-site Parking and Loading, as well as the standards of this subsection.

(1) **Parking Location.**

a. Parking shall be located at the rear of the site or at the side of the building.

b. Parking shall not be located between a public street and a building except for double frontage lots. Parking shall only be located between a public street and a building in the rear of a double frontage lot where no other alternative exists.

c. The parking location requirements may be waived with Conditional Use Permit approval for retail stores or shopping centers with a gross floor area of fifty thousand (50,000) square feet or greater when the City Council finds that alternative features have been incorporated into the project to achieve pedestrian orientation and to accommodate pedestrians and bicycle access.

(2) **Parking Lot Access.**

a. Access shall be provided from a side street or alley when they are available.
b. Commercial parking lot access shall not be provided from a residential street where alternate access is available.

c. Wherever possible, parking entrances shall share curb cuts in order to minimize the overall number of curb cuts.

(3) **Residential Parking.**

a. Garages or other enclosed or covered parking facilities for use by residents shall not be a significant visible feature from the public street or from adjacent bikeways, sidewalks or other pedestrian amenities.

b. Residential parking shall be clearly signed and reserved for the residents.

(e) **Open Space.**

(1) **Open Space - Residential Uses.** Private and common open space areas shall be provided in multi-family developments in accordance with this section. Private areas typically consist of balconies, decks, patios, and fenced yards. Common areas typically consist of landscaped areas, patios, swimming pools, barbeque areas, playgrounds, trees, bushes, groundcover, and turf.

a. **Minimum Dimensions.** Open space shall have the following minimum dimensions in order to count towards open space requirements:

1. Open space located on the ground level (e.g., common areas, decks, patios): ten (10) feet.

2. Open space located above ground level (e.g., balconies): five (5) feet.

b. **Usability.** A surface shall be provided that allows convenient use for outdoor living and/or recreation. Such surface shall be a combination of lawn, garden, flagstone, wood planking, concrete, or other serviceable, dust-free surfacing. Slope shall not exceed ten (10) percent.

c. **Accessibility.**

1. **Private Open Space.** The space shall be accessible to only one (1) residential unit by a doorway to a habitable room or hallway.

2. **Common Open Space.** The space shall be accessible to all the residential units on the lot.

d. **Existing Buildings.** If the project involves the renovation of an existing building and it is not feasible to provide outdoor open space, open space shall be provided in interior common areas such as a community or fitness room.

(2) **Open Space - Commercial Uses.** Commercial developments on lots greater than fifteen thousand (15,000) square feet shall provide a plaza or outdoor dining area which provides public seating and is accessible from the public sidewalk.
a. Minimum Size: three hundred (300) square feet for lots between fifteen thousand (15,000) and thirty thousand (30,000) square feet in size; six hundred (600) square feet for lots thirty thousand (30,000) square feet in size or larger.

b. Minimum Dimensions: Twelve (12) feet.

c. Parking Lot Buffering. The required public area shall be separated from any parking area with a minimum five (5) foot wide landscaped buffer area and screened with a decorative wall or berm 2.5 to 3.5 feet high.

(f) On-Site Pedestrian Walkways. In the D-PO District, all front yards shall contain a continuous front walk connecting the public sidewalk to the front entrance steps of the building. In all other districts, on-site pedestrian circulation and access shall be provided according to the following standards.

(1) Internal Connections. A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.

(2) To Street Network. An on-site walkway shall connect the primary building entry or entries to a public sidewalk on each street frontage. Such walkway shall be the shortest practical distance between the main entry and sidewalk.

(3) To Neighbors. Direct and convenient access shall be provided from commercial and mixed-use projects to adjoining neighborhood residential and commercial streets. These connections shall remain accessible at all times, and not be gated.

(4) Pedestrian Walkway Design.

a. Walkways shall be a minimum of five (5) feet wide and shall be paved with concrete, stone, tile, brick, or comparable material.

b. Fifteen (15) gallon shade trees shall be planted along walkways at least thirty (30) feet on center.

c. Walkways shall be illuminated with an intensity of at least 0.25 foot-candles at the ground level during the hours of darkness.

d. Primary pedestrian routes and access points shall be clearly differentiated from driveways, parking aisles, and parking and loading spaces through the use of elevation changes, a different paving material, or similar method.

e. Where a required walkway is parallel and adjacent to an auto travel lane, it shall be raised or separated from the auto travel lane by a raised curb at least four (4) inches high, bollards, or other physical barrier.

(g) Public Improvements. Any new commercial or multi-family buildings or structural alterations and additions to commercial or multi-family buildings with a combined building permit valuation of $17,544, adjusted annually based on Engineering News Records analysis, over a two (2) year period, shall provide public improvements between the building and the curb in accordance with the following:
(1) **Sidewalks.** Sidewalks shall be provided if none already exist or if the existing sidewalks are in poor condition.

(2) **Street Furniture.** Trash receptacles, benches, bike racks, and other street furniture from a list maintained by the City Planning Department shall be provided.

(3) **Street Lights.** Pedestrian scaled street lights (twelve (12) - eighteen (18) feet tall), including attachments from which banners may be hung, from a list maintained by the City Planning Department shall be provided.

(4) **Street Trees.** Shade trees shall be planted at least thirty (30) feet on center. Tree guards shall be provided. Trees shall be a minimum of fifteen (15) gallons in size. A minimum of ten (10) percent of the required trees shall be twenty-four (24) inch box size or larger.

(5) **Sidewalk Shade.** A minimum of fifty (50) percent of the sidewalk shall be shaded by a double row of trees, or a building projection (awning, overhang, or pedestrian shade structure) on one side and a street tree on the other side. In areas where one hundred (100) percent of the building is to be at the property line, this requirement can only be met by a building projection on one side and a street tree on the other side. If trees are used, the required amount of shading must be achieved within fifteen (15) years.

**FIGURE 202.04(G)(5): SIDEWALK SHADE**

(6) **Fences and Freestanding Walls**

(1) **Maximum Height.**

   a. **Within or Along Required Yards.** No solid fence or freestanding wall within or along the exterior boundary of a required yard shall exceed a height of three and one-half (3.5) feet. Open or lattice type fences, or hedges, shall not exceed a height of four (4) feet.

   b. **Outside Required Yards.** Solid fences or freestanding wall located outside of required yards shall be no higher than six (6) feet in height.
(2) **Design and Materials.** Fencing visible from a street shall be treated as an integral part of the architecture, with materials, colors, and detailing drawn from the building they surround or adjoin. Colors shall match City color specifications.

a. **Prohibition on Hazardous Fencing Materials.** The use of barbed wire, razor wire, ultra barrier, electrified, and other hazardous fencing is not permitted.

b. **Prohibition on Chain Link Fencing.** Use of chain-link fencing is not permitted in front or street-facing yards, and is permitted only in rear and interior side yards that do not abut public and semi-public land uses.

c. **Limitation on Concrete Block.** Plain, concrete block or slump stone is not permitted as a fencing material. Smooth-faced or “precision” concrete block shall be finished with stucco and capped with a decorative cap. Decorative block is an acceptable fencing material.

(3) **Visibility at Intersections.** Notwithstanding any other provisions of this section, fences and walls shall comply with the visibility standards contained in Section 300.16, Visibility at Driveways and Intersections (Sight Distance).

(i) **Building Projections.**

(1) **Front Porches and Building Entrances.** Front porches and building entrance structures may encroach up to ten (10) feet into front and side yards facing the street for up to forty (40) percent of the lot frontage.

(2) **Architectural Projections.** Bay windows, balconies, and other architectural features such as chimneys may project into required yards up to three (3) feet.

(3) **Building Projections into the Public Right-of-Way.** Building projections may encroach into the public right-of-way up to three (3) feet for the purpose of providing shade over the sidewalk, provided they are no closer than twelve (12) feet from sidewalk grade. The maximum width of any projection is ten (10) feet.
FIGURE 202.04(I)(3): PROJECTIONS INTO RIGHT-OF-WAY

(4) **Awnings and Overhangs.** Awnings, overhangs, and pedestrian shade structures, may encroach into the public right-of-way up to eight (8) feet for the purpose of providing shade over the sidewalk, provided they are at least ten (10) feet above sidewalk grade. Awnings and canopies shall comply with the Downtown Design Guidelines adopted by resolution.

FIGURE 202.04(I)(4): AWNINGS AND OVERHANGS

(j) **Building Design.**

(1) **Commercial Building Design.**

a. **Ground Floor Windows.** Facades facing streets, plazas, and courtyards shall be lined with windows. Where blank walls are necessary, they shall be on side or interior facades not facing streets. Exterior walls facing an adjacent public street, or facing onto a park, plaza, or other public outdoor space shall include windows, doors, or other openings for at least fifty (50) percent of the building wall area.
located between two and one-half (2.5) and seven (7) feet above the elevation of the sidewalk.

**FIGURE 202.04(J)(1)A: GROUND FLOOR WINDOWS**

b. **Limits on Blank Walls.** No wall shall run in a continuous plane for more than twenty (20) feet without an opening on Main Street and Olive Avenue, and for more than thirty (30) feet on other streets. Openings fulfilling this requirement shall have transparent glazing and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least three (3) feet deep.

**FIGURE 202.04(J)(1)B: LIMITS ON BLANK WALLS**

c. **Wall Plane Articulation.** Windows, doors, columns, and other features shall be recessed or project forward from the wall plane, such that there is a minimum two (2)-inch recess of the window plane from the wall plane, a minimum four (4)-inch projection from the window plane and outer edge of trim, and a total of at least eighteen (18) inches from the window plane to the outermost plane of a wall, column, or other articulation feature.
d. **Building Articulation.** Commercial building facades shall include building projections or recesses, doorway and window trim, and other details that provide architectural articulation and design interest.

e. **Exterior Building Materials and Colors.**

1. A unified palette of materials and colors shall be used on all sides of buildings regardless of orientation.

2. Exterior building materials shall be brick, stucco, concrete block, painted wood clapboard, painted metal clapboard or other quality, durable materials approved by the Zoning Administrator.
3. The building base (bulkhead) shall be tile, stone, brick, concrete, or other comparable durable material; stucco is prohibited.

4. The exterior use of slump block, board and batten, dark reflective glass, galvanized metal, and wood or composition shingles is prohibited. Colors shall reflect the historic character of Downtown. Fluorescent paints, blues, purple, bright red or orange, pink, and bright green are prohibited on Main Street.

f. **Building Entrances.**
   1. Buildings shall be oriented to face public streets.
   2. Building frontages shall be generally parallel to streets, and the primary building entrances shall be located on a public street.
   3. Building entrances shall be emphasized with special architectural and landscape treatments.
   4. Rear entry doors, door frames, door hardware, signs and lighting fixtures shall match types utilized on the front façade and/or that are appropriate to the parent building’s historic period.
   5. In mixed-use developments, entrances to residential units shall be physically separated from the entrance to the permitted commercial use and clearly marked with a physical feature such as a recess or projection incorporated into the building or appropriately scaled element applied to the façade.

(2) **Residential Building Design.**

a. **Residential Architectural Articulation.** All multiple-family residential buildings and mixed-use buildings that include residential uses shall include adequate design features to create visual variety and avoid a large-scale and bulky appearance. Long facades shall be broken up into smaller modules. This requirement can be met by using two (2) or more of the following methods.

   1. **Facade Articulation.** All street-facing facades have at least one (1) horizontal or vertical projection or recess at least four (4) feet in depth, or two (2) projections or recesses at least two and one-half (2.5) feet in depth, for every twenty-five (25) horizontal feet of wall. If located on a building with two (2) or more stories, the articulated elements shall be greater than one (1) story in height, and may be grouped rather than evenly spaced in twenty-five (25) foot modules. Building entrances and front porches and projections into required yards such as stoops, bays, overhangs, fireplaces, and trellises may count towards meeting this requirement.
2. **Variable Roof Form.** Variable roof forms incorporated into the building design, and no more than two (2) side-by-side units are covered by one (1) unarticulated roof. Articulations may be accomplished by changing roof height, offsets, and direction of slope, and by introducing elements such as dormers, towers, or parapets.

3. **Façade Detailing and Materials.** All visible building façades incorporate details, such as window trim, window recesses, cornices, changes in materials or other design elements, in an integrated composition. Each side of a building that is visible from a public right-of-way shall be designed with a complementary level of detailing and quality of materials.

4. **Use of Balconies, Bay Windows, and Other Such Projections or Recesses.** The building incorporates balconies, bay windows, entry porches or other projections and recesses in a pattern that creates architectural interest across the length of the façade.

b. **Residential Building Façade and Entrances.** The following standards apply to residential buildings and mixed-use projects that include residential uses.

1. **Orientation.** All units located along public rights-of-way shall have the primary entrance facing this right-of-way. Exceptions to this requirement shall only be approved for projects where multiple-family housing is located on four (4) lane streets carrying high traffic volumes and/or streets that do not allow on-street parking. In such cases, the project shall be oriented around courtyards.

2. **Street-facing Facades.** Street-facing facades of residential buildings shall be designed as front facades and shall include stoops, porches, recessed windows, and bay windows or balconies.

3. **Projection or Recess.** Building entrances shall have a roofed projection (such as a porch) or recess with a minimum depth of at least five (5) feet and minimum area of fifty (50) square
feet. Alternative designs that create a welcoming entry feature facing the street, such as a trellis or landscaped courtyard entry, may be approved.

4. **Entrances.** Provide at least one (1) building entrance for every one hundred (100) feet of street frontage.

(k) **Mechanical Equipment.** Mechanical equipment, including rooftop mechanical equipment, shall be screened from view from eye level at public streets, and the screening shall be designed as an integral component of the architectural design.

(l) **Utilities Screening.** Utility meters and related equipment shall be located only on the side or rear façade of buildings and shall be integrated into the building architecture through painting or other means.

(m) **Building Security.** Components of building security shall be integrated into the building’s design and be effective but not obtrusive in accordance with the following standards:

   (1) Security doors shall not encroach into the public right-of-way, in either an opened or closed position.

   (2) Lighting shall be provided at all entryways to the building and in any alcoves or other features of the building which impede the visual surveillability of the building and its public areas.

   (3) Where security grills are required or otherwise provided, they shall be painted to match the trim colors of the building. Unobtrusive roll-down grilles with thin vertical and horizontal elements are preferred; heavy steel and accordion fold grates are discouraged.

   (4) Grilles, security doors, and other security devices designed for nighttime security shall not be readily visible to the public during business hours or when they are in an open position.
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Chapter 203  Commercial Districts

Sections:

203.01  Purpose
203.02  Land Use Regulations
203.03  Development Regulations
203.04  Supplemental Regulations

203.01  Purpose

The specific purposes of the “Commercial” Districts are to:

(a) Provide for a full range of commercial uses.
(b) Strengthen the city’s economic base and provide employment opportunities for residents of the city.
(c) Ensure the provision of services and facilities needed to accommodate planned population densities.
(d) Identify appropriate standards for new development.

Additional purposes of each “Commercial” District:

CN Neighborhood Commercial. To encourage convenience and neighborhood shopping areas providing day-to-day retail goods and services and to prohibit auto-oriented uses in order to maintain a pedestrian environment. This district also provides office space for local neighborhoods. The maximum FAR is 0.30.

CR Retail Centers. To maintain areas for regional shopping centers located at major circulation intersections. Large format or “big box” retail and auto sales as well as travel related services, such as hotels and gas stations are allowed. The maximum FAR is 0.35.

CG General and Service Commercial. To provide areas for retail and services uses that meet local and regional demand. Examples of allowable uses include: equipment rental and repair, commercial print shops, auto sales, storage facilities, and wholesale businesses, and specialized retail not normally found in shopping centers. Accessory office uses related to the primary commercial use are also allowed. The maximum FAR is 0.40.

CMX Commercial Mixed-Use. To provide areas for either horizontal or vertical mixed-use development consisting of commercial, service, office, and residential uses. Buildings more than one story are strongly encouraged. The maximum FAR is 2.0 and the maximum residential density is 30.0 units per acre.

203.02  Land Use Regulations

Table 203.02 below prescribes the land use regulations for “Commercial” Districts. The regulations for each district are established by letter designations as follows:
“P” designates permitted uses.

“C” designates use classifications that are permitted after review and approval of a Conditional Use Permit by the City Council.

“(#)” numbers in parentheses refer to specific limitations listed at the end of the table.

“-” designates uses that are not permitted.

Use classifications are defined in Chapter 701, Use Classifications. In cases where a specific land use or activity is not defined, the Zoning Administrator shall assign the land use or activity to a classification that is substantially similar in character. Use classifications and subclassifications not listed in the table or not found to be substantially similar to the uses below are prohibited. The table also notes additional use regulations that apply to various uses. Section numbers in the right hand column refer to other sections of this Ordinance.

### TABLE 203.02: LAND USE REGULATIONS—COMMERCIAL DISTRICTS

<table>
<thead>
<tr>
<th>Use Classifications</th>
<th>CN</th>
<th>CR</th>
<th>CG</th>
<th>CMX</th>
<th>Additional Regulations</th>
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<td>Clubs and Lodges</td>
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<td>Section 301.03, Alcoholic Beverage Sales</td>
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### TABLE 203.02: LAND USE REGULATIONS—COMMERCIAL DISTRICTS

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<th>Use Classifications</th>
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<th>CR</th>
<th>CG</th>
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<td><em>Pet Stores</em></td>
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<td><em>Automobile/Vehicle Rentals.</em></td>
<td>-</td>
<td>P</td>
<td>P</td>
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<tr>
<td><em>Automobile/Vehicle Sales and Leasing.</em></td>
<td>-</td>
<td>C</td>
<td>P</td>
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<tr>
<td><em>Automobile/Vehicle Repair, Major.</em></td>
<td>-</td>
<td>-</td>
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</tr>
<tr>
<td><em>Automobile/Vehicle Service and Repair, Minor.</em></td>
<td>-</td>
<td>P</td>
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<tr>
<td><em>Automobile/Vehicle Washing.</em></td>
<td>-</td>
<td>C</td>
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<tr>
<td><em>Large Vehicle and Equipment Sales, Service and Rental.</em></td>
<td>-</td>
<td>-</td>
<td>C(5)</td>
<td>-</td>
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<tr>
<td><em>Service Station.</em></td>
<td>C(3)</td>
<td>C</td>
<td>C</td>
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</tr>
<tr>
<td><strong>Banks and Financial Institutions</strong></td>
<td></td>
<td></td>
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<tr>
<td><em>Banks and Credit Unions</em></td>
<td>P(6)</td>
<td>P</td>
<td>P</td>
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<td><em>Check Cashing Businesses</em></td>
<td>-</td>
<td>P(7)</td>
<td>P(7)</td>
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<td><em>Building Materials and Services</em></td>
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<td>P(8)</td>
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<td><em>Business Services</em></td>
<td>P(3,9)</td>
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<td>Use Classifications</td>
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<td>---------------------</td>
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<td>-----</td>
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</tr>
<tr>
<td>Commercial Entertainment and Recreation</td>
<td>See subclassifications below</td>
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<tr>
<td>Cinema/Theaters</td>
<td>-</td>
<td>P</td>
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<td>C</td>
<td>Section 301.03, Alcoholic Beverage Sales</td>
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<tr>
<td>Large-scale</td>
<td>-</td>
<td>-</td>
<td>P(10)</td>
<td>-</td>
<td>Section 301.03, Alcoholic Beverage Sales</td>
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<tr>
<td>Small-scale</td>
<td>-</td>
<td>P</td>
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<td>C</td>
<td>Section 301.03, Alcoholic Beverage Sales</td>
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<tr>
<td>Eating, Drinking, and Smoking Establishments</td>
<td>See subclassifications below</td>
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<td>Bars/Night Clubs/Lounges</td>
<td>-</td>
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<td>C</td>
<td>C</td>
<td>Section 301.03, Alcoholic Beverage Sales and Section 300.08, Outdoor Seating</td>
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<tr>
<td>Coffee Shops/Cafes</td>
<td>P(6)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>Section 300.08, Outdoor Seating</td>
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<tr>
<td>Restaurants, less than 3,000 square feet</td>
<td>P(6)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>Section 301.03, Alcoholic Beverage Sales and Section 300.08, Outdoor Seating</td>
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<tr>
<td>Restaurants, greater than 3,000 square feet</td>
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<td>Section 301.03, Alcoholic Beverage Sales and Section 300.08, Outdoor Seating</td>
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<td>Tobacco Bars</td>
<td>-</td>
<td>C(11)</td>
<td>C(11)</td>
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<tr>
<td>Food and Beverage Retail Sales</td>
<td>P(12)</td>
<td>P</td>
<td>P</td>
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<td>Section 301.03, Alcoholic Beverage Sales</td>
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<td>Funeral Parlors and Mortuaries</td>
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<td>Hotels and Motels</td>
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<td>Light Fleet Based Services</td>
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<td>Maintenance and Repair Services</td>
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<td>P(13)</td>
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## TABLE 203.02: LAND USE REGULATIONS—COMMERCIAL DISTRICTS

<table>
<thead>
<tr>
<th>Use Classifications</th>
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<th>CG</th>
<th>CMX</th>
<th>Additional Regulations</th>
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<tr>
<td>Nurseries and Garden Centers</td>
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<tr>
<td>Offices</td>
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<td>General Offices</td>
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<td>Walk-In Clientele</td>
<td>P(16)</td>
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<td>Parking, Public or Private</td>
<td>P(17)</td>
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<td>P</td>
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<td>Retail Sales</td>
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<td>Less than 10,000 square feet</td>
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<td>10,000 to 50,000 square feet</td>
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<td>50,000 square feet or more</td>
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<tr>
<td>Swap Meet</td>
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<tr>
<td>Wholesaling and Distribution</td>
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### Industrial Uses

<table>
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<th>Additional Regulations</th>
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<tbody>
<tr>
<td>Construction and Material Yards</td>
<td>-</td>
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<td>-</td>
<td>Section 300.09, Outdoor Storage</td>
</tr>
<tr>
<td>Handicraft/Custom Manufacturing</td>
<td>-</td>
<td>P(18)</td>
<td>P</td>
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<td>Industry, Limited</td>
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<tr>
<td>Recycling Facilities</td>
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<td>See subclassifications below</td>
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<tr>
<td>Reverse Vending Machine</td>
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<td>P</td>
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<td>P</td>
<td>Section 301.14, Recycling Facilities</td>
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<tr>
<td>Recycling Collection Facility</td>
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<tr>
<td>Recycling Processing Facility</td>
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<td>-</td>
<td>Section 301.14, Recycling Facilities</td>
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<tr>
<td>Warehousing and Storage</td>
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<td>See subclassifications below</td>
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<tr>
<td>Chemical, Mineral, and Explosives Storage</td>
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<td>C(19)</td>
<td>C</td>
<td>-</td>
<td>Section 300.09, Outdoor Storage</td>
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<tr>
<td>Indoor Warehousing and Storage</td>
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<tr>
<td>Outdoor Storage</td>
<td>-</td>
<td>-</td>
<td>C(20)</td>
<td>-</td>
<td>Section 300.09, Outdoor Storage</td>
</tr>
<tr>
<td>Personal Storage</td>
<td>-</td>
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<td>C</td>
<td>-</td>
<td>Section 301.13, Personal Storage Facilities</td>
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## TABLE 203.02: LAND USE REGULATIONS—COMMERCIAL DISTRICTS

<table>
<thead>
<tr>
<th>Use Classifications</th>
<th>CN</th>
<th>CR</th>
<th>CG</th>
<th>CMX</th>
<th>Additional Regulations</th>
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<tbody>
<tr>
<td><strong>Transportation, Communication, and Utilities Uses</strong></td>
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<tr>
<td>Communication Facilities</td>
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<td>See subclassifications below</td>
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<tr>
<td>Antenna and Transmission Towers, camouflage facilities</td>
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<td>P</td>
<td>P</td>
<td>P</td>
<td>Chapter 306, Telecommunications Facilities</td>
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<tr>
<td>Facilities within Buildings</td>
<td>-</td>
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<td>C</td>
<td>P(22)</td>
<td></td>
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<tr>
<td>Freight/Truck Terminals and Warehouses</td>
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<td>C</td>
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<tr>
<td>Transportation Passenger Terminals</td>
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<tr>
<td>Utilities, Minor</td>
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<tr>
<td><strong>Other Applicable Types</strong></td>
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<tr>
<td>Accessory Uses and Structures</td>
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<td>P</td>
<td>P</td>
<td>P</td>
<td>Section 301.01, Accessory Uses and Structures</td>
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<tr>
<td>Animal Keeping</td>
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<td>Section 301.04, Animal Keeping</td>
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<td>Caretaker Unit</td>
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<td>Section 301.09, Home Occupations</td>
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<td>Nonconforming Use</td>
<td>Chapter 308, Nonconforming Uses, Structures, and Lots</td>
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<td>Temporary Use</td>
<td>Section 301.19, Temporary Uses</td>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

### Specific Limitations:

1. Multiple Residences are permitted only as an accessory to a primary use.
2. Limited to no more than two rooms in a dwelling rented to not more than a total of four persons and meals are not provided to more than four boarders.
3. Limited to establishments with a gross floor area of 5,000 square feet or less.
4. Provided that such use shall be completely enclosed in a building of soundproof construction.
5. Equipment service areas shall be screened by a solid wall eight (8) feet in height, or a dense landscaping screen, having a minimum depth of five feet and a minimum height of six (6) feet within five years of planting.
6. Drive-through facilities are prohibited.
7. Limited to establishments with a gross floor area less than 2,500 square feet, located on a collector or higher classification street, and at least 1,000 lineal feet from any other check cashing business.
TABLE 203.02: LAND USE REGULATIONS—COMMERCIAL DISTRICTS

<table>
<thead>
<tr>
<th>Use Classifications</th>
<th>CN</th>
<th>CR</th>
<th>CG</th>
<th>CMX</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>8.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Bulk storage of sand, gravel or cement is not allowed.</td>
</tr>
<tr>
<td>9.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Wholesale services are not allowed.</td>
</tr>
<tr>
<td>10.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Campgrounds are prohibited.</td>
</tr>
<tr>
<td>11.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Shall not be located within 500 feet of any R district, public park, or any educational, religious, or cultural institution or within 100 feet of any restaurant or cafe.</td>
</tr>
<tr>
<td>12.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Limited to establishments with a gross floor area less than 40,000 square feet.</td>
</tr>
<tr>
<td>13.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Limited to establishments with a gross floor area less than 1,500 square feet. Outdoor work and outdoor storage is prohibited.</td>
</tr>
<tr>
<td>14.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>General offices shall not be located on the ground floor.</td>
</tr>
<tr>
<td>15.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Offices are permitted only as an accessory to a primary commercial use. Conditional Use Permit approval is required for office, business, or professional uses greater than 5,000 square feet in size per lot or integrated commercial development.</td>
</tr>
<tr>
<td>16.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Limited to establishments with a gross floor area less than 1,500 square feet.</td>
</tr>
<tr>
<td>17.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Limited to parking areas for exclusive use of occupants, employees and patrons of the uses, buildings, stores, and businesses located in that zone.</td>
</tr>
<tr>
<td>18.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Limited to establishments with a gross floor area less than 2,000 square feet.</td>
</tr>
<tr>
<td>19.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Limited to liquefied petroleum gas storage and sale when incidental to a permitted use.</td>
</tr>
<tr>
<td>20.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Outdoor storage shall be incidental to a primary use, limited to 6,000 square feet and completely screened from public view by a six foot high solid fence.</td>
</tr>
<tr>
<td>21.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Prohibited within 300 feet of any R district.</td>
</tr>
<tr>
<td>22.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Limited to radio or television studios.</td>
</tr>
<tr>
<td>23.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Limited to one dwelling for a caretaker or watchman and his immediate family, necessary and incidental to a use located in such zone.</td>
</tr>
</tbody>
</table>

203.03 Development Regulations

Table 203.03 prescribes the development standards for the Commercial Districts. Additional regulations are denoted in the right hand column. Section numbers in this column refer to other sections of this Ordinance, while individual letters refer to subsections that directly follow the table.

TABLE 203.03: DEVELOPMENT STANDARDS—COMMERCIAL DISTRICTS

<table>
<thead>
<tr>
<th>Standard</th>
<th>CN</th>
<th>CR</th>
<th>CG</th>
<th>CMX</th>
<th>Additional Standards</th>
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<tbody>
<tr>
<td>Lot and Density Standards</td>
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</tr>
<tr>
<td>Minimum Lot Area (sq ft)</td>
<td>6,000</td>
<td>5,000</td>
<td>5,000</td>
<td>5,000</td>
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<tr>
<td>Minimum Lot Width (ft)</td>
<td>60</td>
<td>60</td>
<td>60</td>
<td>60</td>
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<tr>
<td>Minimum Lot Depth (ft)</td>
<td>75</td>
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<tr>
<td>Maximum Density (units/net acre)</td>
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<td>n/a</td>
<td>30.0</td>
<td>Section 203.04(b), Mixed Use Standards</td>
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### TABLE 203.03: DEVELOPMENT STANDARDS—COMMERCIAL DISTRICTS

<table>
<thead>
<tr>
<th>Standard</th>
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<th>CG</th>
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<th>Additional Standards</th>
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<tr>
<td>Minimum Area per Unit (sq ft)</td>
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<td><strong>Building Form and Location</strong></td>
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<td>Maximum Height (ft)</td>
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<td>Section 300.06, Heights and Height Exceptions; and (b)</td>
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<td>Minimum Yards (ft)</td>
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<td>Section 300.16, Visibility at Driveways and Intersections</td>
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<td><strong>Front</strong></td>
<td>5 min, 10 max</td>
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<td>Section 300.01, Building Projections into Yards</td>
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<td><strong>Interior Side</strong></td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>Section 300.01, Building Projections into Yards and (c)</td>
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<td><strong>Street Side</strong></td>
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<td>Section 300.01, Building Projections into Yards</td>
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<td><strong>Rear</strong></td>
<td>0</td>
<td>0</td>
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<td>Section 300.01, Building Projections into Yards and (c)</td>
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<td>Maximum Floor Area Ratio</td>
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<td>Percent of Building at Setback or Property Line</td>
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<td><strong>Additional Standards</strong></td>
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<td>Usable Open Space (sq ft per unit)</td>
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</table>

**Additional Development Standards:**

(a) **Exceptions to Minimum Lot Size, Width, and Depth.** An exception to the minimum lot size, width and depth may be allowed with a Conditional Use Permit if a master plan for the site is submitted concurrently with the subdivision application. The plan shall indicate proposed land uses, building footprints, driveways, fire lanes, parking areas, landscaped areas, buffer yards, and other site features. The City Council must find that the proposed subdivision will create lots that are adequately sized, shaped, and oriented to meet or exceed all requirements for yards, buffer yards, parking, landscaping, fire lanes, and other requirements of this Ordinance.

(b) **Transitional Standards.** Where a site is adjacent to an R district, the following standards apply:
The maximum height within forty (40) feet of an R district boundary is thirty-five (35) feet. The maximum height within fifty (50) feet of an R district boundary is forty (40) feet.

**FIGURE 203.03(B)(1): COMMERCIAL DISTRICT TRANSITIONAL STANDARDS**

Buildings exceeding thirty (30) feet in height must be set back or stepped back one (1) foot from the required interior side and rear setback lines for every foot of height above thirty (30) feet.

**203.04 Supplemental Regulations**

(a) **Pedestrian Orientation.** Pedestrian oriented design shall be provided in the CN and CMX districts according to the following standards:

(1) **Pedestrian-Oriented Design.** The following design elements at ground floor street frontage level shall be incorporated into the design of the structure in order to provide pedestrian orientation.

a. **Articulated Facades.** Buildings shall provide adequate architectural articulation and detail to avoid a bulky and “box-like” appearance. The building façade at ground floor street frontage level shall be articulated with measures such as, indentation in plane, change of materials in a complimentary manner, sensitive composition and juxtaposition of openings and solid wall and/or building frame, and
projecting elements, such as awnings or marquees, to provide shade and shelter.

b. **Ground-Floor Windows.** Exterior walls facing an adjacent public street, or facing onto a park, plaza, or other public outdoor space shall include windows, doors, or other openings for at least fifty (50) percent of the building wall area located between two and one-half (2.5) and seven (7) feet above the elevation of the sidewalk. No wall may run in a continuous plane for more than twenty (20) feet without an opening. Openings fulfilling this requirement shall have transparent glazing and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least three (3) feet deep.

c. **Entrances.** All ground floor tenant spaces with at least twenty-five (25) feet of frontage facing a public or private street shall have at least one building entrance oriented to the adjacent street. Such an entrance shall open directly to the outside and shall not require a pedestrian to first pass through a garage, parking lot or loading area to gain access.

d. **Signage.** Signage shall be integrated with the design of the building and oriented and scaled to the pedestrian.

e. **Other Pedestrian-Oriented Design Elements.** Other pedestrian-oriented design elements such as street furniture or other seating surfaces on private property and other design amenities scaled to the pedestrian such as awnings, drinking fountains, arcades, colonnades, plazas, non-commercial community bulletin boards, public or private art, and alternative paving materials shall be provided in areas of pedestrian access. Compliance may also be demonstrated by pedestrian-oriented design elements that are provided off-site.
(2) **Pedestrian Access.** On-site pedestrian circulation and access shall be provided according to the following standards.

a. **Internal Connections.** A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.

b. **To Street Network.** An on-site walkway shall connect the primary building entry or entries to a public sidewalk on each street frontage. Such walkway shall be the shortest practical distance between the main entry and sidewalk.

c. **To Neighbors.** Direct and convenient access shall be provided from commercial and mixed-use projects to adjoining neighborhood residential and commercial streets. These connections shall remain accessible at all times, and not be gated.

d. **Pedestrian Walkway Design.**
   
   1. Walkways shall be a minimum of five (5) feet wide and shall be paved with concrete, stone, tile, brick, or comparable material.
   
   2. Fifteen (15) gallon shade trees shall be planted along walkways at least thirty (30) feet on center.
3. Walkways shall be illuminated with an intensity of at least 0.25 foot-candles at the ground level during the hours of darkness.

4. Primary pedestrian routes and access points shall be clearly differentiated from driveways, parking aisles, and parking and loading spaces through the use of elevation changes, a different paving material, or similar method.

5. Where a required walkway is parallel and adjacent to an auto travel lane, it shall be raised or separated from the auto travel lane by a raised curb at least four (4) inches high, bollards, or other physical barrier.
FIGURE 203.04(A)(2) PEDESTRIAN ACCESS

Where walkway crosses parking areas, aisles, driveways, it shall be differentiated with paving materials, or through elevation changes or speed bumps.

Where walkway is parallel and adjacent to auto travel lane, it must be separated by a raised curb, bollards, landscaping, or other physical barrier.

An on-site walkway shall connect the primary building entry to a public sidewalk on each street frontage. Walkway shall be shortest practical distance between building entry and sidewalk, generally no more than 125% of the straight line distance.

(3) **Driveway Restrictions; Location of Parking.**

a. **Access.** Access shall be provided from a side street or alley wherever possible. Access shall not be provided from a residential street where alternate access is available.

b. **Location of Parking.** Parking areas shall be located at the rear of the site or at the side of the building, except for drop-off areas which may be located at the primary entry.
mixed use standards. in the cmx district, residential uses may be permitted if all of the following conditions are met:

1. location of residential units. residential units are permitted at the side, rear and/or above the commercial uses.

2. residential building entry and orientation requirements.
   a. entrances to residential units shall be physically separated from the entrance to the permitted commercial uses and clearly marked with a physical feature incorporated into the building or an appropriately scaled element applied to the facade.
   b. garages or other enclosed or covered parking facilities for use by residents shall not be significantly visible feature from the public street or from adjacent bikeways, sidewalks or other pedestrian amenities. residential parking shall be clearly signed and reserved for the residents.

3. usable open space. a minimum of one hundred fifty (150) square feet of usable open space is required per residential unit and may be provided as common or private open space on balconies or patios.

4. side and rear yard setback requirements for residential units. in order to provide light and air for residential units in mixed-use buildings, the following minimum setbacks apply for any interior side or rear yard. in any case in which an interior yard is also adjacent to an r district boundary, the greater of the following setbacks shall apply.
a. Five (5) feet for any wall with windows.
b. Ten (10) feet for any wall with bedroom or kitchen windows.
c. Fifteen (15) feet for any wall with living room or other primary windows.

FIGURE 203.04(B)(4): SIDE AND REAR YARD SETBACK REQUIREMENTS FOR RESIDENTIAL USES IN CMX DISTRICT

(c) Commercial Centers. Commercial centers containing four (4) or more establishments in the Commercial Use classification are subject to the following standards and criteria for approval.

(1) Standards.
   a. *Entry Plazas/Passenger Loading Areas.* A plaza shall be provided at the entry to each anchor tenant that provides for pedestrian circulation and loading and unloading.
b. **Pedestrian Walkways.** A system of pedestrian walkways at least five (5) feet wide and paved with concrete, stone, tile, brick, or comparable material shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, to any on-site open space areas and to transit stops. Sidewalk “bulb-outs” or bus “pullouts” may be required at potential bus stops serving large-scale commercial development to provide adequate waiting areas for transit users and safety for passing motorists.

c. **Parking Setback from Buildings.** Parking areas must be separated from the front and side exterior walls of on-site buildings by walkways at least five (5) feet in width, as well as a planter areas at least five (5) feet in width, two (2) feet of which shall be low growing plants to allow for vehicle overhang.

**FIGURE 203.04(C)(1)C: PARKING SETBACK FROM BUILDINGS**

![Diagram showing parking setback from buildings with 5 feet of walkway and landscaping]

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d. **Location of Loading and Service Areas.** Loading docks may only be located to the side and rear of buildings and shall be screened from view from adjacent public streets. Loading and service areas shall be located a minimum distance of fifty (50) feet from any residential district.
e. **Open Space.** Outdoor space for the use of customers and visitors shall be provided on any commercial center site with fifty thousand (50,000) square feet or more of floor area.

1. **Minimum Area.** Public space shall be provided at a rate of five (5) square feet per one thousand (1,000) square feet of floor area, up to fifteen thousand (15,000) square feet.

2. **Location.** Such public space shall be visible from a public street, or from on-site areas normally frequented by customers, and shall be accessible during business hours. Areas within required setbacks may count toward the public space requirement. Areas designated for customers to wait for cabs may be combined with required public space areas if they meet all other requirements of this subsection.

3. **Amenities.** On-site public space shall include benches or other seating, and the ground surface shall be landscaped or surfaced with high-quality paving materials. Amenities shall be included that enhance the comfort, aesthetics, or usability of the space, including but not limited to trees and other landscaping, shade structures, drinking fountains, water features, public art, or performance areas.
(2) **Design Criteria.** In order to receive permit approval for a commercial center, the review authority shall find that all of the following criteria have been met.

a. **Integrated Theme.** Buildings and structures will exhibit an integrated architectural theme that includes similar or complementary materials, colors, and design details.

b. **Site Entrance.** Community-scale commercial developments (10 acres or larger) are developed with at least one (1) major driveway entrance feature that provides an organizing element to the site design. Major driveway entrances include such features as a landscaped entry corridor or a divided median drive separated by a landscaped center dividing island.

c. **Building Entrances.** Building entrances to anchor tenants and other large stores are prominent and inviting. The architectural details of building entrances are integrated with the overall building design in terms of materials, scale, proportion, and design elements.

d. **Four-Sided Architecture.** Buildings include a complementary level of design detail on all façades.

e. **Pad Developments.** Freestanding pad developments, if included in the development, are integrated into the site design in terms of parking lot layout, on-site vehicular and pedestrian circulation routes, landscaping, and building design. Internal cross access is provided between pad developments and the surrounding commercial center. Building scale, materials, colors, and design details are complementary to the surrounding center.

f. **Drive-Through Facilities.** Drive-through lanes for restaurants, banks, pharmacies, and other uses, where included, are integrated with the overall site layout in such a way as to provide safe, efficient vehicular and pedestrian circulation. Adequate vehicular stacking or queuing spaces are provided to avoid waiting vehicles from blocking drive aisles. Drive-through facilities are located to as to minimize the visual impact from the right-of-way and to provide adequate screening from internal uses.

g. **Vehicular Circulation.** Safe, convenient vehicular circulation will be provided within the development through an appropriate system of internal vehicular circulation routes based on a hierarchy of drive aisles and cross routes. Vehicular and pedestrian conflicts will be minimized. Where pedestrian circulation routes cross vehicular traffic aisles and driveways within a development, there are clearly delineated crosswalks that include clear sight lines, adequate warning signage for both vehicles and pedestrians, adequate lighting, and protective barrier posts or similar features for separation at walkway entrances.

h. **Pedestrian Safety and Amenities.** Safe and convenient pedestrian access will be provided through a continuous system of walkways
that connects on-site buildings to one another, to automobile and bicycle parking areas, to any on-site open space areas or pedestrian amenities, and to the adjacent public right-of-way. Pedestrian facilities will create an attractive, quality environment with integrated landscaping, shading, lighting, surface treatment, and other amenities.

i. *Bicycle Parking.* Adequate, safe, and convenient bicycle parking facilities are provided. Short-term bicycle parking spaces for the use of customers and visitors are located close to building entrances, easily identifiable, visible to those passing by and separate from pedestrian circulation areas. Long-term bicycle parking for the use of employees will provide a high degree of security and safety through the use of bicycle lockers, designated areas within buildings, or outside areas with constant visual monitoring.

j. *Entry Plazas.* Entry plazas and passenger loading areas, where required, include unique, decorative paving materials, adequate seating areas, provision of adequate shade from the summer sun, and attractive landscaping including trees or raised planters.

k. *Transit Facilities.* Transit facilities, where included, are developed with effective shading from the summer sun, comfortable seating, attractive landscaping, decorative paving, public art features and efficient pedestrian routes to adjacent development.

l. *Lighting.* A combination of attractively designed and located lighting fixtures, including low pole lights, ground-mounted fixtures, light bollards, and architectural lighting is used to provide interesting compositions for outdoor lighting, as well as a safe, secure environment.

m. *Shade Areas.* Pedestrian areas, such as walkways, building entrances, and gathering areas, are adequately shaded from the summer sun through such techniques as the careful placement of trees and landscaping, trellis structures, projecting canopies, covered walkways, arcades, porticos, building orientation, and similar techniques.
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Chapter 204  Employment Districts

Sections:

204.01  Purpose
204.02  Land Use Regulations
204.03  Development Regulations
204.04  Supplemental Regulations

204.01  Purpose

The specific purposes of the “Employment” Districts are to:

(a)  Provide appropriate areas of the city where employment uses can locate and operate without significant conflicts with other land uses.

(b)  Strengthen the city’s economic base and provide employment opportunities for residents of the city.

(c)  Ensure the provision of services and facilities needed to accommodate planned population densities.

Additional purposes of each “Employment” District:

**PO Professional Office.** To allow for areas of office complex development, including professional and medical offices, as well as research and development activities. Small restaurants, support services, and convenience retail. The maximum FAR is 0.50.

**IP Industrial Park.** To provide areas for a mix of light industrial, secondary office, bulk retail, and service uses. This district allows for uses such as, warehouse, mini-storage, research and development, wholesale, bulk retail, and office space with limited customer access. This district also allows for other uses, such as commercial recreation, distribution centers, or other uses that require large, warehouse-style buildings. Small-scale retail and service uses serving local employees and visitors are permitted as secondary uses. The maximum FAR is 0.40.

**IG General Industrial.** To provide areas for businesses that have potential to create adverse visual, noise, or other impacts to adjoining public and residential properties. This district allows for uses such as, warehousing, manufacturing, food processing, distribution, with support commercial services and ancillary office space. No retail uses are allowed. The maximum FAR is 0.60.

**IA Airport Industrial.** To provide areas for the Municipal Airport and for related businesses that have the potential to create adverse visual, noise, or other impacts to adjoining public and residential properties. Small-scale retail and service uses serving local employees and visitors are permitted as secondary uses. This designation allows for a maximum FAR of 0.60.
204.02 Land Use Regulations

Table 204.02 below prescribes the land use regulations for “Employment” Districts. The regulations for each district are established by letter designations as follows:

“P” designates permitted uses.

“C” designates use classifications that are permitted after review and approval of a Conditional Use Permit by the City Council.

“(#)” numbers in parentheses refer to specific limitations listed at the end of the table.

“-” designates uses that are not permitted.

Use classifications are defined in Chapter 701, Use Classifications. In cases where a specific land use or activity is not defined, the Zoning Administrator shall assign the land use or activity to a classification that is substantially similar in character. Use classifications and subclassifications not listed in the table or not found to be substantially similar to the uses below are prohibited. The table also notes additional use regulations that apply to various uses. Section numbers in the right hand column refer to other sections of this Ordinance.

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**Transportation, Communication, and Utilities Uses**

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<tr>
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<td>Antenna and Transmission</td>
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<td>Chapter 306, Telecommunications Facilities</td>
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<tr>
<td>Towers, camouflage facilities</td>
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<td>Antenna and Transmission</td>
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<td>C(10)</td>
<td>C(10)</td>
<td>C(1,10)</td>
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<td>Towers, non-camouflage facilities</td>
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<td>Facilities within Buildings</td>
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<td>Freight/Truck Terminals and</td>
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<td>Solid Waste Collection, Treatment,</td>
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<td>C</td>
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<tr>
<td>and Disposal</td>
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<td>Utilities, Minor</td>
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**Agriculture and Extractive Uses**

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<td>Crop Cultivation</td>
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**Other Applicable Types**

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<tr>
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<td>P</td>
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<td>P</td>
<td>Section 301.01, Accessory Uses and Structures</td>
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<td>Additional Uses</td>
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<td>Chapter 308, Nonconforming Uses, Structures, and Lots</td>
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TABLE 204.02: LAND USE REGULATIONS—EMPLOYMENT DISTRICTS

<table>
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<th>Use Classification</th>
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<th>Additional Regulations</th>
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<tr>
<td>Temporary Use</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Section 301.19, Temporary Uses</td>
</tr>
</tbody>
</table>

Specific Limitations:

1. Limited to aviation-related uses within the airport fence.
2. Limited to 2,500 square feet in size, located on a collector or higher classification street, and at least 1,000 feet from any other check cashing business.
3. Permitted only as an accessory use that supports industrial uses, business and office parks, and corporate offices, excluding small-scale offices oriented to individual/personal services and only when located within buildings with no separate entry or exterior signage.
4. Permitted only as an accessory to a primary office and limited to establishments with a gross floor area less than 5,000 square feet in size.
5. Prohibited within the airport fence.
6. Limited to parking areas for exclusive use of occupants, employees and patrons of the uses, buildings, stores, and businesses located in that zone.
7. Alcohol manufacture must be located more than 500 feet from the nearest residential, or commercial zoning designation as shown on the Official Zoning Map.
8. On-site hazardous waste management facilities must be accessory and incidental to a primary use.
9. Outdoor storage shall be incidental to a primary use, limited to 6,000 square feet and completely screened from public view by a six (6) foot high solid fence.
10. Prohibited within 300 feet of any R district.
11. Limited to one dwelling for a caretaker or watchman and his immediate family, necessary and incidental to a use located in such zone, one dwelling for agricultural employees employed on such property for more than half of each year, when situated on farms or ranches containing not less than 10 acres, and one dwelling for the owner of property used primarily for agricultural purposes located in such zone, when situated on a farm or ranch containing not less than five acres.
12. Additional uses may be allowed with City Council approval of a Conditional Use Permit.

204.03 Development Regulations

Table 204.03 prescribes the development standards for the Employment Districts. Additional regulations are denoted in the right hand column. Section numbers in this column refer to other sections of this Ordinance, while individual letters refer to subsections that directly follow the table.
<table>
<thead>
<tr>
<th>Standard</th>
<th>PO</th>
<th>IP</th>
<th>IG</th>
<th>IA</th>
<th>Additional Standards</th>
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<tbody>
<tr>
<td><strong>Building Form and Location</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum Height (ft)</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>35</td>
<td>Section 300.06, Heights and Height Exceptions; Chapter 500, Airport Environs; and (b)</td>
</tr>
<tr>
<td>Minimum Yards (ft)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>10</td>
<td>25; 30 on highway</td>
<td>0; 30 on arterial, collector, or highway</td>
<td>20; 30 on highway</td>
<td>Section 300.01, Building Projections into Yards</td>
</tr>
<tr>
<td>Interior Side</td>
<td>5</td>
<td>0</td>
<td>0</td>
<td>10</td>
<td>Section 300.01, Building Projections into Yards and (c)</td>
</tr>
<tr>
<td>Street Side</td>
<td>5 (b)</td>
<td>25; 30 on highway</td>
<td>0; 30 on arterial, collector, or highway</td>
<td>10; 30 on highway</td>
<td>Section 300.01 Building Projections into Yards; and (d)</td>
</tr>
<tr>
<td>Rear</td>
<td>0</td>
<td>10</td>
<td>0</td>
<td>10</td>
<td>Section 300.01 Building Projections into Yards; (b) and (c)</td>
</tr>
<tr>
<td>Maximum Floor Area Ratio</td>
<td>.50</td>
<td>.40</td>
<td>.60</td>
<td>.60</td>
<td></td>
</tr>
</tbody>
</table>

**Additional Development Standards:**

(a) **Exceptions to Minimum Lot Size, Width, and Depth.** An exception to the minimum lot size, width, and depth may be allowed with a Conditional Use Permit if a master plan for the site is submitted concurrently with the subdivision application. The plan shall indicate proposed land uses, building footprints, driveways, fire lanes, parking areas, landscaped areas, buffer yards, and other site features. The City Council must find that the proposed subdivision will create lots that are adequately sized, shaped, and oriented to meet or exceed all requirements for yards, buffer yards, parking, landscaping, fire lanes, and other requirements of this Ordinance.

(b) **Transitional Standards.** Where a site is adjacent to an R district, the following standards apply:

(1) The maximum height within forty (40) feet of an R district boundary is thirty-five (35) feet. The maximum height within fifty (50) feet of an R district boundary is forty (40) feet.
FIGURE 204.03(B)(1): EMPLOYMENT DISTRICT TRANSITIONAL STANDARDS

(2) Buildings exceeding thirty (30) feet in height must be set back or stepped back one (1) foot from the required interior side and rear setback lines for every foot of height above thirty (30) feet.

(c) Increased Yard for Certain Institutional Uses. Any building erected or used for a school, government, or other institutional use mentioned elsewhere in this Ordinance, shall be located at least fifteen (15) feet from an R district, notwithstanding any lesser requirement in the district where located, provided such building shall not be required to be located more than five (5) feet from any lot line adjacent to any alley. The City Council may waive this requirement for accessory buildings to provide reasonable accommodation.

(d) Street Side Yard - Reversed Corner Lots. Reversed corner lots shall have a minimum street side yard width of twelve (12) feet or the required front yard requirement of the lot in the rear (key lot), whichever is less. No accessory structure shall project beyond the extension of the required front yard line of the lot in the rear (key lot).

204.04 Supplemental Regulations

(a) Setbacks and Screening Requirements.

(1) Setback and Screening from Highways. Any site that is fully or partially located within two hundred (200) feet of Highway 65 or Highway 190 shall provide a landscaped area at least thirty (30) feet deep between the highway right-of-way and any building or parking area for the length of the site frontage facing toward the highway. At least two fifteen (15) gallon trees shall be provided for every twenty-five (25) feet of site frontage toward the highway.
(2) **Parking Setback and Screening from Public Right-of-Way.** The following requirements apply on all street frontages in the PO district. In the IP and IG districts, they apply only to frontages on arterial or collector streets.

a. **Landscaped Setback of Parking from Right-of-Way.** Any parking area located between a building and right-of-way must be set back a minimum of seventeen (17) feet from the street-facing lot line, and the setback area must be landscaped. Two (2) feet of the landscaped setback shall be low growing plants to allow for vehicle overhang.

b. **Screening of Parking Areas.** Any parking area located between a building and right of way, or within fifty (50) feet of and visible from a right-of-way, must be screened by a wall or berm at least two and one-half (2.5) feet high. A screening wall meeting this requirement shall be composed of brick, stone, stucco, or other quality durable material approved by the Zoning Administrator, and shall include a decorative cap or top finish as well as edge detail at wall ends. Plain concrete blocks are not allowed as a screening wall material unless capped and finished with stucco or other material approved by the Zoning Administrator.

(3) **Landscaped Setback of Parking from On-Site Buildings.** In the PO district, parking spaces must be set back at least twelve (12) feet from any building wall, and the area between parking and building must be landscaped. Two (2) feet of the landscaped setback shall be low growing plants to allow for vehicle overhang. Up to five (5) feet of this required landscape area may be occupied by a paved pedestrian walkway.

![FIGURE 204.04(A): PARKING SETBACKS AND SCREENING REQUIREMENTS](image)

(b) **Pedestrian Orientation.** Pedestrian oriented design shall be provided in the PO district according to the following standards:

(1) **Pedestrian-Oriented Design.** The following design elements at ground floor street frontage level shall be incorporated into the design of the structure in order to provide pedestrian orientation.
a. **Articulated Facades.** Buildings shall provide adequate architectural articulation and detail to avoid a bulky and “box-like” appearance. The building façade at ground floor street frontage level shall be articulated with measures such as, indentation in plane, change of materials in a complimentary manner, sensitive composition and juxtaposition of openings and solid wall and/or building frame, and projecting elements, such as awnings or marquees, to provide shade and shelter.

b. **Entrances.** All ground floor tenant spaces with at least twenty-five (25) feet of frontage facing a public or private street shall have at least one building entrance oriented to the adjacent street. Such an entrance shall open directly to the outside and shall not require a pedestrian to first pass through a garage, parking lot or loading area to gain access.

c. **Signage.** Signage shall be integrated with the design of the building and oriented and scaled to the pedestrian, where applicable.

d. **Other Pedestrian-Oriented Design Elements.** Other pedestrian-oriented design elements such as street furniture or other seating surfaces on private property and other design amenities scaled to the pedestrian such as awnings, drinking fountains, arcades, colonnades, plazas, non-commercial community bulletin boards, public or private art, and alternative paving materials may be provided in areas of pedestrian access. Compliance may also be demonstrated by pedestrian-oriented design elements that are provided off-site.

(2) **Pedestrian Access.** On-site pedestrian circulation and access shall be provided according to the following standards.

a. **Internal Connections.** A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.

b. **To Street Network.** An on-site walkway shall connect the primary building entry or entries to a public sidewalk on each street frontage. Such walkway shall be the shortest practical distance between the main entry and sidewalk.

c. **To Neighbors.** Direct and convenient access shall be provided from commercial and mixed-use projects to adjoining neighborhood residential and commercial streets. These connections shall remain accessible at all times, and not be gated.

d. **Pedestrian Walkway Design.**

1. Walkways shall be a minimum of five (5) feet wide and shall be paved with concrete, stone, tile, brick, or comparable material.

2. Fifteen gallon shade trees shall be planted along walkways at least thirty (30) feet on center.
3. Walkways shall be illuminated with an intensity of at least 0.25 foot-candles at the ground level during the hours of darkness.

4. Primary pedestrian routes and access points shall be clearly differentiated from driveways, parking aisles, and parking and loading spaces through the use of elevation changes, a different paving material, or similar method.

Where a required walkway is parallel and adjacent to an auto travel lane, it shall be raised or separated from the auto travel lane by a raised curb at least four (4) inches high, bollards, or other physical barrier.

(3) Driveway Restrictions; Location of Parking.

a. Access. Access shall be provided from a side street or alley wherever possible. Access shall not be provided from a residential street where alternate access is available.

b. Location of Parking. Parking areas shall be located at the rear of the site or at the side of the building, except for drop-off areas which may be located at the primary entry.

FIGURE 204.04(B)(3)B: LOCATION OF PARKING
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Chapter 205    Public and Open Space Districts

Sections:

205.01    Purpose
205.02    Land Use Regulations
205.03    Development Regulations

205.01    Purpose

The specific purposes of the “Public and Open Space” Districts are to:

(a) Provide areas for educational facilities, cultural and institutional uses, health services, parks and recreation, general government operations, airports, utility and public service needs, and other similar and related supporting uses.

(b) Ensure the provision of services and facilities needed to accommodate planned population densities, employment intensities, and traffic regulation.

Additional purposes of each “Public and Open Space” District:

**PS Public and Semi-Public.** To provide areas for needed public facilities, including, but not limited to, recycling centers, sewage treatment ponds, police and fire stations, and schools, colleges, vocational training facilities, school administrative offices, fairgrounds, and similar facilities. This designation is intended for lands owned by public entities, including City Hall, County buildings, and the hospital. This designation allows for a maximum FAR of 0.25.

**REC Commercial Recreation.** To provide areas for private commercial recreation uses where patron usually pay to participate. Allowable uses include campgrounds, off-road vehicle complexes, and other recreation areas that are privately owned and where patrons usually pay to participate. The maximum FAR is 0.10.

**PK Parks and Public Recreation Facilities.** To maintain areas for public parks and recreation sites and facilities on city owned properties. The maximum FAR is 0.10.

205.02    Land Use Regulations

Table 205.02 below prescribes the land use regulations for “Public and Open Space” Districts. The regulations for each district are established by letter designations as follows:

“P” designates permitted uses.

“C” designates use classifications that are permitted after review and approval of a Conditional Use Permit by the City Council.

“(#)” numbers in parentheses refer to specific limitations listed at the end of the table.

“-” designates uses that are not permitted.
Use classifications are defined in Chapter 701, Use Classifications. In cases where a specific land use or activity is not defined, the Zoning Administrator shall assign the land use or activity to a classification that is substantially similar in character. Use classifications and subclassifications not listed in the table or not found to be substantially similar to the uses below are prohibited. The table also notes additional use regulations that apply to various uses. Section numbers in the right hand column refer to other sections of this Ordinance.

<table>
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<tr>
<th>Use Classification</th>
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<td><strong>Public and Semi-Public Use Classifications</strong></td>
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<td><strong>Commercial Use Classifications</strong></td>
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<td><strong>Large-scale</strong></td>
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<td>Section 301.03, Alcoholic Beverage Sales</td>
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<td>Section 300.08, Outdoor Seating</td>
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<td>-</td>
<td>Section 301.03, Alcoholic Beverage Sales and Section 300.08, Outdoor Seating</td>
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### TABLE 205.02: LAND USE REGULATIONS—PUBLIC AND OPEN SPACE DISTRICTS

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<th>Additional Regulations</th>
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<td>Communication Facilities</td>
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<tr>
<td>Antenna and Transmission Towers, camouflage facilities</td>
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<td>P</td>
<td>P</td>
<td>Chapter 306, Telecommunications Facilities</td>
</tr>
<tr>
<td>Antenna and Transmission Towers, non-camouflage facilities</td>
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<td>-</td>
<td>-</td>
<td>Chapter 306, Telecommunications Facilities</td>
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<td>Heliports</td>
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<td>Utilities, Minor</td>
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<td><strong>Other Applicable Types</strong></td>
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<td>Section 301.01, Accessory Uses and Structures</td>
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<td></td>
<td></td>
<td>Chapter 308, Nonconforming Uses, Structures, and Lots</td>
</tr>
<tr>
<td>Temporary Use</td>
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<td></td>
<td></td>
<td>Section 301.19, Temporary Uses</td>
</tr>
<tr>
<td><strong>Specific Limitations:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Limited to facilities associated with park and recreational facilities.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Limited to cafes and restaurants accessory to cultural institutions.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Prohibited within 300 feet of any R district.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Limited to heliports used as accessory a hospital.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 205.03 Development Regulations

Table 205.03 prescribes the development standards for the public and open space districts. Additional regulations are denoted in the right hand column. Section numbers in this column refer to other sections of this Ordinance, while individual letters refer to subsections that directly follow the table.

### TABLE 205.03: DEVELOPMENT STANDARDS—PUBLIC AND OPEN SPACE DISTRICTS

<table>
<thead>
<tr>
<th>Standard</th>
<th>PS</th>
<th>REC</th>
<th>PK</th>
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<td><strong>Lot and Density Standards</strong></td>
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**Additional Development Regulations:**

(a) **Transitional Standards.** Where a site is adjacent to an R district, the following standards apply:

1. The maximum height within forty (40) feet of an R district boundary is thirty-five (35) feet. The maximum height within fifty (50) feet of an R district boundary is forty (40) feet.

**FIGURE 205.03(A)(1): PUBLIC AND OPEN SPACE DISTRICT TRANSITIONAL STANDARDS**

(2) Buildings exceeding thirty (30) feet in height must be set back or stepped back one (1) foot from the required interior side and rear setback lines for every foot of height above thirty (30) feet.
(b) **Determining FAR.** When determining FAR the PS District, medical laboratories, operating rooms, meeting rooms, conference facilities, cafeteria facilities, and recreational facilities are excluded from floor area.
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Chapter 206 Residential Neighborhood District

Sections:
206.01 Purpose
206.02 Establishment
206.03 Master Plan Required
206.04 Land Use Mix and Distribution within a Residential Neighborhood
206.05 Park Design Standards
206.06 Street/Transportation System Requirements
206.07 Variety in Housing Design

206.01 Purpose
The Residential Neighborhood (RN) District is intended to implement the neighborhood centers shown on the General Plan Land Use Diagram and guide the design of new residential neighborhoods. More specifically, these standards are intended to accomplish the following purposes:

(a) Create compact neighborhoods with a defined, mixed-use center including public open space, a school or other community facilities, and neighborhood commercial.

(b) Create neighborhood centers with a mix of retail, civic, and service-oriented uses to support local transit and provide places for social interaction for neighborhood residents.

(c) Create a street system that is well-aligned with and connected to streets in adjacent neighborhoods and allows residents to walk, bike, or drive directly and safely to parks, schools, and neighborhood shopping via a continuous system of streets, sidewalks, and bike routes.

(d) Provide a variety of housing types, designs, and lot sizes to serve the range of household types and incomes in Porterville, and give each home individuality.

206.02 Establishment
A RN District may be established within the potential RN district areas shown on the Zoning Map by Zoning Map amendment according to the procedures of Chapter 613, Amendments to Zoning Map and Text, and the standards of this chapter. The minimum area of a RN District shall be eighty (80) acres. The City Council may approve a RN District for smaller areas, but not less than forty (40) acres, upon finding that a RN District of eighty (80) acres or more is infeasible.

206.03 Master Plan Required
An application for a rezoning to an RN district shall include a master plan. The master plan shall be accepted and processed concurrently, in the same manner as a Conditional Use Permit application, pursuant to Chapter 601, Common Procedures, and Chapter 605, Conditional Use Permits, although additional information is required to be submitted in order to determine that the intent of this Ordinance and the General Plan will be fulfilled.
(a) **Required Elements.** An application for a master plan in the RN District shall include the following elements in addition to any application requirements established by the Zoning Administrator.

1. **Land Uses.** The location of proposed land uses and a summary of the total land area dedicated to each use. Schools shall be located as shown on the General Plan Land Use Diagram unless an alternative site has been mutually agreed upon by the City and the applicable school district. Other land uses shall be allocated and distributed within the plan area according to the standards of Section 206.04, Land Use Mix and Distribution within Residential Neighborhoods.

2. **Street System.**
   a. Location of major and minor arterial streets, parkways and minor and collector streets, and proposed spacing of intersections.
   b. Proposed street alignments in relation to existing and planned streets on all abutting properties.
   c. Cross-sections or equivalent information that indicates the elements (travel lanes, parking lanes, bike lanes, planter strips, sidewalks, sound walls, street tree spacing) and dimensions of elements to be included in each street type within the plan area.
   d. Any proposed traffic calming facilities.

3. **Pedestrian and Bike Network.** A system of bicycle and pedestrian routes that provide access to all parts of the plan area. All proposed mid-block pedestrian connections or connections from the ends of cul-de-sacs to streets and parks shall be delineated.

4. **Utilities.** Location of main utility lines that must be extended into the project area to accommodate the proposed land uses and densities. The plan also must show utility placement in relation to street trees.

**206.04 Land Use Mix and Distribution within a Residential Neighborhood**
The land uses within a RN district shall be allocated and distributed according to the standards of this section.

1. **Consistency with General Plan.** Land uses shall reflect the required land use mix in the General Plan Land Use Diagram. Adjustments to the locations of land uses indicated on the General Plan Land Use Diagram may be approved, as long as the total allocation of each use within each plan area is consistent with the proportions indicated on the diagram. Where such locational adjustments are proposed, the standards of this section provide a guide for the minimum allocation of land uses within residential neighborhoods.

2. **Residential Uses.** Residential uses shall be provided at densities consistent with the General Plan designation(s) for the site. A minimum of twenty (20) percent of the units within each master plan must be small-lot (4,500 sq. ft.
or smaller lot size) detached homes, townhouse, or multi-family units within walking distance (1/4 mile) of the neighborhood center.

(3) **Public Parks.** Public parks must be provided according to the following standards.

(4) **Minimum Park Land Area.** Land for public parks must be provided at a ratio of five (5) acres per one thousand (1,000) residents, or in-lieu fees must be paid as established by the City. Parks shall be consistent with any adopted parks or open space master plan for the city. The allocation of types of parks shall be as follows:

a. A minimum of three and one-half (3.5) acres of neighborhood parks per one thousand 1,000 residents; and

b. A minimum of one and one-half (1.5) acres of community parks per one thousand (1,000) residents.

(5) **Park Location.** At least one (1) public park must be located within one (1) quarter mile, via a direct pedestrian route, of eighty (80) percent of all homes within the master plan area.

(b) **Non-Residential Uses.** At least four (4) percent of gross land area must be designated for non-residential uses, including public and semi-public uses and/or neighborhood-serving commercial uses.

(c) **Neighborhood Centers.** All master plan areas of one hundred sixty (160) acres or more must include a defined, centrally located, neighborhood center composed of a mix of retail, civic, and service-oriented uses, unless an existing or approved neighborhood center is located within one-quarter mile, via a direct pedestrian route, of eighty (80) percent of all homes within the master plan area. At minimum, neighborhood centers shall include:

(1) **Retail and Service Commercial Uses.** Retail and service commercial uses oriented to serving the needs of local residents.

(2) **Public Plaza, Square, or Commons.**

a. **Size:** Minimum area of ten thousand (10,000) square feet.

b. **Dimensions:** Minimum horizontal dimension of fifty (50) feet.

c. **Street Access:** Bordered by public streets on at least one (1) side.

d. **Required Amenities:** Public plazas, squares, and commons shall include street furniture and other amenities such as gazebos, fountains, statuary, flag poles, kiosks, and benches. At least one (1) lineal foot of seating area shall be provided for each thirty (30) square feet of plaza area. Seating may include wooden benches, steps, seating walls, and retaining walls where the seating area is between sixteen (16) inches and thirty (30) inches above grade.

e. **Surface and Planting:** Public plazas, squares, and commons shall include paved walkways, and may include paved plaza areas. Landscaped areas and pervious surfaces that provide stormwater infiltration shall also be included.
f. **Schools**: School sites shall be provided as shown on the General Plan Land Use Diagram. Where locational adjustments are proposed, the applicant shall consult with the school district, Community Development Department, and the Parks and Leisure Services Department prior to submission of a master plan.

### 206.05 Park Design Standards

(a) **Minimum Park Size.** Neighborhood parks must be a minimum of two (2) acres in size. Community parks must be a minimum of ten (10) acres in size.

(b) **Park Frontage and Accessibility.** A minimum of sixty (60) percent of the perimeter of any public park must abut a street. Where it is not feasible to locate residences across the street from and facing the park, frequent pedestrian access to the park must be provided at the ends of cul-de-sacs.

(c) **Landscaped Area.** At least fifty (50) percent of the horizontal area of any park shall consist of landscaped pervious surfaces such as turf, live plantings, gravel, sand, and bark. No more than fifty (50) percent of the area of a neighborhood park may be paved.

(d) **Detention Basins.** Drainage detention basins may be located within parks; however, all parks shall include open turf area above the basin flood line for playing fields and active recreation areas.

### 206.06 Street/Transportation System Requirements

(a) **Continuous Street System.** All streets and alleys must connect to other streets and alleys to form a continuous vehicular and pedestrian network within the plan area and to adjacent development. The use of gates or other preventative barriers is not permitted on public streets.

(b) **Connection to Adjacent Areas.** Streets shall be aligned with existing and planned arterial and collector streets in adjacent neighborhoods in such a way that a continuous street pattern is created. Where a new residential subdivision occurs adjacent to undeveloped land within the Urban Growth Boundary, stubs must be provided for future connections to the edge of the property line. Where street stubs exist on adjacent properties, new streets within a new residential subdivision shall be connected to these stubs.

(c) **Dead-End Streets.** Cul-de-sacs and dead end streets shall be prohibited in residential areas except where necessary to give access to or permit satisfactory future development of adjoining land. Cul-de-sacs and dead end streets shall be avoided in all other areas. If cul-de-sacs and dead end streets cannot be avoided, the maximum length shall be six hundred (600) feet. Cul-de-sacs longer than three hundred (300) feet shall have pedestrian paths connecting them to parks and adjacent streets.
(d) **Intersections.** A minimum of three (3) collector streets shall intersect each one (1) mile length of arterial street. Pedestrian facilities shall be provided and all signalized intersections.

(e) **Maximum Block Length.** Blocks shall not exceed six hundred (600) feet in length, unless existing adjacent property alignment, topographic, or traffic conditions justify a variation. Pedestrian connections consisting of a paved walkway at least five (5) feet wide within a ten (10) foot landscape right-of-way must be provided no more than three hundred fifty (350) feet apart for any blocks over six hundred (600) feet.

(f) **Sidewalks.** Sidewalks shall be provided along both sides of the street.

(g) **Pedestrian and Bicycle Paths.** Continuous and convenient bicycle and pedestrian access shall be provided from every home within a plan area to the nearest neighborhood center, school, and park.

(h) **Traffic Calming.** Traffic calming street design or devices shall be included as needed to ensure that designated speed limits are not exceeded.

(i) **Street Trees.** Street trees shall be provided on all public street frontages. Fifteen gallon trees shall be planted in a linear fashion within planter strips between the curb and sidewalk, at least thirty (30) feet on center. Each master plan shall indicate the type and location of proposed street trees and how utility placement will accommodate street tree placement.

**206.07 Variety in Housing Design**

No more than three (3) homes within each block face may be designed to have the same front elevation. There must be two (2) distinguishing and obviously different characteristics, such as building envelope, front porch, window pattern, or roof shape, between the front elevations of homes within a single block.
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Chapter 207 Planned Development (PD) District

Sections:

207.01 Purpose
207.02 Zoning Map Designation
207.03 Land Use Regulations
207.04 Development Regulations
207.05 Procedures
207.06 Required Findings
207.07 Conditions
207.08 Expiration and Renewal
207.09 Amendments of Approved Plans
207.10 Status of Specific Plan
207.11 Development Plan Review

207.01 Purpose

The purposes of the Planned Development (PD) District are to:

(a) Establish a procedure for development on large lots of land in order to reduce or eliminate the rigidity, delays, and conflicts that otherwise would result from application of zoning standards and procedures designed primarily for small lots.

(b) Ensure orderly and thorough planning and review procedures that will result in quality urban design.

(c) Promote variety and avoid monotony in large developments by allowing greater freedom in selecting the means to provide access, light, open space, and amenities.

(d) Ensure allocation and improvement of common open space in residential areas, and provide for maintenance of the open space at the expense of those directly benefiting from it.

(e) Facilitate the assembly of properties that might otherwise be developed in unrelated increments to the detriment of surrounding neighborhoods.

(f) Provide for the integration and administration of Specific Plans, adopted pursuant to State law into the City’s land use regulations.

207.02 Zoning Map Designation

A PD district shall be noted on the zoning map by the designation “PD,” followed by the number of the Planned Development or Specific Plan based on order of adoption.

207.03 Land Use Regulations

No use other than an existing use is permitted in a PD district except in accord with a valid PD Plan or Specific Plan. Any permitted or conditional use authorized by this Ordinance may be included in an approved PD Plan or an adopted Specific Plan consistent with the General Plan land use designation(s) for the property.
207.04 Development Regulations

(a) **Minimum Area.** The minimum area of a PD district shall be four (4) contiguous acres. The City Council may approve a PD district that contains less than four (4) acres, but at least two and one-half (2.5) acres, upon a finding that special site characteristics exist and that the proposed development will result in specific public benefits, in addition to the findings required by Section 207.06, Required Findings.

(b) **Residential Unit Density.** Except where a density bonus is granted in compliance with the City's density bonus regulations for affordable housing and childcare (Chapter 302, Affordable Housing Density Bonus and Other Incentives), the total number of dwelling units in a PD Plan shall not exceed the maximum number permitted by the General Plan density for the total area of the planned development designated for residential use, excluding areas devoted to public and private streets.

(c) **Performance Standards.** The Performance Standards prescribed by Chapter 307, Performance Standards apply.

(d) **Other Development Regulations.** Other development regulations shall be as prescribed by the PD Plan.

207.05 Procedures

(a) **City Council Review.** A PD district must be adopted by the City Council as an amendment to the Zoning Map, according to the procedures of Chapter 613, Amendments to Zoning Map and Text. An application for rezoning to a PD district shall include a Specific Plan or PD Plan. The PD Plan shall be accepted and processed concurrently, in the same manner as a Conditional Use Permit application, pursuant to Chapter 601, Common Procedures and Chapter 605, Conditional Use Permits, although additional information is required to be submitted in order to determine that the intent of this Ordinance and the General Plan will be fulfilled.

(b) **Initiation.** An amendment to reclassify property to PD shall be initiated by a property owner or authorized agent or the City Council. If initiated by a property owner or authorized agent and the property is not under a single ownership, all owners must join the application, and a map showing the extent of ownership shall be submitted with the application.

(c) **Pre-Application Procedure.** Prior to submitting an application for approval of a PD, the applicant may schedule a pre-application review conference with the Project Review Committee to discuss the general acceptability of the proposal, possible problems that may be encountered, and the need for any interagency coordination. Such preliminary consultations shall be relative to a conceptual development plan submitted by the applicant.

(d) **Applications.** Applications for a PD shall be in the form established by the Zoning Administrator and shall be accompanied by the required information and plan submittals and the required fee.
207.06  Required Findings

A PD Plan and re-zoning shall only be approved if all of the following findings are made:

(a) The proposed development is consistent with the General Plan and any applicable specific plan, including the density and intensity limitations that apply;

(b) The site for the proposed development is adequate in size and shape to accommodate the proposed uses and all setbacks, open spaces, setbacks, walls and fences, parking area, loading areas, landscape, and other features required;

(c) Adequate transportation facilities and public services exist or will be provided in accord with the conditions of development plan approval, to serve the proposed development; and the approval of the proposed development will not result in a reduction of traffic levels of service or public services so as to be a detriment to public health, safety, or welfare;

(d) The proposed development will not have a substantial adverse effect on surrounding land uses and will be compatible with the existing and planned land use character of the surrounding area;

(e) The improvements required and the manner of development adequately address all natural and man-made hazards associated with the proposed development and the project site, including, but not limited to, flood, fire, and seismic or soils hazards; and

(f) The proposed development provides a more efficient use of the land and superior architecture and site design compared to that which could be achieved through the application of the zoning district regulations that otherwise would apply.

207.07  Conditions

In approving a PD Plan and re-zoning, the City Council may impose reasonable conditions deemed necessary to:

(a) Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies that the City has adopted;

(b) Achieve the general purposes of this Ordinance or the specific purpose of the zoning district in which the project is located;

(c) Achieve the findings listed in Section 207.06, Required Findings above; or

(d) Mitigate any potentially significant impacts identified as a result of review conducted in compliance with the requirements of the California Environmental Quality Act.
207.08 **Expiration and Renewal**

(a) **Expiration.**

(1) **PD Plan.** A PD Plan shall be effective on the same date as the Ordinance creating the PD district for which it was approved and shall expire two (2) years after the effective date unless actions specified in the conditions of approval have been taken, or a building permit has been issued and construction diligently pursued. An approved PD Plan may specify a development staging program exceeding two (2) years.

(2) **Tentative Map.** Where a tentative map has been approved in conjunction with a PD Plan, the PD Plan shall expire upon the expiration of the tentative map.

(3) **Phased Development.** In the event that the applicant intends to develop the project in phases, and the City Council approves phased development, the PD Plan shall remain in effect so long as not more than one (1) year lapses between the end of one phase and the beginning of the next phase unless the PD Plan is renewed pursuant to subsection (b), below. If the PD Plan is not renewed and more than one (1) year lapses between the end of one phase and the beginning of the next phase, the PD Plan shall expire.

(b) **Renewal.** An approved PD Plan may be renewed for a period approved by the City Council after a duly-noticed public hearing. Application for renewal shall be made in writing prior to expiration of the original approval. The City Council may renew a PD Plan if it finds the renewal consistent with the purposes of this chapter.

207.09 **Amendments of Approved Plans**

(a) **Changed Plans.** Amendments to a PD district or PD Plan or Specific Plan may be requested by the applicant or its successors. Amendments to the approved Plan shall be classified as major or minor amendments. Upon receipt of an amendment application, the Zoning Administrator shall determine if the proposed amendment constitutes a major or minor amendment.

(b) **Major Amendments.** Major Amendments to an approved PD district or PD Plan or Specific Plan shall be considered by the City Council at a duly noticed public hearing. An amendment will be deemed major if it involves one or more of the following changes:

(1) A change in the boundary of the PD district;

(2) An increase or decrease in the number of dwelling units for the PD district that is greater than the maximum or less than the minimum stated in the PD Plan or Specific Plan;

(3) An increase or decrease in the floor area for any non-residential land use that results in the floor area exceeding the minimum or maximum stated in the PD Plan or Specific Plan;
(4) Any change in land use or density that is likely to negatively impact or burden public facilities and utilities infrastructure as determined by the City Engineer;

(5) Any change in land use or density that is likely to negatively impact or burden circulation adjacent to the PD district or to the overall major street system, as determined by the City Engineer; or

(6) Any other proposed change to the PD Plan or Specific Plan or the conditions of approval that substantively alters one or more of its components as determined by the Zoning Administrator.

(c) **Minor Amendments.** Amendments not meeting one or more of the criteria listed in subsection (b) shall be considered minor if they are consistent with and would not change any original condition of approval. Minor Amendments may be approved by the Zoning Administrator.

### 207.10 Status of Specific Plan

A Specific Plan adopted by resolution of the City Council shall be administered as prescribed by the Council, consistent with Government Code Section 65450.

### 207.11 Development Plan Review

Plans for a project in a PD district shall be accepted for planning and building permits or subdivisions only if they are consistent with an approved PD Plan or Specific Plan and any conditions of approval. No project may be approved and no building permit issued unless the project, alteration or use is consistent with an approved PD Plan or Specific Plan.
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Chapter 300  General Site Regulations

Sections:

300.01  Building Projections Into Yards
300.02  Development on Substandard Lots
300.03  Fences and Freestanding Walls
300.04  Green Building Standards and Incentives
300.05  Habitat Conservation
300.06  Heights and Height Exceptions
300.07  Lighting and Illumination
300.08  Outdoor Seating
300.09  Outdoor Storage
300.10  Screening
300.11  Street Dedication, Construction of Public Improvements, and Installation of Certain Parkway Improvements
300.12  Swimming Pools
300.13  Trash and Refuse Collection Areas
300.14  Truck Docks, Loading, and Service Areas
300.15  Underground Utilities
300.16  Visibility at Driveways and Intersections (Sight Distance)

300.01  Building Projections Into Yards

Building projections may extend into required yards, subject to the following standards:

(a)  **Maximum Projection Allowed.** Notwithstanding any other subsection of this section, no projection may extend closer than three (3) feet to an interior lot line or into a public utility easement.

(b)  **Architectural Projections.** Cornices, canopies, eaves, sills, buttresses or similar architectural features, chimneys and fireplaces not exceeding eight (8) feet in width, cantilevered bay windows not exceeding ten (10) feet in width, and planting boxes may extend not closer than three (3) feet to any side or rear lot line or three (3) feet into any front yard.
(c) **Fire Escapes.** Fire escapes, required by law, ordinance, or regulations of a public agency may project up to four (4) feet into any yard.

(d) **Stairways, Stair Landings, and Balconies.** Stairways, stair landings, and balconies that service above the first floor level of the building may project up to three (3) feet into any yard, provided that all such structures shall be open, unenclosed and without roofs, except for lattice type guard railings. Structural supports for stairways and landings may be enclosed.

(e) **Decks, Porches, and Stairs.** Uncovered decks less than eighteen (18) inches above ground elevation may project in any yard consistent with the Building Code. All other decks, porches, and stairs servicing the first floor level of the building may project no more than six (6) feet into the front yard and five (5) feet into the side and rear yards.

(f) **Depressed Ramps or Stairways and Supporting Structures.** When designed to permit access to parts of buildings below average ground level, may extend into any required yard not more than forty-two (42) inches.

(g) **Ramps and Similar Structures for Disabled Person’s Accommodation.** Up to the entire yard where it is the only feasible location to provide a reasonable accommodation consistent with the Americans with Disabilities Act.
300.02 Development on Substandard Lots

A legally created lot having a width or area less than required for the base district in which it is located may be occupied by a permitted or conditional use if it has a width of twenty-five (25) feet or more and an area of two thousand five hundred (2,500) square feet or more, provided that on the effective date of regulations that made it substandard, it was in single ownership separate from any abutting lot. No substandard lot shall be further reduced in area or width, and a substandard lot shall be subject to the same yard and density requirements as a standard lot except as otherwise provided. A maximum of one (1) dwelling unit may be located on a substandard lot that meets the requirement of this section.

300.03 Fences and Freestanding Walls

(a) Maximum Height.

(1) **Front Yards.** No solid fence or freestanding wall within or along the exterior boundary of the required front yard shall exceed a height of three and one-half (3.5) feet. Open or lattice type fences, or hedges, shall not exceed a height of four (4) feet.

(2) **Side and Rear Yards.** No fence or freestanding wall within or along the exterior boundary of the required side or rear yards shall exceed a height of six (6) feet. The Zoning Administrator may allow a sound wall up to eight (8) feet in height to be located along the exterior boundary of the required side or rear yard adjacent to major arterial where required for sound mitigation.
(3) **Decorative Features.** One (1) entry gateway, trellis, or other entry structure is permitted in the required front or street-facing side yard of each lot, provided that the maximum height or width of the structure does not exceed ten (10) feet. Such decorative feature shall not have any solid obstruction that exceeds two (2) feet in diameter between the height of three (3) and ten (10) feet.

**FIGURE 300.03: FENCES AND FREESTANDING WALLS**

(b) **Design and Materials.** Fencing visible from a street shall be treated as an integral part of the architecture, with materials, colors, and detailing drawn from the building they surround or adjoin.

(1) **Prohibition on Hazardous Fencing Materials.** The use of barbed wire, razor wire, ultra barrier, electrified, and other hazardous fencing is not permitted. An exception to this standard may be approved for sites in the AC District where needed for livestock or ranch operations.

(2) **Limitation on Chain Link Fencing.** Use of chain-link fencing is not permitted in front or street-facing side yards, and is permitted only in rear and interior side yards that do not abut public and quasi-public land uses. This standard does not apply to sites in the Residential, IA or IG districts.

(c) **Visibility at Intersections.** Notwithstanding any other provisions of this section, fences and walls shall comply with the visibility standards contained in Section 300.16, Visibility at Driveways and Intersections.

**300.04 Green Building Standards and Incentives**

(a) **Applicability.** Projects meeting the following thresholds shall comply with the provisions of this section:
(1) City buildings of five thousand (5,000) square feet or more of new gross floor area;
(2) Nonresidential buildings of twenty-five thousand (25,000) square feet or more of new gross floor area;
(3) Tenant improvements of twenty-five thousand (25,000) square feet or more of gross floor area that involve mechanical, electrical, and plumbing work; and
(4) Mixed-use projects and multi-family residential projects that include a residential building that has four (4) stories in height, or more, of new construction.

(b) **Effective Date.** The provisions of this section are effective according to the following:

(1) **City Buildings:** Upon adoption of this Ordinance.
(2) **Private Buildings:** Six (6) months from adoption of this Ordinance.

(c) **Standards.** The United States Green Building Council LEED™ (Leadership in Energy and Environmental Design) Green Building Rating System is adopted by reference as the standard for which a project shall be measured as a green building. The specific actions required for project compliance with this chapter are as follows:

(1) All applicable projects are required to retain the services of a LEED™ accredited professional and complete LEED™ project registration prior to issuance of a building permit.
(2) All applicable projects shall submit a LEED™ checklist and supporting documentation indicating points meeting, at a minimum, LEED™ “certified” level, incorporated into documentation for a building permit. The LEED™ checklist shall be prepared, signed, and dated by the project LEED™-accredited professional. All building documents shall indicate in the general notes and/or individual detail drawings, where feasible, the green building measures employed to attain the applicable LEED™ rating.
(3) Building commissioning, although specified as a prerequisite for LEED™ certification, is not required for applicable projects under this section, except for City buildings. Applicants shall verify that fundamental building systems are designed, installed, and calibrated to operate as intended.

(d) **Compliance.**

(1) An applicant for any building or project applicable to this section shall provide documents to the Zoning Administrator demonstrating compliance with this section prior to issuance of a building permit.
(2) The applicant, builder or authorized representative shall demonstrate compliance with the provisions of this section through the erection, construction, and if applicable, commissioning and certification of the green
building measures provided by the applicant prior to issuance of an occupancy permit.

300.05 Habitat Conservation

New development shall be located to protect and preserve areas in which plant and/or animal life or its habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which would easily be disturbed or degraded by human activities and development. The provisions of this section apply to development proposed within or adjacent to (within 300 feet of the boundary of) wetlands, riparian corridors, and sensitive habitat areas designated in the General Plan.

(a) Site Design. Sensitive habitat areas shall be protected in the following order: 1) avoidance; 2) onsite mitigation; 3) offsite mitigation; and 4) purchase of mitigation credits.

(b) Biological Report. A development application for a project on a site located within or adjacent to (within 300 feet of the boundary of) wetlands, riparian corridors, and sensitive habitat areas designated in the General Plan shall also include a report by a biologist that contains the following:

(1) An evaluation of the impact the development may have on the habitat, and whether the development will be consistent with the biological continuance of the habitat. Maximum feasible mitigation measures to protect the resource shall be identified and a program for monitoring and evaluating the effectiveness of the mitigation measures shall be included.

(2) Conditions of approval recommendations for the restoration of damaged habitats, where feasible.

(c) Required Findings. Approval of a development permit for a project within or adjacent to wetlands, riparian corridors, and identified habitat areas shall not occur unless the applicable review body first finds that:

(1) There will be no significant negative impact on the identified sensitive habitat and the proposed use will be consistent with the biological continuance of the habitat.

(2) The proposed use will not significantly disrupt the habitat.

(3) Adequate mitigation measures are required to mitigate impacts to significant biological resources.

(4) There has been “no net loss” of wetlands and vernal pools. Disturbed wetlands and vernal pools have been replaced.

(5) Where feasible, damaged habitats will be restored as a condition of development approval.

(d) Land Divisions. No tentative map may be approved for a site located within or adjacent to (within 300 feet of the boundary of) wetlands, riparian corridors, and sensitive habitat areas designated in the General Plan until a biological report has been completed.
300.06 Heights and Height Exceptions

(a) **Maximum Height of Structures.** The height of structures shall not exceed the standards established by the applicable zoning district of this Ordinance.

   (1) **Increased Height Limit for Projections.** Chimneys not over six (6) feet in width, silos, cupolas, flagpoles, monuments, gas storage holders, radio and other towers, water tanks, church steeples, fire and parapet walls, roof furniture and roof equipment, and similar structures and necessary appurtenances, covering not more than twenty (20) percent of the top floor roof area to which they are accessory, may exceed maximum permitted height standards by eight (8) feet. Exceptions may be granted with the approval of a Conditional Use Permit.

   ![Figure 300.06(A)(1): Increased Height Limit for Projections](image)

   (2) **Airport Environs Overlay District.** Airport related towers may exceed the maximum permitted height standard in the AI district. Notwithstanding other provisions of this section, there shall be no exceptions to the specified height limits within the Airport Environs (AE) Overlay District, unless authorized by approval of a Conditional Use Permit.

300.07 Lighting and Illumination

(a) **Multiple-Family Residential Illumination.** Aisles, passageways, and pedestrian recesses related to and within the building complex shall be illuminated with an intensity of at least 0.25 foot-candles at the ground level during the hours of darkness. Lighting devices shall be protected by weather and vandal-resistant covers.

(b) **Pedestrian Oriented Lighting.** In the Downtown, CN, and CMX districts, exterior lighting shall be provided for a secure nighttime pedestrian environment by reinforcing entrances, public sidewalks and open areas with a safe level of illumination with an intensity of at least 0.25 foot-candles at the ground level during
the hours of darkness. The Zoning Administrator may require additional lighting for bars, nightclubs, and lounges or other entertainment venues in order to provide a safe level of illumination.

(c) **Maximum Height.** Lighting fixtures shall not exceed the maximum heights specified in Table 300.07(C) below.

<table>
<thead>
<tr>
<th>District</th>
<th>Maximum Height (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Districts</td>
<td>16</td>
</tr>
<tr>
<td>CN, PO</td>
<td>16</td>
</tr>
<tr>
<td>CMX, Downtown Districts</td>
<td>16 within 100 feet of any street frontage; 20 in any other location.</td>
</tr>
<tr>
<td>PS</td>
<td>20 within 100 feet of any street frontage; 25 in any other location.</td>
</tr>
<tr>
<td>CR, CG, IP, IG, IA</td>
<td>25</td>
</tr>
<tr>
<td>REC, PK</td>
<td>50</td>
</tr>
</tbody>
</table>

(d) **Shielding.** All lighting fixtures shall be shielded so as not to produce obtrusive glare onto the public right-of-way or adjoining properties. All luminaries shall meet the most recently adopted criteria of the Illuminating Engineering Society of North America (IESNA) for “Cut Off” or “Full Cut Off” luminaries, as illustrated in Figure 300.07(D).
FIGURE 300.07(D): LIGHT FIXTURE SHIELDING

**Not Permitted: Non-Cutoff Luminaires**

Noncutoff: Unrestricted high-angle illumination. There is no candela limitation in the zone above maximum candela.

**Permitted: Cutoff Luminaires**

Cutoff: The luminous intensity (in candelas) at or above an angle of 90° above nadir does not numerically exceed 2.5% of the luminous flux (in lumens) of the lamp or lamps in the luminaire, and the luminous intensity at or above a vertical angle of 80° above nadir does not numerically exceed 10% of the luminous flux of the lamp or lamps in the luminaire.

**Permitted: Full Cutoff Luminaires**

Full cutoff: The luminous intensity (in candelas) at or above an angle of 90° above nadir is zero, and the luminous intensity (in candelas) at or above a vertical angle of 80° above nadir does not numerically exceed 10% of the (in lumens) of the lamp or lamps in the luminaire.
(e) **Control of Outdoor Artificial Light.**

(1) **Purpose.** This section is intended to minimize outdoor artificial light that may have a detrimental effect on the environment, astronomical research, amateur astronomy, and enjoyment of the night sky. These provisions are also intended to reduce the unnecessary illumination of adjacent properties and the use of energy.

(2) **Applicability.** Outdoor light fixtures installed after the effective date of this Ordinance and maintained upon private property within non-residential districts shall comply with the requirements of this section.

(3) **Exemptions.** The following types of lighting fixtures are exempt from the requirements of this section:

   a. **Prior Installation.** All light fixtures installed prior to the effective date of this Ordinance, unless fifty (50) percent or more of the light fixtures on the premises are replaced.

   b. **Fossil Fuels.** All light fixtures producing light directly by the combustion of fossil fuels.

   c. **Low Lumens.** All light fixtures with an initial total lamp sources lumens of four thousand fifty (4,050) or less.

   d. **Construction and Emergency Lighting.** All construction or emergency lighting fixtures, provided they are temporary and are discontinued immediately upon completion of the construction work or abatement of the emergency.

(4) **Prohibitions and Requirements for Protection and Shielding.**

   a. **Recreational Facility.** No public or private outdoor recreational facility shall be illuminated after 11:00 p.m., except to conclude any recreational or sporting event or other activity conducted at a ball park, outdoor amphitheater, area, or similar facility in progress prior to 11:00 p.m.

   b. **Outdoor Building and Landscaping.** The unshielded outdoor illumination of any building or landscaping is prohibited, except with incandescent fixtures with lamps of one hundred (100) watts or less.

   c. **Outdoor Signs.** Lighting fixtures used to illuminate an outdoor sign shall be mounted on the top of the sign structure and shall be shielded according to Table 300.07(E) below. All illuminated outdoor advertising signs shall be equipped with an automatic time controller that prevents the operation of the lighting fixtures between 11:00 p.m. and sunrise.
### TABLE 300.07(E): REQUIREMENTS FOR SHIELDING AND FILTERING

<table>
<thead>
<tr>
<th>Fixture Lamp Type</th>
<th>Shielding Required</th>
<th>Filtering Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low Pressure Sodium¹</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>High Pressure Sodium</td>
<td>Fully</td>
<td>None</td>
</tr>
<tr>
<td>Metal Halide</td>
<td>Fully</td>
<td>Yes⁴</td>
</tr>
<tr>
<td>Fluorescent</td>
<td>Fully⁵</td>
<td>Yes²</td>
</tr>
<tr>
<td>Quartz³</td>
<td>Fully</td>
<td>None</td>
</tr>
<tr>
<td>Incandescent Greater than 100W</td>
<td>Fully</td>
<td>None</td>
</tr>
<tr>
<td>Incandescent 100W or less</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Mercury Vapor</td>
<td>Not permitted.</td>
<td></td>
</tr>
<tr>
<td>Fossil Fuel</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Glass Tubes filled with neon, argon, or krypton</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Other Sources</td>
<td>As approved by the Zoning Administrator</td>
<td></td>
</tr>
</tbody>
</table>

¹ This is the preferred light source to minimize undesirable light into the night sky affecting astronomical observations.
² Warm white natural lamps are preferred to minimize detrimental effects.
³ For the purposes of this article, quartz lamps shall not be considered an incandescent light source.
⁴ Most glass, acrylic, or translucent enclosures satisfy these filter requirements.
⁵ Outdoor signs constructed of translucent materials and wholly illuminated from within do not require shielding.

(f) **Alternate Materials and Methods of Installation.** Design, material, or method of installation not specifically prescribed by this section may be approved by the Zoning Administrator provided the proposed design, material, or method complies with the intent of these provisions.

### 300.08 Outdoor Seating

Eating and drinking establishments with outdoor seating areas shall be located, developed, and operated in compliance with the following standards:

(a) **Location.** Outdoor seating areas may be permitted on any public sidewalk or alley, provided a minimum of five (5) feet of public sidewalk or ten (10) feet of public alley remains unobstructed for pedestrian or vehicle uses.

(b) **Conditional Use Permit.** A Conditional Use Permit is required when the outdoor seating area is located immediately abutting the property line of a residential district, and contains more than five (5) tables or seating for fifteen (15) customers.
(c) **Barriers.** The use of barriers around the outdoor seating area may be permitted, provided they are in a manner acceptable to the City and the design is approved by the Zoning Administrator.

(d) **Hours of Operation.** The hours of operation for an outdoor seating area shall be limited to the hours of operation of the associated eating and drinking establishment.

(e) **Refuse Storage Area.** No structure or enclosure to accommodate the storage of trash or garbage shall be erected or placed on, adjacent to, or separate from an outdoor seating area on the public sidewalk or right-of-way. Refuse areas shall be screened with a solid masonry wall at least six (6) feet in height.

300.09 **Outdoor Storage**

Outdoor storage of goods, materials, machines, equipment, and vehicles or parts outside of a building for more than seventy-two (72) hours shall conform to the standards of this section. The regulations of this section do not apply to temporary storage of construction materials reasonably required for construction work on the premises pursuant to a valid building permit.

(a) **Permitted Locations.** Table 300.09 states the districts where outdoor storage is permitted and prohibited.

<table>
<thead>
<tr>
<th>TABLE 300.09: OUTDOOR STORAGE REGULATIONS BY DISTRICT AND LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Base District</strong></td>
</tr>
<tr>
<td>Agricultural/Rural/Conservation Districts</td>
</tr>
<tr>
<td>Residential, Downtown, CN, and CMX Districts</td>
</tr>
<tr>
<td>CR, CG, PO, IP, IA, and Public and Semi-Public Districts</td>
</tr>
<tr>
<td>IG</td>
</tr>
</tbody>
</table>

(b) **Screening.**

(1) Outdoor storage areas shall be screened so as not to be visible from any public street or freeway; R district; or publicly accessible open space area, parking area, access driveway, or similar thoroughfare.

(2) Screening walls and fences shall be architecturally compatible with the main structure on the site and shall not have barbed wire or razor wire visible from any street or public access.

(3) No screening wall or fence shall be located within a required landscape planter along the street frontage.
(4) Screening walls and fences shall be at least six (6) feet in height. If located on a lot line or in a required yard, they shall not exceed maximum fence heights in required yards; in other areas, they shall not exceed fifteen (15) feet in height. No stored goods may exceed the height of the screening wall or fence.

(c) **Surfacing.**

(1) Outdoor storage areas shall be paved. This requirement does not apply to outdoor storage associated with a permitted agricultural use.

(2) A waiver or exception may be granted to allow outdoor storage of non-hazardous materials on other surfacing only if the following findings can be made:
   
a. The proposed surfacing is appropriate to the type of product displayed; and

   b. The proposed surfacing will conform to all applicable federal and State air and water quality standards.

### 300.10 Screening

(a) **Screening of Mechanical Equipment.** All mechanical and electrical equipment and antennas shall be screened or incorporated into the design of buildings so as not to be visible from the street, freeway, or adjacent residential districts. Such equipment includes, but is not limited to, all roof-mounted equipment, utility meters, cable equipment, telephone entry boxes, backflow preventions, irrigation control valves, electrical transformers and pull boxes. Screening devices shall be consistent with the exterior colors and materials of the buildings to which they are attached.

(b) **Roof Access Ladders and Fire Sprinkler Risers.** Roof access ladders and fire sprinkler risers shall be located internally.

(c) **Parking Areas.** Parking areas shall be screened from view from public streets and adjacent properties in a more restrictive classification, according to the following standards.

(1) **Height.** Screening of parking lots from adjacent public streets shall be three (3) feet in height. Screening along interior lot lines that abut residential districts shall be six (6) feet in height, except within the required front setback of the applicable zoning district, where screening shall be three (3) feet in height.

(2) **Materials.** Screening may consist of one (1) or any combination of the methods listed below.
   
a. **Walls.** Low-profile walls consisting of decorative concrete, stone, or masonry materials.

   b. **Fences.** An open fence of wrought iron or similar material combined with plant materials to form an opaque screen. This option does not include the use of chain-link or vinyl fencing.
c. Planting. Plant materials consisting of compact evergreen plants that form an opaque screen. Such plant materials shall achieve a minimum height of two (2) feet within eighteen (18) months after initial installation.

d. Berms. Berms planted with grass, ground cover, or other low-growing plant materials.

(d) Drive-through Windows and Automated Car Washes. Vehicle lanes for drive-through windows and automated car wash openings shall be screened from public streets to a height of forty (40) inches. Screening devices shall consist of walls and/or berms with supplemental plant materials.

(e) Common Property Lines. A six (6) foot high wall shall be provided on the interior lot lines where any non-residential use abuts a residential district or residential use where there is no alley. Such screening wall shall be provided at the time of new construction or expansion of buildings, or changes from one (1) use classification to another non-residential use classification.

1. Location. Screening walls shall follow the lot line of the lot to be screened, or shall be so arranged within the boundaries of the lot so as to substantially hide from adjoining lots the building, facility, or activity required to be screened.

2. Height. The six (6) foot high screening wall shall step down to forty-two (42) inches in height from the side property line intersecting the front property line to a depth equal to the required front or side yard set back of the abutting residential use in order to provide for safe line of sight for vehicular traffic. Wall height may be increased in height to accommodate adequate sound attenuation as required through the findings of an acoustical analysis prepared by an acoustical professional. The design of such improvements shall be approved by the City Engineer.

3. Materials. The screening wall shall be a masonry block wall. The City Engineer may approve new wall/fencing materials that become available in the future for use as an alternative to a masonry block wall based on its proven comparable properties for durability, sound, light, and glare attenuation. Topography, berthing, and other alternative methods of mitigating the nuisance of noise and light might be considered at time of project review.

4. Timing. If the residential use develops prior to the non-residential use, a six (6) foot high wood fence may be constructed. If the non-residential use or residential use develops adjacent to existing development the wall shall be constructed with the new development. Where a six (6) foot high wood fence already exists, the masonry wall footing, when constructed, shall comply with City standards. The narrow offset portion of the masonry wall footing shall abut the existing wood fence posts, or close thereto. The gap between the fence shall be sealed with a top rail approved by the City Engineer. A condition of approval may be imposed upon the developer of the non-residential use to work with the adjacent property owner to eliminate the
abutting and parallel wood fence. Said wall shall be constructed concurrently with the non-residential development. Those uses subject to a Conditional Use Permit may be evaluated to determine applicability of the wall requirement.

(f) **State Route.** Where a residential use abuts State Route rights-of-way or State Route frontage road rights-of-way, screening according to the following shall be installed along that frontage.

(1) **Height.** An eight (8) foot high wall shall be provided unless an acoustical analysis prepared by an acoustical professional verifies that an appropriate height greater or lesser than the eight (8) feet is warranted or, subject to the approval of any Conditional Use Permit, parcel or subdivision map. The design of such improvements shall be approved by the City Engineer.

(2) **Material.** The screening wall shall be a masonry block wall constructed of decorative, split-face block and brown in color per the approved colors maintained in the Community Development Department. The wall shall include decorative columns, spaced no more than sixty (60) feet apart, with stone veneer. The entire wall, including the columns, shall be capped on top. The City Engineer may approve new wall/fencing materials that become available in the future for use as an alternative to a masonry block wall based on its proven comparable properties for durability, sound, light, and glare attenuation. Topography, berming, and other alternative methods of mitigating the nuisance of noise and light may be considered at time of project review.

(3) **Landscaping.** Landscaping shall be provided along these walls to include trees, shrubs, and vines in order to improve the aesthetics of the wall and prevent graffiti. Adequate land and access shall be provided to install and maintain such landscaping, to the satisfaction of the Parks and Leisure Services Director. Maintenance of wall landscaping shall be provided by the developer, or by an assessment district established for such maintenance in perpetuity.

(g) **Residential Uses.** The Zoning Administrator may require a block wall based on the site design of the parking or service area or where other noise, light, and glare are oriented toward a residential use. The wall design shall be approved as part of the project by the City Engineer to ensure that adequate line of sight distance is provided.

### 300.11 Street Dedication, Construction of Public Improvements, and Installation of Certain Parkway Improvements

Public improvements shall be provided in compliance with the following standards to any property or lot where public improvements were never constructed or installed to City standards, or where such public improvements for whatever cause have deteriorated to a condition that they no longer adequately serve their intended purpose.
(a) **Right-of-way Dedication.** Dedicate street right of way necessary to obtain the ultimate right of way width as required by ordinance or resolution of the City Council.

(b) **Curb, Gutter, and Sidewalk.** Construct new, and/or repair existing curb, gutter, sidewalk and handicap ramp as required by the City Engineer. If, due to existing topographic or related conditions, the City Engineer determines that it would be in the best interests of the City and its inhabitants to construct said curb, gutter and sidewalk at a later date, the applicant shall deposit to the City a cash amount equal to the City Engineer's estimate of construction cost, or execute an agreement as provided by Section 20-40.5, Deferred Construction, Cash Deposit, Lien Agreement, of the Municipal Code.

(c) **Street and Alley Paveout.** Construct street, and, if applicable, alley paveout, from the gutter lip in the case of streets, and from the property line in the case of alleys, to the existing pavement in accordance with City standards. In cases where the street or alley is not paved, the construction required of the applicant shall not exceed fifty (50) percent of the width of the street or alley. If, due to existing topographic or related conditions, the City Engineer determines that it would be in the best interests of the City and its inhabitants to construct said street or alley paveout at a later date, the applicant shall deposit to the City a cash amount equal to the City Engineer's estimate of construction cost, or execute an agreement as provided by Section 20-40.5, Deferred Construction, Cash Deposit, Lien Agreement, of the Municipal Code.

(1) Single-family dwellings or duplexes shall not be required to pay for any paveout costs that are over two (2) feet from the gutter lip or property line.

(d) **Utility Structures.** Relocate existing utility structures, when required, to an area within the parkway to the satisfaction of the City Engineer.

(e) **Parkway Trees.** Provide for the installation of parkway trees as required by the Director of Parks and Leisure Services in accordance with City standards pertaining to the type, size, spacing and placement of such trees; to the maintenance or extension of street tree themes when applicable; and, to the time of installation when it is determined it would be in the best interest of the City to postpone the placement of trees required pursuant to this section.

(f) **Non-residential Development.** The following improvements shall be installed with all non-residential development.

(1) **Fire Hydrants.** Fire hydrants to meet City standards for type, size and spacing in accordance with the requirements of the Fire Department, and to the satisfaction of the City Engineer. In lieu of installation, if otherwise required pursuant to the provisions of this Section, the City may require payment of a prorated fire hydrant fee in an amount set by resolution of the City Council to acknowledge the area of benefit served by same.

(2) **Streetlights.** Streetlights as required by the City Engineer at intersections, cul-de-sacs, crosswalks, curves, etc., to meet City standards for type,
illuminatiob and spacing. In lieu of installation, if otherwise required pursuant to the provisions of this Section, the City may require payment of a prorated streetlight fee in an amount set by resolution of the City Council to acknowledge the area of benefit served by same.

(3) **Drainage Facilities.** Drainage facilities as required by the City Engineer.

### 300.12 Swimming Pools

Swimming pools and other bodies of water located in any zoning district shall be developed in compliance with Section 115920 et. seq. of the Health and Safety Code and the following standards:

(a) A swimming pool shall not be located in the required front yard, required landscaped areas or closer than five (5) feet from the water’s edge to any lot line or building.

(b) Contained bodies of water either above or below ground level with the container being eighteen (18) inches or more in depth at any point or more than one hundred (100) square feet in size, shall conform to the location and fencing requirements for swimming pools.

### 300.13 Trash and Refuse Collection Areas

Solid waste and recycling-container enclosures are required for new dwelling groups consisting of four (4) or more dwelling units and for all office, commercial, and industrial developments in accordance with the following standards:

(a) **Location.** All enclosures shall comply with the California Fire Code and shall meet the following requirements unless it is demonstrated that they are infeasible as determined by the Zoning Administrator.

(1) The solid waste and recycling storage area shall not be located within any required front yard, street side yard, any required parking and landscaped areas, or any other area required by this Ordinance to be constructed or maintained unencumbered according to fire and other applicable building and public safety codes.

(2) Solid waste and recycling areas shall be consolidated to minimize the number of collection sites and located so as to reasonably equalize the distance from the building spaces they serve. There shall be a minimum of one (1) solid waste and recycling enclosure per fifty (50) units.

(3) Solid waste and recycling storage areas shall be accessible to haulers. Storage areas shall be located so that the trucks and equipment used by the City of Porterville or its contracted solid waste and recycling collector(s) have sufficient maneuvering areas and, if feasible, so that the collection equipment can avoid backing. Project applicants are responsible for procuring current equipment size and turning radius from the City of Porterville or its contracted solid waste and recycling collector(s).
(b) **Materials, Construction, and Design.**

1. **Minimum Height of Screening.** Solid waste and recycling storage areas located outside or on the exterior of any building shall be screened with a six (6) foot high solid enclosure.

2. **Enclosure Material.** Enclosure material shall be solid masonry or concrete tilt-up with decorated exterior-surface finish compatible to the main structure(s).

3. **Gate Material.** Gate material shall be decorative, solid, heavy-gauge metal or a heavy-gauge metal frame with a covering of a view-obscuring material. If not visible from a public street, public parking area, or residential area, the enclosure gates may be constructed of chain link with wood or plastic inserts.

4. **Access to Enclosure from Residential Projects.** Each solid waste and recycling enclosure serving a residential project shall be designed to allow walk-in access without having to open the main enclosure gate.

5. **Enclosure Pad.** Pads shall be a minimum of four (4) inch-thick concrete.

6. **Protection for Enclosures.** Concrete curbs or equivalent shall protect enclosures from adjacent vehicle parking and travel ways.

7. **Landscaping.** The perimeter of the recycling and trash enclosure, except for areas used for access, shall be planted, if feasible, with drought resistant landscaping, including a combination of shrubs and/or climbing evergreen vines.

8. **Clear Zone.** The area in front of and surrounding all enclosure types shall be kept clear of obstructions, and shall be painted, striped, and marked “No Parking.”

### 300.14 Truck Docks, Loading, and Service Areas

(a) **Minimum Distance from Residential Districts.** Truck docks, loading, and service areas are not permitted within fifty (50) feet of an R district boundary.

(b) **Screening.** Truck docks, loading, and service areas located in any district shall be screened from any adjacent residential districts or uses. In all districts except IA, IP and IG districts, these facilities shall be located at the interior side of buildings or on the rear of the site and be screened so as not to be visible from public streets.

### 300.15 Underground Utilities

All electrical, telephone, cable television, and similar distribution lines providing direct service to a development site shall be installed underground within the site. This requirement may be waived upon a determination that the installation is infeasible.
300.16 Visibility at Driveways and Intersections (Sight Distance)

Visibility at driveways and intersections shall be maintained in accordance with the following standards. The City Engineer may require extended sight distance lengths where special conditions exist or will be created, as necessary to maintain adequate visibility.

(a) Driveways. Visibility at a driveway crossing a street property line shall not be blocked above a maximum height of three (3) feet by vegetation or three and one-half (3.5) feet by structures for a depth of twelve (12) feet as viewed from the edge of the curb face on either side of the driveway at a distance of twelve (12) feet. Street trees that are pruned at least eight feet above the established grade from top of curb so as not to obstruct clear view by motor vehicle drivers are permitted.

(b) Controlled Intersections. A controlled intersection is one where a traffic signal or stop sign (all-way or minor street only) exists to control the flow and ensure the safety of traffic. Visibility at controlled street intersections shall not be blocked above a maximum height of three (3) feet by vegetation or three and one-half (3.5) feet by structures, including, but not limited to, fences and walls. There shall be corner cut-offs of all lots which abut an intersection of two streets. These corner cut-offs are determined by intersection points located twelve (12) feet from the edge of the curb face of each street and are the areas between these intersection points and the streets, one point being twenty (20) feet from the curb face extension and the other a distance “D” from the intersection of the crossing street (see Table 300.16, Sight Distance Standards). No obstruction of any nature which exceeds a maximum height of three (3) feet for vegetation or three and one-half (3.5) feet for structures from intersection street grades and which limits the visibility of persons operating vehicles on said streets shall be permitted in corner cut-off areas.
(c) **Uncontrolled Intersections.** An uncontrolled intersection is one where no traffic controls exist and is subject only to yielding from each street leg. Same requirements as controlled intersections shall apply except that both intersecting streets shall require a distance “D” from the intersection of the crossing street to comply with the sight distance requirements on Table 300.16, Sight Distance Standards.
### TABLE 300.16: SIGHT DISTANCE STANDARDS

<table>
<thead>
<tr>
<th>Design Speed (mph)</th>
<th>Controlled Intersections Stopping Sight Distance (ft)</th>
<th>Uncontrolled Intersections Stopping Sight Distance (ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>ADT≤400</td>
</tr>
<tr>
<td>15</td>
<td>80</td>
<td>60</td>
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<tr>
<td>20</td>
<td>115</td>
<td>80</td>
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<td>25</td>
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<td>30</td>
<td>200</td>
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<td>40</td>
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<td>170</td>
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<td>45</td>
<td>360</td>
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<td>425</td>
<td>255</td>
</tr>
<tr>
<td>55</td>
<td>495</td>
<td>300</td>
</tr>
<tr>
<td>60</td>
<td>570</td>
<td>350</td>
</tr>
</tbody>
</table>

Sources:
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Chapter 301 Standards For Specific Uses and Activities

Sections:

301.01 Accessory Uses and Structures
301.02 Adult Oriented Businesses
301.03 Alcoholic Beverage Sales
301.04 Animal Keeping
301.05 Automobile/Vehicle Service and Repair, Major and Minor
301.06 Auto Service Stations and Car Washing
301.07 Family Day Care Home, Large
301.08 Hazardous Waste Management Facilities
301.09 Home Occupations
301.10 Manufactured Homes
301.11 Mobile Home Parks
301.12 Outdoor Retail Sales
301.13 Personal Storage Facilities
301.14 Recycling Facilities
301.15 Residential Care Facilities, General
301.16 Second Dwelling Units
301.17 Single Room Occupancy Hotels
301.18 Social Service Facilities
301.19 Temporary Uses
301.20 Transitional and Supportive Housing

301.01 Accessory Uses and Structures

An accessory use shall be secondary to a primary use and shall be allowed only in conjunction with a principal use or building to which it relates under the same regulations as the main use in any zoning district. Accessory uses and structures are also subject to the development and site regulations found in Chapter 300, General Site Regulations. Accessory structures shall be designed to be of similar/compatible architecture and materials as the main buildings and shall be located, developed, and operated in compliance with the following standards:

(a) Agricultural Accessory Structures. In the ARC districts, agricultural accessory uses and structures are allowed subject to the provisions of this section. Agricultural accessory uses and structures include any uses that are customarily related to an agricultural use including stables, barns, pens and sheds or other structures for the housing of such animals, feed, equipment, and tools.

(1) Size. The maximum lot coverage allowed by the development standards shall not be exceeded.

(2) Height. The agricultural accessory structure shall not exceed thirty-five (35) feet in height unless approved by the Zoning Administrator.

(3) Building Separation. Agricultural accessory structures shall be separated from any main building by a minimum of six (6) feet.
(4) **Setbacks.** Agricultural accessory structures shall meet all setback requirements of the main building.

(b) **Residential Accessory Structures.** Residential accessory structures include any uses that are customarily related to a residence, including garages, greenhouses, storage sheds, studios, swimming pools, spas, workshops, detached covered decks and patios, detached uncovered decks and patios eighteen (18) inches in height or greater, and similar structures. Uncovered decks and patios under eighteen (18) inches in height, and fences are not subject to the regulations in this section. Additional regulations for residential second units are located in Section 301.16, Second Dwelling Units.

(1) **Attached Structures.** An attached structure is not, by definition, an accessory structure. A structure shall be considered attached to a main structure if it is architecturally compatible with and made structurally a part of the main structure, including sharing a common wall or roof-line with the main structure. A structure attached with a breezeway connecting a door of the residence to a door of the detached structure, with a roof that is a minimum of eight (8) feet in width and fifteen (15) feet in length, will be considered a part of the main structure for purposes of this Ordinance. An attached structure shall comply with all requirements of this Ordinance applicable to the main structure, including, but not limited to setback requirements and height limits.

(2) **Number of Structures.** The number of detached accessory structures shall be limited to two (2) unless approved by the Zoning Administrator.

(3) **Size.** The floor area of detached accessory structures shall not exceed a cumulative floor area of one thousand (1,000) square feet unless approved by the Zoning Administrator. In reviewing a request for additional size, the Zoning Administrator may consider neighborhood compatibility, overall lot coverage, relationship of the accessory structure to the main structure and use, and any circumstances unique to the neighborhood. In no case shall the accessory building exceed the ground floor area of the main building and in no case shall the maximum lot coverage allowed by the development standards be exceeded.

(4) **Height.** The maximum height shall not exceed eighteen (18) feet.

(5) **Building Separation.** Detached accessory structures requiring a building permit, with the exception of shade structures shall be separated from any main building by a minimum of six (6) feet.

(6) **Setbacks.** When located in the rear one-third of a lot, detached accessory buildings shall not be located closer than four (4) feet to any rear property line. In instances where the rear property line is coterminous with an alley right-of-way, the accessory building shall not be closer than one (1) foot to such rear property line. Detached accessory buildings shall meet all other setback requirements of the main building.
301.02  Adult Oriented Businesses

(No change to Section 2625, Sexually Oriented Businesses, other than re-numbering is proposed.)

301.03  Alcoholic Beverage Sales

Conditional Use Permit approval is required for any use involving the sale of alcoholic beverages under an on-sale or off-sale license.

(a)  Liquor Stores. Liquor Stores and other off-sale establishments that dedicate more than twenty-five (25) percent of the sale floor to sales of alcoholic beverages for off-premises consumption, but excluding full-service grocery stores, shall be located, developed, and operated in compliance with the following standards.

(1)  Location. In all areas outside the Downtown Districts, such establishment shall be located a minimum of five hundred (500) feet from any other such establishment or any educational, religious, or cultural institution or public parks. The five hundred (500) foot separation requirement does not apply in the Downtown Districts.

(2)  Litter. Trash receptacles shall be provided by entrances and exits from the building.

(3)  Pay Telephones and Vending Machines. External pay telephones and vending machines are prohibited.

301.04  Animal Keeping

Animal keeping is allowed as an accessory use to a primary residential use. Animals may be kept in compliance with the following standards:

(a)  Lots of One Half Acre or Less in the AC, RR, RS-1, RS-2, RM-1, RM-2, or RM-3 District. Household pets such as domestic dogs, cats, birds, ordinarily permitted inside of a dwelling and kept only for the company a pleasure provided to the occupants shall be permitted. Household pets shall not include horses, cows, goats, sheep or other equine, bovine, ovine or ruminant animals, pigs, chickens, ducks, geese, turkeys, game birds or fowl which normally constitute an agricultural uses. At no time shall the combined number of animals kept exceed seven (7) animals. At no time shall the number of cats or dogs exceed three (3) animals.

(b)  Lots Exceeding One Half Acres in the AC or RR District. Household pets as defined in Section 301.04(a), Lots of One Half Acre or Less in the AC RS-1, RS-2, RM-1, RM-2 or RM-3 District, are permitted. The keeping of horses, cows, goats, sheep or other equine, bovine, ovine or ruminant animals is permitted as long as the number of animals does not exceed one (1) per fifteen thousand (15,000) square feet of lot area. The keeping of chickens, ducks, geese, turkeys, game birds or fowl is permitted with the total number not to exceed twelve (12) birds per gross acre. The raising of pigs is permitted in conjunction with an FFA or 4-H project for any recognized Fair, the limit being one (1) animal per student residing on the property. All animals other than household pets shall be housed or penned at a minimum...
distance of thirty-five (35) feet from property lines and fifty (50) feet from any residence. All areas and structures used in conjunction with the keeping of animals other than household pets shall be maintained and cleaned so as not to present a public hazard or nuisance.

(c) No predatory wild animals, roosters, endangered or protected animals are allowed to be raised within the City.

(d) The offspring of any permitted animal may be kept until weaned, unless they do not exceed the total number of animals allowed.

(e) No animals are to be kept for commercial purposes in the RR, RS-1, RS-2, RM-1 RM-2 and RM-3 zones.

(f) The keeping of pigeons shall be in accordance with City of Porterville Municipal Code Chapter 5, Animal Control.

301.05 Automobile/Vehicle Service and Repair, Major and Minor

Major and Minor Automobile/Vehicle Service and Repair uses shall be located, developed, and operated in compliance with the following standards:

(a) **Landscaping.** A landscaped planter with a minimum six (6) foot wide inside dimension, exclusive of curb, and a six (6) inch high curb shall be provided along the front and street property lines, except for vehicular circulation openings. Where the planter abuts a sidewalk, no curb is required. A three (3) foot wide landscaping buffer shall be provided along all other property lines. Additional landscaping may be required where necessary to prevent visual impacts on adjacent properties. All landscaped areas shall be permanently maintained in compliance with Chapter 303, Landscaping.

(b) **Noise.** All body and fender work, stereo installation and testing, or similar noise-generating activity shall be conducted within an enclosed masonry or similar building with sound-attenuating construction to absorb noise. Air compressors and similar equipment shall be located inside a building.

(c) **Litter.** The premises shall be kept in an orderly condition at all times. No used or discarded automotive parts or equipment or permanently disabled, junked, or wrecked vehicles may be stored outside a building.

(d) **Work Areas.** All work shall be conducted within an enclosed building except: pumping motor vehicle fluids and checking and supplementing various fluids.

(e) **Bay Doors.** Bay doors shall not face a public right of way. On corner lots fronting two (2) or more streets with different classifications in the General Plan, bay doors shall face the street with the highest classification.
301.06 Auto Service Stations and Car Washing

Service stations, automobile/vehicle washing facilities, and any other commercial use that includes fuel pumps for retail sales of gasoline shall be located, developed, and operated in compliance with the following standards:

(a) **Landscaping.** At least ten (10) percent of the site shall be landscaped. All landscaped areas shall be permanently maintained in compliance with Chapter 303, Landscaping and the following standards:

   (1) A landscaped planter with a minimum six (6) foot wide inside dimension, exclusive of curb, and a six (6) inch high curb shall be provided along the front and street property lines, except for vehicular circulation openings. A three (3) foot wide landscaping buffer shall be provided along all other property lines.

   (2) A six hundred (600) square-foot planter with a minimum dimension of twenty (20) feet shall be provided at the corner of intersecting streets unless a building is located at the corner.

   (3) Additional landscaping may be required where necessary to prevent visual impacts on adjacent properties.

(b) **Bay Doors.** Bay doors shall not face a public right of way. On corner lots fronting two (2) or more streets with different classifications in the General Plan, bay doors shall not face the street with the highest classification.

(c) **Pump Islands.** Pump islands shall be located a minimum of fifteen (15) feet from any property line to the nearest edge of the pump island. A canopy or roof structure over a pump island may encroach up to ten (10) feet within this distance.

(d) **Canopies and Roof Structures.** Canopies and roof structures over a pump island, including associated signage, shall be designed as an integral design element of a building’s architecture and architecturally compatible, including materials, color and design details, with surrounding structures.

(e) **Washing Facilities.** No building or structure shall be located within thirty (30) feet of any public street or within twenty (20) feet of any interior lot line of a residential use or an R district.

(f) **Hours of Operation.** Automobile/vehicle washing facilities are limited to 7:00 a.m. to 10:00 p.m., seven (7) days a week. When abutting an R district, the hours of operation shall be 8:00 a.m. to 8:00 p.m., seven (7) days a week.

(g) **Application Review and Findings for Approval.** In reviewing proposals, emphasis shall be placed on quality design of building materials and landscape features. The City Council shall only approve a Conditional Use Permit for an Auto Service Station, or Car Washing facility if it finds that:

   (1) The project is designed so that form and scale are harmonious and consistent with the character of the specific site, the adjacent uses and structures, and the surrounding neighborhood.
(2) The site design, including the location and number of driveways, will promote safe and efficient on-site and off-site traffic circulation.

(3) Service bay openings are designed to minimize the visual intrusion on surrounding streets and properties.

(4) Lighting is designed to be low-profile, indirect or diffused, create a pleasing appearance, and avoid adverse impacts on surrounding uses.

(h) **Conditions of Approval.** Conditions of approval of a Conditional Use Permit may address operational characteristics of the use; impose restrictions on outdoor storage and display, location of pump islands, canopies and service bay openings; and/or require buffering, screening, lighting, planting areas, or other site elements, in order to avoid adverse impacts on properties in the surrounding area.

(i) **Abandonment.** Any service station shall in the case of abandonment or non-operation of the primary use be dismantled and the site cleared within twelve (12) months subsequent to the close of the last business day.

301.07 **Family Day Care Home, Large**

Large Family Day Care Homes shall be located, developed, and operated in compliance with the following standards:

(a) **Location.** Large Family Day Care Homes shall be located at least three hundred (300) feet apart in all directions from any other Large Family Day Care Home. In no case, however, shall there be more than one (1) Large Family Day Care Home per blockface.

(b) **Hours of Operation.** Large Family Day Care Homes shall operate only between the hours of 6:00 a.m. and 7:00 p.m., Monday through Friday. No outdoor play is allowed before 9:00 a.m.

(c) **Residency.** The operator of a Large Family Day Care Home shall be a full-time resident of the dwelling unit in which the facility is located.

(d) **Screening.** A periphery wall, constructed of wood or masonry, shall be provided for purposes of securing outdoor play areas and screening the site and shall achieve seventy-five (75) percent opacity. Chain metal fencing or barbed wire is prohibited.

(e) **Signs.** No sign shall be publicly displayed on the premises relating to the Large Family Day Care Home.

(f) **Play Area.** A minimum of seven hundred (700) square feet of play area is required. An additional seventy-five (75) square feet is required for each child in excess of ten (10), as shown by the maximum number of children which may be cared for at any time, pursuant to the license for such a facility. The play area shall not be located in any required front or side yard.

(g) **Parking and Loading.** An operator of a Large Family Day Care Home shall satisfy the following conditions:
(1) **Passenger Loading and Drop-off.** A minimum of one (1) additional improved off-street drop-off and pick-up parking space shall be provided unless there is at least one (1) on-street parking space located directly adjacent to the Large Family Day Care Home property for such use.

(2) **Traffic.** Increased traffic due to the operation of any Large Family Day Care Home shall not cause traffic levels to exceed those levels customary in residential neighborhoods. However, somewhat higher traffic levels during the morning and evening commute time is acceptable.

301.08 **Hazardous Waste Management Facilities**

All hazardous waste management facilities, except household hazardous waste collection centers authorized by the City and the Tulare County Health Department, shall be located, developed, and operated in compliance with the following:

(a) **Application Content.** Applications for hazardous waste management facilities shall include the following:

(1) **Site Plan.** A detailed site plan depicting all buildings, land uses, storage areas, parking areas, and driveways internal and surrounding traffic circulation. Occupancy type and rating for each building or structure shall be identified.

(2) **Best Management Practices.** Demonstrate and certify that they are minimizing the generation of hazardous waste through the use of the best available technology within their manufacturing, and/or product development processes. Applicants shall also demonstrate and certify that facilities will be using the best available control technology in minimizing air emissions and processing hazardous waste. Such demonstration and certification shall be provided prior to the issuance of any building permit or other land use entitlement.

(3) **Waste Characteristics and Capacity.** Identify the amounts (in tons) and types of hazardous waste to be treated and stored; the duration of stored waste on the facility site and the ultimate destination of the waste. The owner-operator shall make this information available on a quarterly basis to the City of Porterville on an on-going basis. If the application is for a transfer station the applicant shall identify the capacity of the facility to store each type of waste stream, service area(s) of the facility and ultimate disposition of the waste.

(4) **Air Quality Analysis.** An analysis of all anticipated air quality impacts and proposed mitigation measures. The hazardous waste facility shall comply with the rules and regulations of the San Joaquin Valley Air Pollution Control District.

(5) **Risk Assessment.** A risk assessment which analyzes, in detail, all probabilities of accidents or spills at the site, (including transportation related) or accidents from the point of origin to the facility, and any other risk assessment requested by either the City Manager, Zoning Administrator, or the City Council. Such analyses shall identify mitigation measures to
reduce the identified risks. The risk assessment shall identify the most probable routes for transporting hazardous wastes to and from the facility.

(6) **Alternatives Analysis.** All applications shall contain an analysis of alternative regional sites which shall be reviewed pursuant to the California Environmental Quality Act.

(7) **Emergency Response Plan.** An Emergency Response Plan that indicates at a minimum:
   a. That the proposed plan is consistent with any and all applicable County and Regional Emergency Response Plans and all City, County, State and Federal Regulatory requirements regarding Emergency Response Procedure.
   b. Detailed procedures to be employed at the time of emergency for each type of chemical substances utilized including contingency procedures.
   c. Anticipated impacts on local fire, police, and medical services.
   d. Names, home and business addresses, and home and business telephone numbers of all management personnel at the facility, if known, and a detailed description of uncontrolled release and emergency situation reporting procedures.

(8) **Geotechnical Report.** A geotechnical report providing complete analysis of on-site soil conditions, fault hazards, underground water supplies, and recommendations.

(9) **Flooding Information.** An analysis of the potential of flooding on the site. Note residual repositories are prohibited in areas of special flood hazards as depicted by FEMA Flood Hazard Maps.

(10) **Traffic Analysis.** Applicants shall submit a traffic analysis which addresses, at a minimum, vehicle-truck trips, effects on nearby intersections, and any special characteristics of the project site. Applicants shall also identify the most likely transportation routes within the City and the County.

(11) **Closure Plan.** The Owner or Operator of a hazardous waste facility shall, prior to any local land use decision, submit to the Fire Department a written Closure Plan approved by the California Department of Health Services. All revisions to such Closure Plans shall also be submitted to the Fire Department.

(12) **Safety.** The Owner/Operator shall demonstrate that the separation between the hazardous waste facility and residential areas is adequate to protect the health, safety, welfare, and property values of residents.

(b) **Monitoring.** At minimum, hazardous waste facilities are subject to the following monitoring requirements:

(1) Upon reasonable notice, and for the purpose of ensuring compliance with all standards, conditions, and other requirements which the City is authorized to enforce under its police power, City Officials or their designated
representatives may enter the premises on which a hazardous waste facility permit has been granted.

(2) The owner or operator of a facility shall report quarterly to the Fire Chief the amount, type, and disposition of all wastes processed by the facility. Included in the report shall be copies of all manifests showing the delivery and types of hazardous wastes and include a map showing the exact location (coordinates and elevation) of quantities and types of materials placed in repositories or otherwise stored or disposed of on-site.

(3) The owner or operator of a hazardous waste facility shall immediately send copies of all complaints as to facility operations and copies of all inspection reports made by other local, state or federal agencies to the Fire Chief and City Engineer.

(4) Owners/Operators of all facilities shall prepare and submit an Annual Emergency Response Preparedness Report to the Fire Department and all other local emergency response agencies. Such report shall be signed by all management personnel at the facility and each person at the facility who has emergency response responsibilities.

(5) Owners/Operators of all facilities shall submit an annual Air, Soil, and Groundwater Monitoring Report to the City Engineer.

(c) **Modifications.** Any modifications of the types and quantities of hazardous waste to be managed at the facility which were not included in the approved application for a Conditional Use Permit shall be approved by the Fire Chief and City Engineer before such modifications occur at the facility.

(d) **Contingency Plan.** Every hazardous waste facility shall have a contingency operation plan approved by the California Department of Health Services. A copy of the contingency plan shall be maintained at the facility and sent to the Police Department, Fire Department, Engineering Division, and the County Department of Environmental Health.

(e) **Financial Assurance.** Prior to issuance of an "Occupancy Permit" to begin the use of a hazardous waste facility, the applicant shall show proof that it has met all of the financial responsibility requirements imposed by the California Department of Health Services and any other federal or state agency.

(f) **Indemnification.** The applicant agrees to indemnify, defend, and render harmless the City, and its City Council and all officers, employees and agents of the City against and from all claims, actions and liabilities relating to the land use decision or arising out of the operation of the facility.

(g) **Enforcement.** All costs of compliance with this Ordinance shall be borne by the facility owner/operator. The City may employ any and all methods permitted by law to enforce this Ordinance.

(h) **Maintenance.** The Owner/Operator shall keep all equipment and buildings in good repair and shall employ technological advances as may be required by the California
Department of Health Services, San Joaquin Valley Air Pollution Control District, or U.S. Environmental Protection Agency.

(i) **Findings.** The following findings shall be made in writing prior to making a land use decision which will allow the siting of a hazardous waste facility project:

1. The project is consistent with the General Plan.
2. The project will not be detrimental to the health, safety, or general welfare of the community.
3. The project will not significantly reduce incentives for waste minimization by hazardous waste generators.
4. There are adequate City services available to service the project.
5. The project has met or exceeded each requirement of this Ordinance.
6. All environmental impacts identified in an Environmental Impact Report or Negative Declaration as part of the permit process in compliance with the California Environmental Quality Act have been adequately mitigated.

### 301.09 Home Occupations

Home Occupations that are carried on by an occupant of a dwelling unit for gainful employment, are clearly incidental and subordinate to the use of the structure for dwelling purposes and that do not change the residential character of the primary use, are allowed and shall be operated in compliance with the following standards. Home Occupations are subject to zoning conformance approval pursuant to Chapter 602, Zoning Conformance Review.

(a) **Permitted Uses.** Home occupations are limited to the following uses.

1. Professional Offices.
2. Offices for personal services such as janitorial service, gardening service, office services, etc.
3. Dressmaking, millinery, and other home sewing work.
4. Handicrafts such as weaving, leatherwork, and other arts and crafts.
5. Instructional classes, not exceeding two (2) students at one (1) time.
6. Mail order or direct sales provided no merchandise is sold on the premises.

(b) **Prohibited Uses.** The following uses are not permitted as a home occupation.

1. The repair, reconditioning, servicing or manufacture of any internal combustion or diesel engine or of any motor vehicle, including automobiles, trucks, motorcycles, or boats.
2. Repair, fix-it or plumbing shops.
3. Uses that entail the harboring, training, raising, or grooming of dogs, cats or other animals.
(4) Uses that entail food handling, processing or packing, other than specialized minor cooking or baking.

(5) Healing arts.

(6) Spiritual advisory service (fortune-telling).

(c) The residential use remains the primary activity on the property.

(d) No sign shall be publicly displayed on the premises relating to the home occupation or product thereof.

(e) No person not residing on the premises may be employed at the site of the home occupation.

(f) Sale of goods on the premises shall be limited to the products of the home occupations, and no other merchandise or goods shall be sold, kept or displayed for the purposes of sale on the premises.

(g) The home occupation shall not attract or generate excessive auto or foot traffic, require additional off-street parking spaces, involve the use of commercial vehicles for delivery of materials or supplies to or from the premises, or exceed six (6) patrons or customers for any calendar day.

(h) No use of materials, mechanical equipment, utilities, or community facilities beyond that normal to the use of the property for residential purposes shall be permitted.

(i) Storage related to the home occupation shall be confined to the dwelling or accessory building.

(j) No dwelling or accessory buildings shall be built, altered, finished, or decorated externally for the purposes of conducting the home occupation in such a manner as to change the residential character and appearance of the dwelling, or in such a manner as to cause the structure to be reasonably recognized as a place where a home occupation is conducted.

(k) No garage or accessory building shall be altered or used in such a manner that would reduce the number of covered parking spaces required in the district in which it is located.

(l) Not more than one (1) vehicle of not more than one ton capacity used in connection with the home occupation shall be kept on the site. Any trailer, wheeled equipment, or any vehicle displaying or advertising the home occupation shall not be visible from off the premises.

(m) The home occupation shall not involve the use of power equipment on the premises using motors exceeding one (1) horsepower combined capacity.

(n) No equipment or process shall be used which creates noise, vibration, glare, fumes, odor, or electrical interference detectable to the normal senses off the lot if the occupation is conducted in a single family detached residence, or outside the...
dwelling unit if conducted in other than a single-family detached residence. No equipment or process shall be used which creates visual or audible electrical interference in any radio or television receiver off the premises, or causes fluctuations in line voltage off the premises.

301.10 Manufactured Homes

Manufactured homes shall be designed and operated in compliance with the following standards:

(a) **General Requirements.** Manufactured homes may be used for residential purposes subject to the provisions of this section. Manufactured homes may also be used for temporary uses subject to the approval of a temporary Use Permit (See Chapter 606, Temporary Use Permits).

(b) **Design Criteria.** A manufactured home shall be compatible in design and appearance with residential structures in the vicinity and shall meet the following standards:

1. **Foundation.** A manufactured home shall be built on a permanent foundation system approved by the Building Official.

2. **Date of Construction.** Each manufactured home shall have been manufactured within ten (10) years of the date of issuance of a permit to install the manufactured home and shall be certified under the National Manufactured Home Construction and Safety Act of 1974.

3. **Roof Overhang.** The roof overhang shall not be less than twelve (12) inches around the entire perimeter of the manufactured home as measured from the vertical side of the home. The overhang requirement may be waived at the point of connection where an accessory structure is attached to the manufactured home.

4. **Roof Material.** Roof material shall consist of material customarily used for conventional single family dwellings, such as tile, composition shingles, and wood shakes and shingles. If shingles and/or wood shakes are used, the pitch of the roof shall be not less than three (3) inches vertical to twelve (12) inches horizontal.

5. **Siding Material.** Siding material shall consist of exterior material customarily used for conventional single family dwellings, such as stucco, wood, brick, stone or decorative concrete. Metal siding, if utilized, shall be non-reflective and horizontally lapping. Siding material utilized as skirting shall be the same as the material used on the exterior wall surface of the manufactured home.

6. **Skirting.** The unit’s skirting shall extend to the finished grade.

301.11 Mobile Home Parks

Mobile home parks shall be located, developed, and operated in compliance with the following standards:
(a) **Minimum Lot Area.** The minimum lot area for each lot in the mobile home park is two thousand five hundred (2,500) square feet.

(b) **Maximum Density.** The maximum density is as allowed by the base zoning district in which the mobile home park is located.

(c) **Maximum Allowable Height.** Maximum building or structural height of any buildings appurtenant to mobile home or trailer courts or subdivisions shall be thirty-five (35) feet.

(d) **Setback from Adjacent Streets.** All mobile home spaces shall be set back a minimum of twenty (20) feet from all public street rights-or-way adjacent to the site, and the setback area shall be landscaped.

(e) **Setbacks for Individual Units.** Minimum setbacks for individual units are as follows:

1. Front: five (5) feet.
2. Side: five (5) feet.
3. Rear: ten (10) feet.
4. Awnings and carports may not be closer than three (3) feet from any mobile home space boundary.

(f) **Access.** Access to internal private streets is required for all mobile home lots or spaces within the mobile home park. Direct access from a mobile home lot or spaces to a public street or alley is not permitted. All points of vehicular access to and from public streets shall be approved by the City Engineer.

(g) **Internal Streets.** All private internal streets within the mobile home park shall not be less than thirty (30) feet in width, and shall be surfaced and maintained subject to approval of the City Engineer.

(h) **Walkways.** Walkways linking the mobile homes with recreational and other internal facilities and other mobile homes shall be provided.

(i) **Walls and Screening.** Exterior boundaries of a mobile home park shall be screened with a six (6) foot high solid wall. Such walls shall be composed of decorative block, concrete panels or similar materials and include architectural relief through variations in height, the use of architectural “caps,” columns, or similar measures. All trash and garbage collection areas shall be surrounded on at least three (3) sides by a five (5) foot block wall, and shall have adequate access for collection vehicles.

(j) **Common Open Space.** Recreation, or common open spaces, shall be provided for each mobile home park or subdivision. An area of at least three hundred (300) square feet for each mobile home space shall be provided. This open space may be used in more than one (1) location, but no location shall contain less than one thousand (1,000) square feet in the aggregate. Each recreational space shall be accessible to all of the mobile home spaces in the park, and shall not be used for any other purpose.
(k) **Landscaping.** Landscaping, as prescribed in Chapter 303: Landscaping, is required for all common open space areas, exterior front and street side yards, and common parking areas. A fifteen (15) foot landscaped buffer shall be provided along streets adjoining the park.

(l) **Certification.** All mobile homes shall be certified under the National Manufactured Home Construction and Safety Act of 1974.

### 301.12 Outdoor Retail Sales

(a) **Temporary Outdoor Retail Sales.** Zoning Administrator approval is required for the outdoor display of merchandise that is completely removed at the close of business each day. Temporary outdoor retail sales shall be located and operated in compliance with the following standards:

1. **Location of Merchandise.** Displayed merchandise shall occupy a specifically approved and defined location that does not disrupt the normal function of the site or its circulation. Displayed merchandise shall be located outside of any fire lane or fire access way and shall not obstruct sight distances or otherwise create hazards for vehicle or pedestrian traffic.

2. **Removal of Merchandise.** All outdoor merchandise and display shall be completely removed at the close of business each day.

(b) **Permanent Outdoor Retail Sales.** Permanent outdoor display of merchandise is allowed in association with an approved commercial use and subject to Conditional Use Permit approval. Permanent outdoor retail sales shall be located, developed, and operated in compliance with the following standards:

1. **Location.** Outdoor sales shall be located entirely on private property outside any required setback, fire lane, fire access way, or landscaped planter in zoning districts that do not have required setbacks. A minimum setback of fifteen (15) feet from any public right-of-way is required.

2. **Screening.** All outdoor sales and activity areas except for automobile/vehicle sales shall be screened from adjacent public rights-of-way and R districts by decorative solid walls, solid fences, or landscaped berms pursuant to Chapter 303, Landscaping.

3. **Location of Merchandise.** Displayed merchandise shall occupy a fixed, specifically approved and defined location that does not disrupt the normal function of the site or its circulation and does not encroach upon parking spaces, driveways, pedestrian walkways, or required landscaped areas. These displays shall also not obstruct sight distances or otherwise create hazards for vehicle or pedestrian traffic.

### 301.13 Personal Storage Facilities

Personal Storage Facilities may be located, developed, and operated in compliance with the following standards:
(a) **Business Activity.** All Personal Storage Facilities shall be limited to the storage of inactive items such as furniture and files. No retail, repair, or other commercial use shall be conducted out of the individual rental storage units. No activities other than rental of storage units and pick-up and deposit of storage shall be allowed on the premises. Examples of activities prohibited in said facilities include, but are not limited to the following:

(1) Auctions, commercial wholesale or retail sales, or miscellaneous garage sales. Excepting auctions required by law to comply with lien sale requirements. During the course of said lien sales, customer vehicles shall not be allowed to obstruct travelways within the self service storage facility.

(2) The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.

(3) The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.

(4) Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.

(b) **Notice to Tenants.** As part of the rental process, the facility manager shall inform all tenants of conditions restricting storage of hazardous materials and limitation on the use of the storage units. These restrictions shall be included in rental contracts and posted at a conspicuous location within the front of each rental unit.

(c) **Size Limitations.** Total lot coverage by any and all structures shall be limited to fifty (50) percent of the total lot area.

(d) **Circulation.** Driveway aisles shall be a minimum of twenty (20) feet wide.

(e) **Landscaping.** A landscaped buffer with a minimum inside dimension of six (6) feet shall be provided along the front and street property lines, except for vehicular circulation openings. Additional landscaping may be required where necessary to prevent visual impacts on adjacent properties. All landscaped areas shall be bound by a concrete curb at least six (6) inches wide and six (6) inches high and shall be permanently maintained in compliance with Chapter 303, Landscaping.

(f) **Fencing.** A six (6) foot high solid wall shall be provided around the perimeter of the development at locations where the solid facades of the storage structures do not provide a perimeter barrier. Such walls shall be composed of decorative block, concrete panels or similar materials and include architectural relief through variations in height, the use of architectural “caps”, columns, or similar measures.

(g) **Open Storage.** Open storage, outside an enclosed building, shall be limited to vehicles and trailers and screened from public view by building facades or solid fences.

(h) **Outdoor Lighting.** All outdoor lights shall be shielded to direct light and glare only onto the personal storage premises and may be of sufficient intensity to discourage vandalism and theft. Said lighting and glare shall be deflected, shaded, and focused away from all adjoining property.
(i) **Fire Protection.** One (1) hour rated construction fire walls shall be provided to separate every three thousand (3,000) square feet within any personal storage structure.

(j) **Portable Storage Buildings.** Movable storage buildings shall be allowed if they are constructed to appear as conventional storage buildings or are located in an area completely screened from public view and adhere to all applicable building and fire codes.

301.14 **Recycling Facilities**

Recycling facilities shall be located and operated in compliance with the following standards:

(a) **Reverse Vending Machines.**

   (1) **Accessory Use.** Reverse vending machines shall be installed as an accessory use to a permitted or conditionally permitted primary use on the same site.

   (2) **Location.** Machines shall be located adjacent to the entrance of the commercial host use and shall not obstruct pedestrian or vehicular circulation.

   (3) **Identification.** Machines shall be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative.

   (4) **Signs.** Machines shall have a maximum sign area of four (4) square feet exclusive of operating instructions.

   (5) **Lighting.** Machines shall be illuminated to ensure comfortable and safe operation between dawn and dusk.

   (6) **Trash Receptacle.** Machines shall provide a forty (40) gallon garbage can for nonrecyclable materials located adjacent to the reverse vending machine.

(b) **Recycling Collection Facilities.**

   (1) **Size.** Recycling collection facilities shall not exceed a footprint of three hundred fifty (350) square feet or include more than three (3) parking spaces (not including space periodically needed for the removal or exchange of materials or containers).

   (2) **Equipment.** No power-driven processing equipment, except for reverse vending machines, may be used.

   (3) **Location.** Facilities shall not be located within fifty (50) feet of a residential district.

   (4) **Setback.** Facilities shall be set back at least ten (10) feet from any street line and not obstruct pedestrian or vehicular circulation.

   (5) **Containers.** Containers shall be constructed of durable waterproof and rustproof material(s) and secured from unauthorized removal of material.
Capacity sufficient to accommodate materials collected in the collection schedule.

(6) **Identification.** Containers shall be clearly marked to identify the type of accepted material, the name and telephone number of the facility operator and the hours of operation.

(7) **Signs.** Signs shall be a maximum of twenty (20) percent per side of facility or container or sixteen (16) square feet, whichever is larger. In the case of a wheeled facility, the side is measured from the pavement to the top of the container. The Zoning Administrator may authorize increases in the number, size and nature of additional signs.

(8) **Parking.** Patrons and the attendant shall not reduce available parking spaces below the minimum number required for the main use unless a parking study shows available capacity during recycling facility operation.

(9) **Site Maintenance.** Sites shall be maintained clean, sanitary, and free of litter and any other undesirable materials.

(c) **Recycling Processing Facility.**

(1) **Location.** Facilities shall not abut a residential district or use.

(2) **Screening.** The facility shall be screened from public rights-of-way, by solid masonry walls or located within an enclosed structure.

(3) **Outdoor Storage.** Exterior storage of material shall be in sturdy containers or enclosures that are secured and maintained in good condition. Storage shall not be visible above the height of the required solid masonry walls.

(4) **Identification.** Facilities shall be clearly marked with the name and phone number of the facility operator and hours of operation.

**301.15 Residential Care Facilities, General**

Residential care facilities shall be located, developed and operated in compliance with the following standards:

(a) **Location.** Minimum distance from other residential care facilities shall be three hundred (300) feet.

(b) **Screening.** A minimum six (6) foot high solid wall or fence shall be provided for purposes of securing outdoor recreational areas and screening the site. Chain metal fencing and barbed wire are prohibited.

(c) **Licensing.** Residential care facilities shall be licensed and certified by the State of California and shall be operated according to all applicable State and local regulations.
301.16 Second Dwelling Units

A second dwelling unit, in addition to the first single-family dwelling unit on a single-family residential lot, shall be located, developed, and operated in compliance with the following standards:

(a) Location. Second units may be established on any lot in any R district where a primary single-family dwelling has been previously established or is proposed to be established in conjunction with construction of a second unit. Only one (1) second unit is permitted per primary single-family dwelling on the same lot. The primary unit shall meet all City codes including the height, setback, lot coverage, parking, and other zoning requirements. Any nonconforming structures shall be brought into conformance prior to construction of second unit.

(b) Development Standards. Second units shall conform to the height, setbacks, lot coverage and other zoning requirements of the zoning district in which the site is located, the following development standards, other requirements of the Development Ordinance, and other applicable City codes. Applications for a second dwelling shall include: (1) location map and site plan drawn to scale showing existing and proposed structures and additions, orientation and dimension of lot and structure(s) on the lot, and adjacent streets, access and parking and (2) a floor plan of existing and proposed structures.

1. Type of Unit. The second unit shall provide separate, independent living quarters for one (1) family. The second unit may be attached, detached, or located within the living areas of the primary dwelling unit on the lot, subject to the standards of this section. An existing single-family dwelling may be converted into two (2) dwelling units.

2. Maximum Floor Area. The total area of floor space of a detached second unit shall not exceed twelve hundred (1,200) square feet. The floor area of an attached second unit shall not exceed thirty (30) percent of the living area or the minimum area of an efficiency unit as described in Section 17958.1 of the California Health and Safety Code, whichever is greater.

3. Architectural Compatibility. The entrance to an attached second unit shall be separate from the entrance to the first unit and shall be installed in a manner as to negate an obvious indication of two (2) units in the same structure. A second unit shall be designed and constructed so as to blend with and complement the existing single-family unit in terms of height, roofing, siding materials and color.

4. Parking. In addition to parking required for the existing residence, an additional one (1) covered space for efficiency units and one (1) bedroom units, two (2) covered parking spaces for two (2), three (3), and four (4) bedroom units, and one (1) parking space per bedroom thereafter shall be provided. Access to parking for the primary and second unit shall be provided via a paved driveway in compliance with City codes and shall be fully accessible to the parking areas.
(c) **Use Limitation.** Either the primary or secondary unit may be for rental purposes and neither unit may be sold separately.

(d) **Deed Restrictions.** Before obtaining a building permit, the property owner shall file with the County Recorder a declaration or agreement of restrictions which has been approved by the City Attorney as to its form and content, containing a reference to the deed under which the property was acquired by the owner stating that:

1. The second dwelling unit shall be considered legal only so long as either the primary residence or the second dwelling is occupied by the owner of the property.
2. The second dwelling cannot be sold separately.
3. The restrictions shall be binding upon any successor in ownership of the property, the City may enforce these provisions at the cost of the owner, and enforcement may include legal action against the property owner.

(e) **Conversion of an Existing House to a Second Unit.** In cases where an existing single-family residence of a size twelve hundred (1,200) square feet or less, the Zoning Administrator may approve the construction of one (1) additional residence which is intended to be the primary residence on the property. The existing residence, which is intended to become the lawful second unit, shall comply with all the requirements of this Ordinance, including the second-dwelling size limitations. The primary residence shall be constructed in accordance with the provisions of the applicable zoning district and other requirements of this Ordinance.

### 301.17 Single Room Occupancy Hotels

Single Room Occupancy (SRO) Hotels shall be located, developed, and operated in compliance with the following standards:

(a) **Maximum Occupancy.** Each SRO living unit shall be designed to accommodate a maximum of two (2) persons.

(b) **Minimum Size.** An SRO living unit shall have at least one hundred (150) square feet of floor area, excluding closet and bathroom. No individual unit may exceed four hundred (400) square feet.

(c) **Minimum Width.** An SRO of one (1) room shall not be less than twelve (12) feet in width.

(d) **Entrances.** All SRO units shall be independently accessible from a single main entry, excluding emergency and other service support exits.

(e) **Cooking Facilities.** Cooking facilities shall be provided either in individual units or in a community kitchen. Where cooking is in individual SRO units, SRO units shall have a sink with hot and cold water; a counter with dedicated electrical outlets and a microwave oven or properly engineered cook top unit pursuant to Building Code requirements; a refrigerator; and cabinets for storage. Where cooking facilities are in a community kitchen, the community kitchen shall be a minimum of one hundred
fifty (150) square feet and designed to provide a minimum of two (2) linear feet of counter space for fifty (50) percent of the maximum number of tenants.

(f) **Bathrooms.** SRO units shall have individual bathrooms containing a sink, a toilet, and a shower or bath per Housing and Building Code requirements. Units may have only one (1) sink by the cooking area and may omit the bathroom sink.

(g) **Lobby/Meeting Area.** Each SRO building shall provide ample ground floor entry area that provides a central focus for tenant social interaction and meetings. The lobby/meeting area shall be designed to accommodate at least twenty-five (25) percent of the tenants at one (1) time using an average of fifteen (15) square feet per person and a minimum four hundred (400) square feet for up to fifty (50) SRO units, excluding janitorial storage, laundry facilities, and hallways.

(h) **Ground Floor Use.** Ground floor area next to public right-of-ways shall be dedicated for public use such as lobby/meeting areas or resident-serving commercial uses. No SRO units shall be on the street level adjacent to the public right-of-ways. If any SRO units are at ground level, they shall face into a private open area such as an interior courtyard.

(i) **Management Plan.** A management plan shall be submitted with the permit application for all SRO projects. At minimum, the management plan shall include the following:

1. **Security/Safety.** Proposed security and safety features such as lighting, security cameras, defensible space, central access, and user surveillance;
2. **Management Policies.** Management policies including desk service, visitation rights, occupancy restrictions, and use of cooking appliance;
3. **Rental Procedures.** All rental procedures, including weekly and monthly tenancy requirements;
4. **Staffing and Services.** Information regarding all support services, such as job referral and social programs; and
5. **Maintenance.** Maintenance provisions, including sidewalk cleaning and litter control, recycling programs, general upkeep, and the use of durable materials.

### 301.18 Social Service Facilities

Social Service Facilities shall be located, developed, and operated in compliance with the following standards:

(a) **Location.** Social Service Facilities are not allowed on Main Street.

(b) **Minimum Standards.** All Social Services Facilities shall provide: adequate and accessible sanitary facilities, including lavatories, rest rooms and refuse containers; sufficient patron seating facilities for dining, whether indoor or outdoor; effective screening devices such as landscaping and masonry fences in conjunction with outdoor activity areas; a plan of operation, including but not limited to, patron
access requirements, hours of operation, security measures, litter control, and noise attenuation. Evidence of compliance with all Building and Fire Safety regulations and any other measures determined by the City Council to be necessary and appropriate to ensure compatibility of the proposed use or uses with the surrounding area shall be provided with permit applications.

301.19 Temporary Uses

Temporary uses shall be located, developed, and operated in compliance with the standards of this section.

(a) **General.** A temporary use is ancillary to the principal Use Permitted on a lot, but is intended to operate only for a limited period of time. Unless otherwise specified, temporary uses shall require a Temporary Use Permit issued in accord with Chapter 606, Temporary Use Permits.

(b) **Carnivals, Fairs and Festival Events.** Carnivals, fairs, and festival events in connection with an existing commercial use or in conjunction with an activity of a civic organization, church, lodge, public or private school, or other such group or organization are permitted in accordance with the following standards:

1. **Location.** Carnivals, fairs, and festival events are limited to areas within commercial or employment districts, or on property owned by a public or private school.

2. **Time Limit.** When located adjacent to an R district, the hours of operation shall be limited to 8:00 a.m. to 9:00 p.m.

3. **Duration.** Carnivals, fairs, and festival events are limited to no more that ten (10) consecutive days four (4) times a year. A more limited duration may be established through the Temporary Use Permit process in order to prevent the use from becoming a nuisance with regard to the surrounding neighborhood or the city as a whole.

4. **Existing Parking.** Where such a use is proposed within a developed parking lot, the available parking shall not be reduced to less than seventy-five (75) percent of the minimum number of spaces required by Chapter 304, On-Site Parking and Loading.

(c) **Garage Sales.** A garage or yard sale may be permitted on any developed lot in an R district, in accordance with the following standards.

1. Garage sales are limited to no more than three (3) consecutive days two (2) times a year.

2. All merchandise to be sold shall be displayed on a private lot and not within the public right-of-way.

(d) **Model Homes.** Model homes with sales offices and temporary information/sales trailers in new residential subdivisions are subject to the following requirements. No permit is necessary for a model home.
(1) **Time Limits.** A temporary information/sales trailer may be used during the construction of the model homes for a maximum period of six (6) months or completion of the first phase, whichever occurs first.

(2) **Location of Sales.** Real estate sales conducted from a temporary sales office are limited to sales of lots within the subdivision.

(3) **Return to Residential Use.** Prior to the sale of any of the model homes as a single-family residence, any portion used for commercial purposes will be converted to its intended residential purpose.

(4) **Term of Use.** The model home may be established and operated for a term period of three (3) years or until completion of the sale of the lots or residences, whichever comes first. One (1) year extensions may be approved by the Zoning Administrator until the sale of all lots/residences is completed.

(e) **Temporary and Seasonal Outdoor Sales.** Temporary and Seasonal Outdoor Sales may be permitted in accordance with the following standards. No permit is necessary for seasonal sales or sales occurring less than three (3) consecutive days.

(1) **General Requirements.** Temporary outdoor sales—including but not limited to grand opening events, temporary automobile sales, and other special sales events—on private property in non-residential districts shall be subject to the following standards:

   a. Temporary outdoor sales shall be part of an existing business on the same site. Temporary automobile sales are limited to the CR district and shall be in connection with an existing commercial use.

   b. Sales events shall be conducted solely on private property and not encroach within the public right-of-way.

   c. Temporary outdoor sales are limited to four (4) consecutive days six (6) times a year. No site shall be used for such an activity for more than ten (10) days in any calendar month. A more limited duration may be established through the Temporary Use Permit process in order to prevent the use from becoming a nuisance with regard to the surrounding neighborhood or the city as a whole.

   d. When located adjacent to an R district, the hours of operation shall be limited to 8:00 a.m. to 9:00 p.m.

   e. The entire area used for temporary outdoor sales, including display, sales, circulation, parking, etc. shall be paved per City standards.

   f. Location of the displayed merchandise shall not disrupt the normal circulation of the site, nor encroach upon driveways, pedestrian walkways, or required landscaped areas, or obstruct sight distances or otherwise create hazards for vehicle or pedestrian traffic.

   g. Where such a use is proposed within a developed parking lot, the available parking shall not be reduced to less than seventy-five (75) percent of the minimum number of spaces required by Chapter 304, On-Site Parking and Loading.
(2) **Seasonal Sales.** The annual sale of holiday related items such as Christmas trees, pumpkins and similar items is permitted in accordance with the following standards:

a. **Time Period.** Seasonal sales associated with holidays are permitted up to a month preceding and one (1) week following the holiday. Christmas tree sales are permitted from Thanksgiving Day through December 31st.

b. **Goods, Signs and Temporary Structures.** All items for sale, as well as signs and temporary structures, shall be removed within ten (10) days after the end of sales, and the appearance of the site shall be returned to its original state.

(3) **Non-Profit Fund Raising.** Fund raising sales by a non-profit organization are limited to seven (7) consecutive days twelve (12) times a year.

(f) **Long Term Special Events and Sales.** Other special events, outdoor sales, and displays that exceed seven (7) consecutive days but not more than three (3) months, may be permitted in accordance with the following standards:

(1) **Location.** Events are limited to non-residential district.

(2) **Number of Events.** Long term special events and sales are limited to no more than two (2) per year.

(3) **Existing Business.** Temporary outdoor sales shall be part of an existing business on the same site.

(4) **Signs.** Outdoor uses may include the addition of one (1) nonpermanent sign up to a maximum size of four (4) square feet in area, subject to Chapter 305, Signs.

### 301.20 Transitional and Supportive Housing

Transitional and supportive housing, as defined in Section 50675.2 and 50675.14, respectively, of the Health and Safety Code constitute a residential use and are subject only to those restrictions that apply to other residential uses of the same type in the same district. For example, if transitional housing is a multi-family use proposed in the RM-1 district, it is subject only to the same restrictions as other multi-family uses in the RM-1 district.
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Chapter 302 Affordable Housing Density Bonus and Other Incentives

Sections:

302.01 Purpose
302.02 General Provisions
302.03 State Affordable Housing Density Bonus
302.04 State Childcare Facility Density Bonus
302.05 Affordable Housing Concessions and Incentives
302.06 Application Requirements
302.07 Review

302.01 Purpose

The specific purposes of the affordable housing density bonus and other incentives regulations are to:

(a) Allow for density bonuses and additional incentives, consistent with Government Code Section 65915, for affordable housing lower and moderate income households, for seniors and disabled persons, and for development that includes a childcare facility;

(b) Implement the policies of the General Plan Housing Element to expand the provision of housing for lower and moderate income households, elderly residents and others with special housing needs; and

(c) Establish requirements for resale and rental controls to ensure that units remain affordable for at least thirty (30) years or such other term as required by the City, consistent with State law.

302.02 General Provisions

(a) State Law Governs. The provisions of this chapter shall be governed by the requirements of Government Code Section 65915, as amended. Where conflict occurs between the provisions of this chapter and State law, the State law shall govern.

(b) Land Use Compatibility. All affordable housing units shall be dispersed within market-rate projects, whenever feasible. Affordable housing units within market-rate projects shall be comparable with the design of market-rate units in appearance, use of materials, and finished quality. Building forms, materials and proportions that are compatible with the character of the surroundings shall be used.

(c) Availability. Affordable housing units shall be constructed concurrently with, and made available for qualified occupants at the same time as the market-rate housing units within the same project unless both the City and the developer agree to an alternative schedule for development.
(d) **Effect of Granting Density Bonus.** The granting of a density bonus shall not, in and of itself, require a General Plan amendment, zoning change, or other discretionary approval.

(e) **Income Levels.** For purposes of determining income levels of households under this chapter, the City shall use the Tulare County income limits in Title 25, Section 6932 of the California Code of Regulations or other income limits adopted by the City Council if the State department of Housing and Community Development fails to provide timely updates of the income limits in the California Code of Regulations.

### 302.03 State Affordable Housing Density Bonus

(a) **Minimum Density Bonus and Composition of Qualifying Projects.** Pursuant to Government Code Section 65915, the City shall grant a density bonus in the following amounts over the otherwise allowable maximum residential density permitted by this Ordinance and the General Plan, and one (1) or more additional concessions or incentives, consistent with Government Code Section 65915 and this section, if the applicant applies for and proposes to construct any one (1) of the following:

1. **Lower Income Units.** A density bonus of twenty (20) percent if ten (10) percent of the total units of a housing development are affordable to lower income households, as defined in Section 50079.5 of the Health and Safety Code.

2. **Very Low Income Units.** A density bonus of twenty (20) percent if five (5) percent of the total units of a housing development are affordable to very low income households, as defined in Section 50105 of the Health and Safety Code.

3. **Senior Citizen Housing Development.** A density bonus of twenty (20) percent if a housing development qualifies as a Senior Citizen Housing Development, as defined in Section 51.3 of the Civil Code.

4. **Moderate Income Units in Condominium and Planned Use Developments.** A density bonus of five (5) percent if ten (10) percent of the total dwelling units in a condominium project, as defined in Subdivision (f) of, or in a Planned Development, as defined in Subdivision (k) of Section 1351 of the Civil Code, are affordable to persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code.

(b) **Additional Sliding Scale Density Bonus.** As provided for in Government Code Section 65915(g) the number of units to which the applicant is entitled may exceed the percentage specified in Subsection (a) under the following provisions:

1. **Lower Income Dwellings.** For each additional one (1) percent increase above ten (10) percent units affordable to lower income households, the density bonus shall be increased by one and one-half (1.5) percent up to a maximum density bonus of thirty-five (35) percent of the maximum allowable residential density for the site.
(2) **Very Low Income Dwellings.** For each additional one (1) percent increase above five (5) percent in the proportion of units affordable to very low income households, the density bonus shall be increased by two (2) and one-half (2.5) percent, up to a maximum of thirty-five (35) percent of the maximum allowable residential density for the site.

(3) **Condominium and Planned Development Units.** For each additional one (1) percent increase above ten (10) percent units affordable to moderate income households, the density bonus shall be increased by one (1) percent, up to a maximum of thirty-five (35) percent of the maximum allowable residential density for the site.

(c) **Qualifying Projects—Number of Units.** The bonuses under Subsections (a) and (b) are applicable to residential projects of five (5) or more units, and senior housing projects of more than thirty-five (35) units.

(d) **Calculation of Density Bonus Units.** When calculating the number of permitted density bonus units, all fractional units shall be rounded to the next higher whole number. The applicant who requests a density bonus for a project that meets two (2) or more of the eligibility requirements shall specify whether the bonus shall be awarded on the basis of paragraphs (1), (2), (3), or (4) of Section 302.03.(a), Minimum Density Bonus and Composition of Qualifying Projects. The density bonus shall not be included when determining the number of target units to be provided in a development project.

(e) **Optional Density Bonus.** The City may grant a proportionally lower density bonus and/or provide concessions and/or incentives set forth in Section 302.05, Affordable Housing Concessions and Incentives, if an applicant agrees to construct a development containing less than the percentage of housing for lower or very low income households than provided in Subsection (a) of this section.

302.04 **State Childcare Facility Density Bonus**

(a) **Basic Requirements.** When an applicant proposes to construct a housing development that conforms to the requirements of the State Density Bonus law and includes a childcare facility other than a Family Day Care Home that will be located on the premises of, as part of, or adjacent to, the project, the City shall grant either of the following:

(1) **Additional Density Bonus.** A density bonus of additional residential units equal in square footage to the amount of square feet of the childcare facility.

(2) **Additional Concession or Incentive.** An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the childcare facility.

(b) **Conditions of Approval.** The City shall require, as a condition of approving the housing development, that the following occur:
(1) **Length of Operation.** The childcare facility remains in operation for a period of time that is as long as, or longer than the length of time during which the affordable housing units shall remain affordable.

(2) **Attending Children.** The percentage of children of very low, low or moderate income households who attend the childcare facility shall be the same or greater than the percentage of dwelling units in the project that are required for households at each income level.

(c) **Exceptions.** The City shall not be required to provide a density bonus or concession for a childcare facility if it finds that, based upon substantial evidence, the community has adequate childcare facilities.

**302.05 Affordable Housing Concessions and Incentives**

(a) **Number of Incentives or Concessions.** Pursuant to Government Code Section 65915, an applicant is entitled to receive incentives and/or concessions as follows:

(1) One (1) incentive or concession for projects that include at least ten (10) percent of the total units for lower income households, at least five (5) percent for very low income households, or at least ten (10) percent for persons and families of moderate income in a condominium or planned development; or

(2) One (1) incentive or concession for senior citizen housing developments; or

(3) Two (2) incentives or concessions for projects that include at least twenty (20) percent of the total units for lower income households, at least ten (10) percent for very low income households, or at least twenty (20) percent for persons and families of moderate income in a condominium or planned development; or

(4) Three (3) incentives or concessions for projects that include at least thirty (30) percent of the total units for lower income households, at least fifteen (15) percent for very low income households, or at least thirty (30) percent for persons and families of moderate income in a condominium or planned development.

(5) The applicant who requests incentives or concessions for a mixed-income project shall specify whether the incentives or concessions shall be awarded on the basis of paragraph one (1), two (2), three (3), or four (4) of this section.

(b) **Proposal of Incentives and Findings.** An applicant may propose specific incentives or concessions that would contribute significantly to the economic feasibility of providing affordable units pursuant to this chapter and State law. In addition to any increase in density to which an applicant is entitled, the City shall grant one (1) or more incentives and/or concessions that an applicant requests, up to the maximum number of incentives and concessions required pursuant to Subsection (a), unless the City makes a written finding that either:
(1) The concession or incentive is not necessary in order to provide the
proposed targeted units, or

(2) The concession or incentive would have a specific adverse impact that can
not be feasibly mitigated on public health and safety or the physical
environment or any property that is listed in the California Register of
Historical Resources.

(3) Notwithstanding the restriction in Subsection (a)(5) above, the applicant
may propose and the City may approve additional incentives and
concessions for an eligible project that provides targeted units that meet two
(2) or more of the eligibility requirements based on a written finding that the
additional incentives or concessions are necessary in order to make the
project economically feasible.

(c) Types of Affordable Housing Incentives. Affordable housing incentives may
consist of any combination of the items listed below:

(1) Modification of Development Standards. Up to twenty (20) percent in
modification of site development standards or zoning code requirements that
exceed minimum building code standards and fire code standards, including,
but not limited to:

a. Reduced minimum lot sizes and/or dimensions.

b. Reduced minimum building setbacks and building separation
   requirements.

c. Reduced minimum outdoor and/or private usable open space
   requirements.

d. Increased maximum lot coverage.

e. Increased maximum building height.

(2) Parking. Upon the applicant’s request, the following maximum parking
standards, inclusive of handicapped and guest parking, shall apply to the
entire project. Further reductions in required parking may be requested as
one (1) of the incentives allowed under Subsection (a).

a. One (1) on-site space for studios to one (1) bedroom units;

b. Two (2) on-site spaces for two (2) to three (3) bedroom units; and

c. Two and a half (2.5) on-site spaces for four (4) more bedroom units.

d. For purposes of this section, at the applicant’s request, on-site
   parking may be provided through tandem parking or uncovered
   parking but not through on-street parking.

(3) Mixed Use Zoning. Approval of mixed use zoning in conjunction with the
housing project if commercial, office, industrial or other land uses will
reduce the cost of the housing development and such uses are compatible
with the housing project and the surrounding area.
(4) **Other Incentives.** Other regulatory incentives or concessions proposed by the developer or the City that result in identifiable cost reductions or avoidance.

### 302.06 Application Requirements

An application for a density bonus, incentive, concession, waiver, modification, or revised parking standard pursuant to this chapter shall be submitted in conjunction with the project application and shall be processed concurrently with all other applications required for the project. The application shall be submitted on a form provided by the City and shall include, at a minimum, the following information:

(a) A site plan showing the total number of units, the number and location of the units dedicated pursuant to California Government Code Section 65915(b), and the number and location of the proposed density bonus units;

(b) The level of affordability of the dedicated units;

(c) A description of any requested incentives, concessions, waivers or modifications of development standards, or modified parking standards and evidence demonstrating that the application of the subject standard or requirement would preclude construction of the project at the densities provided for in California Government Code Section 65915 and that the waiver or modification is necessary to make development of the project financially feasible at the densities provided for in California Government Code Section 65915;

(d) If a density bonus is requested for a land donation pursuant to California Government Code Section 65915(h), the application shall show the location of the land to be dedicated and provide evidence that the requirements of Section 65915(h) have been met, thus entitling the project to the requested density bonus; and

(e) If a density bonus is requested for construction of a child care facility pursuant to California Government Code Section 65915(i), the application shall show the location and square footage of the proposed facility and provide evidence that the requirements of Section 65915(i) have been met, thus entitling the project to the requested density bonus.

### 302.07 Review

(a) **Duration of Affordability.** All affordable housing units shall be kept affordable for a minimum period of thirty (30) years or such other term approved by the City, consistent with State law.

(b) **Regulatory Agreement Required.** All affordable housing projects shall be subject to the approval of an agreement pursuant to conforming to the provisions of Sections 65864 to 65869 of the Government Code. The terms of the agreement shall be reviewed and revised as appropriate by the Zoning Administrator and/or City Attorney, who shall formulate a recommendation to the decision making body for final approval. This agreement shall include, but is not limited to, the following:
(1) **Number of Units.** The total number of units approved for the projects, including the number of affordable housing units.

(2) **Target Units.** The location, unit sizes (in square feet) and number of bedrooms of the affordable housing units.

(3) **Household Income Group.** A description of the household income groups to be accommodated by the project and a calculation of the Affordable Sales Price.

(4) **Certification Procedures.** The party responsible for certifying sales prices or annual rental rates, and the process that will be used for certification.

(5) **Schedule.** A schedule for the completion and occupancy of the affordable housing units.

(6) **Required Term of Affordability.** Duration of affordability of the housing units. Provisions shall also cover resale control and deed restrictions on targeted housing units that are binding on property upon sale or transfer.

(7) **Expiration of Agreement.** Provisions covering the expiration of the agreement, including notice prior to conversion to market rate units and right of first refusal option for the City and/or the distribution of accrued equity for for-sale units.

(8) **Remedies for Breach.** A description of the remedies for breach of the Agreement by either party.

(9) **Other Provisions.** Other provisions to ensure implementation and compliance with this chapter.

(10) **Condominium and Planned Developments.** In the case of condominium and planned developments, the Regulatory Agreement shall provide for the following conditions governing the initial resale and use of affordable housing units:

    a. Target units shall, upon initial sale, be sold to eligible Very Low, Lower, or Moderate Income Households at an Affordable Sales Price and Housing Cost, or to Qualified Residents as defined by this Ordinance.

    b. Target units shall be initially owner-occupied by eligible Very Low or Lower Income Households.

    c. Upon resale, the seller of a target unit shall retain the value of any improvements, the down payment, and the seller’s proportionate share of appreciation. The City shall recapture its proportionate share of appreciation, which shall be used to promote home ownership opportunities as provided for in Health and Safety Code Section 33334.2. The City’s proportionate share shall be equal to the percentage by which the initial sale price to the targeted household was less than the fair market value of the dwelling unit at the time of initial sale.
(11) **Rental Housing Developments.** In the case of rental housing developments, the Regulatory Agreement shall provide for the following conditions governing the use of Target Units during the use restriction period:

a. The rules and procedures for qualifying tenants, establishing affordable rent rates, filling vacancies, and maintaining Target Units for qualified tenants.

b. Provisions requiring owners to verify tenant incomes and maintain books and records to demonstrate compliance with this chapter.

c. Provisions requiring owners to submit an annual report to the City, which includes the name, address, and income of each person occupying Target Units, and which identifies the bedroom size and monthly rent or cost of each Target Unit.
Chapter 303  Landscaping

Sections:

303.01 Purpose
303.02 Applicability
303.03 Landscape Design Principles
303.04 Landscape Plans
303.05 Areas to be Landscaped
303.06 General Landscaping Standards
303.07 Water Efficiency
303.08 Irrigation Specifications
303.09 Model Homes
303.10 Installation and Completion

303.01 Purpose

The specific purposes of the landscaping regulations are to:

(a) Improve the appearance of the community by requiring aesthetically pleasing landscaping on public and private sites;

(b) Aid in energy conservation by providing shade from the sun and shelter from the wind;

(c) Soften the appearance of parking lots and other development through landscaping;

(d) Promote conservation of water resources through the use of native and drought-tolerant plants, and water-conserving irrigation practices; and

(e) Minimize or eliminate conflicts between potentially incompatible but otherwise permitted land uses on adjoining lots through visual screening.

303.02 Applicability

(a) The standards of this chapter apply to all new development, structural alterations, and additions.

(1) **Multiple Tenant Buildings and Sites.** Where there are multiple tenants in a building or on a site, the requirements of this chapter apply on a proportional basis. This means that landscaping is required in the same proportion as the gross floor area of the tenant has to the overall gross floor area of the building or site.

(2) **Exceptions.** The following are exempt from the standards of this chapter:

    a. New construction and rehabilitated landscapes with less than twenty-five hundred (2,500) square feet of landscaped area;

    b. New construction landscapes which are homeowner-provided and/or homeowner-hired in single-unit and multi-unit residential projects.
with less than five thousand (5,000) square feet of landscaped area; and

c. Landscaping that is part of a registered local, state or federal historic site; ecological restoration or mined-land reclamation projects that do not require a permanent irrigation system; or plant collections as part of botanical gardens and arboretums open to the public.

303.03 Landscape Design Principles

The following design principles are general standards to be used by City staff in evaluating whether landscape plans conform to the requirements of this chapter:

(a) Natural Landscapes. Landscape designs shall incorporate and enhance existing natural landscapes and existing specimen trees and native vegetation (including canopy, understory, and ground cover). Particular care shall be given to preserve intact natural landscapes. Where previous landscaping has dramatically altered natural landscapes, new designs shall seek to reestablish natural landscape patterns and plantings. Natural landscapes and native vegetation do not include weeds.

(b) Composition. The quality of a landscape design is dependent not only on the quantity and selection of plant materials but also on how that material is arranged. Landscape materials shall include a combination of ground covers, shrubs, vines and trees with a variety of plant heights and colors.

(c) Buffering and Screening. The placement of natural landscape materials (trees, shrubs, and hedges) is the preferred method for buffering differing land uses, for providing a transition between adjacent properties, and for screening the view of any parking or storage area, refuse collection, utility enclosures, or other service area visible from a public street, alley, or pedestrian area. Plants may be used with fences or berms to achieve the desired screening or buffering effect. Plant material shall be mature enough at the time of planting to provide an effective buffer or screen, and shall be planted in an appropriate location to allow for desired growth within a reasonable period of time. When used to screen an activity area such as a parking lot, landscaping shall not interfere with public safety.

(d) Responsive to Local Context and Character. Landscape designs shall build on the site’s and area’s unique physical characteristics, conserving and complementing existing natural features. Naturalistic design elements such as irregular plant spacing, undulating berm contours, and mixed proportions of plant species shall be used to ensure that new landscaping blends in and contributes to the quality of the surrounding area. Selection and spacing of plant material shall be reflective of the surrounding area’s character.

(e) Use of Native and Drought Resistant Plants. Landscape designs shall feature native and/or related plant species and avoid invasive species, especially in areas adjacent to existing native vegetation, to take advantage of the unique natural character and diversity of the region and the adaptability of native plants to local environmental conditions. Where feasible, the re-establishment of native habitats shall be incorporated into the landscape design. In the same manner, landscape
designs shall utilize drought tolerant plant materials to the maximum extent feasible. The use of drought tolerant plants shall enrich the existing landscape character, conserve water and energy, and provide as pleasant and varied a visual appearance as plants that require more water.

(f) **Continuity and Connection.** Landscaping shall be designed within the context of the surrounding area, provided that the landscaping is also consistent with these design principles. Where the design intent and the surrounding landscape is naturalistic, plant materials shall blend well with adjacent properties, particularly where property edges meet, to create a seamless and natural landscape. Where the design intent and the surrounding landscape is formal, consistent or similar plant material and spacing shall be utilized. Exceptions shall be made when seeking to create a transition between uses, districts, and tiers.

(g) **Enhancing Architecture.** Landscape designs shall be compatible with and enhance the architectural character and features of the buildings on site, and help relate the building to the surrounding landscape. Major landscape elements shall be designed to complement architectural elevations and rooflines through color, texture, density, and form on both vertical and horizontal planes. Landscaping shall be in scale with on-site and adjacent buildings. Plant material shall be installed at an appropriate size and allowed to accomplish these intended goals. When foundation planting is required, plantings and window boxes shall incorporate artistic elements and be compatible with a building’s architectural character.

### 303.04 Landscape Plans

(a) **Information Required.** A landscape plan shall be submitted with the permit application for all projects for which landscaping is required except individual single-family residences. Landscape plans shall be drawn to scale and shall at a minimum indicate: proposed plant locations, species, and sizes; any additional proposed landscape elements; soil preparation measures; and any other measures to facilitate plant growth or control erosion. Landscape plans shall include verification that the soil type, depth, and other characteristics are appropriate for the proposed landscaping and irrigation. Landscape plans shall also indicate the location of any existing trees over six (6) inches in diameter, and whether each such tree is proposed for retention or removal. Each landscape plan shall be accompanied by an irrigation plan that at a minimum indicates the location, type and size of all components of the irrigation system, including automatic controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, and backflow prevention devices.

(b) **Preparation by Qualified Person.** Landscaping for commercial projects, industrial projects, institutional projects, and residential projects consisting of more than twelve (12) units shall be prepared by a California licensed landscape contractor or California registered architect or landscape architect.
303.05   **Areas to be Landscaped**

The following areas shall be landscaped, and may count toward the total area of site landscaping required by the zoning district regulations.

(a)  **Required Setbacks.** All required front and street-facing side setbacks, except for areas used for exit and entry, shall be landscaped.

(b)  **Interior Property Lines Abutting R Districts.** A minimum five (5) foot wide landscape buffer shall be provided along interior property lines in districts abutting an R district and in the RM-2 and RM-3 district when abutting an RS-1, RS-2, or RM-1 district.
FIGURE 303.05(B): INTERIOR PROPERTY LINES

(c) **Building Perimeters.** The portions of a building façade that face onto a customer parking lot or front a public street shall have one (1) or more landscape planters installed along a minimum twenty (20) percent of that building face. The minimum width of the planter shall be three (3) feet. This standard does not apply where a building is located on the front or corner side property line and there is no setback between the building and the property line.

FIGURE 303.05(C): BUILDING PERIMETERS

(d) **Landscaping in Parking Areas.** Parking areas shall be landscaped as required by Chapter 304, On-Site Parking and Loading.

(e) **Orchards and Gardens.** Areas permanently and solely dedicated to edible plants such as orchards and vegetable gardens.
(f) **Unused Areas.** All areas of a project site not intended for a specific use, including areas planned for future phases of a phased development, shall be landscaped or left in a natural state. Access to the unused portion of the site shall be prohibited by a concrete curb, timber barrier or other barrier not less than six (6) inches high.

### 303.06 General Landscaping Standards

(a) **Materials.**

(1) **General.** Landscaping may consist of a combination of ground covers, shrubs, vines, and trees. Landscaped areas may include paved or graveled surfaces, provided they do not cover more than ten (10) percent of the area required to be landscaped. Plant materials shall be selected from among those species and varieties known to thrive in the Porterville climate and where applicable, selected from an approved list maintained by the City. Recirculating water shall be used for decorative water features.

(2) **Ground Cover Materials.** Ground cover shall be of living organic plant material. Ground cover may include grasses. Non-plant materials such as gravel, colored rock, cinder, bark, and similar materials may not be used to meet the minimum planting area requirements required by this chapter. Mulch is not a substitute for ground cover plants.

(3) **Turf Allowance/Drought-Tolerant Materials.** The maximum amount of lawn in required landscape areas shall be twenty-five (25) percent except for turf areas that comprise an essential component of a project (e.g., golf courses or playing fields), which are exempt from this limit. The installation of turf on slopes greater than twenty-five (25) percent is prohibited. The use of drought-tolerant plant materials is preferred to conserve the City’s water resources.

(4) **Mulch.** A minimum two (2) inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting ground covers or other special planting situations where mulch is not recommended. Stabilizing mulching products shall be used on slopes.

(5) **Size and Spacing.** Plant materials shall be grouped in hydrozones in accordance with their respective water, cultural (soil, climate, sun and light) and maintenance needs. Plants shall be of the following size and spacing at the time of installation:

- **a. Ground Covers.** Areas planted in ground cover plants other than grass seed or sod shall be planted at a rate of one (1) per twelve (12) inches on center.

- **b. Shrubs.** Shrubs shall be a minimum size of one (1) gallon. When planted to serve as a hedge or screen, shrubs shall be planted with two (2) to four (4) feet of spacing, depending on the plant species.

- **c. Trees.** Trees shall be a minimum of fifteen (15) gallons in size with a one (1) inch diameter at breast height (dbh). Newly planted trees shall be supported with stakes or guy wires.
(b) **Dimension of Landscaped Areas.** No landscaped area smaller than three (3) feet in any horizontal dimension shall count toward required landscaping.

(c) **Drivers’ Visibility.** Trees and shrubs shall be planted and maintained so that at maturity they do not interfere with traffic safety sight areas, or public safety. Notwithstanding other provisions of this section, landscaping must comply with Section 300.16, Visibility at Intersections and Driveways.

303.07 **Water Efficiency**

(a) **Efficiency Requirement.** Landscaping shall be designed and plantings selected so that water use is minimized. The total “water use value” of the proposed landscaping on a site, as described in the following subsection, may not exceed the total planting area.

(b) **Procedure for Calculating Total Water Use Value.** Total water use value shall be calculated as follows:

1. Plants with similar water needs shall be grouped together on the landscape plan. All landscaped areas on a site shall be designated as being in the very low, low, moderate, or high water needs category, according to the California Department of Water Resources study, Water Use Classification of Landscape Species (WUCOLS). Water bodies and turf shall be classified as high water use.

2. The total area (either in square feet or acres) in very low, low, moderate or high water use planting types shall be determined.

3. The area in each planting type shall be multiplied by the “water use value” for that planting type listed in Table 303.07(B)(3) below, and the products summed to determine total water use value of the landscape plan.

<table>
<thead>
<tr>
<th>TABLE 303.07(B)(3): WATER USE VALUES OF PLANTING TYPES</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Planting Type</strong></td>
</tr>
<tr>
<td>Very Low Water Needs Category</td>
</tr>
<tr>
<td>Low Water Needs Category</td>
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<tr>
<td>Moderate Water Needs Category</td>
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<tr>
<td>High Water Needs Category</td>
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</tbody>
</table>
(4) In order to comply with this water use standard, the total water use value as calculated in paragraph three (3) above for a site shall be less than or equal to the total planting area expressed in square feet or acres.

303.08 Irrigation Specifications

An irrigation system shall be installed that consists of low-volume sprinkler heads, dry emitters, and bubbler emitters with automatic controllers. Each system shall be designed to provide adequate coverage to all plant material. Irrigation systems shall be designed, maintained, and managed to meet or exceed 0.71 efficiency.

(a) Irrigation systems and decorative water features shall use recycled water when made available from the City.

(b) Soil types and infiltration rate shall be considered when designing irrigation systems.

(c) All irrigation systems shall be designed to avoid runoff, low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, or structures.

(d) Proper irrigation equipment and schedules, including features such as repeat cycles, shall be used to closely match application rates to infiltration rates therefore minimizing runoff.

(e) Overhead irrigation shall be scheduled between 8:00 p.m. and 10:00 a.m. unless weather conditions prevent it.

(f) The irrigation plans shall include the following to provide better water efficiency for all landscaped areas:

(1) **Equipment.** Sprinklers and sprays shall not be used in areas less than five (5) feet wide. Drip and bubbler systems shall be used in areas where watering needs do not exceed one (1) and one-half (.5) gallons per minute per device.

(2) **Water meters.** Separate landscape water meters shall be installed for all projects except for single family homes or any project with a landscaped area of less than five thousand (5,000) square feet.
(3) **Controllers.** Automatic control systems shall be required for all irrigation systems and shall be able to accommodate all aspects of the design. Automatic controllers shall be digital, and shall have multiple programs, multiple cycles, and sensor input capabilities.

(4) **Valves.** Plants which require different amounts of water shall be irrigated by separate valves. If one (1) valve is used for a given area, only plants with similar water use shall be used in that area. Anti-drain (check) valves shall be installed in strategic points to minimize or prevent low-head drainage.

(5) **Sprinkler heads.** Heads and emitters shall have consistent application rates within each control valve circuit. Sprinkler heads shall be selected for proper area coverage, application rate, operating pressure, adjustment capability, and ease of maintenance.

(6) **Rain or Moisture-Sensor Devices.** Soil moisture sensors and rain or moisture-sensing override devices are required.

### 303.09 Model Homes

At least one (1) model home that is landscaped in each project consisting of eight (8) or more homes shall demonstrate via signs and information, the principles of water efficient landscapes described in this Ordinance.

(a) **Front Yard Sign.** A four (4) square foot sign shall be located in the front yard of each model so that it is clearly visible to buyers. The sign shall indicate that the model features a water saving landscape and irrigation design.

(b) **Interior display.** A drawing, or combination of drawings, shall be displayed inside each "water saving" model or the sales office which provides a schematic of the landscape. These drawings shall include a key identifying the common name of the plants used in the "water saving" model distributed with the sales information to potential buyers to satisfy this requirement.

(c) **Literature.** Additional literature describing water conserving landscaping and irrigation is encouraged to also be made available to the potential buyer or referenced on the interior display or brochure.

### 303.10 Installation and Completion

(a) **Consistency with Approved Plans.** All landscaping and screening shall be installed consistent with approved plans and specifications, in a manner designed to promote and maintain healthy plant growth.

(b) **Timing of Installation.** Required landscaping and screening shall be installed prior to the issuance of a Certificate of Occupancy for the associated project.

(c) **Exception–Assurance of Landscaping Completion.** The Zoning Administrator may permit the required landscaping to be installed within one hundred twenty (120) days after the issuance of a Certificate of Occupancy in special circumstances related to weather conditions or plant availability. A surety in the amount equal to one hundred fifty (150) percent of the estimated cost of landscaping, including
materials and labor, as well as an agreement that the required landscaping will be installed within one hundred twenty (120) days, shall be filed with the City to assure completion of landscaping installation within such time. The surety may take the form of cash deposit; and together with the agreement, would provide for payment to the City of any costs incurred in contracting for completion of the required landscaping.

(d) **Certification of Substantial Completion.** Upon completion of the installation of the landscaping and irrigation system, a field observation shall be completed by the licensed project contractor. A certificate of substantial completion shall be submitted to the City by the licensed project contractor. The certificate shall specifically indicate that the plants were installed as specified, that the irrigation system was installed as designed, along with a list of any deficiencies.
Chapter 304  On-Site Parking and Loading

Sections:

304.01  Purpose
304.02  Applicability
304.03  General Provisions
304.04  Required Parking Spaces
304.05  Location of Required Parking
304.06  Parking Reductions
304.07  Vehicle Parking Districts
304.08  Bicycle Parking
304.09  On-Site Loading
304.10  Parking Area Design and Development Standards
304.11  Parking and Storage of Recreational Vehicles

304.01  Purpose

The specific purposes of the on-site parking and loading regulations are to:

(a) Ensure that parking uses are provided for new land uses and major alterations to existing uses to meet the parking needs created by such uses;

(b) Establish standards and regulations for the developer, owner, or operator of any specific use occurring outdoors or within an existing, newly constructed, or relocated building to provide well-designed, on-site parking areas; and

(c) Ensure that on-site parking and loading areas are designed and located to protect the public safety; minimize congestion and conflict points on travel aisles and public streets; and where appropriate, buffer surrounding land uses from their impact.

304.02  Applicability

The requirements of this chapter apply to the establishment, alteration, expansion, or change in any use or structure, as provided in this section.

(a) New Buildings and Land Uses. On-site parking and loading shall be provided according to the provisions of this chapter at the time any main building or structure is erected or any new use is established.

(b) Reconstruction, Expansion and Change in Use of Existing Buildings. When a change in use, expansion of a use, or expansion of floor area creates an increase of ten (10) percent or more in the number of required on-site parking or loading spaces, on-site parking and loading shall be provided according to the provisions of this chapter. The additional parking shall be required only for such addition, enlargement, or change in use and not for the entire building or site. A change in occupancy is not considered a change in use unless the new occupant is in a different use classification than the former occupant. Additional parking space is not required for the reconstruction of an existing building when there is no increase in footprint or floor area.
(c) **Alterations that Increase Number of Dwelling Units.** If an alteration to an existing building increases the number of residential dwelling units on the site, on-site parking to serve the new dwelling units shall be provided according to the provisions of this chapter.

(d) **When Constructed.** On-site parking and loading facilities required by this chapter shall be constructed or installed prior to the issuance of a Certificate of Occupancy for the uses that they serve.

### 304.03 General Provisions

(a) **Existing Parking and Loading to be Maintained.** No existing parking or loading serving any use may be reduced in amount or changed in design, location or maintenance below the requirements for such use, unless equivalent substitute parking or loading facilities are provided or a parking reduction is approved pursuant to Section 304.06, Parking Reductions.

(b) **Use of Required Parking Spaces.** Required on-site parking areas shall be used exclusively for the temporary parking of vehicles and shall not be used for the sale, lease, display, repair, or storage of vehicles, trailers, boats, campers, mobile homes, merchandise, or equipment, or for any other use, unless specifically authorized by another provision of this Ordinance.

(c) **Nonconforming Parking or Loading.** An existing use of land or structure shall not be deemed to be nonconforming solely because of a lack of on-site parking or loading facilities required by this chapter, provided that facilities used for on-site parking and loading as of the date of adoption of this Ordinance are not reduced in number to less than that required by this chapter.

### 304.04 Required Parking Spaces

(a) **Minimum Number of Spaces Required.** Each land use shall be provided at least the number of on-site parking spaces stated in Table 304.04(A).

(b) **Calculation of Required Spaces.** The number of required parking spaces shall be calculated according to the following rules:

1. **Fractions.** If the calculation of required parking or loading spaces results in the requirement of a fractional space, such fraction, if one-half (0.5) or greater, shall be considered one (1) additional space; if the fraction is less than one-half (0.5), it shall result in no additional spaces.

2. **Floor Area.** Where an on-site parking or loading requirement is stated as a ratio of parking spaces to floor area, the floor area is assumed to be gross floor area, unless otherwise stated.

3. **Employees.** Where an on-site parking or loading requirement is stated as a ratio of parking spaces to employees, the number of employees shall be based on the largest shift that occurs in a typical week.
(4) **Bedrooms.** Where an on-site parking requirement is stated as a ratio of parking spaces to bedrooms, any rooms having the potential of being a bedroom and meeting the standard of the Building Code as a bedroom shall be counted as a bedroom.

(5) **Students or Clients.** Where a parking or loading requirement is stated as a ratio of parking spaces to students (including children in day care), the number is assumed to be the number of students or clients at the state-certified or capacity.

(6) **Seats.** Where parking requirements are stated as a ratio of parking spaces to seats, each eighteen (18) inches of bench-type seating at maximum seating capacity is counted as one (1) seat.

(c) **Existing Spaces—Role in Parking Calculation.** The number of parking spaces or loading spaces required for an alteration or enlargement of an existing use or structure, or for a change of occupancy, shall be in addition to the number of spaces or spaces existing prior to the alteration, enlargement, or change of use unless the preexisting number is greater than the number prescribed in this section. In such case, the number of spaces or spaces in excess of the prescribed minimum shall be counted in determining the required number of spaces or spaces.

(d) **On-Street Parking—Role in Parking Calculation.** For properties in the Downtown districts, on-street parking spaces may be counted toward required off-street parking for non-residential uses in an amount equal to the proportionate share of the block face. For example, a site that occupies twenty-five (25) percent of the block face is credited with twenty-five (25) percent of the on-street parking spaces along that block face. One (1) on-street parking space may be substituted for each required off-street space. These provisions apply to street frontages where on-street parking is allowed.

(e) **Sites with Multiple Uses.** If more than one (1) use is located on a site, the number of required on-site parking spaces and loading spaces shall be equal to the sum of the requirements prescribed for each use unless a reduction for shared parking is approved pursuant to Section 304.06(b), Shared Parking, and except for commercial centers with two (2) or more commercial establishments, which shall be provided parking at a ratio of one (1) parking space per three hundred (300) square feet of floor area if the floor area is more than fifty thousand (50,000) square feet.

(f) **Uses Not Specified.** The parking requirement for any use not listed in Table 304.04(A) shall be determined by the Zoning Administrator based upon the requirements for the most similar comparable use, the particular characteristics of the proposed use, and any other relevant data regarding parking demand. In order to make this determination, the Zoning Administrator may require the applicant to submit a parking demand study or other information, at the applicant’s cost.

(g) **Parking Requirements Determined by Zoning Administrator.** Where the parking requirement in Table 304.04(A) is listed as “to be determined by the Zoning Administrator,” the Zoning Administrator shall establish the parking requirement based on the particular characteristics of the proposed use, and any other relevant
data regarding parking demand. The Zoning Administrator may require the applicant to submit parking studies or any other information needed to assess parking demand for the proposed project. Where a Conditional Use Permit is required for the use, the ultimate parking requirement will be established by the Conditional Use Permit.

(h) Queuing Area. The number of parking spaces required by Table 304.04(A) does not include queuing space that may be required for vehicles and customers waiting in vehicles for service at drive-through facilities, pump stations, auto service bays, or similar uses. Where required, queuing area shall be measured as twenty (20) feet per car.

<table>
<thead>
<tr>
<th>TABLE 304.04(A): REQUIRED ON-SITE PARKING SPACES</th>
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<tbody>
<tr>
<td>Land Use Classification</td>
</tr>
<tr>
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</tr>
<tr>
<td><strong>Residential Use Classifications</strong></td>
</tr>
<tr>
<td>Single-family, Detached</td>
</tr>
<tr>
<td>Single-family, Attached</td>
</tr>
<tr>
<td>Second Unit</td>
</tr>
<tr>
<td>Multi-family Residential</td>
</tr>
<tr>
<td>Small Family Day Care Home</td>
</tr>
<tr>
<td>Large Family Day Care Home</td>
</tr>
<tr>
<td>Group Residential</td>
</tr>
<tr>
<td>Manufactured Home Park</td>
</tr>
<tr>
<td>Residential Care, Limited</td>
</tr>
<tr>
<td><strong>Public and Semi-Public Use Classifications</strong></td>
</tr>
<tr>
<td>Cemetery</td>
</tr>
<tr>
<td>Clubs and Lodges</td>
</tr>
<tr>
<td>Colleges and Trade Schools, Public or Private</td>
</tr>
<tr>
<td>Community Center</td>
</tr>
</tbody>
</table>
## TABLE 304.04(A): REQUIRED ON-SITE PARKING SPACES

<table>
<thead>
<tr>
<th>Land Use Classification</th>
<th>Required Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cultural Institutions</td>
<td>For theaters and auditoriums: 1 for each 3 permanent seats in main assembly area, or 1 for every 50 sq. ft. of assembly area where temporary or moveable seats are provided. Galleries and Museums: 1 for every 400 sq. ft. of floor area. Other establishments: determined by the Zoning Administrator.</td>
</tr>
<tr>
<td>Day Care Center</td>
<td>1 per first 5 children, plus 1 for each additional 10 children.</td>
</tr>
<tr>
<td>Elderly and Long Term Care</td>
<td>For first 10 beds: 1 per 2 beds. Additional beds: 1 additional space for each 4 beds.</td>
</tr>
<tr>
<td>Government Offices</td>
<td>1 per 300 sq. ft. of floor area.</td>
</tr>
<tr>
<td>Hospitals and Clinics</td>
<td>1 per bed; plus 1 per 250 sq. ft. of area used for office, clinics, testing, research, administration, and similar activities associated with the principal use.</td>
</tr>
<tr>
<td>Instructional Services</td>
<td>1 per 300 sq. ft. of floor area.</td>
</tr>
<tr>
<td>Park and Recreation Facilities, Public</td>
<td>To be determined by the Zoning Administrator.</td>
</tr>
<tr>
<td>Public Safety Facilities</td>
<td>To be determined by the Zoning Administrator.</td>
</tr>
<tr>
<td>Religious Facilities</td>
<td>1 for each 3 permanent seats in main assembly area, or 1 for every 50 sq. ft. of assembly area where temporary or moveable seats are provided.</td>
</tr>
<tr>
<td>Residential Care, General</td>
<td>For first 10 beds: 1 per 2 beds. Additional beds: 1 additional space for each 4 beds.</td>
</tr>
<tr>
<td>Schools, Public or Private</td>
<td>Elementary and Middle Schools: 1 per classroom, plus 1 per 250 sq. ft. of office area. High Schools: .35 per student</td>
</tr>
<tr>
<td>Social Service Facilities</td>
<td>1 per 200 sq. ft. of floor area.</td>
</tr>
<tr>
<td><strong>Commercial Use Classifications</strong></td>
<td></td>
</tr>
<tr>
<td>Adult-Oriented Business</td>
<td>As determined by the Zoning Administrator based upon requirements for the most similar comparable use</td>
</tr>
<tr>
<td>Aircraft Sales, Services, and Storage</td>
<td>To be determined by the Zoning Administrator.</td>
</tr>
<tr>
<td>Animal Care, Sales and Services</td>
<td></td>
</tr>
<tr>
<td><strong>Kennels</strong></td>
<td>1 per 1000 sq. ft. of floor area.</td>
</tr>
<tr>
<td><strong>Pet Store</strong></td>
<td>1 per 250 sq. ft. of floor area.</td>
</tr>
<tr>
<td><strong>Veterinary Services</strong></td>
<td>1 per 250 sq. ft. of floor area.</td>
</tr>
<tr>
<td><strong>Artists’ Studios</strong></td>
<td>1 per 1,000 sq. ft. of floor area.</td>
</tr>
<tr>
<td>Land Use Classification</td>
<td>Required Parking Spaces</td>
</tr>
<tr>
<td>------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Automobile/Vehicle Sales and Services</td>
<td></td>
</tr>
<tr>
<td>Automobile/Vehicle Rentals</td>
<td>1 per 250 sq. ft. of office area in addition to spaces for all vehicles for rent.</td>
</tr>
<tr>
<td>Automobile/Vehicle Sales and Leasing</td>
<td>1 per 250 sq. ft. of office area, plus 1 space per 1000 sq. ft. of indoor or outdoor sales display area. Any accessory auto repair: 2 spaces per service bay. Minimum 5 spaces per dealership.</td>
</tr>
<tr>
<td>Automobile/Vehicle Repair, Major or Minor</td>
<td>2 per service bay.</td>
</tr>
<tr>
<td>Automobile/Vehicle Washing</td>
<td>Minimum 1 space for automatic facilities, minimum 3 spaces for other facilities. 1 per 250 sq. ft. of any indoor sales, office, or lounge areas.</td>
</tr>
<tr>
<td>Large Vehicle and Equipment Sales, Service and Rental</td>
<td>1 per 250 sq. ft. of office area plus 1 per 2,500 sq. ft. of sales display area.</td>
</tr>
<tr>
<td>Service Station</td>
<td>2 per service bay, if service bays are included on site. 1 per 200 sq. ft. of any convenience store on site.</td>
</tr>
<tr>
<td>Towing and Impound</td>
<td>1 per 500 sq. ft. of building area plus 1 per 0.5 acre of gross outdoor use area.</td>
</tr>
<tr>
<td>Banks and Financial Institutions (All subclassifications)</td>
<td>1 per 300 sq. ft. of floor area.</td>
</tr>
<tr>
<td>Building Materials Services</td>
<td>1 per 400 sq. ft. of floor area; 1 per 600 sq. ft. of outdoor display area.</td>
</tr>
<tr>
<td>Business Services</td>
<td>1 per 300 sq. ft. of floor area.</td>
</tr>
<tr>
<td>Commercial Entertainment and Recreation</td>
<td>Establishments with seating: 1 for each 3 permanent seats in main assembly area, or 1 for every 50 sq. ft. of assembly area where temporary or moveable seats are provided. Bowling alleys: 3 per lane. Other Commercial Entertainment and Recreation uses: to be determined by Zoning Administrator.</td>
</tr>
<tr>
<td>Eating, Drinking, and Smoking Establishments</td>
<td></td>
</tr>
<tr>
<td>Bars/Night Clubs/Lounges</td>
<td>Minimum 2 spaces. 1 per 75 sq. ft. of customer seating area.</td>
</tr>
<tr>
<td>Coffee Shops/Cafes</td>
<td>Minimum 2 spaces. 1 per 100 sq. ft. of customer seating area.</td>
</tr>
<tr>
<td>Restaurants</td>
<td>Minimum 2 spaces. 1 per 75 sq. ft. of customer seating area; no parking is required for outdoor seating when seats provided equal 50 percent or less of total indoor seating.</td>
</tr>
<tr>
<td>Tobacco Bars</td>
<td>Minimum 2 spaces. 1 per 75 sq. ft. of customer seating area.</td>
</tr>
<tr>
<td>Food and Beverage Retail Sales</td>
<td>1 per 250 sq. ft. of floor area.</td>
</tr>
</tbody>
</table>
**TABLE 304.04(A): REQUIRED ON-SITE PARKING SPACES**

<table>
<thead>
<tr>
<th>Land Use Classification</th>
<th>Required Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Funeral Parlors and Mortuaries</td>
<td>1 for each 4 permanent seats in assembly areas, plus 1 per 250 sq. ft. of office area.</td>
</tr>
<tr>
<td>Hotels and Motels</td>
<td>1 per each living or sleeping unit, plus 2 spaces adjacent to registration office. Additional parking required for ancillary uses, such as restaurants, according to the parking requirements for the ancillary use.</td>
</tr>
<tr>
<td>Light Fleet-based services</td>
<td>1 per 250 sq. ft. of office floor area, plus one space for each fleet vehicle.</td>
</tr>
<tr>
<td>Maintenance and Repair Services</td>
<td>1 per 350 sq. ft. of building floor area, plus one space for each fleet vehicle.</td>
</tr>
<tr>
<td>Nurseries and Garden Centers</td>
<td>1 per 250 sq. ft. of floor area, plus 1 per 500 sq. ft. of outside display or greenhouse area.</td>
</tr>
<tr>
<td><strong>Offices</strong></td>
<td></td>
</tr>
<tr>
<td>General Offices</td>
<td>1 per 250 sq. ft. of floor area.</td>
</tr>
<tr>
<td>Medical Offices</td>
<td>1 per 175 sq. ft. of floor area for single tenant, 1 per 200 sq. ft. of floor area for multi-tenant facility. Required parking for dialysis centers are to be determined by the Zoning Administrator.</td>
</tr>
<tr>
<td>Parking, Public or Private</td>
<td>1 per attendant station (in addition to the spaces that are available to public).</td>
</tr>
<tr>
<td>Personal Services</td>
<td>1 per 200 sq. ft. of floor area.</td>
</tr>
<tr>
<td><strong>Retail Sales</strong></td>
<td></td>
</tr>
<tr>
<td>Less than 15,000 square feet</td>
<td>1 per 200 sq. ft. of floor area.</td>
</tr>
<tr>
<td>15,001 to 50,000 square feet</td>
<td>1 per 250 sq. ft. of floor area.</td>
</tr>
<tr>
<td>More than 50,000 square feet</td>
<td>1 per 300 sq. ft. of floor area.</td>
</tr>
<tr>
<td>Salvage and Wrecking</td>
<td>1 per 500 sq. ft. of building area plus 1 per 0.5 acre of gross outdoor use area.</td>
</tr>
<tr>
<td>Wholesaling and Distribution</td>
<td>1 per 2,000 sq. ft. of floor area.</td>
</tr>
<tr>
<td><strong>Industrial Use Classifications</strong></td>
<td></td>
</tr>
<tr>
<td>Construction and Materials Yards</td>
<td>To be determined by Zoning Administrator.</td>
</tr>
<tr>
<td>Handicraft/Custom Manufacturing</td>
<td>1 per 2,000 sq. ft. of floor area.</td>
</tr>
<tr>
<td>Industry, General</td>
<td>1 per 1,000 sq. ft. of floor area.</td>
</tr>
<tr>
<td>Industry, Limited</td>
<td>1 per 1,000 sq. ft. of floor area.</td>
</tr>
<tr>
<td>Recycling Collection Facilities</td>
<td></td>
</tr>
<tr>
<td>Recycling Collection Point</td>
<td>Minimum 1 space. Number of additional spaces to be determined by the Zoning Administrator.</td>
</tr>
</tbody>
</table>
## TABLE 304.04(A): REQUIRED ON-SITE PARKING SPACES

<table>
<thead>
<tr>
<th>Land Use Classification</th>
<th>Required Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recycling Processing Facility</td>
<td>1 for each 2 employees on the maximum work shift, or 1 per 1,000 sq. ft. of floor area, whichever is greater.</td>
</tr>
<tr>
<td>Warehousing and Storage</td>
<td></td>
</tr>
<tr>
<td>Chemical, Mineral, and Explosives Storage</td>
<td>1 per 2 employees or 1 per 200 sq. ft. of office area, whichever is greater.</td>
</tr>
<tr>
<td>Indoor Commercial Storage</td>
<td>1 per 1,000 sq. ft. of floor area.</td>
</tr>
<tr>
<td>Outdoor Storage</td>
<td>1 per 2 employees or 1 per 200 sq. ft. of office area, whichever is greater.</td>
</tr>
<tr>
<td>Personal Storage</td>
<td>1 space per 75 storage units, plus 1 space per 300 square feet of office area. A minimum of 5 spaces shall be provided.</td>
</tr>
<tr>
<td>Transportation, Communication, and Utilities Use Classifications</td>
<td></td>
</tr>
<tr>
<td>Airports and Heliports</td>
<td>To be determined by the Zoning Administrator.</td>
</tr>
<tr>
<td>Communication Facilities</td>
<td></td>
</tr>
<tr>
<td>Antennae and Transmission Towers</td>
<td>Minimum 1 space for maintenance and servicing. Additional spaces to be determined by the Zoning Administrator.</td>
</tr>
<tr>
<td>Facilities within Buildings</td>
<td>To be determined by the Zoning Administrator.</td>
</tr>
<tr>
<td>Freight/Truck Terminals and Warehouses</td>
<td>1 for each 2 employees on the maximum work shift, or 1 for each 3,000 sq. ft. of floor area, whichever is greater.</td>
</tr>
<tr>
<td>Transportation Passenger Terminals</td>
<td>To be determined by the Zoning Administrator.</td>
</tr>
<tr>
<td>Utilities, Major</td>
<td>To be determined by the Zoning Administrator.</td>
</tr>
<tr>
<td>Utilities, Minor</td>
<td>None.</td>
</tr>
<tr>
<td>Agriculture and Extractive Use Classifications</td>
<td></td>
</tr>
<tr>
<td>Crop and Animal Raising</td>
<td>1 for every 2 employees on the maximum shift.</td>
</tr>
<tr>
<td>Mining and Quarrying</td>
<td>1 for every 2 employees on the maximum shift.</td>
</tr>
</tbody>
</table>

### 304.05 Location of Required Parking

(a) **Single-Family Dwellings and Second Units.** Required parking for a Single-Family Dwelling (except a manufactured home located within a manufactured home park) and a Second Unit shall be located on the same lot as the dwelling(s) served, and shall not be located within a required front or street-facing side yard.

(b) **Multi-Family Residential, Group Housing, and Manufactured Homes.** Required parking for Multi-Family Residential, Group Housing, manufactured homes located in a manufactured home park, and other residential uses, shall be located on the same lot as the dwelling served, or in a common parking area not more than four hundred (400) feet from the dwellings served. If located in a common parking area,
a parking agreement shall be filed as provided in Subsection (d)(2) of this section. Parking shall not be located within a required front or street-facing side yard.

(c) **Nonresidential Uses.** Required parking spaces serving commercial, industrial, and other non-residential uses shall be located on the same lot as the use they serve, or in an off-site parking facility as provided in Subsection (d) of this section.

(d) **Off-Site Parking Facilities.** A parking facility serving one (1) or more non-residential uses located on a site other than the site of one (1) or more such use(s) may be approved if the standards of this subsection are met.

(1) **Location.** Any off-site parking facility shall be located within four hundred (400) feet, along a pedestrian route, of the principal entrance containing the use(s) for which the parking is required.

(2) **Parking Agreement.** A written agreement between the landowner(s) and the City shall be filed, in a form satisfactory to the City Attorney, and including:

a. A guarantee among the landowner(s) for access to and use of the parking facility;

b. A guarantee that the spaces to be provided will be maintained and reserved for the uses served for as long as such uses are in operation; and

c. Evidence that the agreement has been recorded in the County Recorder's office.
304.06 Parking Reductions.

The number of on-site motor vehicle parking spaces required by Table 304.04(A) may be reduced in accordance with the provisions of this section.

(a) Residential Uses. If a developer can demonstrate that a Multi-Family Residential, Group Residential, or service-oriented housing project designed for residents with special needs, such as senior citizens or handicapped individuals, will not generate a need for as much parking as such a project designed for a general market, the City Council shall have the authority to allow a reduction in the number of required parking spaces. Upon conversion of a senior citizen or other special needs group housing project to a general market apartment or condominium complex, parking shall be provided consistent with the requirements of Table 304.04(A).
(b) **Shared Parking.** Where a shared parking facility serving more than one (1) use will be provided, the total number of required parking spaces may be reduced with a Conditional Use Permit, if the City Council finds that all of the following are true:

1. The peak hours of use will not overlap or coincide to the degree that peak demand for parking spaces from all uses will be greater than the total supply of spaces;
2. The adequacy of the quantity and efficiency of parking provided will equal or exceed the level that can be expected if parking for each use were provided separately;
3. A parking demand study prepared by an independent qualified professional approved by the City supports the proposed reduction; and
4. In the case of a shared parking facility that serves more than one (1) property, a parking agreement has been prepared consistent with the provisions of Section 304.05(d), Off-Site Parking Facilities.

(c) **Other Parking Reductions.** Required parking for any use may be reduced through approval of a Conditional Use Permit.

1. **Criteria for Approval.** The City Council may only grant a Conditional Use Permit for reduced parking if it finds that the project meets all of the Conditional Use Permit criteria in Chapter 605, Conditional Use Permits, and that:
   a. Special conditions—including but not limited to the nature of the proposed operation; proximity to frequent transit service; transportation characteristics of persons residing, working, or visiting the site; or because the applicant has undertaken a transportation demand management program—exist that will reduce parking demand at the site;
   b. The use will adequately be served by the proposed parking; and
   c. Parking demand generated by the project will not exceed the capacity of or have a detrimental impact on the supply of on-street parking in the surrounding area.

2. **Parking Demand Study.** In order to evaluate a proposed project’s compliance with the above criteria, the Zoning Administrator may require submittal of a parking demand study that substantiates the basis for granting a reduced number of spaces and includes any of the following information, as directed by the City:
   a. Total square footage of all uses within existing and proposed development and the square footage devoted to each type of use.
   b. A survey of existing on-street and on-site parking within three hundred fifty (350) feet of the project site.
   c. Parking requirements for the net change in square footage and/or change in use, based on the requirements of Table 304.04(A).
d. Estimated net change in parking demand between existing and proposed development, using any available existing parking generation studies from the Institute for Transportation Engineers (ITE) or other sources. If appropriate parking demand studies are not available, the City may require the applicant to conduct a parking demand survey of a development similar to the proposed.

e. Comparison of proposed parking supply with parking requirements and net change in parking demand.

f. A shared parking analysis, as appropriate.

g. A description of possible Transportation Demand Management measures, such as preferential carpool spaces, telecommuting or staggered works shifts, provision of transit passes or other transit incentives for residents or employees, incorporation of spaces for car share vehicles, bicycles, or other measures that could result in reduced parking demand.

h. Other information as required by the City.

304.07 Vehicle Parking Districts

(a) **Purpose.** The City has established two (2) vehicle parking districts in the downtown area in recognition that due to the concentration and mix of uses in the downtown area, parking spaces will be shared among uses and the actual demand for spaces in these areas is less than what would otherwise be necessary. In addition, the proximity to the City transit center further reduces parking demand in these areas.

(b) **Required Parking Spaces.** The number of off-street parking spaces required within the zones of Vehicle Parking District No. 1, as shown in Figure 304.07(A), shall not be less than stated in Table 304.07(B). The number of off-street parking spaces in Vehicle Parking District No. 2, as shown in Figure 304.07(B) shall be determined by the City Council.
# TABLE 304.07(B): REQUIRED PARKING SPACES IN VEHICLE PARKING DISTRICT NO. 1

<table>
<thead>
<tr>
<th>Zones of Benefit</th>
<th>Required Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone A</td>
<td>No parking spaces required for a total of three stories of floor area with a basement, if any, included as one story.</td>
</tr>
<tr>
<td>Zone B</td>
<td>1 per 600 square feet of floor area.</td>
</tr>
<tr>
<td>Zone C</td>
<td>1 per 500 square feet of floor area.</td>
</tr>
<tr>
<td>Zone D</td>
<td>1 per 400 square feet of floor area.</td>
</tr>
<tr>
<td>Zone E</td>
<td>1 per 250 square feet of floor area.</td>
</tr>
</tbody>
</table>

# FIGURE 304.07(A): VEHICLE PARKING DISTRICT NO. 1

![Map of Vehicle Parking District No. 1]
(c) **In Lieu Payments.** In lieu of providing the parking spaces required in Table 304.07(B), the person required to provide said parking spaces may pay to the City in the case of Vehicle Parking District No. 1 and the Redevelopment Agency in the case of Vehicle Parking District No. 2, an amount to be established by the City Council. All monies collected pursuant to this section shall be deposited in a special fund with said fund to be used only for the purpose of acquisition of properties and construction of parking spaces within the respective vehicle parking district. For all projects within Vehicle Parking District No. 1-Zone E and projects that exceed two (2) stories in Vehicle Parking District No. 2, the in lieu payment option is subject to City Council approval.

(d) **Exceptions.** The following uses are not subject to the parking space requirements in Table 304.07(B) and shall instead provide parking in accordance with Table 304.04(A).

1. All residential uses
2. Bowling lanes.
3. Drive-In Restaurants.
6. Theaters.
(e) **Location of Parking.** The parking spaces required by this chapter shall be located within the boundaries of the respective vehicle parking district or immediately adjacent to the district.

**304.08 Bicycle Parking**

(a) **Short-Term Bicycle Parking.** Short-term bicycle parking shall be provided, according to the provisions of this section, in order to serve shoppers, customers, messengers, guests, and other visitors to a site who generally stay for a short time.

(1) **Parking Spaces Required.** Except for establishments with less than five thousand (5,000) square feet of floor area in the Downtown Districts, short-term bicycle parking spaces shall be provided for the following uses at a rate of two (2) percent of the number of required automobile parking spaces, with a minimum of two (2) parking spaces provided per establishment.

When a single lot has multiple establishments, such as in the case of a shopping center, a minimum of two (2) spaces shall be provided per lot.

Short-term bicycle parking spaces are required for the following uses:

- a. Banks and Financial Institutions;
- b. Business Services;
- c. Clubs and Lodges;
- d. Colleges and Trade Schools;
- e. Commercial Entertainment and Recreation;
- f. Community Center;
- g. Cultural Institutions;
- h. Eating, Drinking, and Smoking Establishments;
- i. Food and Beverage Sales;
- j. Government Offices;
- k. Hospitals and Clinics;
- l. Instructional Services;
- m. Libraries;
- n. Multi-Family Residential;
- o. Offices;
- p. Park and Recreation Facilities;
- q. Personal Services;
- r. Religious Facilities;
- s. Retail Sales; and
- t. Schools, Public or Private;
- u. Transportation Passenger Terminals.
(2) **Standards for Short-Term Bicycle Parking.**

a. *Location.* Short-term bicycle parking shall be located within fifty (50) feet of a main entrance to the building it serves. In the case of a multi-tenant shopping center, bicycle parking shall be located within fifty (50) feet of an entrance to each anchor store. In the Downtown Districts, bicycle parking shall be located on the same block face as the establishment. Bicycle parking shall be visible from the street or from the main building entrance, or a sign shall be posted at the main building entrance indicating the location of the parking.

b. *Anchoring and Security.* For each bicycle parking space required, a stationary, securely anchored object shall be provided to which a bicycle frame and one (1) wheel can be secured with a high-security U-shaped shackle lock if both wheels are left on the bicycle. One (1) such object may serve multiple bicycle parking spaces.

c. *Size and Accessibility.* Each bicycle parking space shall be a minimum of two (2) feet in width and six (6) feet in length and shall be accessible without moving another bicycle.

**FIGURE 304.08(A)(2): SHORT-TERM BICYCLE PARKING**

(b) **Long-Term Bicycle Parking.** Long-term bicycle parking shall be provided, according to the provisions of this section, in order to serve employees, students, residents, commuters, and others who generally stay at a site for four (4) hours or longer.

(1) **Parking Required.**

a. *Residential Uses.* A minimum of one (1) bicycle parking space shall be provided for every four (4) units for the following uses:

1. Multi-family Residential; and
2. Group Residential.
b. *Other Uses.* Any establishment with twenty-five (25) or more employees shall provide long-term bicycle parking at a ratio of one (1) space per twenty-five (25) vehicle spaces.

(2) **Standards for Long-Term Bicycle Parking.** Long-term bicycle parking shall meet the following standards:

a. *Location.* Long-term bicycle parking shall be located on the same lot as the use it serves.

b. *Covered Spaces.* At least fifty (50) percent of required long-term bicycle parking shall be covered. Covered parking can be provided inside buildings, under roof overhangs or awnings, in bicycle lockers, or within or under other structures.

c. *Security.* Long-term bicycle parking shall be in at least one (1) of the following facilities:

   1. An enclosed bicycle locker;
   2. A fenced, covered, locked or guarded bicycle storage area; or
   3. A rack or stand inside a building that is within view of an attendant or security guard or visible from employee work areas.

d. *Size and Accessibility.* Each bicycle parking space shall be a minimum of two (2) feet in width and six (6) feet in length and shall be accessible without moving another bicycle.

---

304.09 **On-Site Loading**

(a) **Loading Spaces Required.** A building, or part thereof, having a floor area of ten-thousand (10,000) square feet or more that is to be occupied by a manufacturing plant, storage facility, warehouse facility, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry-cleaning establishment, or other use similarly requiring the receipt or distribution by vehicles or trucks of material or merchandise shall provide at least one (1) on-site loading space, plus one (1) additional loading space for each additional forty thousand (40,000) square feet of floor area. Such on-site loading space shall be maintained during the existence of the building or use that is required to serve.

(1) **Reduction in Number of Loading Spaces Required.** The loading space requirement may be waived upon a finding that the applicant has satisfactorily demonstrated that due to the nature of the proposed use, such loading space will not be needed.

(2) **Additional Loading Spaces Required.** The required number of loading spaces may be increased to ensure that trucks will not be loaded, unloaded, or stored on public streets. Such requirement shall be based on the anticipated frequency of truck pickups and deliveries and of the truck storage requirements of the use for which the on-site loading spaces are required.
(b) **Minimum Size.** Each on-site loading space required by this chapter shall not be less than twelve (12) feet wide, thirty (30) feet long, and fifteen (15) feet high, exclusive of driveways for ingress and egress and maneuvering areas.

(c) **Driveways for Ingress and Egress and Maneuvering Areas.** Each on-site loading space required by this chapter shall be provided with driveways for ingress and egress and maneuvering space of the same type and meeting the same criteria required for on-site parking spaces. Truck-maneuvering areas shall not encroach into required parking areas, travelways, or street rights-of-way.

### 304.10 Parking Area Design and Development Standards

(a) **Handicapped Parking.** Each lot or parking structure where parking is provided for the public as clients, guests, or employees shall include parking accessible to handicapped or disabled persons as near as practical to a primary entrance and in accordance with the standards for the number of spaces, size, location, signing, and markings/striping set forth in Chapter 71, “Site Development Requirements for Handicapped Accessibility” of Title 24 of the California Code of Regulations.

(b) **Compact Parking.** On a site with at least ten (10) parking spaces, up to ten (10) percent of the total required parking spaces may be compact spaces, provided that the following standards are met:

1. In residential parking areas, all parking spaces that are required to be covered shall be standard size; and
2. All compact spaces are to be designated with a sign or pavement marking.

(c) **Size of Parking Spaces and Maneuvering Aisles.** Parking spaces and maneuvering aisles shall be provided to meet the minimum dimensions required by this subsection. Screening walls, roof support posts, columns, or other structural members shall not intrude into the required dimensions for parking spaces.

(1) **Standard Parking Spaces.** The minimum basic dimension for standard parking spaces is nine (9) feet by twenty (20) feet. This dimension is reduced to nine (9) feet by eighteen (18) feet where an additional two (2) feet of sidewalk or landscaped area planted with low growing plants is provided for vehicle overhang. Table 304.10(C)(1) provides the dimensions of spaces (stalls) and aisles according to angle of parking spaces.

<table>
<thead>
<tr>
<th>Angle of Parking</th>
<th>Stall Width</th>
<th>Curb Length Per Stall</th>
<th>Stall Depth from Curb</th>
<th>Aisle Width</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>One-way</td>
<td>Two-way</td>
<td></td>
</tr>
<tr>
<td>Parallel</td>
<td>9'0&quot;</td>
<td>23'0&quot;</td>
<td>9'0&quot;</td>
<td>12'</td>
</tr>
<tr>
<td>45°</td>
<td>9'0&quot;</td>
<td>12'8&quot;</td>
<td>20'0&quot;</td>
<td>15'</td>
</tr>
<tr>
<td>60°</td>
<td>9'0&quot;</td>
<td>10'5&quot;</td>
<td>21'6&quot;</td>
<td>18'</td>
</tr>
<tr>
<td>90°</td>
<td>9'0&quot;</td>
<td>9'0&quot;</td>
<td>20'0&quot;</td>
<td>25'</td>
</tr>
</tbody>
</table>
FIGURE 304.10(C)(1): STANDARD PARKING SPACES

Parallel Parking

One-way Maneuvering Aisle 9 ft 21 ft

Curb Length
7 ft 4 in

Parking Space

45° Parking

One-way Maneuvering Aisle 15 ft 55 ft

Curb Length 12 ft 8 in

Stall Depth 20 ft

Parking Space 30 ft

60° Parking

One-way Maneuvering Aisle 18 ft 61 ft

Curb Length 10 ft 5 in

Stall Depth 21 ft 6 in

Parking Space 30 ft

90° Parking

One-way Maneuvering Aisle 25 ft 65 ft

Stall Depth 20 ft

Parking Space 30 ft

2 ft vehicle overhang
(2) **Compact Parking Spaces.** The minimum basic dimension for compact parking stalls shall be seven (7) feet by sixteen (16) feet.

(3) **Parking Spaces Abutting Wall or Fence.** Parking spaces shall be located a minimum of two (2) feet from any wall, fence, column, or other obstruction higher than one-half (0.5) feet.

(4) **Long-term Parking.** In parking areas, or portions of parking areas, restricted to employee use rather than customer or visitor use, and in which a vehicle is not normally moved during the period of an employee's work shift, the width of parking spaces may be reduced to eight and one-half (8.5) feet for standard spaces and seven and one-half (7.5) feet for compact spaces and the stall depth for standards spaces may be reduced to eighteen (18) feet.

(5) **Minimum Dimensions for Residential Carports.** Each single-car carport shall measure at least eleven (11) feet wide by twenty (20) feet long. Each double carport shall measure at least twenty (20) feet wide by twenty (20) feet long. The width of the carport is to be measured from inside face of support to inside face of opposite support. The carport roof shall cover the entire twenty (20) foot length of the space. Unless adequate enclosed storage area is provided elsewhere on-site, the carport shall include a minimum eighty (80) square foot enclosed storage unit with minimum dimensions of six (6) feet in height and four (4) feet in width and depth.

**FIGURE 304.10(C)(6): MINIMUM DIMENSIONS FOR RESIDENTIAL CARPORTS**

(6) **Minimum Dimensions for Residential Enclosed Garages.** Enclosed garages serving residential uses shall be constructed to meet the following minimum inside dimensions.

a. A single-car garage shall be at least eleven (11) feet wide and twenty-two (22) feet long.
b. A double-car garage shall be at least twenty (20) feet wide and twenty-two (22) feet long.

d) **Surfacing.** All parking areas shall be paved and improved and all sites shall be properly drained, subject to approval of the City Engineer.

e) **Parking Lot Striping.** All parking stalls shall be clearly outlined with striping, and all aisles, approach lanes, and turning areas shall be clearly marked with directional arrows and lines as necessary to provide for safe traffic movement.

f) **Perimeter Curbing.** A six (6) inch wide and six (6) inch high concrete curb shall be provided along the outer edge of the parking facility pavement, except where said pavement abuts a fence or wall. Where a parking facility abuts an area planned for a future phases of a phased development a timber barrier or other barrier not less than six (6) inches high may be installed instead of a curb.

g) **Lighting.** Public parking areas designed to accommodate ten (10) or more vehicles shall be provided with a minimum of one-half (0.5) foot-candle and a maximum of three (3) foot-candles of light over the parking surface during the hours of use from one-half (0.5) hour before dusk until one-half (0.5) hour after dawn. Lighting design shall be coordinated with the landscape plan to ensure that vegetation growth will not substantially impair the intended illumination. Parking lot lighting shall, to the maximum extent feasible, be designed and installed so that light and glare is not directed onto residential use areas or adjacent public rights-of-way, consistent with Chapter 307, Performance Standards.

h) **Separation From On-Site Buildings.** Parking areas shall be separated from the front and side exterior walls of on-site buildings by walkways at least four (4) feet in width.

i) **Landscaping.** Landscaping of parking areas shall be provided and maintained according to the general standards of Chapter 303, Landscaping, as well as the standards of this subsection. The provisions of this subsection apply to all uses except Single-Family Dwellings and Duplexes.

(1) **Landscape Area Required.** A minimum of ten (10) percent of any parking lot area shall be landscaped. For the purpose of calculating required parking lot landscaping, parking lot areas are deemed to include parking and loading spaces as well as aisles, vehicle entry and exit areas, and any adjacent paved areas. Parking lot area does not include enclosed vehicle storage areas.

(2) **Minimum Planter Dimension.** No landscape planter that is to be counted toward the required landscape area shall be smaller than twenty-five (25) square feet in area, or four (4) feet in any horizontal dimension, excluding curbing.

(3) **Layout.** Landscaped areas shall be well-distributed throughout the parking lot area. Parking lot landscaping may be provided in any combination of:

a. Landscaped planting strips at least four (4) feet wide between rows of parking stalls;
b. Landscaped planting strips between parking areas and adjacent buildings or internal pedestrian walkways;

c. Landscaped islands located between parking stalls or at the ends of rows of parking stalls; and

d. On-site landscaping at the parking lot perimeter.

(4) **Required Landscaped Islands.** A landscaped island at least six (6) feet in all interior dimensions and containing at least one (1) fifteen (15) gallon-size tree shall be provided at each end of each interior row of parking stalls and between all consecutive parking stalls in the following ratios:

a. Between every eight (8) stalls in any non-residential development;

b. Between every six (6) consecutive stalls in a residential development or in a mixed-use development in which residential units overlook on-site parking areas.

(5) **Landscaped Buffer for Open Parking Adjacent to Right-of-Way.** A landscaped buffer area shall be provided between any surface parking area and any property line adjacent to a public street. The landscaped buffer shall have a minimum width as listed below unless a different dimension is specified in the base district standards applicable to a site.

a. **Residential Districts:** Five (5) feet. Landscaped parkways or strips between the property line and the sidewalk count toward this requirement.

b. **Non-residential Districts:** Ten (10) feet.

(6) **Landscaped Buffer for Open Parking Abutting Interior Lot Line.** A landscaped area at least three (3) feet wide shall be provided between the outside edge of any surface parking area and any adjacent lot for the length of the parking area.

(7) **Trees.** Trees shall be planted to result in fifty (50) percent shading of parking lot surface areas within fifteen (15) years.

a. **Distribution.** Trees shall be distributed relatively evenly throughout the parking area.

b. **Species.** Required trees for parking lots shall be selected from a list of recommended trees maintained by the Community Development Department.

c. **Minimum Planter Size.** Any planting area for a tree shall have a minimum interior dimension of five (5) feet. Additional space may be required for some tree species.
FIGURE 304.10(I): LANDSCAPING

Parking lot buffer from interior lot line: 3 ft landscaped setback

Landscape: One landscaped island required between every 6 spaces in residential development and every 8 spaces in nonresidential development. Minimum dimensions of island: 6 ft x 6 ft with a tree.

Landscaped island at end of row: minimum 6 ft x 6 ft with a tree.

2 ft vehicle overhang allowed with groundcover landscaping or curb extension

4 ft
trees to result in 50% shading within 15 years

Parking lot buffer from right-of-way: 5-10 ft landscaped setback and low (3 ft high) screening wall, fence, planting or berm.

Building
(8) **Protection of Vegetation.**

a. *Clearance from Vehicles.* All landscaped areas shall be designed so that plant materials, at maturity, are protected from vehicle damage by providing a minimum two (2) foot clearance of low-growing plants where a vehicle overhang is permitted.

b. *Planters.* All required parking lot landscaping shall be within planters bounded by a concrete curb at least six (6) inches wide and six (6) inches high.

**FIGURE 304.10(I)(8): PROTECTION OF VEGETATION**

(9) **Irrigation.** All landscaped areas shall be provided with an automatic sprinkler system.

(10) **Visibility and Clearance.** Landscaping in planters at the end of parking aisles may not obstruct drivers’ vision of vehicular and pedestrian cross-traffic. Mature trees shall have a foliage clearance maintained at eight (8) feet from the surface of the parking area. Other plant materials located in the interior of a parking lot shall not exceed thirty (30) inches in height.

(j) **Circulation and Safety.**

(1) Visibility shall be assured for pedestrians, bicyclists, and motorists entering individual parking spaces, circulating within a parking facility, and entering or leaving a parking facility.

(2) Off-street parking and loading areas shall be provided with sufficient maneuvering room so that all vehicles can enter and exit from a public street by forward motion only. This standard shall not apply to parking areas serving Single-Family Dwellings or duplexes served by individual driveways.
(3) Parking lots shall be designed so that sanitation, emergency, and other public service vehicles can provide service without backing unreasonable distances or making other dangerous or hazardous turning movements.

(4) Separate vehicular and pedestrian circulation systems shall be provided where possible. Multi-family residential developments of five (5) or more units shall be provided pedestrian access that is separate and distinct from driveways. Parking areas for commercial and mixed-use developments that are eighty (80) feet or more in depth and/or include fifty (50) or more parking spaces shall have distinct and dedicated pedestrian access from the commercial use to parking areas and public sidewalks, according to the following standards:

a. *Connection to Public Sidewalk.* An on-site walkway shall connect the main building entry to a public sidewalk on each street frontage. Such walkway shall be the shortest practical distance between the main building entry and sidewalk, no more than one hundred twenty-five (125) percent of the straight-line distance.

b. *Materials and Width.* Walkways shall provide at least five (5) feet of unobstructed width and be paved with concrete, stone, tile, brick, or comparable material.

c. *Identification.* Pedestrian walkways shall be clearly differentiated from driveways, parking aisles, and parking and loading spaces through the use of elevation changes, a different paving material, or similar method.

d. *Separation.* Where a pedestrian walkway is parallel and adjacent to an auto travel lane, it shall be raised and separated from the auto travel lane by a raised curb at least four (4) inches high, bollards, or other physical barrier.
304.11 Parking and Storage of Recreational Vehicles

Parking and storing of recreational vehicles, boats, campers, trailers and vehicles rated under one (1) ton is considered incidental to the use of a residential dwelling. These vehicles are prohibited from being stored for a period longer than twenty-four (24) hours in the front yard setback. They may be stored in the side or rear yard behind a minimum six (6) foot high, solid fence. At no time are recreational vehicles allowed to be occupied as residences. Connection to any combination of electrical, water, cable, or sewer facilities is considered prima facie evidence of occupation as a residence. Storage on the street is limited pursuant to Section 17-10.4 of the City of Porterville Municipal Code.
Chapter 305  Signs

Sections:
305.01  Purpose
305.02  Applicability
305.03  Design Principles
305.04  Exempt Signs
305.05  Prohibited Signs
305.06  General Standards
305.07  Sign Standards for Residential Districts
305.08  Sign Standards for Non-Residential Districts
305.09  Standards for Specific Types of Signs
305.10  Temporary Signs
305.11  Permits Required; Review Process
305.12  Master Sign Program
305.13  Nonconforming Signs
305.14  Abatement and Removal of Illegal Signs

305.01  Purpose
The purpose of this chapter is to establish regulations to ensure the orderly display of signs as a city-wide information system, consistent with State and federal law. These regulations recognize the desire and need of each individual, business, firm or corporation to identify its place of residence, business or service, and realizing that the indiscriminate erection, location, illumination, coloring, size, and lack of proper maintenance of signs and advertising structures, constitutes a significant contributing factor detrimental to the well-being and continuing activity of a city's people and economy. Specifically, these regulations are intended to:

(a)  Assure that all signs and advertising structures are designed, erected and maintained in a manner to enhance, rather than detract from, the ultimate design and appearance of the affected locality, and do not impair the view of nearby or adjacent signs;

(b)  Prohibit the installation and maintenance of signs or advertising structures that unduly distract motorists' attention from driving, and which detract from attention to traffic movement and to signs and signals promoting traffic safety;

(c)  Prevent the installation and maintenance of signs or advertising structures that individually or collectively have an injurious effect on the morale of the people and the economic well being of the City;

(d)  Assure that size and location of signs and advertising structures do not constitute an obstacle to effective fire protection and fire fighting techniques; nor constitute a direct or potential danger to vehicular or pedestrian traffic, especially in the event of structural failure during the period of inclement weather and earthquakes or in the event of impaired vision due to improper size or location; and

(e)  Otherwise protect the public health, safety, morale, and promote the public welfare.
305.02 Applicability

The requirements and development standards in this chapter apply to signs in all zoning districts, unless otherwise specified.

305.03 Design Principles

(a) **Architectural Compatibility.** A sign (including its supporting structure, if any) shall be designed as an integral design element of a building’s architecture and architecturally compatible, including color and scale, with any building to which the sign is to be attached and with surrounding structures. A sign that covers a window or that spills over “natural” boundaries or architectural features and obliterates parts of upper floors of buildings, or is detrimental to visual order is not be permitted.

(b) **Consistency with Area Character.** A sign shall be consistent with distinct area or district characteristics and incorporate common design elements such as sign materials or themes. Where a sign is located in close proximity to a residential area, the sign shall be designed and located so it has little or not impact on adjacent residential neighborhoods.

(c) **Legibility.** The proportion of the elements of the sign’s message, including logos, letters, icons and other graphic images, shall be selected based on the anticipated distance and travel speed of the viewer. Colors chosen for the sign text and/or graphics shall have sufficient contrast with the sign background in order to be easily read during both day and night hours.

![Figure 305.03(C): Legibility](image-url)
(d) **Finish.** Signs shall have finished edges with a clean, smooth, consistent surface. Lettering on the sign is to be of complementary size, proportion and font and either carved, routed, painted or applied.

(e) **Visibility.** A sign shall be conspicuous and readily distinguishable from its surroundings.

**305.04 Exempt Signs**

The following signs are exempt from the permit requirements of this chapter, and they do not count toward the total sign area limit for a site, provided that they conform to the specified standards:

(a) **Civic Signs.** Memorial and/or historical signs or tablets, names of buildings or date of building construction, when constructed of bronze or other incombustible materials or cut into any masonry surface and installed by a civic organization recognized by the City Council.

(b) **Change of Business Signs.** A temporary attachment or covering of wood, plastic, or canvas over a permanent sign indicating a change of ownership or activity may be displayed no longer than thirty (30) days following the change of ownership or activity for which the sign is intended, or up to ninety (90) days following issuance of a building permit. The sign shall be no larger than the previously permitted permanent sign.

(c) **Construction Signs.** One (1) sign, with a maximum sign area of thirty-two (32) square feet, per street frontage on real property where construction, structural alteration or repair is to take place, or is taking place, which contains information regarding the purpose for which the building is intended and the individuals connected with the project, including names of architects, engineers, contractors, developers, finances and tenants. Construction signs shall be removed upon final building inspection.

(d) **Equipment Signs.** Signs, not more than four (4) square feet in area, incorporated into displays, machinery or equipment by a manufacturer, distributor or vendor and identifying or advertising only the product or service dispensed by the machine or equipment, such as signs customarily fixed to automated teller machines (ATMs), gasoline pumps, vending machines, menu boards and umbrellas.
(e) **Flags.** Flags and insignia of any government.

(f) **Identification Signs.** Identification signs on apartment houses, boarding or rooming houses or similar uses, not exceeding six (6) square feet in area.

(g) **Information Signs.** Non-advertising displays commemorating legal holidays, hours of operation, opened or closed, etc., not exceeding four (4) square feet in area.

(h) **Name Plates.** Name plates and occupational signs denoting only the name and occupation of any occupant in a commercial building or public institutional building, and not exceeding two (2) square feet in area.

(i) **Official Government Signs, Plaques, and Legal Notices.** Official notices issued by a court, public body or office and posted in the performance of a public duty; notices posted by a utility or other quasi-public agent in the performance of a public duty or by any person given due legal notice; historical markers erected by a governmental body; or other signs required or authorized by law.

(j) **Off-site Directional Signs.** One (1) off-site sign not to exceed twenty (20) square feet, providing direction to real estate available for sale or lease, only with permission from the property owners of the site where the sign is placed is required.

(k) **Parking and Directional Signs.** On-site parking and directional signs for public or private developments, denoting the entrance, exit, and direction of traffic flow and not exceeding four (4) square feet in area per face, provided such signs are not prohibited or further regulated by other sections of this or any other ordinance of the City.

(l) **Real Estate Signs.** Not more than one (1) real estate sign with a maximum size of six (6) square feet and a maximum height of four (4) feet in the R district and a
maximum size of twelve (12) square feet and maximum height of eight (8) feet in all other districts, advertising property for sale, rent or lease, shall be allowed per street frontage of a parcel.

(m) **Reader Panels.** Permanent reader panels for public, charitable, or religious institutions provided said reader panels are located on the property to which such reader panels pertain and do not exceed sixteen (16) square feet in total area per face nor more than ten (10) feet in height, and further provided said reader panels are located in such a manner as not to constitute a hazard to vehicular or pedestrian traffic. Electronic reader boards which otherwise comply with the signage requirements of the zone in which they are located, and do not include animation, characters, flashing, or similar rapid movements, and which are programmed to change messages no more frequently than once every three (3) seconds shall be permitted.

(n) **Sponsorship Signs.** One (1) sponsorship sign noting businesses, which sponsor and contribute to the sports activities upon public premises, not to exceed thirty-six (36) square feet in area, per site shall be permitted for a period not to exceed ninety (90) days preceding the event. Such sign shall be removed within fifteen (15) days after the event.

(o) **Warning Signs.** Non-advertising warning signs or no trespassing signs on private property posted no closer than twenty-five (25) feet apart nor exceeding two (2) square feet in area per sign.

### 305.05 Prohibited Signs

The following types of signs and devices are specifically prohibited:

(a) **Animated, Flashing or Moving Signs.** Signs that incorporate, in any manner, flashing, moving, rotating, pulsating or intermittent lighting, with the exception of changeable copy message center display signs, except as allowed elsewhere in this chapter. Any sign that, because of brilliant lighting, interferes with the enjoyment of surrounding residential property or interferes with traffic, vehicular or pedestrian, is prohibited.

(b) **Balloons, Banners, Streamers and Pennants.** Signs, balloons, banners, pennants, valances or any other advertising display constructed of cloth, canvas, light fabric, paper, cardboard, wallboard or other light materials, except awnings or as allowed for Automobile/Vehicle Sales and Leasing establishments, under a Master Sign Program or in Section 305.11, Temporary Signs.

(c) **Billboards.** Any sign directing attention to a business, service, or product that is not conducted, sold, produced, or offered by any use on the same lot, or which identifies by brand name a product which, although sold on the premises, does not constitute one (1) of the principal items for sale on the premises unless otherwise provided by the California Outdoor Advertising Act (Business and Professions Code Sections 5200 – 5486, inclusive).
(d) **Emissions.** Signs that produce noise in excess of forty (40) decibels, excluding voice units at drive-through facilities, and signs that emit odor or visible smoke, vapor or particles.

(e) **Fence Signs.** Signs attached or painted on fences or freestanding walls that are not part of a building.

(f) **Obscenities.** Signs that depict, describe or relate to “specified sexual activities” or “specified anatomical areas” as defined in Chapter 700, Terms and Definitions.

(g) **Obstructions to Exits.** Signs erected, constructed or maintained so as to obstruct any fire fighting equipment, fire escape, required exit or door opening intended as a means of egress, unless approved by the Fire Marshal.

(h) **Obstructions to Driver Visibility.** Signs in corner clips and lines of sight in accordance with the provisions of Section 300.16, Visibility at Driveways and Intersections.

(i) **Obstructions to Ventilation.** Signs that interfere with any opening required for ventilation.

(j) **Portable Signs.** Signs not permanently attached to, mounted upon or affixed to a building, structure or the ground, except as otherwise provided herein.

(k) **Posters.** Posters of a temporary character that are tacked, painted, pasted or otherwise placed or affixed and made visible from a public way, on the walls of buildings, on barns, sheds, trees, fences, utility poles or other structures, sidewalks or patios, except as otherwise provided in this chapter.

(l) **Roof Signs.** Signs erected or painted upon, over or above the roof of a building or structure, or any sign affixed to the wall of a building so that it projects above the eave line of a roof, except as allowed in this chapter.

**FIGURE 305.05(L): ROOF SIGNS**
(m) **Signs Creating Traffic Hazards.** Signs that simulate in color, size or design any traffic control sign, signal or device, or that make use of words, symbols or characters in a manner that interferes with, misleads or confuses pedestrian or vehicular traffic. No sign, light or advertising structure shall be located in such a manner as to constitute a hazard to pedestrian or vehicular traffic, or in such a manner as to obstruct free and clear vision, at any location where, by reason of the position, shape, color or movement may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device.

(n) **Vehicle Displays.** Signs placed or displayed on vehicles parked in a conspicuous location with the primary purpose of on-site or off-site advertising, with the exception of signs advertising such vehicles for sale and vehicle identification signs in locations where the sale of vehicles is permitted.

### 305.06 General Standards

This section establishes general physical standards and requirements. More detailed standards applicable to specific sign types (e.g. wall signs, awning signs) are in Section 305.10, Standards for Specific Sign Types. In addition to these general standards, all signs shall conform to the specifications of the Uniform Sign Code.

(a) **Maximum Number of Signs.** A maximum of four (4) signs are allowed per tenant space frontage.

(b) **Maximum Allowable Sign Area.** All signs shall conform to the maximum area requirements specified in Table 305.08, unless a different limit is approved under a Master Sign Program or by the City Council.

(c) **Measuring Sign Area.** Sign area includes the entire face of a framed sign, but does not include the supporting structure. Individual letters attached to a building shall be measured by the area enclosed by a continuous line outlining the perimeter of the words, emblems, and logos.
FIGURE 305.06(C): MEASURING SIGN AREA

Sign Area = Height x Width
(1) **Double-Faced Signs.** For double-faced signs with less than eighteen (18) inches between faces, and less than a forty-five (45) degree interior angle between faces, only one (1) side shall be counted as the total area. Where the faces are not equal in size, the larger sign face shall be used as the basis for calculating sign area.

(2) **Multi-faced Signs.** The sign area of signs with three (3) or more sign faces, or signs with two (2) sign faces with a distance eighteen (18) inches or more apart or that have an interior angle greater than forty-five (45) degrees, shall be calculated as the sum of all the sign faces.

**FIGURE 305.06(C)(2): DOUBLE AND MULTI-FACED SIGNS**

(3) **Three-dimensional Signs.** Signs that consist of, or have attached to them, one (1) or more three-dimensional objects (i.e. balls, cubes, clusters of objects, sculpture, or statue-like trademarks), shall have a sign area of the sum of two (2) adjacent sides or sign faces.

**FIGURE 305.06(B)(3): THREE-DIMENSIONAL SIGNS**

Sign Area = Sum of Two Adjacent Sides
Abandoned Signs. Any sign, including its supporting structure, which no longer identifies the current occupant after a lapse of thirty (30) days, shall be deemed an abandoned sign and shall be removed by the owner of the property on which it is located. When a wall sign is removed, the wall behind the sign shall be repaired and painted to match the rest of the building wall. Any signs not removed or made blank within this time shall be removed pursuant to the removal procedures set forth in this chapter.

Building Frontage. A building’s frontage is considered continuous if projections or recesses in a building wall do not exceed ten (10) feet in any direction.

Changeable Copy. Changeable copy shall cover no more than forty (40) percent of the total sign area for manually changeable signs. For electronic message center signs with copy that can be changed or altered by electric, electro-mechanical, electronic, or any other artificial energy means, the changeable portion of the sign shall cover no more than twenty-five (25) percent of the total sign area. The following uses are exempt from this restriction: religious institutions, cinemas, government or civic signs, gas price signs at gas stations, indoor theaters, schools, and colleges.

Clearance from Utilities. Signs and their supporting structures shall maintain clearance from and not interfere with electrical conductors, communications equipment or lines, surface and underground facilities and conduits for water, sewage, gas, electricity and communications equipment or lines. Signs shall not be placed in public utility easements unless express written permission from the affected public utility is obtained.

Construction and Maintenance.

1. Unless exempt, signs and supporting structures shall be installed in accordance with the International Building Code.

2. All signs, together with all supporting structures, shall be maintained in the following manner:
   a. Signs shall be kept free of rust, dirt and chipped, cracked or peeling paint.
   b. All hanging, dangling, torn or frayed parts of signs shall be promptly repaired, and graffiti and unauthorized attachments shall be removed.
c. Failed, damaged, or blinking illumination shall be promptly replaced.
d. Sign areas shall be kept free and clear of all noxious substances, rubbish and weeds.
e. Discolored or faded panels on plastic faces shall be restored to their original condition and color.

(i) **Encroachment Into Public Street or Sidewalk.** Any sign projecting over a public street or sidewalk requires an encroachment agreement approved by the City Engineer. Projecting signs and pole signs are allowed a maximum encroachment of twelve (12) inches over a public sidewalk.

(j) **Illumination.** Channel letters and neon signs are allowed. However, internally illuminated can signs and bare bulbs are prohibited. On signs with external illumination, lights shall be provided with proper reflectors to concentrate the illumination on the area of the sign to prevent glare on the street or adjacent properties. All sign illumination shall adhere to the performance standards for lighting and glare in Chapter 307, Performance Standards.

(k) **Materials.** Paper, cardboard and other materials subject to rapid deterioration shall be limited to signs displayed for no more than (30) days.

(l) **Substitution of Sign Message.** The owner of a permitted sign may substitute a non-commercial message for a commercial message or a commercial message for a non-commercial message.

### 305.07 Sign Standards for Residential Districts

Nonresidential uses in R Districts are allowed one building-mounted sign per each allowable non-residential use, not exceeding eight (8) square feet in area. Religious Facilities and civic uses in R districts are allowed one (1) building-mounted sign and one (1) monument sign with a maximum cumulative sign area of thirty-two (32) square feet.

### 305.08 Sign Standards for Non-Residential Districts

Signage in non-residential districts shall comply with the standards in Table 305.08. All properties in non-residential districts shall be allowed a minimum sign area of twenty (20) square feet.
<table>
<thead>
<tr>
<th>Zoning Districts (Frontage)</th>
<th>Sign Area Allowed (Sq. Ft. Per 1 Linear Ft. Of Building Frontage)</th>
<th>Total Maximum Sign Area (Sq. Ft.)</th>
<th>Permitted Sign Types</th>
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<td>Awning and canopy</td>
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<td>Awning and canopy</td>
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</table>
### TABLE 305.08: SIGN AREA AND SIGN STANDARDS FOR SPECIFIC SIGN TYPES AND ZONING DISTRICTS

<table>
<thead>
<tr>
<th>Zoning Districts (Frontage)</th>
<th>Sign Area Allowed (Sq. Ft. Per 1 Linear Ft. Of Building Frontage)</th>
<th>Total Maximum Sign Area (Sq. Ft.)</th>
<th>Permitted Sign Types</th>
</tr>
</thead>
<tbody>
<tr>
<td>CMX, CN</td>
<td>0.75</td>
<td>150 or 15% of wall area</td>
<td>Awning and canopy</td>
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<tr>
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<td>Marquee</td>
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<td>Window</td>
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<tr>
<td>CG, CR, PO</td>
<td>1</td>
<td>300 or 15% of wall area</td>
<td>Awning and canopy</td>
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<td>Marquee</td>
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<td>Window</td>
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<td>IP, IG, IA</td>
<td>1</td>
<td>15% of wall area</td>
<td>Awning and canopy</td>
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<td>Window</td>
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<tr>
<td>REC, PK, PSP</td>
<td>1</td>
<td>100 or 15% of wall area</td>
<td>Awning and canopy</td>
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<td>Monument</td>
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<td>Wall</td>
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</table>

#### 305.09 Standards for Specific Types of Signs

(a) **Awning and Canopy Signs.** Signs painted on awnings, canopies, arcades, or similar attachments or structures are allowed. The sign area for awning and canopy signs is calculated as the area within a single continuous enclosure around only the copy area of the lettering or logo of the sign. Awning and canopy signs are also subject to the specific zoning district standards and the following standards:
(1) **Maximum Sign Area Per Awning or Canopy Sign:**
   a. Downtown, CMX, and CN districts: twenty-four (24) square feet
   b. CG, CR, and Employment districts: sixty (60) square feet

(2) **Sign Clearance.** Minimum of eight (8) feet.

(3) **Height Limit.** Twenty-five (25) feet.

(b) **Marquee Signs.** A sign permanently affixed to a marquee is allowed in conjunction with theaters, museums, galleries, and similar uses is allowed. Removable copy may be changed on the face of permitted marquee signs without securing a permit. Marquee signs are subject to the specific zoning district standards and the following standards:

   (1) **Maximum Number of Signs:** One (1) marquee sign per site.

   (2) **Maximum Sign Area Per Sign:** One and one-half (1.5) square feet per linear foot of building frontage.

   (3) **Sign Clearance.** Minimum of eight (8) feet.

   **FIGURE 305.09(B): MARQUEE SIGNS**

(c) **Projecting Signs.** Signs under canopies or covers in conjunction with pedestrian walkways, or signs projecting from the building wall are allowed, subject to the specific zoning district standards and the following standards:

   (1) **Maximum Number of Signs:** One (1) projecting sign per building or tenant space frontage plus one (1) rear façade sign.

   (2) **Maximum Sign Area Per Sign:** sixteen (16) square feet; except the maximum sign area per sign is eight (8) square feet when the sign is located under a canopy or awning.

   (3) **Sign Clearance.** Minimum of eight (8) feet.

   (4) **Height.** A projecting sign shall be erected in such a manner as not to create a traffic hazard to vehicles or pedestrians. Projecting signs shall not extend
higher than twenty (20) feet above ground level or above an eave or roof, whichever is lower.

(5) **Projection.** A projecting sign cannot extend more than three (3) feet from the building to which it is attached.

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**FIGURE 305.09(C): PROJECTING SIGNS**

(d) **Wall Signs.** Wall signs include any sign attached to, erected against or painted upon the wall of a building or structure, the face of which is in a single plane parallel to the plane of the wall. Wall signs also include signs on a false or mansard roof. No wall sign may cover wholly or partially any required wall opening. Wall signs are also subject to the specific zoning district standards and the following standards:

(1) **Maximum Number of Signs.** One (1) wall sign per building or tenant space frontage plus one (1) rear façade sign.

(2) **Maximum Sign Area Per Sign:** one hundred (100) square feet or fifteen (15) percent of the building façade, whichever is less.

(3) **Height.** Wall signs shall not be mounted or placed higher than the second story and shall not extend higher than the building wall upon which they are attached.

(4) **Coverage.** Wall sign copy shall not occupy more than seventy-five (75) percent of the length of the wall to which the sign is attached.

(5) **Projection.** Wall signs cannot extend more than twelve (12) inches beyond the face of the wall to which they are attached.

(6) **Design.** Wall signs shall be oriented to achieve balance composition and harmony with other architectural elements of a building facade.
(e) **Window Signs.** Window signs painted or otherwise adhered directly onto a window are subject to the specific zoning district standards and the following standards:

1. **Coverage.** Window signs shall cover no more than fifty (50) percent of the total glass window area along each building frontage.
2. **Height.** Window signs shall not be mounted or placed on windows higher than the second story.

(f) **Monument Signs.** Freestanding signs erected on the ground or on a monument base designed as an architectural unit are allowed, subject to the specific zoning district standards and the following standards:

1. **Maximum Number of Signs.** One (1) monument sign per site.
2. **Maximum Sign Area Per Sign:**
   a. D-PO, D-PS, D-GC, CMX, and CN districts: twenty-four (24) square feet.
   b. CG, CR, and Employment districts: sixty (60) square feet
3. **Height.** A maximum of six (6) feet six (6) inches.
4. **Setbacks.** Monument signs shall be set back a minimum of five (5) feet from the property line.
5. **Landscaping.** All monument signs shall require automatic irrigated landscaping at the base equivalent to two (2) times the area of the sign copy.

![MONUMENT SIGNS](FIGURE_305.09(F))

(g) **Pole Signs.** Pole signs are allowed subject to the specific zoning district standards and the following standards:

1. **Maximum Number of Signs:** One (1) pole sign per site.
2. **Maximum Sign Area Per Sign.** Sixty (60) square feet.
3. **Location.** Pole signs are only allowed within five hundred (500) feet of a freeway right of way or within one-quarter (.25) mile of a freeway interchange.
4. **Architectural Treatment.** Pole signs shall be architecturally compatible in style, finish and color with the adjacent building or development. Structural supports, poles, angle bars, iron pipes, I-beams or similar structural members shall be architecturally encased with finished metal cladding, stucco, or
similar material, subject to approval by the Zoning Administrator as to proportion and architectural compatibility.

(5) **Landscaping.** Pole signs shall be placed within a landscaped planter with at least twenty-eight (28) square feet of planting area. As a condition of any permit for a pole sign, additional landscaping of the property may be required where needed to better integrate sign appearance with the site through scale and softening effects.

(6) **Height.** A maximum of twenty (20) feet; twenty-five (25) feet within two hundred (200) feet of a freeway, subject to approval of a Conditional Use Permit. Pole signs shall have a minimum clearance of fourteen (14) feet over parking lots and driveways, and eight (8) feet over pedestrian walkways.

(7) **Projection.** Pole signs shall not project beyond the property line, except projections up to a maximum of twelve (12) inches over a public street or sidewalk may be allowed with an encroachment agreement approved by the City Engineer.

![FIGURE 305.09(G): POLE SIGNS](image)

(h) **Other Sign Types.**

(1) **Center Identification Signs.** Center identification signs may be erected in the R, CR, CG, IP, IG, and IA districts, subject to the following limitations:

a. **Identifiable Area.** The facility being used shall fulfill the definition of an identifiable area.

b. **Area Not Counted.** The area of the sign shall not count towards the permissible sign area of the individual lot.

c. **Non-Residential Districts.** The maximum sign area in the CR, CG, IP, IG, and IA districts may be no more than one (1) foot for each linear foot of street frontage in C districts, but in no case shall the total sign area exceed two hundred (200) square feet. If more than one (1) entrance to the lot exists, the maximum sign area permitted will be divided among the number of entryways and signs requested.
(2) **A-Frame/Sandwich Board Signs.** Temporary, portable A-frame or sandwich board signs may be erected in the Downtown, CMX, and CN districts, subject to the following limitations

a. **Area Not Counted.** The area of the sign shall not count towards the permissible sign area of the individual lot.

b. **Maximum Number of Signs.** One (1) A-frame/sandwich board sign per tenant space.

c. **Maximum Sign Area.** The total sign area may be no more than twelve (12) square feet, with a maximum of six (6) square feet per side.

d. **Location.** Such sign may encroach into the right of way up to two (2) feet from the property line as long as once the sign is in place, there remains an six (6) foot wide walkable area.

e. **Removal.** Such sign is to be removed during non-operational hours.

**305.10 Temporary Signs**

The following types of temporary signs are permitted, provided that they conform to the standards of this section:

(a) **Inflatable Signs, Pennants, Banners, Streamers and Flags.** Inflatable signs, balloons, pennants, banners, streamers, and flags are permitted for business openings, special events, change of ownership or publicly recognized holidays, and shall be removed within sixty (60) days of the opening, change of ownership or holiday unless such signs are associated with an on-site Automobile/Vehicle Sales and Leasing establishment. No pennants, banners, streamers, balloons, inflatable devices, flags or any other advertising devices can be mounted on or above roofs or mansards or otherwise extend above a parapet wall or ridge line of a structure or erected for more than ninety (90) days in any calendar year.

(b) **Campaign and Political Signs.** Temporary campaign and political signs may be located on private property in any district and within the public right-of-way in accordance with the following standards.

1. **Permit Requirement.** Zoning conformance approval except Conditional Use Permit approval is required for any sign with a sign area of thirty-two 32 square feet or greater.

2. **Prohibited Locations.**

   a. Within public right-of-way in an R district except along Arterial streets and Collector Streets as designated in the General Plan.
b. Any location that would constitute a hazard to vehicular and pedestrian traffic.
c. Attached to any pole or structure supporting a traffic control sign or device, street tree or fire hydrant.
d. Roadway or on the sidewalk.
e. Within the public right-of-way abutting any public property including parklands or within City maintained landscaped parkways within public right-of-way.

(3) **Size Limitations.** The following size limitations apply to temporary campaign and political signs located in an R district.

a. Four (4) square feet when located on private property with frontage on a local street as designated in the General Plan.
b. Twelve and one-half (12.5) square feet when located on private property with frontage on an Arterial or Collector Street as designated in the General Plan.
c. Four (4) square feet when located within the public right-of-way of an Arterial or Collector Street as designated in the General Plan.

(4) **Time Limits.** Temporary campaign and political signs may be erected not earlier than ninety (90) days prior to the said event or election and shall be removed within 15 days following said event or election.

(5) **Violations.** Violation to any of the above regulatory conditions shall be deemed a public nuisance and may be summarily abated as such; and each day that such violation continues shall be regarded as a new and separate offense.

(c) **Subdivision Signs.** Signs advertising a subdivision being developed in the City are subject to the following requirements:

(1) **On-Site Signs.** One (1) sign per street frontage with a maximum of two (2) temporary real estate subdivision signs may be permitted on the subdivision site in accordance with the following:

a. **Maximum Sign Area.** The maximum sign area may be no more than one hundred (100) square feet.
b. **Height.** A maximum ten (10) feet.
c. **Duration.** Subdivision signs shall be removed twenty-four (24) months from the date the permit for same is issued, or when the last lot of the subdivision is has been sold for the first time, whichever comes first.
d. **Letter of Agreement.** A Letter of Agreement from the property owners giving the City right of entry to remove signs in the event the above stipulations are not complied with shall be submitted to the Zoning Administrator prior to the issuance of a sign permit. If at any time the property on which the signs are located is sold, the signs
shall be removed or a new Letter of Agreement shall be submitted from the buyer to permit the sign to remain and granting the City right to enter the property and remove the sign.

(2) **Off-Site Signs.** Up to three (3) off-site directional real estate subdivision signs directing traffic to open houses and subdivisions involved in real estate sales may be permitted in any zone, provided that:

a. **Maximum Sign Area.** The maximum sign area may be no more than thirty-two (32) square feet.

b. **Height.** A maximum twelve (12) feet.

c. **Duration.** Said signs and advertising structures shall be removed twenty-four (24) months from the date the permit for same is issued, or when the subdivision is completely sold out, whichever comes first.

d. **Consent of Landowner.** A completed application form, including a notarized affidavit signed by each property owner of each site.

e. **Location.** No more than one (1) temporary off-site directional sign shall be allowed per site.

### 305.11 Permits Required; Review Process

(a) **Authority.** Unless otherwise stated, the Zoning Administrator shall review and approve all signs as specified in this chapter.

(b) **Applicability.** Except for certain signs exempted in compliance with Section 305.04, Exempt Signs, no sign shall be erected, re-erected, constructed or altered (including change of copy or face change) unless a Zoning Certificate has been issued by the Zoning Administrator and a building permit issued by the Building Division.

(c) **Applications for Filing, Processing and Review.**

   (1) **Applicant.** Sign owners or their designees shall apply for Zoning Certificates and Building Permits for signs that require them.

   (2) **Filing and Filing Fee.** Application for such permits shall be made upon forms furnished by the Zoning Administrator and accompanied by the required fee and working drawings adequate to show the location, construction and design, including colors, materials, lighting, electrical elements, and advertising copy, of the sign in accordance with applicable sign design guidelines.

   (3) **Compliance with Standards.**

      a. Upon acceptance of a sign application, the Zoning Administrator shall review the request for compliance with the locational and operational standards identified in this chapter, and with any standards established in a Master Sign Program pursuant to Section 305.12, Master Sign Program.
b. The Zoning Administrator’s decision shall clearly state any conditions of approval or reasons for disapproval and applicable appeal provisions.

(d) **Appeals.** Decisions by the Zoning Administrator may be appealed subject to the provisions of Chapter 610, Appeals.

### 305.12 Master Sign Program

(a) **Purpose.** The purpose of a Master Sign Program is to provide a method for an applicant to integrate the design and placement of signs within a project with the overall development design to achieve a more unified appearance.

(b) **Applicability.** A Master Sign Program may be processed for any development. However, a Master Sign Program is required whenever any of the following circumstances exists:

1. New nonresidential developments of three (3) or more separate tenants that share either the same parcel or structure and use common access and parking facilities (e.g., shopping centers, malls, office complexes and industrial parks);
2. New multi-family residential developments of one hundred (100) or more units; or
3. Whenever five (5) or more signs are proposed for a building or site with one (1) or two (2) tenants.

(c) **Application.** Master Sign Program applications shall contain all written and graphic information needed to fully describe the proposed sign program, including the proposed location and dimension of each sign, as well as proposed color schemes, font types, materials, methods of attachment or support, and methods of illumination. A Master Sign Program application shall also include calculation of total allowed sign area, and total proposed sign area, for the site.

(d) **Allowable Modifications.** A Master Sign Program may provide for additional sign area and other deviations from the standards of this chapter, provided that the Master Sign Program is consistent with the sections on design principles and general standards.

(e) **Review Authority.** All Master Sign Programs are subject to review and approval of the decision-making body for the project with which the signs are associated. A Master Sign Program may be submitted as part of the Conditional Use Permit application for the project.

(f) **Required Findings.** In order to approve a Master Sign Program, the decision-making body shall find that all of the following are met, in addition to other applicable regulations in this section:
(1) The proposed signs are compatible in style and character with any building to which the signs are to be attached, any surrounding structures and any adjoining signage on the site;

(2) Future tenants will be provided with adequate opportunities to construct, erect or maintain a sign for identification; and

(3) Directional signage and building addressing is adequate for pedestrian and vehicular circulation and emergency vehicle access.

(g) Lessees to Be Informed of Master Sign Program. Lessees within developments subject to the requirements of an approved Master Sign Program shall be made aware of the Master Sign Program in their lease.

(h) Revisions to Master Sign Programs. Revisions to an approved Master Sign Program shall be approved by the Zoning Administrator.

305.13 Nonconforming Signs

(a) All legal nonconforming signs are permitted to remain unless they are subject to a permit condition or development agreement providing for their removal after a fixed period of time.

(b) Any changes to legal nonconforming signs or their structures in terms of location, orientation, size, or height other than routine maintenance and repair or change of sign copy shall require that all signs and their structures on the property, business, and/or development be brought into conformance with this chapter.

(c) A legal nonconforming sign loses its legal nonconforming status when the activity, product, business, service, or other use which was being advertised has ceased or vacated the premises for three hundred sixty (360) days or more.

(d) Any nonconforming sign that loses its legal nonconforming status shall be brought into compliance with this chapter or shall be removed by the property owner within ninety (90) days of losing its legal nonconforming status.

305.14 Abatement and Removal of Illegal Signs

(a) Authority to Abate. The City has the authority to abate illegal and abandoned signs. Abatement of identified illegal or abandoned signs shall commence within eight (8) months of the adoption of this chapter and shall be ongoing thereafter.

(b) Illegal Signs in the Public Right-of-way. Illegal signs posted in the public right-of-way or upon public property may be removed by the Zoning Administrator or officer without notice or hearing. Signs shall be retained by the City for a period of not less than thirty (30) days if identifiable. Thereafter, any unclaimed signs may be discarded.

(c) Recovery of Costs. When the City is required to remove illegal or abandoned signs in compliance with this chapter, the reasonable cost of the removal may be assessed against the owner of the sign(s).
(d) Sign Removal.

(1) Any sign, including its supporting structure, which no longer identifies the current occupant or products currently sold, or which otherwise fails to serve its original purpose, or is not maintained in a safe, presentable, and good condition, including the replacement of defective parts, painting, repainting, and cleaning, shall be removed by the owner of the property within 30 calendar days after written notice to do so from the Building Division.

(2) Any sign which the Building Division establishes as unsafe or unsecure shall be corrected or removed, together with all supporting structures, by the owner of the property upon which the sign is located within thirty (30) days after written notice by the Building Division. Such notice shall state the location of the sign, the nature of the violation, and/or the manner in which the sign constitutes a public nuisance. The notice also shall require the removal or other abatement of the sign before the date specified in the notice. Further, the notice shall state that failure to comply may result in the removal of the sign by the City and that the cost of such removal may be imposed on the owner of the property. The notice shall also include instructions for the filing of an appeal of the determination of the Zoning Administrator that the sign is in violation of this chapter or constitutes a public nuisance. Such notice shall be served by posting on the property on which the sign is located and by registered or certified mail delivery, postage prepaid to the owner of the property, and, if known, the owner of the sign.

(3) After the periods specified in paragraphs (1) and (2) above, the Building Division may cause such sign to be removed, and the cost of such removal shall become a lien against the property.

(4) If a hazardous condition exists, the condition shall be corrected forthwith upon notice by the Building Division.

(5) If an appeal is received prior to the date specified in the notice, abatement proceedings shall be suspended, and any deadlines shall be suspended, pending the outcome of such appeal.
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Chapter 306    Telecommunications Facilities

Sections:
306.01 Purpose
306.02 Applicability
306.03 General Requirements
306.04 Minimum Application Requirements
306.05 Location and Siting
306.06 General Development Requirements
306.07 Required Findings

306.01 Purpose

The specific purposes of this chapter are to:

(a) To permit the siting, construction, operation and maintenance of wireless telecommunications towers and antennas within the City’s boundaries;

(b) To protect and promote the public health, safety, general welfare and quality of life within the City by regulating the siting of wireless telecommunications towers and antennas, while preserving the rights of wireless telecommunications providers;

(c) To establish guidelines for the governance of wireless telecommunications facilities which recognize the unique land use distribution, topography, and aesthetics of the community;

(d) Protect residential areas and land uses from visual blight, safety impacts associated with attractive nuisance, and degradation of residential character;

(e) Promote the location of towers in non-residential areas;

(f) Minimize the total number of towers throughout the community;

(g) Establish the joint use of new and existing tower sites as a primary option rather than construction of single-use towers;

(h) Locate towers and antennas in areas where the overall impact on the community is minimal, now and in the future; to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;

(i) Enhance the ability of providers of wireless telecommunications services to provide such services to the community quickly, effectively and efficiently;

(j) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures;

(k) Create and preserve telecommunication facilities that will serve as an important and effective part of the City’s emergency response network; and
(1) Promote fair and effective wireless telecommunication services and ensure that a broad range of competitive telecommunications services with high quality telecommunications infrastructure are available to serve the community.

306.02 Applicability

Towers and antennas shall be regulated and permitted pursuant to this chapter and shall not be regulated or permitted as essential services, public utilities, or private utilities. This chapter shall apply, to the fullest extent allowed by and consistent with applicable Federal, State, and California Public Utility laws and regulations, to all new wireless towers and facilities, including towers and antennas proposed to be located on private or public property, except for the following:

(a) Amateur Radio Station Operators. Any tower, or the installation of any antenna, that is under the height limitation of the relevant district and is owned and operated by a federally-licensed amateur radio station operator.

(b) Receive Only Antennas. A single ground or building-mounted receive-only radio or television antenna not exceeding the maximum height permitted by this Ordinance, including any mast, or a receive-only radio or television satellite dish antenna, subject to the following restrictions:

(1) Residential Districts.

a. Satellite Dish One (1) Meter or Less. A satellite dish that does not exceed one (1) meter in diameter or the height of the ridgeline of the primary structure on the same parcel, and is for the sole use of a resident occupying the parcel.

b. Satellite Dish Greater than One (1) Meter. A satellite dish that is greater than one (1) meter in diameter, is not located within a required front or street side yard, and is screened from view from any public right-of-way and adjoining property.

c. Antennas. An antenna that is mounted on any existing building or other structure that does not exceed twenty-five (25) feet in height, and is for the sole use of a resident occupying the parcel.

(2) Commercial and Employment Districts.

a. Satellite Dish Two (2) Meters or Less. A satellite dish that does not exceed two (2) meters in diameter so long as the location does not reduce required parking, diminish pedestrian or vehicular access, or require removal of landscaping maintained as a condition of project approval.

b. Satellite Dish Greater than Two (2) Meters. A satellite dish that is greater than two (2) meters in diameter that is not located within a required front yard or street side yard and is screened from view from any public right-of-way and adjoining property.

c. Mounted Antennas. An antenna that is mounted on any existing building or other structure when the overall height of the antenna and
its supporting tower, pole or mast does not exceed a height of thirty (30) feet or twenty-five (25) feet if located within twenty (20) feet of a Residential district.

d. **Free-Standing Antennas.** A free standing antenna and its supporting tower, pole, or mast that complies with all applicable setbacks when the overall height of the antenna and its supporting structure does not exceed a height of thirty (30) feet or twenty-five (25) feet if located within twenty (20) feet of a Residential district.

e. **Undergrounding Required.** All wires and/or cables necessary for operation of an antenna shall be placed underground or attached flush with the surface of the building or the structure of the antenna.

(c) **Pre-existing Towers or Antennas.** Pre-existing towers and pre-existing antennas in full compliance with applicable regulations in effect at the time of construction shall not be required to meet the requirements of this chapter.

### 306.03 General Requirements

(a) **Permit Requirements.**

1. **Camouflage Facilities:** Permitted by right in all districts.

2. **Co-located Facilities:** Permitted by right when proposed to be co-located on a facility that was subject to a discretionary permit issued on or after January 1, 2007 and that contemplated co-location.

3. **Non-Camouflage Facilities:** Allowed subject to Conditional Use Permit approval when located at least three hundred (300) feet from any R District.

(b) **State or Federal Requirements.** All towers and antennas shall meet or exceed current standards and regulations of the FCC, the FAA, and any other agency of the State or Federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this chapter shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling State or Federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner’s expense.

(c) **Building Codes and Safety Standards.** To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable State or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the City concludes that a tower fails to comply with such codes and standards and constitute a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards.
Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner’s expense.

(d) **Multiple Antenna/Tower Plan.** The City encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites. Applications for multiple sites shall be given priority in the review process, in compliance with the Permit Streamlining Act.

### 306.04 Minimum Application Requirements

In addition to meeting the standard application submittal requirements for permits specified in Chapter 601, Common Procedures, applications for wireless telecommunications facilities pursuant to this chapter shall include the following:

(a) **Inventory of Existing Sites.** Each applicant for an antenna and/or tower shall provide to the Zoning Administrator an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the City limits or urban area boundary (UAB), including specific information about the location, height, and design of each tower. The Zoning Administrator may share such information with other applicants applying for administrative approvals or Conditional Use Permits under this chapter or other organizations seeking to locate antennas within the jurisdiction of the City, provided, however, that the Zoning Administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

(b) Copies of all applicable licenses or other approvals required by the Federal Communications Commission (FCC), the California Public Utilities Commission (PUC), and any other Federal or State government with authority to regulate telecommunications facilities including documentation of compliance with all conditions imposed in conjunction with such licenses or approvals.

(c) Written certification of compliance with all applicable FCC requirements and standards.

(d) Site plan and elevations drawn to scale. Elevations shall include all structures on which facilities are proposed to be located.

(e) Description of proposed approach for screening all facilities from public view including plans for installation and maintenance of landscaping and sample exterior materials and colors.

(f) Written authorization from the landowner in the event the applicant does not own the subject property

(g) Any other information the Zoning Administrator deems necessary in order to process the application in compliance with the requirements of this chapter. This may include, but is not limited to, a visual analysis of the proposed project.
306.05 Location and Siting

(a) Wireless telecommunication facilities shall be located in the following order of preference:

(1) Integrated into building/structure design (camouflage sites).
(2) Co-located with other major wireless telecommunication facilities.
(3) On existing structures such as buildings, communication towers, or utility facilities not subject to the City’s franchise agreements.
(4) On existing signal, power, light or similar kinds of permanent poles.
(5) In Employment Districts.
(6) In Commercial Districts.

(b) Wireless telecommunication facilities shall be located where the existing topography, vegetation, building or other structures provide the greatest amount of screening. Where insufficient screening exists, applicants shall provide screening satisfactory to the Zoning Administrator, or as otherwise required through the approval of a Conditional Use Permit.

(c) Ground-mounted wireless telecommunication facilities shall be located only in close proximity to existing above-ground utilities, such as permanent electrical towers, light poles, trees of comparable heights, and in areas where they will not detract from the appearance of the City.

(d) Required Separation. For the purposes of this section, all distances shall be measured in a straight line without regard to intervening structures, from the nearest point of the proposed major wireless telecommunication facility to the nearest point of another major wireless telecommunication facility. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the City irrespective of municipal and County jurisdictional boundaries.

(1) Residential Districts. A facility shall not be located within a three hundred (300) foot radius of any R District unless designed as a camouflage facility (i.e. penthouse, attached accessory building).

(2) Other Telecommunications Facilities. A facility shall not be located within a one thousand (1,000) foot radius of another facility, unless appropriate camouflage techniques have been used to minimize the visual impact of the facility to the extent feasible and mounting on a building or co-location on an existing facility is not feasible.

(3) Reduction in Required Separation. A reduction in the required separation between telecommunications facilities may be granted as a part of the Conditional Use Permit approval where technical evidence has been provided to substantiate the following findings:

a. The granting of the reduction will not substantially impair the intent and purpose of this title or the goals, policies, and objectives of the adopted General Plan;
b. The reduction is not requested exclusively on the basis of economic hardship to the applicant;

c. The reduction is necessary and essential to providing the applicant’s wireless service based on the technical constraints and the lack of other available appropriately zoned land outside the radius; and

d. Evidence has been submitted to the satisfaction of the City demonstrating that co-location on existing tower structures is not available or is not technically feasible. Evidence may include a written statement from the service provider with the existing facility that collocation is not feasible.

306.06 General Development Requirements

The following standards apply to all telecommunications facilities:

(a) Maximum Height. No antenna shall exceed one hundred (100) feet in height except for camouflage facilities on or within a structure such as a steeple or flag pole, otherwise allowed to exceed one hundred (100) feet in height. Such antenna shall not exceed the height of the structure.

(b) Setbacks. Telecommunications facilities and accessory structures shall comply with the required building setbacks for the zoning district in which the facility is located, however, in no instance shall the facility (including antennae and equipment) be located closer than five (5) feet of any property line.

(c) Design Standards. All facilities shall be designed to minimize their visibility, prevent visual clutter, and reduce conflicts with surrounding land uses. A visual analysis may be required as part of the Conditional Use Permit review. All telecommunications facilities shall:

(1) Utilize state of the art camouflage technology as appropriate to the site and type of facility. Where no camouflage technology is proposed for the site, a detailed analysis as to why camouflage technology is physically and technically infeasible for the project shall be submitted with the application.

(2) Facilities that are not camouflage shall close mount all panel antennas.

(3) Antennae and support structures, where utilized, shall be monopole type.

(4) Monopole support structures shall not exceed four (4) feet in diameter unless technical evidence is provided showing that a larger diameter is necessary to attain the proposed tower height and that the proposed tower height is necessary.

(5) Wireless telecommunications facility support structures and antennae shall be painted a non-glossy color so as to minimize visual impacts from surrounding properties.

(6) All facilities shall be designed and located to minimize their visibility to the greatest extent feasible. All wireless telecommunications facilities proposed for locations where they would be readily visible from the public right-of-way or from a residential district shall incorporate appropriate techniques to
disguise the facility and/or blend into the surrounding environment, to the extent feasible. Facilities shall be compatible in scale and integrated architecturally with the design of surrounding buildings or the natural setting.

(7) No telecommunications antenna or ancillary support equipment shall be located within the front setback except for facilities that are completely subterranean.

(8) Support structures and site area for wireless telecommunications antennae shall be designed and of adequate size to allow at least one (1) additional wireless service provider to co-locate on the structure.

(9) Towers shall not be artificially lighted unless required by the FAA or other applicable authority. All objects affecting navigable airspace shall comply with Federal Aviation Regulation Section 77 and shall be in conformance with the current land use designations for land within one (1) mile of the runway.

(10) For the protection of emergency response personnel, each telecommunications facility shall have an on-site emergency "kill switch" to de-energize all RF-related circuitry/componetry at the site. For collocation facilities, a single "kill switch" shall be installed that will de-energize all carriers at the facility in the event of an emergency.

(11) All proposed fencing shall be decorative and compatible with the adjacent buildings and properties within the surrounding area and shall be designed to limit graffiti.

(d) **Signage.** A permanent, weather-proof identification sign, approximately sixteen (16) inches by thirty-two (32) inches in size, shall be placed on the gate of the fence surrounding the facility or, if there is no fence, on the facility itself. The sign shall identify the facility operator(s), provide the operator’s address, and specify a twenty-four (24) hour telephone number at which the operator can be reached so as to facilitate emergency services.

(e) **Landscaping.** Each applicant for an antenna and/or tower shall provide a landscaping plan that covers as much as the parcel and lease area as necessary to achieve the following:

(1) Landscaping shall be provided to screen the facility from surrounding properties or right-of-ways.

(2) All landscaping shall be installed with an irrigation system equipped with an automatic timer.

(3) Street trees and other landscaping may be required for telecommunications facilities proposed on parcels lacking street frontage landscaping.

(4) Landscaping shall include re-vegetation of any cut or fill slopes.

(5) Where possible, existing plants and trees shall be used to the full extent possible for screening of the facility.
(f) **Noise and Traffic.**

(1) Backup generators shall only be operated during power outages and for testing and maintenance purposes. Testing and maintenance shall only take place on weekdays between the hours of 8:00 a.m. and 7:00 p.m.

(2) Traffic shall be limited to no more than one (1) round-trip per day on an average annual basis once construction is complete, except for emergency maintenance.

### 306.07 Required Findings

The City Council may approve or approve with conditions any Conditional Use Permit required under this chapter only after making the following findings:

(a) The proposed telecommunication facility will comply with all applicable state and Federal standards and requirements;

(b) The proposed telecommunication facility will conform with the specific purposes of this chapter and any special standards applicable to the proposed facility;

(c) The applicant has made good faith and reasonable efforts to locate a telecommunication facility on a support structure other than a new monopole or lattice tower or to accomplish co-location.

(d) To locate a telecommunication facility where it is readily visible from the habitable area of a dwelling unit within three hundred (300) feet or at any location where it is visible from a public right-of-way, public park, or other public recreation or cultural facility, the decision-making authority shall find that:

(1) It is not feasible to provide the service at another location or to incorporate additional measures such as a decrease in height, increase in setback, change in design, relocation relative to other structures or natural features, that would further reduce its visibility; and

(2) The proposed telecommunication facility provides an important link in applicant's service area build-out and is necessary to provide personal wireless services to City residents.

(3) It is not feasible to incorporate additional measures that would make the telecommunication facility not readily visible, meaning that a person with normal vision can see the facility and distinguish it as an antenna or other component of a telecommunication facility;

(e) The City Council may waive or modify requirements of this chapter upon finding that strict compliance would result in noncompliance with applicable federal or state law.
Chapter 307  Performance Standards

Sections:

307.01  Purpose
307.02  Applicability
307.03  General Standard
307.04  Location of Measurement for Determining Compliance
307.05  Noise
307.06  Vibration
307.07  Lighting and Glare
307.08  Maintenance
307.09  Odors
307.10  Heat and Humidity
307.11  Air Contaminants
307.12  Liquid or Solid Wastes
307.13  Fire and Explosive Hazards
307.14  Hazardous and Extremely Hazardous Materials
307.15  Electromagnetic Interference
307.16  Radioactivity

307.01  Purpose
The specific purposes of this chapter are to:

(a)  Establish permissible limits and permit objective measurement of nuisances, hazards, and objectionable conditions;

(b)  Ensure that all uses will provide necessary control measures to protect the community from nuisances, hazards, and objectionable conditions; and

(c)  Protect any industry from arbitrary exclusion.

307.02  Applicability
The requirements in this chapter apply to all land uses in all zoning districts, unless otherwise specified.

307.03  General Standard
Land or buildings shall not be used or occupied in a manner creating any dangerous, injurious, or noxious fire, explosive or other hazard; noise, vibration, smoke, dust, odor, or form of air pollution; heat, cold, dampness, electrical or other disturbance; glare, refuse, or wastes; or other substances, conditions or elements which would substantially adversely affect the surrounding area.
307.04 Location of Measurement for Determining Compliance

Measurements necessary for determining compliance with the standards of this chapter shall be taken at the lot line of the establishment or use that is the source of a potentially objectionable condition, hazard, or nuisance.

307.05 Noise

(a) General Requirements. No use may generate noise that is in violation of the City’s Noise Standards contained in Chapter 18, Article V, of the Porterville Municipal Code or other standards as may be adopted by the City Council.

(b) Acoustic Study. An acoustic study shall be required for any proposed project which could create or be subject to a noise exposure greater than that deemed “normally acceptable” by the General Plan.

(c) Noise Attenuation Measures. Noise attenuation measures necessary to reduce noise impacts to acceptable levels to the extent feasible may be required to be incorporated into a project in accordance with the following:

1. All new residential development shall achieve interior noise level reductions through sound insulation and other measures to meet the General Plan land use compatibility standards by acoustical design and construction of the structure and building elements.

2. New dwelling units exposed to an exterior DNL above sixty-five (65) dB shall incorporate the following noise reduction measures:
   a. All facades shall be constructed with substantial weight and insulation;
   b. Sound-rated windows providing noise reduction performance similar to that of the façade shall be included for all exterior entries;
   c. Acoustic baffling of vents is required for chimneys, fans, and gable ends; and
   d. Installation of a mechanical ventilation system affording comfort under closed window conditions.

3. Sound walls or other attenuation measures designed to reduce noise by a minimum of ten (10) dB in residential areas adjacent to State highways when additional lanes are added or when new residential development or sensitive receptors would be exposed to noise above sixty-five (65) dB.

4. Other measures identified in an acoustic study conducted for the proposed project as necessary to reduce noise levels to “normally acceptable” levels.

307.06 Vibration

No vibration shall be produced that is discernible without the aid of instruments by a reasonable person at the lot lines of the site. Vibrations from temporary construction, demolition, and vehicles that enter and leave the subject parcel (e.g., construction equipment, trains, trucks, etc.) are exempt from this standard.
307.07 Lighting and Glare

Activities, processes, and uses shall be operated in compliance with the following provisions:

(a) **Mechanical or Chemical Processes.** Light or glare from mechanical or chemical processes, high-temperature processes such as combustion or welding, or from reflective materials on buildings or used or stored on a site, shall be shielded or modified to prevent casting of adverse light or glare onto other properties.

(b) **Lighting.** Lights shall be placed to deflect light away from adjacent properties and public streets, and to prevent adverse interference with the normal operation or enjoyment of surrounding properties. Direct or sky-reflected glare from floodlights shall not be directed into any other property or street. Except for public street lights, no light or combination of lights, or activity shall cast light on a public street exceeding one (1) foot-candle as measured from the centerline of the street. No light, combination of lights, or activity shall cast light onto a residentially zoned property, or any property containing residential uses, exceeding one-half foot-candle.

(c) **Glare.** No use shall be operated such that significant, direct glare, incidental to the operation of the use is visible beyond the boundaries of the lot where the use is located.

307.08 Maintenance

Sites and facilities shall be maintained free of refuse, debris, or other accumulated matter and shall be kept in good repair at all times.

(a) **Walls.** Walls shall be maintained in good repair, including painting, if required, and shall be kept free of graffiti, litter, or advertising. Where hedges are used as screening, trimming or pruning shall be employed as necessary to maintain the maximum allowed height.

(b) **Signs.** Every sign displayed within the city, including exempt signs, shall be maintained in good physical condition. All defective or broken parts shall be replaced. Exposed surfaces shall be kept clean, in good repair, free from graffiti, and painted where paint is required. The Zoning Administrator may order the repair or removal of any sign determined by the City to be unsafe, defective, damaged, or substantially deteriorated.

(c) **Landscaping.** All planting and other landscape elements shall be permanently maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, mowing, weeding, cleaning, fertilizing, and regular watering. Wherever necessary, plantings shall be replaced with other plant materials to insure continued compliance with applicable landscaping requirements.

(d) **Trees.** Trees shall be maintained by property owners to be free from physical damage or injury arising from lack of water, chemical damage, accidents, vandalism, insects and disease. Any tree showing significant damage shall be replaced with another tree.
(e) **Parking Lots.** Parking lots, including landscaped areas, driveways, and loading areas, shall be maintained free of refuse, debris, or other accumulated matter and shall be kept in good repair at all times.

### 307.09 Odors

No use, process, or activity shall produce objectionable odors that are perceptible without instruments by a reasonable person at the lot lines of a site.

### 307.10 Heat and Humidity

Uses, activities, and processes shall not produce any emissions of heat or humidity that cause distress, physical discomfort, or injury to a reasonable person, or interfere with ability to perform work tasks or conduct other customary activities. In no case shall heat emitted by a use cause a temperature increase in excess of five (5) degrees Fahrenheit on another property.

### 307.11 Air Contaminants

Uses, activities, and processes shall not operate in a manner that emit excessive dust, fumes, smoke, or particulate matter.

(a) **Compliance.** Sources of air pollution shall comply with rules identified by the Environmental Protection Agency (Code of Federal Regulations, Title 40), the California Air Resources Board, and the San Joaquin Valley Air Pollution Control District (SJVAPCD).

(b) **SJVAPCD Permit.** Operators of activities, processes, or uses that require “approval to operate” from the SJVAPCD, shall file a copy of the permit with the Planning Division within thirty (30) days of permit approval.

### 307.12 Liquid or Solid Wastes

(a) **Discharges to Water or Sewers.** Liquids and solids of any kind shall not be discharged, whether directly or indirectly, into a public or private body of water, sewage system, watercourse, or into the ground, except in compliance with applicable regulations of the California Regional Water Quality Control Board (California Administrative Code, Title 23, Chapter 3 and California Water Code, Division.)

(b) **Solid Wastes.** Solid wastes shall be handled and stored so as to prevent nuisances, health, safety and fire hazards, and to facilitate recycling. There shall be no accumulation outdoors of solid wastes conducive to the breeding of rodents or insects, unless stored in closed containers.

### 307.13 Fire and Explosive Hazards

All activities, processes and uses involving the use of, or storage of, flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion. Fire fighting and fire suppression equipment and devices standard in
industry shall be approved by the Fire Department. All incineration is prohibited with the exception of those substances such as, but not limited to, chemicals, insecticides, hospital materials and waste products, required by law to be disposed of by burning, and those instances wherein the Fire Department deems it a practical necessity.

307.14 **Hazardous and Extremely Hazardous Materials**

The use, handling, storage and transportation of hazardous and extremely hazardous materials shall comply with the provisions of the California Hazardous Materials Regulations and the California Fire and Building Code, as well as the laws and regulations of the California Department of Toxic Substances Control and the County Environmental Health Agency. Activities, processes, and uses shall not generate or emit any fissionable or radioactive materials into the atmosphere, a sewage system or onto the ground.

307.15 **Electromagnetic Interference**

No use, activity or process shall cause electromagnetic interference with normal radio and television reception in any R district, or with the function of other electronic equipment beyond the lot line of the site in which it is situated. All uses, activities and processes shall comply with applicable Federal Communications Commission regulations.

307.16 **Radioactivity**

No radiation of any kind shall be emitted that is dangerous to humans.
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Chapter 308  Nonconforming Uses, Structures, and Lots

Sections:
308.01  Purpose
308.02  Applicability
308.03  Establishment of Legal Nonconforming Uses and Structures
308.04  Continuation and Maintenance of Nonconforming Structures
308.05  Alterations and Enlargements to Nonconforming Structures
308.06  Classification of Nonconforming Uses
308.07  Changes and Substitutions of Nonconforming Uses
308.08  Restoration of Damaged Nonconforming Structures
308.09  Correction of Nonconforming Site Features
308.10  Abandonment of Nonconforming Uses

308.01  Purpose
The specific purpose of this chapter is to permit continuation of uses and continued occupancy and maintenance of structures that were legally established but do not comply with all of the standards and requirements of this Ordinance in a manner that does not impair public health, safety, and general welfare.

308.02  Applicability
These provisions apply to structures, land and uses that have become nonconforming by operation of this Ordinance and that remain in a nonconforming status by application of this chapter, as well as structures, land, and uses that hereafter become nonconforming due to annexation to the City or amendments to the zoning map or development Ordinance text.

308.03  Establishment of Legal Nonconforming Uses and Structures
(a)  Nonconformity. A non-conformity may result from any inconsistency with the requirements of this Ordinance, including but not limited to location, density, height, yard, usable open space, buffering, or performance standards or the lack of a Conditional Use Permit, variance, or other required authorization. A use or structure shall not be deemed nonconforming solely because it does not conform with the parking dimension standards, loading, planting area, or screening regulations of the district in which it is located or does not conform to the standards for the following building features: garage door location; garage door width; chimney height; cornices, eaves, and other ornamental features that exceed maximum projections into required yards; or bay windows and balconies above the first floor that exceed maximum projections into required yards.

(b)  Nonconforming Uses and Structures—Right to Continue. Any use or structure that was legally established prior to the effective date of this Ordinance or of any subsequent rezoning or amendment shall be deemed to be in compliance with this Ordinance and may be continued and maintained indefinitely if it has remained in continuous existence. The right to continue a nonconforming use or structure shall run with the land. However, no substitution, expansion, or other change in use and
no alteration or other change in structures is permitted, except as otherwise provided in this chapter.

(1) **Exceptions.** Other provisions of this Ordinance notwithstanding, all nonconforming Adult Oriented Businesses shall be discontinued or brought into full conformance with the provisions of this Ordinance within two (2) years from its effective date unless the City Council approves a Conditional Use Permit in accordance with the provisions of this Ordinance. In addition to any other findings that this Ordinance requires, the City Council shall find that the activity is obligated by written lease entered into before the effective date of this Ordinance, or that the business or that the investment in leasehold or improvements warrants a longer amortization period to prevent undue financial hardship.

### 308.04 Continuation and Maintenance of Nonconforming Structures

Legal nonconforming structures may be continued and maintained in compliance with the requirements of this chapter unless deemed to be a public nuisance because of health or safety conditions.

(a) **Maintenance and Nonstructural Repairs.** Maintenance, non-structural repairs and non-structural interior alterations are permitted to a nonconforming structure or to a structure occupied by a nonconforming use, so long as the changes and improvements do not enlarge or extend the structure.

(b) **Structural Repairs.** Structural repairs that do not enlarge or extend the structure, including modification or repair of bearing walls, columns, beams or girders, may be undertaken only when the Building Official determines that such modification or repair is immediately necessary to protect public health and safety, occupants of the nonconforming structure, or occupants of adjacent property and when the cost of such work does not exceed fifty (50) percent of the higher of the assessed value of the nonconforming structure as determined by the Tulare County Assessor or an appraisal performed by a certified appraiser for the applicant. If an applicant chooses not to submit an appraisal, the Tulare County Assessor’s determination shall be used.

### 308.05 Alterations and Enlargements to Nonconforming Structures

Nonconforming structures may be enlarged, extended, structurally altered or repaired as long as the use of the property is conforming, and subject to the following provisions.

(a) **Nonconforming Single-Family Dwellings.** A Single-Family Dwelling that is nonconforming with respect to one (1) or more required setbacks may be enlarged or altered, subject to the following standards:

   (1) **Interior Side and Rear Setbacks.** Additions or enlargements that maintain a nonconforming interior side or rear yard setback are permitted as long as the addition does not:

   a. Further reduce any nonconforming side or rear setback;
b. Create any new encroachment into any other required setback;
c. Increase the existing height of the portion of the structure that is within the required setback;
d. Result in a violation of applicable standards for building coverage, parking, or useable open space; or
e. Result in a violation of any standard of the Building Code.

(2) Front Setbacks. Additions or enlargements that vertically or horizontally extend a nonconforming front yard setback may be approved based on a finding that the proposed addition will maintain the average setback of development on the same block front within two hundred (200) feet of the lot.

(3) Height. Additions or enlargements that horizontally extend a nonconforming side or rear setback of any portion of a structure that is nonconforming with respect to height may be approved based on findings that the proposed alteration will not:
   a. Substantially interfere with solar access available to surrounding properties;
   b. Reduce the privacy of surrounding properties; or
   c. Create a structure that is incompatible with the character of surrounding development due to its bulk or form.

(b) Nonconforming Parking.

(1) Nonresidential Structures. A nonresidential structure that is nonconforming because it does not satisfy the parking requirements of this Ordinance may not be expanded unless the parking spaces that are required for the expansion are provided in accordance with applicable provisions of Chapter 304, On-Site Parking and Loading.

(2) Residential Structures. A residential structure that is nonconforming because two (2) spaces have not been previously required by this Ordinance may be altered or expanded with only one (1) covered space, provided that such alterations or expansions of an individual dwelling shall not cumulatively exceed twenty-five (25) percent of the habitable floor area at the time of the first expansion or alteration.

(3) Exception. No residence may be constructed or expanded by more than one thousand (1,000) square feet of additional habitable area without providing parking in accordance with the applicable provisions of Chapter 304, On-Site Parking and Loading.

(c) Nonconforming Lot Coverage. A structure that is nonconforming because it exceeds the maximum allowable lot coverage may be expanded in floor area only if the expansion does not increase the lot coverage.
308.06 Classification of Nonconforming Uses

The City Council may classify legally established nonconforming uses for the purpose of determining whether to permit substitution or expansion subject to the requirements of the following section. The classification of any use or structure shall be optional and shall be based on written application by the property owner or his/her designee, including such information as may be deemed necessary to determine that the use was legally established and to make any other findings that may be required.

(a) Class I. Class I nonconforming uses are designated by the City Council following a public hearing and based on findings that:

1. The existing nonconforming use was legally established;
2. The proposed expansion or substitution of the nonconforming use would not be detrimental to public health, safety, or welfare;
3. The proposed expansion or substitution would not be inconsistent with the General Plan and would not preclude or interfere with implementation of any applicable adopted City plan;
4. The proposed use will not depress the value of nearby properties; and
5. No useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use or structure does not conform.

(b) Class II. Class II nonconforming uses include any legally established non-residential use that involves the following:

1. Storage, use, or generation of hazardous materials, processes, products, or wastes;
2. Activity that may be detrimental to public health and safety because of the potential to create dust, glare, heat, noise, noxious gases, odor, smoke, vibration;
3. Conditions that would be incompatible with surrounding uses; or
4. Any nonconforming Adult Oriented Business.

308.07 Changes and Substitutions of Nonconforming Uses

No legal nonconforming use shall be substantially expanded or changed in operation without the approval of a Conditional Use Permit as provided for in this chapter. This requirement shall not apply to a change of ownership, tenancy, or management where the new use is in the same classification as the previous use, as defined in Chapter 701: Use Classifications, and the use is not expanded.

(a) Change from Nonconforming to Permitted Use. Any nonconforming use may be changed to a use that is allowed by right in the zoning district in which it is located and complies with all applicable standards for such use.
(b) **Conditional Use Permit to Legalize Use.** Any use that is nonconforming solely by reason of the absence of a Conditional Use Permit may be changed to a conforming use by obtaining the required permit.

(c) **Change from Nonconforming Use to Other Nonconforming Use.** The City Council may allow the expansion of a Class I use, substitution of a Class II nonconforming use with a Class I nonconforming use, or substitution of a Class I nonconforming use with another Class I nonconforming use, subject to approval of a Conditional Use Permit and the requirements of this chapter.

1. **Within a Structure That Conforms to the Development Ordinance.** A Class I nonconforming use in a structure that conforms to this Ordinance and to the requirements of the Building Code may expand the floor area that it occupies, subject to Conditional Use Permit approval provided that no structural alteration is proposed or made for the purpose of the expansion.
   a. A nonconforming use may not be expanded to occupy all or a part of another structure or another lot that it did not occupy on the effective date of this Ordinance.
   b. The expansion of the nonconforming use shall not exceed fifty (50) percent of the area that the nonconforming use legally occupies at the time of application.

2. **Within a Structure That Does Not Conform to the Development Ordinance.** A Class I nonconforming use in a structure that does not conform to the requirements of this Ordinance may expand its occupancy and building floor area subject to the requirements of paragraph one (1) above.

3. **Within a Structure That Does Not Conform to the Building Code.** Any nonconforming use in a structure that does not conform to the Building Code may not expand the area it occupies. A Class I nonconforming use may expand the area it occupies subject to Conditional Use Permit approval after the structure is brought into conformance with all applicable Building Code requirements.

4. **City Council Review.** The City Council shall hold a public hearing, pursuant to the procedures established in Chapter 601, Common Procedures, on each application for a change or substitution of use. In addition to any other findings that may be required, the City Council shall find that:
   a. The proposed new use will be more compatible with the purposes of the district and surrounding uses than the nonconforming use it replaces;
   b. The proposed new use will not be detrimental to the health, safety, peace, comfort or general welfare of persons residing or working in the surrounding area or be detrimental or injurious to property and improvements of adjacent properties, the surrounding area, or the neighborhood because of noise, traffic generation, odors, dust, glare, vibrations, or other effects; and
c. The proposed new use will comply with all applicable standards or there are special circumstances peculiar to the property and its relation to surrounding uses or to the district itself that would justify modification to applicable standards.

(5) **Standards for Council Determination.** In making its findings and conclusions pursuant to paragraph four (4) above, the City Council shall consider the following factors:

   a. Noise;
   b. Traffic generation;
   c. Hours of operation;
   d. Noxious or annoying emissions of odor, smoke, waste water or other matters;
   e. Proximity of the use to conforming uses;
   f. Extent and severity of nonconformity;
   g. Effect of the nonconforming use on surrounding conforming uses;
   h. Character of the surrounding neighborhood, including the number and proportion of nonconforming uses;
   i. Access to the nonconforming use;
   j. Maintenance of the nonconforming use; and
   k. Any other factors the City Council deems relevant given the purposes of this chapter.

(6) **Conditions.** When making its decision on an application for a change or substitution of use, the Council may establish conditions that are necessary to accomplish the purposes of this chapter, including, but not limited to:

   a. Required improvement of, or modifications to existing improvements on, the property;
   b. Limitations on hours of operations;
   c. Limitations on the nature of operations; and
   d. A specified term of years for which the continued nonconforming use shall be allowed.

(7) **Revocation of Approved Changes of Nonconforming Use.** The City Council may initiate a review of a changed or substituted nonconforming uses upon its own motion, or following a recommendation from the Zoning Administrator, in accordance with Section 601.12, Revocation of Approvals, and the following standards and procedures.

   a. **Initiation of Revocation Procedure.** Initiation of City Council review of a nonconforming use approved pursuant to this section shall first require a report from the Zoning Administrator based upon the Zoning Administrator’s independent investigation and determination, recommending action by the Council.
b. **City Council Review and Decision.** The City Council shall hold a public hearing, pursuant to the procedures established in Chapter 601, Common Procedures. Upon the conclusion of the public hearing, the Council shall determine whether the nonconforming status shall be revoked and the use discontinued or allowed to continue subject to conditions. In making its determination the Council shall base its decision on the same considerations it used when approving the Conditional Use Permit to allow a change or substitution of a nonconforming use and the standards in paragraph five (5) above.

### 308.08 Restoration of Damaged Nonconforming Structures

(a) **Restoration When Damage is Less than Seventy-Five (75) Percent of Value.** If a nonconforming structure or a structure containing a nonconforming use is destroyed by fire or other calamity, to the extent of seventy-five (75) percent or less of the replacement cost, as determined by the Building Official, the structure may be restored and the nonconforming use may be resumed, provided that a building permit for restoration is issued within six (6) months and restoration work is diligently pursued to completion.

(b) **Restoration When Damage Exceeds Seventy-Five (75) Percent of Value.** If any nonconforming structure or a structure containing a nonconforming use is destroyed by fire, explosion or other casualty or act of God to an extent of seventy-five (75) percent or greater of the replacement cost, as determined by the Building Official, then the structure may be restored and used only in compliance with the applicable regulations for the district where it is located, except as provided below.

a. **Exceptions for Residential Structures.**

b. Any nonconforming residential use may be reconstructed, restored, or rebuilt up to the size and number of dwelling units prior to the damage and the nonconforming use, if any, may be resumed unless the City finds that:

1. The reconstruction, restoration, or rebuilding will be detrimental or injurious to the health, safety, or general welfare of persons residing or working in the neighborhood, or will be detrimental or injurious to property and improvements in the neighborhood.

2. The existing nonconforming use of the building or structure can be more appropriately moved to a zoning district in which the use is permitted, or that there no longer exists a district in which the existing nonconforming use is permitted.

c. Any reconstruction, restoration, or rebuilding undertaken pursuant to this section shall conform to all applicable Building Code requirements.

d. A building permit shall be obtained within two (2) years after the date of the damage or destruction.
308.09 Correction of Nonconforming Site Features

Prior to occupancy of a site or structure that is nonconforming due to lack of one (1) of the following: screening of mechanical equipment; required walls or fences to screen parking; required paving for driveways; or required landscaping; a schedule for elimination or substantial reduction of these nonconformities over a period not exceeding five (5) years shall be submitted. Priority may be given to elimination of nonconformities that have a significant adverse impact on surrounding properties, and shall not require a commitment to remove nonconformities that have a minor impact and would be costly to eliminate due to the configuration of the site and the location of existing structures.

308.10 Abandonment of Nonconforming Uses

No nonconforming use may be resumed, reestablished, reopened or replaced by any other nonconforming use after it has been abandoned or vacated for a period of six (6) months, except as provided for in this section. The nonconforming use of a legally established structure may be reestablished if the City Council approves a Conditional Use Permit after making all the following findings in addition to any other required findings. As a condition of approving the resumption of such nonconforming use, the Council may impose a time limit on its duration if necessary in order to make the required findings.

(a) The structure cannot be used for any conforming use because of its original design or because of legal structural changes made for a previous nonconforming use;

(b) The structure can be reasonably expected to remain in active use for a period of twenty (20) years without requiring repairs or maintenance in excess of fifty (50) percent of the replacement cost of the structure, as defined in this chapter, within any five (5) year period; and

(c) The continuation of the use or structure will not be incompatible with or detrimental to surrounding conforming uses.
Series 400: Land Divisions

Chapter 400 General Provisions

Sections:

400.01 Introductory Provisions
400.02 Administration and Common Procedures
400.03 Maps Required

400.01 Introductory Provisions

(a) Citation and Authority. This Series is enacted pursuant to the provisions of Division 2 of Title 7 of the Government Code of the State of California, referred to herein as the “Subdivision Map Act.”

(b) Purpose. Series 400, Land Divisions, is adopted to preserve, protect and promote the public health, safety, convenience, prosperity and general welfare. More specifically, this Series is adopted in order to achieve the following objectives:

(1) To aid in the implementation of the General Plan, and elements thereof, as adopted by the City Council.

(2) To provide lots of sufficient size and appropriate design for the purposes for which they are to be used.

(3) To provide streets of adequate capacity for the anticipated traffic which would utilize them, and to ensure that they are designed to promote a safe vehicular and pedestrian traffic circulation system.

(4) To accommodate new development in a manner which will preserve and enhance the city’s living environment.

(5) To provide for water supply, sewage disposal, storm drainage, and other utilities and facilities which are required by conditions of an urban environment.

(6) To ensure that the costs of providing rights-of-way, street improvements, utilities and public areas and facilities needed to service new developments are borne fairly and equitably by the subdivider, rather than by property owners of the city at large.

Series 400, Land Divisions, is enacted for the purpose of regulating subdivision of land in accordance with the Subdivision Map Act of the State of California, and any future amendments thereto, and repeals all other regulations of the City of Porterville in conflict with this Series; provided, however, that such repeal shall not affect any agreement, contract, or bond executed pursuant to such regulations or any rights of action accruing thereunder. The regulations
contained in this Series shall apply to all subdivisions and parcel maps or parts of subdivisions and parcel maps hereafter made entirely or partially within the City of Porterville. The provisions of this Series shall be in addition to and shall be considered as supplemental to the provisions of the Subdivision Map Act of the State of California, as now in effect or hereinafter amended.

(c) **Exceptions.** This Series shall not apply to:

1. The financing or leasing of apartments, offices, stores or similar space within apartment buildings, industrial buildings, commercial buildings, mobile home parks or trailer parks.
2. Mineral, oil or gas leases.
3. Land dedicated for cemetery purposes under the State Health and Safety Code.
4. A lot line adjustment between four (4) or fewer existing adjoining parcels, consistent with the provisions of Section 405.03, Lot Line Adjustments, and Section 66412(d) of the Subdivision Map Act.
5. Any separate assessment under Section 2188.7 of the State Revenue and Taxation Code for community apartment or cooperative housing projects.
6. The conversion of a community apartment project or a stock cooperative to a condominium if the requirements of Sections 66412(g) and (h) of the Subdivision Map Act are met.
7. The financing or leasing of any parcel of land, or any portion, for the construction of commercial or industrial buildings on a single parcel, unless the project is not subject to review under other ordinances regulating design and improvements.
8. The financing or leasing of existing separate commercial or industrial buildings on a single parcel.
9. The construction, financing or leasing of secondary living units, according to Section 301.16, Second Dwelling Units.
10. Leasing for agricultural purposes, cultivation of food or fiber, and grazing or pasturing of livestock.
11. Leasing of, or grant of easement to, a parcel of land, or any portion or portions of land, for financing, erection, and sale or lease of a wind powered electrical generation device which is subject to discretionary action by the city.
12. The leasing or licensing of a portion of a parcel, or the granting of an easement, use permit, or similar right on a portion of a parcel, to a telephone corporation, as defined in Section 234 of the Public Utilities Code, exclusively for the placement and operation of cellular radio transmission facilities, including but not limited to, antennae, transmission equipment, support structures, microwave dishes, structures to house cellular communications transmission equipment, power sources, and other equipment incidental to the transmission of cellular communications, if the project is subject to discretionary action by the Zoning Administrator or City Council.
400.02 Administration and Common Procedures

(a) General Responsibilities

(1) **City Attorney.** The City Attorney shall be responsible for approving as to form all subdivision improvement agreements and improvement securities.

(2) **City Council.** The City Council shall review and approve, conditionally approved or disapprove tentative maps for Major Subdivisions. The City Council shall have final jurisdiction in the approval of final maps and improvement agreements and the acceptance by the city of lands and/or improvements as may be proposed for dedication to the city for Major Subdivisions. The City Council shall act as the final appeal board for hearing appeals of the approval, conditional approval or disapproval of tentative maps for Minor Subdivisions.

(3) **Parcel Map Committee.** A Parcel Map Committee is hereby created and is designated as the advisory agency and shall review and approve, conditionally approve or disapprove tentative maps for Minor Subdivisions. Said Parcel Map Committee shall include the Zoning Administrator, City Engineer and Fire Chief or their designees. The Zoning Administrator shall serve as committee chairman.

(4) **City Engineer or Public Works Director.** The City Engineer or Public Works Director shall be responsible for:

a. Establishing design and construction details, standards and specifications;

b. Determining if proposed subdivision improvements comply with the provisions of this Series and the Subdivision Map Act and for reporting the findings together with any recommendations for approval, or conditional approval, of the tentative map to the Zoning Administrator for Major Subdivisions and Minor Subdivisions.

c. The processing of final maps, reversion to acreage maps and amended maps; the processing and approval of subdivision improvement plans, lot line adjustments, mergers, and certificates of compliance.

d. Examining and stating that final maps are in substantial conformance with the approved tentative map.

e. The inspection and approval of subdivision improvements.

f. The acceptance of dedications of all streets, alleys, including access rights and abutter’s rights, drainage easements, elementary school sites, parks, and other easements and parcels of land intended for public use.

g. The recording of a notice of completion of private subdivision improvements when not to be maintained by the city.

h. The collection of all required deposits and fees.

(5) **Subdivider.** The subdivider shall prepare maps consistent with the standards contained herein, and design public improvements consistent with the public improvement standards of the City of Porterville. The subdivider shall process said maps in accordance with the regulations set forth herein.
(6) **Zoning Administrator.** The Zoning Administrator shall be responsible for design analysis for conformity with the General Plan and this Ordinance; for the environmental quality of the subdivision design; and for the expedient processing of subdivision maps, parcel maps, and reports, as provided herein.

(b) **Modification Requirements**

(1) **Exceptions.** Exceptions to regulations pertaining to lot depth, reverse corner lots, street length and width, and double frontage lots may be authorized by the review authority following a public hearing at which the tentative map is also considered. A request for such exceptions shall be made by the subdivider and filed with the application for the proposed land division.

(2) **Exceptions Requiring Conditional Use Permit Approval.** Modifications to any other requirements and regulations set forth in this Ordinance as it pertains to lot design shall be subject to the approval of a Conditional Use Permit. Application for any such modification shall be made in writing by the subdivider in the form of a Conditional Use Permit application, stating fully the grounds of the application and the facts relied upon by the subdivider. Such application shall be filed with the tentative map of the proposed land division. The City Council shall approve, conditionally approve or disapprove the application for a Conditional Use Permit pertaining to a tentative map following a public hearing held concurrently with the proposed tentative map. If in the opinion of the Zoning Administrator and City Engineer or Public Works Director the on- and/or off-site improvements, phasing and/or type of improvements necessitate it, a development agreement may be required between the city and the subdivider.

(3) **Required Findings.** In order to approve an exception, the review authority must make all of the following findings:

a. There are special circumstances or conditions affecting the property that make it impractical to conform to all of the provisions prescribed by this Series provided, however, that no exceptions may be granted to any requirements imposed by the Subdivision Map Act or any other applicable provision of State law;

b. That the modification is necessary for the preservation and enjoyment of a substantial property right of the petitioned;

c. That the granting of the modification will not be detrimental to the public welfare or injurious to other property in the territory in which such property is situated;

d. That the exception is appropriate for the proper design and/or function of the subdivision; and

e. That the granting of the exception is consistent with the General Plan.

(c) **Remainder Parcels.** The subdivider may designate a remainder parcel which is not divided for the purpose of sale, lease, or financing. For a designated remainder parcel, the fulfillment of construction requirements for improvements, including the payment of fees associated with any deferred improvements, shall not be required until a permit or other grant of approval for development of the remainder parcel is issued or until the
construction of the improvements, including the payment of fees associated with any deferred improvements, is required pursuant to an agreement between the subdivider and the City unless the parcel is included within the boundaries of a benefit assessment district or community facilities district or the City determines that fulfillment of the construction requirements is necessary for reasons of the public health and safety or as a prerequisite necessary to the orderly development of the surrounding area.

(d) **Appeals.** Decisions that are subject to appeal under the Subdivision Map Act or the provisions of this Series shall be filed and processed in the following manner:

1. **Appeals to the City Council.** The subdivider or any interested person adversely affected may appeal any decision determination or requirement by the Zoning Administrator, City Engineer, or Parcel Map Committee by filing a notice therefore, in writing, with the City Clerk setting forth in detail the action and the grounds upon which the appeal is based, within ten (10) days after the action which is the subject of the appeal. An appeal shall state specifically where it is claimed there was an error or abuse of discretion by the Zoning Administrator, City Engineer, or Parcel Map Committee.

2. **Procedures.** The City Council shall set the matter for hearing. Such hearings shall be held within 30 days of the date the appeal was filed and shall provide written notice to the appellant, the subdivider, and all other parties known to have interest in the matter as required by this Ordinance and the Subdivision Map Act. The City Council may sustain, modify, or reject the decision that is the subject of the appeal. Within ten (10) days following the conclusion of the hearing, the City Council shall render written decision on the appeal.

3. **Appeal Stays All Proceedings.** The timely filing of an appeal shall stay all proceedings in the matter appealed.

400.03 **Maps Required**

(a) **General.** The necessity for tentative or vesting tentative, and final maps shall be governed by the provisions of this Series. A designated remainder lot shall not be counted as a parcel for the purpose of determining whether a parcel or final map is required.

(b) **Major Subdivisions.** A tentative or vesting tentative and final map shall be required for all divisions of land creating five (5) or more parcels, five (5) or more condominiums as defined in Section 783 of the State Civil Code, a community apartment project containing five (5) or more parcels, or for the conversion of a dwelling to a stock cooperative containing five (5) or more dwelling units, except where:

1. The land before division contains less than five (5) acres, each parcel created by the division abuts upon a maintained public street or highway and no dedications or improvements are required by the legislative body; or

2. Each parcel created by the division has a gross area of twenty (20) acres or more and has an approved access to a maintained public street or highway; or

3. The land consists of a parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or
commercial development, and which has the approval of the governing body as to street alignments and widths; or

(4) Each parcel created by the division has a gross area of not less than 40 acres or is not less than one quarter of a quarter section.

(5) The land being subdivided is solely for the creation of an environmental subdivision pursuant to Section 66418.2 of the Subdivision Map Act.

(6) The subdivisions described in paragraphs (1), (2), (3), (4) or (5) shall be considered Minor Subdivisions for which a parcel map is required.

(c) **Minor Subdivisions.** A tentative map and parcel map shall be required for all divisions of land into four (4) or fewer parcels, and for divisions of land into five (5) or more parcels that are classified as Minor Subdivisions in subsection (b) above, except that a tentative map and parcel map shall not be required for:

(1) **Right-of-Way Subdivisions.** Subdivisions of a portion of the operating right-of-way of a railroad corporation, defined by Section 230 of the Public Utilities Code that are created by short-term leases terminable by either party on not more than 30 days’ notice in writing.

(2) **Conveyances.** Land conveyed to or from a governmental agency, public entity or public utility, or for land conveyed to a subsidiary of a public utility for conveyance to the public utility for rights-of-way, unless a showing is made in individual cases, upon substantial evidence, that public policy necessitates a parcel map. The foregoing exemption shall only apply if, prior to the conveyance, the owner of the subject land complies with this section. The owner shall submit an application for exemption in the form and with such information as is required by the City Engineer. Upon receipt of a complete application by the City Engineer, the City Engineer shall either determine that the exemption applies, determine that the exemption applies subject to conditions or determine that public policy necessitates a parcel map. In making this determination, the City Engineer shall consider any written materials submitted by the applicant or any interested party. The City Engineer shall notify the applicant of the determination in writing. If the City Engineer determines that a parcel map is necessary, the applicant shall not subdivide the subject land without obtaining city approval of a parcel map pursuant to this Series. Notwithstanding the foregoing, a tentative map and parcel map for a division of land into four (4) or fewer parcels shall not be required for the dedication of land to a governmental agency, public entity or public utility which is required by the city as a condition of approval of a development project.

(3) **Lot Line Adjustments.** Lot line adjustments that meet the requirements of Section 405.03, Lot Line Adjustments.
Chapter 401  Major and Minor Subdivisions

Sections:

401.01  Tentative Maps
401.02  Parcel and Final Maps

401.01  Tentative Maps

(a)  **Form of Map and Content.** The subdivider shall cause the tentative map of the land proposed to be subdivided to be prepared by a registered civil engineer authorized to practice surveying or a licensed land surveyor. The size of each sheet shall be eighteen by twenty-six inches (18” X 26”). The tentative map shall be legibly drawn, in pencil or ink, and shall use a decimal or an engineer’s scale of not less than one inch equals one hundred feet (1” = 100’), unless the Zoning Administrator determines that a different scale will be adequate and appropriate for the tentative map.

The tentative map shall clearly show the following information:

1. The tract name or number, date, north point, scale and sufficient description to define the location and boundaries of the proposed tract.
2. Names, addresses, and phone numbers of record owner(s), subdivider, and engineer or surveyor.
3. Partial legal description (1/4 section, township/range).
4. The tentative map shall include enough sheets to show details at the scale of the map. The number of the sheet and the total number of sheets comprising the tentative map shall be stated on each of the sheets and its relation to each adjoining sheet shall be clearly shown.
5. Location, names, present right-of-way and physical dimension, and approximate grades of adjacent roads, streets, highways or ways, names and dimensions of abutting subdivisions and properties.
6. The locations, names, widths, and proposed grade of all streets in the proposed subdivision.
7. Radius of each curve (in accordance with Section 403.03, Design and Construction Standards).
8. Typical cross sections of all streets.
9. The outline of any existing buildings and their locations in relation to existing or proposed street and lot lines. The location of existing wells and sewage disposal facilities and the proposed disposition of same.
10. Contour lines having the following intervals:
   a. One (1) foot contour interval for ground slopes between level and five (5) percent.
   b. Five (5) foot contour intervals for ground slopes exceeding five (5) percent.
(11) The approximate widths, location and purpose of all existing or proposed easements.
(12) Approximate lot layout and approximate dimensions of each lot, and each to be numbered.
(13) The area of the subdivision in gross area and net area (excluding streets and other proposed public uses).
(14) Approximate location of all areas subject to inundation or storm water overflow and the location, width, grade and direction of flow of all watercourses and the location of all floodplain lines.
(15) Public areas proposed.
(16) City limit lines.
(17) Vicinity map showing the proposed subdivision and surrounding streets within one-fourth (1/4) mile radius of the proposed subdivision.
(18) Location of trees to remain in place and landscaping proposed to remain in public right-of-way.
(19) If developed in increments, maps shall indicate approximate sequence of development.
(20) For residential subdivisions, the school district and schools serving the subdivision.
(21) Show all dedications and irrevocable offers of dedication on the tentative map or to be made by separate instrument.
(22) The location and sizes of existing and proposed utility lines and structures.
(23) The elevation of sewers at the proposed connection.
(24) Any other drawings, data or information as deemed necessary by the Zoning Administrator and/or the City Engineer.
(25) The Zoning Administrator may waive any of the above tentative map requirements if the location and nature of the proposed subdivision or existing documentation demonstrate that a waiver is justified.

(b) **Owner's Statement and Accompanying Data.** Additional information relating to the subdivision which may not practicably be shown on the tentative map shall be contained in similar supplemental maps or written owner's statement which shall accompany the tentative map and include the following information. Any information that is engineering in nature shall be provided by a Civil Engineer.

(1) Existing use or uses of the property, present zoning, and general plan designation.
(2) Proposed uses of the property indicating respective proportion of the total area of the subdivision represented by each.
(3) General outline of proposed water system.
(4) Provisions for sanitary sewage disposal and general outline of proposed system.
(5) Plan for surface drainage and flood control and general outline of proposed system.
(6) Proposed street improvements for sidewalk, curb and gutter, and paving of public ways, as required, indicating approximate location and dimensions of the proposed system.

(7) Environmental Information Form.

(8) Additional data and information, including fees, as may be required for the preparation and processing of environmental documents pursuant to the California Environmental Quality Act.

(9) Any other data or reports deemed necessary by the Zoning Administrator and/or the City Engineer.

(c) **Filing.** The subdivider shall file with the Zoning Administrator ten (10) copies, one (1) photo-ready master (11” X 17” maximum) and one (1) copy of the owner’s statement (if not included on the tentative map), all in accordance with the requirement of this Series, of each proposed subdivision. Said tentative map shall be accompanied with filing fees per resolution adopted by the City Council. The Zoning Administrator shall indicate upon all copies of the tentative map and accompanying data the date of filing, which shall be the date on which all required maps, masters, and accompanying data are deposited in the office of the Zoning Administrator. The Zoning Administrator may refuse to accept a tentative map which is inaccurate, illegible, incomplete, or which fails to comply with the requirements of this Series.

(d) **Department Review and Referral**

(1) **Determination of Complete Application.** Not later than thirty (30) days after receipt of an application for a tentative map approval, the Zoning Administrator shall determine in writing whether such application is complete, and shall immediately transmit such determination to the applicant for the tentative map. In the event that the application is determined not to be complete, the Zoning Administrator’s determination shall identify those parts of the application which are complete, and shall specify those parts of the application which are incomplete, and shall indicate the manner in which they can be made complete. Zoning Administrator may, in the course of processing the application, request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application.

(2) **Referral.** Within five (5) days of acceptance of a tentative map of a subdivision, the Zoning Administrator shall transmit the requested number of copies of such map, together with accompanying data, to such public agencies and utilities as may be concerned. Each of the public agencies and utilities may, within fifteen (15) days after distribution of the tentative map, forward to the Zoning Administrator a written report of their findings and recommendations thereon. Such public agencies and utilities include, but are not limited to:

a. City Engineer or Public Works Director;

b. Chief Building Official;

c. Police Department;

d. Fire Department;
e. Field Services Manager;
f. Office of Intergovernmental Management as required by the Government Code;
g. Tulare County Resource Management Agency;
h. Southern California Edison or other affected electric company;
i. The Gas Company or other affected gas company;
j. Telephone company or other affected phone company;
k. Cable TV companies affected;
l. School Districts as required by Section 66455.7 of the Map Act;
m. Water supplier that is or may become a public water system as required by Section 66455.3 of the Map Act; and
n. Affected owner of irrigation ditches or canals, and any other public agency or public utility affected by the subdivision.

(e) **Consideration of Tentative Maps.** The Zoning Administrator shall prepare a written report on the conformity of the tentative map to the provisions of the General Plan and all other applicable requirements of this and other ordinances and regulations of the City of Porterville. The report shall include a recommendation for action, including any requirements or conditions deemed necessary to ensure that the map will comply with the General Plan and any applicable city regulations.

(f) **Notification Procedures for Public Hearings.** Notice of the time and place of any public hearing shall be given in conformance with the provisions of Section 601.05, Public Notification.

(g) **Action.** The City Council in the case of major subdivisions and the Parcel Map Committee in the case of minor subdivisions, shall approve, conditionally approve or deny the tentative map within fifty (50) days after certification of an environmental impact report, adoption of a negative declaration or a determination by the city that the project is exempt from the requirements of the California Environmental Quality Act. If the City Council or Parcel Map Committee, as appropriate, shall find that the proposed map complies with the requirements of this Series and the Map Act, it shall approve the map. If the City Council or Parcel Map Committee, as appropriate, finds that the proposed map does not meet the requirements of this Series and the Map Act, it shall conditionally approve or disapprove such map.

(1) **Basis for Denial.** A tentative map shall be denied approval or conditional approval in the event any one (1) of the following findings is found to prevail by the legislative body:
   a. That the proposed map is not consistent with applicable general and specific plans.
   b. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
   c. That the site is not physically suitable for the type of development.
d. That the site is not physically suitable for the proposed density of development.

e. That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

f. That the design of the subdivision or type of improvements is likely to cause serious public health problems.

g. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

(2) **Notice of Action.** Within ten (10) days following the action by the City Council or Parcel Map Committee, as appropriate, the Zoning Administrator shall transmit a letter containing the record pertaining to such action to the party submitting the tentative map. Upon approval, the tentative shall be so marked and all conditions of approval and required dedications and improvements clearly specified on or with the map. Copies of the approved tentative map shall be filed with the Zoning Administrator and the City Engineer.

(h) **Appeals.** Tentative map decisions by the Parcel Map Committee are subject to the provisions of Subsection 400.02(d), Appeals. Tentative map decisions by the City Council shall be final.

(i) **Expiration of Maps and Extensions of Time**

(1) **Expiration.** The effective life of an approved tentative map for a Major Subdivision shall comply with the provisions of Section 66452.6 of the Map Act. The effective life of an approved tentative map for a Minor Subdivision shall comply with the provisions of Section 66463.5 of the Map Act. The expiration of an approved or conditionally approved tentative map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included within the tentative map shall be filed with the City Council or Parcel Map Committee, as appropriate, without first processing a new tentative map. Once a timely filing is made, subsequent actions of the City Council or Parcel Map Committee, as appropriate, including, but not limited to, processing, approval, and recordation, may lawfully occur after the date of expiration of the tentative map. Delivery to the City Engineer shall be deemed a timely filing for purposes of this section.
(2) **Extension.** Extensions for tentative maps may be granted pursuant to the provisions of Section 66452.6 of the Map Act for Major Subdivisions or 66463.5 of the Map Act for Minor Subdivisions.

a. *Request for Extension.* Prior to the expiration of an approved or conditionally approved tentative map, upon receipt of a written application by the subdivider to extend that map, the map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. A written application to extend an approved or conditionally approved tentative map shall be submitted to the Zoning Administrator prior to expiration of the tentative map, who shall forward such to the City Council or Parcel Map Committee, as appropriate.

b. *Consideration of Extension Request.* Consideration of an application for an extension of time shall be limited to the mandatory findings of significance contained in the original City Council resolution or Parcel Map Committee conditions which approved or conditionally approved the tentative map. If it can be reasonably demonstrated that any one (1) of the original mandatory findings of significance used to justify approval or conditional approval of the tentative map, as specified in the original resolution has changed to the extent it can be considered a cause for denial, then such request for extension may be denied.

c. *Appeal.* Tentative map decisions by the Parcel Map Committee are subject to the provisions of Subsection 400.02(d), Appeals. Tentative map decisions by the City Council shall be final.

(3) **Companion Permits.** When a tentative map is approved or conditionally approved in conjunction with a Conditional Use Permit or other discretionary permit, such permit shall expire at the same time as the tentative map unless the permit states a different expiration date approved by the City Council. Extensions of time of tentative maps approved with companion Conditional Use Permits or other discretionary permits may also include extensions of time for such companion permits to exceed the maximum appropriate time limit permitted by this section.

### 401.02 Parcel and Final Maps

(a) **Filing and Fees.** Within the time limit designated in Section 401.01(i), Expiration of Maps and Extensions of Time, and upon the accomplishment of all dedication by certification on the map and required construction of all public improvements, or the execution of an agreement and provision of surety providing therefore and the payment of all applicable fees and charges, the applicant may file with the City Engineer, who shall approve, a final map or parcel map which shall substantially conform to the approved tentative map and all applicable provisions of the Map Act. The appropriate statements as provided by the applicant in accordance with the provisions of the Map Act, shall be signed by the City Engineer upon the final map or parcel map; and the final map or parcel map shall be transmitted to the Clerk of the County Board of Supervisors for ultimate transmittal to the county recorder.
Multiple Final and Parcel Maps. Multiple final maps and multiple parcel maps may be filed if the subdivider informs the Zoning Administrator in writing of his or her intention to file multiple final maps and multiple parcel maps, at the time the tentative map is filed or, if the Zoning Administrator and the subdivider concur to the filing of multiple final maps and multiple parcel maps after the filing of the tentative map.

Effect of Multiple Final and Parcel Maps. The filing of a final map or parcel map on a portion of an approved or conditionally approved tentative map shall not invalidate any part of the requirements to provide for the construction of improvements as required to constitute a logical and orderly development of the whole subdivision.

Survey Requirement. At the time of making a survey for final map or parcel map, the engineer or surveyor shall set sufficient durable monuments to conform with City Standards so that another engineer or surveyor may readily retrace the survey. At least one (1) exterior boundary line of the land being subdivided be adequately monumented or referenced before the map is recorded.

The monuments shall be approved by the City Engineer and shall be per City Standards. Any monument or bench mark, as required by this section, which is disturbed or destroyed before acceptance of all improvements shall be replaced by the subdivider. The monuments shall be set at each corner and angle point in the exterior and interior boundaries (lot corners) of the subdivision, except wherein such monuments already exist in their proper positions. Monuments shall be set on street and alley center lines or offsets thereto at all street intersections, beginnings and end of curves, angle points or as otherwise directed by the City Engineer.

Interior monuments need not be set at the time of the map is recorded, if the engineer or surveyor certifies on the map that monuments will be set on or before a specified date, and if the subdivider furnishes to the city security guaranteeing payment of the cost of setting such monuments in accordance with Section 66496 of the Map Act.

Within five (5) days after the final setting of monuments has been completed, the engineer or surveyor shall give written notice to the subdivider and to the City Engineer that the final monuments have been set in accordance with Section 66497 of the Map Act.

At the discretion of the City Engineer, a parcel map may be compiled from recorded or filed data when sufficient recorded or filed data when sufficient recorded or filed survey monumentation presently exists to enable to retracement of the exterior boundary lines of the parcel map and the establishment of the interior parcel or lot lines of the parcel map.

Form of Map and Content. The subdivider shall file the original and three (3) copies of the final map or parcel map and required accompanying data with the City Engineer. The said final map or parcel map shall be accompanied by filing fees as specified in the comprehensive fee schedule. The final map or parcel map shall be prepared by or under the direction of a registered civil engineer authorized to practice land surveying or
licensed land surveyor, shall be based upon a survey, and shall conform to all of the following provisions:

(1) It shall be legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film. Statements, certificates, affidavits, and acknowledgments may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.

(2) The size of each sheet shall be eighteen inches by twenty-six inches (18" X 26") inches or four hundred sixty by six hundred sixty (460 X 660) millimeters. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one (1) inch or twenty-five (25) millimeters. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end. The particular number of each sheet and the total number of sheets comprising the map shall be stated on each of the sheets and its relation to each adjoining sheet shall be clearly shown.

(3) All survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines appearing on the map shall be shown, including bearings and distances of straight lines, and radii and arc length or chord bearings and length for all curves and any information which may be necessary to determine the location of the centers of curves and ties to existing monuments used to establish and subdivision boundaries.

(4) Each lot shall be numbered. Each street shall be named or otherwise designated. The subdivision name/number shall be shown together with the description of the real property being subdivided.

(5) Exterior boundary of the land included within the subdivision shall be indicated by distinctive symbols and clearly so designated. The map shall show the definite location of the subdivision, and particularly its relation to surrounding surveys. If the map includes a “designated remainder” parcel, and the gross area of the “designated remainder” parcel or similar parcel is five (5) acres or more, that remainder parcel need not be indicated as a matter of survey, but only by deed reference to the existing boundaries of the remainder parcel. A parcel designated as “not a part” shall be deemed to be a “designated remainder” for purposes of this section.

(6) On and after January 1, 1987, no additional requirements shall be included that do not affect record title interests. However, the map shall contain a notation or reference to additional information required by a local ordinance adopted pursuant to Section 66434.2.

(7) Any public streets or public easements to be left in effect after the subdivision shall be adequately delineated on the map. The filing of the final map or parcel map shall constitute abandonment of all public streets and public easements not shown on the map, provided that a written notation of each abandonment is listed by reference to the recording data or other official record creating these public streets or public easements and certified to on the map by the clerk of the legislative body or the designee of the legislative body approving the map. Before
a public easement vested in another public entity may be abandoned pursuant to
this section, that public entity shall receive notice of the proposed abandonment.
No public easement vested in another public entity shall be abandoned pursuant
to this section if that public entity objects to the proposed abandonment.

(d) **Information on Final Maps and Parcel Maps**

(1) Each parcel shall be consecutively numbered. Each parcel shall have its area
shown to the nearest one-hundredth (1/100) of an acre or nearest square foot. The
exterior boundary of the land included within the parcel or parcels being created
shall be indicated by a distinctive border applied to the reverse side of the
tracings. Such border shall not interfere with the legibility of figures or other data.
The map shall show the definite location of such parcel or parcels, and
particularly the relationship to existing surveys.

(2) The final map or parcel map shall also contain the following information:

a. The tentative map number and date of preparation.
b. The net dimensions of each lot. No ditto marks shall be used.
c. The names, locations and right-of-way widths of all abutting public
   streets.
d. The proposed location, purpose and width of all proposed public roads
   and private access easements.
e. The boundaries of any private easement, whether an easement or record
   or a prescriptive easement, shall be shown by means of a dotted line; and
   the name of the person owning the easement shall be shown on the map.
f. Location and widths of easements for public utilities, if required.
g. The location and widths of watercourses and areas subject to inundation,
   and location of selected flood lines within the parcels being created.
h. Building setback lines, if applicable.
i. A north point and graphic scale.
j. Location or vicinity map at a minimum scale of one (1) inch equals one
   (1) mile.
k. Names and addresses of the owners of the property being divided.

(e) **Statements and Acknowledgment.** The title sheet of the map, below the title, shall show
the name of the engineer or surveyor together with the date of the survey, the scale of the
map and the number of sheets. The following statements, certificates, acknowledgments
and description shall appear on the title sheet of final maps, and such statements may be
combined where appropriate:

(1) **Statement by parties holding title.** A statement in accordance with the provisions
of Section 66436 and 66445 of the Map Act.

(2) **Dedication Statement.** A statement in accordance with Section 66439 and 66447
of the Map Act.
Engineer’s or Surveyor’s Statement. A statement in accordance with Section 66441 of the Map Act.

Soil Engineer’s Statement. A statement referring to preliminary soils reports on file with the city in accordance with Section 66434.5 of the Map Act.

Statement to be executed. A statement for execution by each of the following, as applicable:

- City Engineer;
- Surveyor;
- Soil Engineer;
- Zoning Administrator;
- City Council;
- City Clerk;
- County Board of Supervisors;
- County Recorder;
- Owner.

Notation or Reverence. Notation or reference to survey and map information required pursuant to Section 66434.2 of the Map Act.

Accompanying Data. When a final map is submitted to the City Engineer in accordance with this Ordinance, it shall be accompanied by the following documents:

Improvement Plans. The original tracings of detailed plans, cross sections and profiles of all improvements proposed to be installed as required by the provisions of this Series, and of all other improvements proposed to be installed by the subdivider in, on, over, or under any street, right-of-way, easement or parcel of land dedicated by the map or previously dedicated, including the estimated cost thereof, shall be filed with the City Engineer or Public Works Director for his approval and signature. All such plans shall be prepared in accordance with the requirements of the City Engineer or Public Works Director. Plan sheets shall be twenty-four inches by thirty-six inches (24” X 36”) and a plan and profile drawn to a scale of one inch equals fifty feet (1” = 50’), or an appropriate scale previously approved by the City Engineer.

Traverse Sheets. Calculation and traverse sheets in a form approved by the City Engineer giving bearings and distances, coordinates, error of closure and areas within the boundary of the subdivision and blocks and lots therein shown on the final map.

Design Data. Design data, assumptions and computations for proper analysis in accordance with sound engineering practice.

Report and Guarantee of Title. The final map shall be accompanied by a current (within six (6) months of the final map filing date) report prepared by a duly authorized title company naming the persons whose consent is necessary for the preparation and recordation of such map, and for dedication of the streets, alleys and other public places shown on the map and certifying that, as of the date
of the preparation of the report, the persons wherein named are all the persons necessary to give clear title to such subdivision. At the time of recording said map, following approval by the City Council, there shall be filed with the County Recorder a guarantee executed by a duly authorized title company for the benefit and protection of the city showing that the persons consenting to the preparation and recordation of such map and offering for dedication the streets, alleys and other public places shown thereon are all the persons necessary to pass clear title to such subdivision and to the dedications shown thereon. The report should also include a statement of explanation of why any right-of-way or easement holders across the subdivision need not sign the map if they are not included as needed to pass a clear title.

(5) Preliminary Soils Report. A preliminary soil report prepared by a civil engineer registered by the State of California, based upon adequate test borings or excavations. The fact that a soil report has been prepared shall be kept on file for public inspection by the city. The preliminary soil report may be waived by the City Engineer or Public Works Director if adequate existing data is available as to the soil qualities of the soils of the subdivision. If the preliminary soil report indicates the presence of critically expansive soils or other soil problems which, if not corrected, would lead to structural defects, a soil investigation of each lot in the subdivision may be required, prepared by a civil engineer registered by the State of California. The soil investigation shall recommend corrective action intended to prevent structural damage to each dwelling proposed to be constructed on expansive or unstable soil. The report shall be filed with the Building Department. If the preliminary soils report indicates the presence of naturally-occurring asbestos, a construction dust management plan shall be prepared.

(6) Utility Statements. Statements from the various public utility companies authorized to serve in the area of the subdivision or division of land certifying that satisfactory provisions have been made to accommodate their facilities.

(7) Improvement Agreements. With final review; all agreements, improvement security required by state law or this Ordinance, and offer(s) of dedication.

(8) Approval by City Engineer. Upon receipt of the final map and other data submitted therewith, the City Engineer shall examine such to determine that the subdivision as shown is substantially the same as it appeared on the tentative map, and any approved alterations thereof, that all provisions of this Series or any other ordinance and the Map Act applicable at the time the application for the tentative map is deemed complete, and that he is satisfied that the map is technically correct. If the City Engineer shall determine the final map is not in full conformity with the tentative map, he shall advise the subdivider of the changes or additions that must be made for such purposes, and shall afford the subdivider an opportunity to make such changes or additions. If the City Engineer shall determine that full conformity therewith has been made, he shall approve such map in the case of a parcel map or shall so certify on said map and shall transmit said map to the City Council for approval in the case of a final map.
(g) **City Council Approval – Final Map.**

1. The City Council shall, at the meeting at which it receives the final map for approval, or at its next regular meeting after the meeting at which it received the map, approve the map if it conforms to all the requirements of this Series and the Map Act applicable at the time of approval or conditional approval of the tentative map and any rulings made thereunder.

2. The Council may reject any or all offers of dedication. In the event that all improvements required or conditions imposed upon approval under the terms of this Series or by law are not completed before the filing of the final map, the Council may enter into an agreement with the subdivider for posting improvement security as provided in this Series. The City Engineer, upon the approval of the final map by the City Council, shall transmit the map to the Clerk of the Board of Supervisors, who shall record same.

(h) **Waiver of Requirements for Parcel Maps**

1. The requirement for a parcel map may be waived if a finding is made by the Parcel Map Committee that the proposed division of land complies with all requirements of this Ordinance as to area, improvement and design, drainage control, street dedications and improvements, sewer and water supply availability and environmental protection. No parcel map will be required for tentative maps approved under this section.

2. Approval of an application for a waiver of the requirement of a parcel map shall automatically constitute approval for the issuance of a certificate of compliance pursuant to the provisions of Section 66499.35 of the Map Act. When approval has been given to an application for a waiver of the requirement of a parcel map, the Zoning Administrator and City Engineer shall issue a resolution approving the waived parcel map, and shall cause said resolution to be filed with the county recorder.
Chapter 402 Vesting Tentative Maps

Sections:

402.01 Vesting Tentative Maps
402.02 Vesting of Development Rights

402.01 Vesting Tentative Maps

(a) Citation and Authority. This section is enacted pursuant to the authority granted by Chapter 4.5 (commencing with Section 66498.1) of Division 2 of Title 7 of the Government Code of the State of California (hereinafter referred to as the vesting tentative map statute).

(b) Purpose. It is the purpose of this section to establish procedures necessary for the implementation of the vesting tentative map statute, and to supplement the provisions of the Subdivision Map Act.

(c) Consistency. No land shall be subdivided and developed pursuant to the vesting tentative map for any purpose which is inconsistent with the general plan and any applicable specific plan, or not permitted by this Ordinance or other applicable provisions of the Municipal Code, which were in effect at the time the vesting tentative map was approved or conditionally approved.

(d) Procedures

(1) Application.

a. Whenever a provision of the Map Act, as implemented and supplemented by this Series, requires the filing of a tentative map, a vesting tentative map may instead be filed, in accordance with the provisions hereof.

b. If a subdivider does not seek the rights conferred by the vesting tentative map statute, the filing of a vesting tentative map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction.

(2) Filing and Processing. A vesting tentative map shall be filed in the same form and have the same contents, accompanying data and reports and shall be processed in the same manner as set forth in this Series for a tentative map, except as hereinafter provided:

a. At the time a vesting tentative map is filed it shall have printed conspicuously on its face the words “vesting tentative map.”

b. At the time a vesting tentative map is filed, a subdivider may be required to supply the following information in addition to the requirements set forth in Section 401.01(a), Form of Map and Content:

1. Height, size, and location of buildings.
2. Geological studies.
3. Architectural plans.
4. Any other studies that are normally deferred to the building permit stage.

(3) **Expiration.** The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period, and shall be subject to the same extensions established by this Series for the expiration of the approval or conditional approval of a tentative map.

### 402.02 Vesting of Development Rights

#### (a) Review Authority Action

(1) The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards described in Government Code Section 66474.2. However, if Section 66474.2 of the Government Code is repealed, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards in effect at the time the vesting tentative map is approved or conditionally approved.

(2) Notwithstanding paragraph (1) above, a permit, approval, extension or entitlement may be made conditional or denied if any of the following are determined:

a. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.

b. The condition or denial is required, in order to comply with state or federal law.

#### (b) Time Limits and Extensions of Time on Vesting Tentative Maps. The rights referred to herein shall expire if a final map is not approved prior to the expiration of the vesting tentative map as provided below. If the final map is approved, these rights shall last for the following periods of time:

(1) An initial time period of two (2) years. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase is recorded.

(2) The initial time period set forth in paragraph (1) above shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, if such processing exceeds thirty (30) days, from the date a complete application is filed.

(3) A subdivider may apply for a one (1) year extension at any time before the initial time period set forth in paragraph (1) above expires.

(4) If the subdivider submits a complete application for a building permit during the periods of time specified in paragraphs (1), (2), and (3) above, the rights referred
to herein shall continue until the expiration of that period, or any extension of that permit.

(c) Development Inconsistent with Zoning Conditional Approval

(1) Whenever a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with this Ordinance, that inconsistency shall be noted on the map. The city may deny such a vesting tentative map or approve it conditioned on the subdivider/applicant obtaining the necessary change in the Ordinance to eliminate the inconsistency. If the change in the Ordinance is obtained, the approved or conditionally approved vesting tentative map shall, notwithstanding subsection (a) above, confer the vested right to proceed with the development in substantial compliance with the change in the Ordinance and the map, as approved.

(2) The rights conferred by this subdivision shall be for the time periods set forth in subsection (b) above.

(d) Applications Inconsistent with Current Policies. Notwithstanding any provision of this section, the applicant may seek approvals or permits for development which depart from the ordinances, policies and standards and local agencies may grant these approvals or issue these permits to the extent that the departures are authorized under applicable law.
Chapter 403  Dedications, Reservations and Improvements

Sections:

403.01  Dedications
403.02  Improvements
403.03  Design and Construction Standards

403.01  Dedications

(a)  **Purpose.** The purpose of this chapter is to establish the dedications and reservations that the city may impose on a subdivider as a condition for approval of a tentative map.

(b)  **Required Dedications.** When required as a condition for approval of a tentative map, the subdivider shall dedicate or make an irrevocable offer of dedication of land within the subdivision that is needed for streets, alleys, including access rights and abutter’s rights, drainage easements, elementary school sites, parks, and other easements and parcels of land intended for public use according to the standards listed below. In addition, the subdivider shall improve or agree to improve all streets and alleys, including access rights and abutters’ rights, drainage, public utility easements and other public easements.

(1)  **Streets.** The subdivider shall dedicate land for streets according to adopted City Standards. Partial streets shall be discouraged in developments except in those situations where warranted and when approved by the City Engineer in accordance with the following:

   a.  Where a full pavement street is constructed along the perimeter of a subdivision, the subdivider be compensated for this construction by reimbursement agreement between the subdivider, the city and the adjoining property owner when development occurs on his property.

   b.  Where a partial street configuration is allowed, the outside edge shall be a thickened design approved by the City Engineer, and that when the other portion of the street is constructed by development, the subdivider shall be required to overlay the existing partial street with pavement (making for a smooth transition at the center and a smoother traveled way). No parking signs shall be posted by the subdivider if there are no lots fronting on the partial street.

   c.  When there are lots fronting on the partial street the dedication and improvement shall be wide enough to permit two (2) lanes of traffic and on-street parking on one (1) side.

(2)  **Waiver of Direct Access Right.** The City Engineer or Public Works Director may require that offers of dedication of streets include a waiver of direct access rights from any property shown on the final map as abutting thereon.

(3)  **Public Easements.** The subdivider shall dedicate easements of at least ten (10) feet in width for public utility, sanitary sewer and drainage purposes on each side of rear lot lines, along side lot lines, and in planting strips wherever necessary.
Easements of different width may be required, based on the Public Works Director’s determination.

(4) **Drainage Facilities.** In accordance with Government Code Section 66483, the city, as appropriate and as permitted by law, shall require payment of fees for purposes of defraying the costs of constructing planned drainage facilities if any part of the land division is located within a planned drainage area. If the subdivider installs planned drainage facilities, fees shall be reduced accordingly. Fees required pursuant to this section and associated with residential development shall be paid consistent with the provisions of Section 66007 of the California Government Code.

(5) **Bicycle Paths.** When required as a condition for approval of a tentative map, the subdivider shall dedicate or make an irrevocable offer of dedication of land that is needed to provide bicycle paths for the use, safety, and benefit of the residents of the subdivision.

(6) **Bridges and Major Thoroughfares.** If a land division or any portion thereof lies within an area of benefit established in accordance with this Ordinance or any other city ordinance adopted in accordance with Section 66484 of the Subdivision Map Act, the subdivider shall pay to the city the apportioned fees applicable to that portion of the land division lying within such area of benefit, in accordance with the requirements of subparagraph d below.

   a. **Considerations In Lieu of Fees.** The City Council may allow any subdivider to furnish a consideration in lieu of payment of the fees mentioned in the preceding paragraph, if the Council finds that such consideration has a value not less than the fees that would otherwise be payable. The form of consideration in lieu of fees may include, but shall not be limited to, any of the following or a combination thereof:

      1. Construction of all or part of a bridge project or major thoroughfare project, as the case may be, for which the area of benefit was established.

      2. Dedication or conveyance of all or part of the site or right-of-way required for major construction of a bridge project or major thoroughfare project, as the case may be, for which the area of benefit was established.

   b. **Value In Excess of Fees.** If the City Council finds that the consideration in lieu of fees has a value in excess of the amount of fees that would be otherwise payable, the Council may enter into an agreement with the party furnishing such consideration for reimbursement of the amount of such excess from moneys, then in or which may later accrue to, the fund into which such party would have been required to pay fees but for such consideration in lieu of fees, and to reimburse such party from such fund in accordance with such agreement.

   c. **Requirement to Construct Facilities.** The city shall require a subdivider to construct any necessary bridge facilities, major thoroughfares, parts thereof, or contribute to bridge facility or major thoroughfare costs if the City Council finds that:
d. Establishing Area of Benefit. An area of benefit as referred to in this section shall be established in the following manner:

1. The City Council shall hold a public hearing for each area of benefit to be established. Notice of such hearing shall be given in accordance with Government Code Section 65091. Such notice shall contain preliminary information related to the boundaries of the proposed area of benefit, the estimated cost of the bridge project or major thoroughfare project, as the case may be, the proposed allocation to the area of benefit, and the proposed method of fee appointment. Such notice shall also state the date, time and place of the public hearing, and that written protests may be filed as provided in this section.

2. Owners of property within the proposed area of benefit may file written protests with the City Clerk at any time prior to the date and time fixed for such public hearing. Any protest may be withdrawn by the owner of the land making the protest by a request in writing filed with the City Clerk at any time prior to conclusion of such public hearing.

3. If a written protest by the owners of more than one-half (.5) of the area of the property to be benefited by the improvement, against establishment of such area of benefit or against the proposed improvements or acquisitions, is not withdrawn prior to the conclusion of the hearing, then the proceedings shall be abandoned. In such event, the City Council shall not, for at least one (1) year from the date of such hearing, commence or carry on any proceedings for establishment of an area of benefit for the same improvements or acquisitions.

4. If a written protest by the owners of more than one-half (.5) of the area of the property to be benefited by the improvement, is not withdrawn prior to the conclusion of the hearing, against only a portion of the proposed improvement or acquisition, then the proceedings shall be abandoned with respect to the proposed improvement or acquisition that has been protested against. In such event, the City Council shall not, for at least one (1) year from the date of such hearing, commence or carry on any proceedings for the establishment of an area of benefit for the
improvement or acquisition so protested against. Nothing in this subsection shall be deemed to prohibit the Council, within such one (1) year period, from commencing or carrying on new proceedings for the establishment of an area of benefit for the part of the improvement or acquisition protested, if it finds by the affirmative vote of at least four-fifths (4/5) of its members, that the owners of more than one-half (.5) of the area of the property to be benefited are in favor of going forward with such portion of the improvement or acquisition.

5. At such public hearing, the City Council shall determine whether to establish such area of benefit, and if so, shall adopt a resolution prescribing the boundaries of the area of benefit, stating the cost, whether actual or estimated, a fair method of allocation of costs to the area of benefit, and a fair apportionment of fees. A certified copy of such resolution shall be filed for record with the county recorder.

6. In case of a requirement for any bridge, the City Council shall find that, prior to said public hearing, the city has adopted at least thirty (30) days prior to the filing of any tentative map, a circulation element as part of the General Plan, which identifies railways, freeways, streams or canyons for which bridge crossings are required, and that the bridge or each bridge for which such area of benefit is established is one necessary to satisfy such bridge crossing requirement in such element or provisions of the general plan.

7. In case of a requirement for any major thoroughfare, the City Council shall find that, prior to said public hearing, the city has adopted at least thirty (30) days prior to the filing of any tentative map, a circulation element as part of the General Plan that identifies those major thoroughfares whose primary purpose is to carry through traffic and provide a network connecting to the state highway system, and that the major thoroughfare or section thereof for which such area of benefit is established is one so identified in such circulation element.

8. The resolution adopted by the City Council shall require that the apportioned fees shall be applicable to all property within the area of benefit and shall be payable as a condition of approval of any final map or any parcel map or a condition to issuing a building permit thereon, consistent with the provisions of Section 53077.5 of the Government Code.

9. The area of benefit may include land or improvements in addition to the land or improvements that are the subject of any map or building permit application considered at such hearing.

10. Where the area of benefit includes lands not subject to the payment of fees pursuant to this section, the City Council shall
make provisions for payment of the share of improvement costs apportioned to such lands from other sources.

11. In the case of major thoroughfares, the method of fee apportionment shall not provide for higher fees on land that abuts the proposed improvement, except where the abutting property is provided direct usable access to the major thoroughfare.

12. In case of major thoroughfares, the payment of fees shall not be required unless the major thoroughfare is in addition to, or a reconstruction of, any existing major thoroughfares serving the area at the time of establishment of the zone of benefit.

13. In the case of a planned bridge facility, the payment of fees shall not be required unless the planned bridge facility is an original bridge serving the area of benefit or is an addition to an existing bridge facility serving such area at the time of establishment of the zone of benefit. No fees contributed shall be expended to reimburse the cost of construction of any bridge existing at the time of establishment of the zone of benefit.

e. Planned Bridge Facility Fund. A planned bridge facility fund shall be established for a bridge project within an area of benefit, or if the area of benefit is one in which more than one (1) bridge is required to be constructed, a fund shall be established covering all such bridge projects. Fees paid pursuant to this section on account of a bridge or bridges within an area of benefit shall be deposited into the fund for such area.

f. Planned Major Thoroughfare Fund. A planned major thoroughfare fund shall be established for each planned major thoroughfare project and each particular area of benefit which it benefits. Fees paid pursuant to this section on account of a major thoroughfare project within an area of benefit shall be deposited into the fund for such area.

g. Expenditure of Bridge and Major Thoroughfare Facility Funds. Moneys in such funds shall be expended solely for the construction of the improvement project serving the area to be benefited as follows:

1. To reimburse the city for costs advanced or incurred by it for construction of such improvement project or any portion thereof; and

2. To reimburse any subdivider for the agreed portion of his or her costs of construction of such improvement project, or portion thereof, in accordance with a reimbursement agreement entered into with the city, as mentioned in subparagraph b above.

3. In the event that monies in such funds are insufficient to accomplish all of the purposes that this section lists, such monies in the fund shall be apportioned to each such purpose on a pro rata basis.

h. Project Completion. After completion of all bridge facility projects for which a planned bridge facility fund has been established or all major
thoroughfare projects for which a planned major thoroughfare fund has been established, or in the event of abandonment of any such project, and after reimbursement of the city and each subdivider entitled thereto under a reimbursement agreement, as mentioned in subparagraph b above, the City Council shall determine by resolution the amount of the surplus, if any, remaining in any such funds or as may accumulate in such funds from time to time. The City Council shall order any such surplus refunded as follows:

1. There shall be refunded to the current owners of property for which a fee was previously collected the balance of such monies in the same proportion which each individual fee collected bears to the total of all individual fees collected from the particular area of benefit. For the purposes of this paragraph, the term "property for which a fee was previously collected" shall be deemed to include land within any land division with respect to which such fees were paid as a condition to its approval and any building with respect to which such fees were paid as a condition to issuing a building permit therefor. For purposes of this paragraph, the term "fee collected" shall include, in the case of a subdivider who has entered into a reimbursement agreement with the city, the aggregate amount of cash fees and the value of the consideration in lieu of fees furnished by such subdivider.

2. Where property for which a fee was previously collected has subsequently been subdivided into more than one (1) lot, each current owner of a lot shall share in the refund payable to the owners of the property for which a fee was previously collected in the same proportion which the area of each individual lot bears to the total area of the property for which a fee was previously collected.

3. There shall be transferred to the city general fund any remaining portion of the surplus that has not been paid to or claimed by the persons entitled thereto within two (2) years from the date of adoption of the resolution declaring a surplus.

4. For the purposes of this paragraph, the term "fee collected" or any variation thereof, shall also be deemed to include the amount of fees that would have been payable by a subdivider but for furnishing consideration in lieu of fees.

i. Advances and Voluntary Contributions. The City Council may authorize advancement of money from the city general fund or from the road fund to pay the cost of constructing any bridge project or major thoroughfare project and may reimburse such fund or funds for such advances from the planned bridge facility fund or the planned major thoroughfare fund established to finance the construction of such improvements.
1. Nothing in this section shall be deemed to preclude the city from providing funds for the construction of bridge facilities or major thoroughfares to defray costs not allocated to an area of benefit.

2. Nothing in this section shall be deemed to preclude the subdivider from volunteering to construct a bridge or major thoroughfare or part thereof, or to contribute to the cost thereof, in excess of the cost of a local facility, nor to preclude the city from participating in such construction or carrying out such construction using money so contributed.

(7) **Transit Facilities.** When required as a condition for approval of a tentative map, the subdivider shall dedicate or make an irrevocable offer of dedication of land within the subdivision for local transit facilities such as bus turnouts, benches, shelters, landing pads and similar items that directly benefit the residents of a subdivision.

(8) **Railroad and Grade Crossings.** The City Council or the Parcel Map Committee shall review proposed subdivision plans with respect to existing railroad crossings and proposed or likely grade separations or other such facilities and shall require such changes as may be necessary to ensure that the design and improvement of the subdivision does not interfere with such future grade separations or other measures. The subdivider shall dedicate or make an irrevocable offer for dedication of the rights-of-way required for any grade separation or similar improvement that the General Plan Circulation Element proposes.

(9) **Solar Access Easements.** At such time as the city has adopted solar access standards, and when required as a condition for approval of a tentative map, the subdivider shall dedicate or make an irrevocable offer of dedication of easements for the purpose of assuring that each parcel or unit in the subdivision for which approval is sought has the ability to receive sunlight across adjacent parcels or units in the subdivision for any solar energy system. The dimensions and locations of such easements shall be in accord with any standards for solar access adopted by the City Council.

(10) **Parkland.** As a condition of approval of a tentative map, the city shall require the subdivider to dedicate or make an irrevocable offer of dedication of land, to pay a fee in lieu thereof, or a combination of both, for neighborhood and community open space, park and recreational purposes. In order to conform to the policies of the General Plan and maintain existing standards for parks and recreation facilities, the park area required to be dedicated shall be equal to the ratio of the ultimate population of the subdivision to the current population of the city multiplied by the total park area within the city’s planning area at the time of filing of the tentative but in no case shall be less than three (3) acres of park area per one thousand (1,000) persons nor more than five (5) acres per one thousand (1,000) persons who will live in the subdivision, calculated as follows:

a. The ultimate population of the subdivision is based upon the approved residential density and the average household size for the type of unit;
b. Total population of the city shall be as reported in the most recent available federal census;

c. Current park acreage shall be the amount of neighborhood and community park acreage identified in the General Plan or any more recent records, maps, or reports.

11 Elementary School Sites. As a condition of approval of a final subdivision map, a subdivider who develops or completes the development of one (1) or more subdivisions within one (1) or more school districts maintaining an elementary school may be required to dedicate to the school district or districts such lands as the district shall deem necessary for the purpose of constructing elementary schools necessary to assure the residents of the subdivision adequate elementary school service.

a. Procedure. The requirement of dedication shall be imposed at the time of approval of the tentative map. If within thirty (30) days after the requirement of dedication is imposed by the city the school district does not offer to enter into a binding commitment with the subdivider to accept the dedication, the requirement shall be automatically terminated. The required dedication may be made any time, before, concurrently with, or up to sixty (60) days after the filing of the final map on any portion of the subdivision.

b. Payments to Subdivider. The school district shall, if it accepts the dedication of land, repay the subdivider the original cost of the dedicated land, plus a sum equal to the total of the following:

1. Improvement Costs. The cost of any improvements to the dedicated land since acquisition by the subdivider;

2. Assessed Taxes. The taxes assessed against the dedicated land from the date of the school district’s offer to enter into the binding commitment to accept the dedication;

3. Other Costs. Any other costs incurred by the subdivider to maintain the dedicated land, including interest costs incurred on any loan on the land.

c. Exceptions. The requirements for dedication shall not apply to a subdivider who has owned the land being subdivided for more than ten (10) years prior to the filing of the tentative map.

(c) Acceptance of Dedications. At the time the city approves a final map or parcel map, the city shall also accept subject to improvement, or reject, any offer of dedication. The Council or the City Engineer, on behalf of the City Council pursuant to Section 1806 (c) of the Streets and Highways Code, may accept said dedications. The City Clerk shall certify or state on the map the city’s action.

1. Offers of Dedication. If at the time the final map is approved, any streets, paths, alleys, or storm drainage easements are rejected, the offer shall remain open and the Council or the City Engineer may, by resolution at any later date and without any further action by the subdivider, rescind the city’s action and accept and open
the streets, paths, alleys or storm drain easements for public use which acceptance shall be recorded in the office of the county recorder. Dedications and acceptance or rejection of parcels of land for elementary school sites, public utility and other easements on parcels of land not previously specified shall be in accordance with the provisions of the Map Act.

(2) **Termination of Offers.** Offers of dedications may be terminated and abandoned in the same manner as prescribed for the summary vacation of streets by Part 3 (commencing with Section 8300) of Division 9 of the Streets and Highways Code.

(d) **Recording Dedications.** The city shall record a certificate with the county recorder for any dedication in fee for public purpose or for making public improvements or constructing public facilities, other than for open space, parks, or schools. The certificate shall be attached to the map and shall contain all of the following:

(1) The name and address of the subdivider dedicating the property.
(2) A legal description of the real property being dedicated.
(3) A statement that the city shall reconvey the property to the subdivider if the city makes a determination that the same public purpose for which the property was dedicated does not exist, or the property or any portion thereof is not needed for public utilities.

(e) **Reservations**

(1) **General.** As a condition of approval of a tentative map, the subdivider shall reserve sites, appropriate in area and location, for parks, recreational facilities, fire stations, libraries or other public uses according to the standards and formula contained in this section.

(2) **Standards for Reservation.**

a. Such requirement is based upon an adopted specific plan or an adopted General Plan containing policies and standards for those uses, and the required reservations are in accordance with those policies and standards.
b. The ordinance has been in effect for a period of at least thirty (30) days prior to the filing of the tentative map.
c. The reserved area is of such size and shape as to permit the balance of the property within which the reservation is located to develop in an orderly and efficient manner.
d. The amount of land reserved will not make development of the remaining land held by the subdivider economically unfeasible. The reservation area shall conform to the adopted specific plan or General Plan and shall be in such multiples of streets and parcels as to permit an efficient division of the reserved area in the event that it is not acquired within the prescribed period; in such event, the subdivider shall make those changes as are necessary to permit the reserved area to be developed for the intended purpose consistent with good subdividing practices.
(3) **Procedure.** The city shall, at the time of approval of the final map or parcel map, enter into an agreement to acquire such reserved area within two (2) years after completion and acceptance of all improvements required as a condition of such map, unless such period of time is extended by mutual agreement.

(4) **Payment.** The purchase price shall be the market value thereof at the time of the filing of the tentative map plus the taxes against such reserved area from the date of the reservation and any other costs incurred by the subdivider in the maintenance of such reserved area, including interest costs incurred on any loan covering such reserved area.

(5) **Termination.** If the city does not enter into the agreement required, the reservation of such area shall automatically terminate.

403.02 **Improvements**

(a) **General Requirements.** The subdivider shall install improvements in accord with the general requirements set forth in this chapter; provided, however, the City Engineer or Public Works Director may require changes in typical sections and details if unusual conditions arise to warrant such changes.

(b) **Standard Specifications.** All improvements shall conform to the requirements contained in the City of Porterville Standard Plans and Specifications, Standard Specifications for Public Works Construction, and Work Area Traffic Control Handbook, as all of same now exist or are subsequently amended. Copies shall be maintained on file in the office of the City Clerk and the City Engineer or Public Works Director.

(c) **Improvement Plans.** Construction of improvements shall not commence until calculations, plans, profiles, and specifications for such work have been submitted to and approved by the City Engineer. Such items shall be approved prior to recording the final map. Construction of all improvements shall conform to the approved improvement plans and specifications and approved amendments thereto. All such plans shall be prepared on polyester base film with permanent black ink in accordance with the requirements of the City Engineer or Public Works Director. After construction is completed, the subdivider’s engineer shall show all changes made on the original set of plans and provide them to the city marked “as built plans.”

(d) **Improvement Construction Inspection and Supervision.** All improvements shall be inspected and approved by the City Engineer or Public Works Director or his authorized representative. The subdivider shall be responsible for the actions of his contractor. Twenty-four (24) hours minimum notice will be required prior to an inspection by city personnel.

(e) **Plan Check and Inspection Fees.** Subdivider shall be required to pay a plan check and inspection fee which shall include all charges for engineering and inspection services and rendered by the city including the cost of recording maps. The plan check and inspection fee shall be as indicated in the City Comprehensive Fee Schedule.

The plan check fee shall be paid prior to commencement of plan checking by the city. The inspection fee shall be paid prior to any construction work requiring inspection.
Required Improvements Enumerated. The subdivider shall improve, or agree to improve, all streets, highways, or ways in or adjacent to the subdivision. All improvements shall be installed to permanent line and grade in accordance with the approved improvement plans for that subdivision on file with the City Engineer or Public Works Director. Improvements which the subdivider shall make, or agree to make, at the cost of the subdivider, shall be as follows:

1. **Underground Utilities.** All utility distribution facilities, including but not limited to electric, communication, and cable television lines installed in and for the purpose of supplying service to any subdivision, shall be placed underground in accordance with the utility’s rules and regulations on file with the California Public Utilities Commission. Equipment appurtenant to underground facilities, such as surface-mounted transformers, street light poles, pedestal mounted terminal boxes and meter cabinets and concealed ducts may be installed above the surface of the ground. The subdivider is responsible for complying with the requirements of this section and shall make the necessary arrangements with the utility companies involved for the installation of said facilities. All underground utilities, sanitary sewers, and storm drains installed in streets, service roads, alleys or highways shall be constructed in accordance with the standard specifications prior to the surfacing of such street, service road, alley or highway. Service connections for all underground utilities and sanitary sewers shall be placed in such length as will obviate the necessity for disturbing the street or alley improvements when service connections thereto are made.

2. **Streets.** All streets shall be graded and surfaced to cross sections and grades approved the City Engineer or Public Works Director.

3. **Structures.** Structures shall be installed as required for drainage, access and/or public safety. Such structures shall be placed to grades and shall be of a design approved by the City Engineer or Public Works Director.

4. **Grading and Drainage.** Site grading and drainage taking into consideration the drainage pattern of adjacent improved and unimproved property and treating upstream areas, where appropriate, as though fully improved.

5. **Sidewalks, Curbs, Gutters and Driveway Approaches.** Curbs, gutters, sidewalks and driveway approaches shall be installed to grades approved by the City Engineer or Public Works Director.

6. **Sanitary Sewers.** Sanitary sewer facilities connecting with the existing city sewer system shall be installed to serve each lot and to grades, locations, design and size approved by the City Engineer or Public Works Director. No septic tanks or cesspools shall be permitted.

7. **Storm Drains.** Storm water sewers shall be installed as required by the City Engineer or Public Works Director.

8. **Water Supply.** Each unit or lot within the subdivision shall be served by an approved domestic water system.

9. **Fire Flow and Fire Hydrants.** As provided in the California Fire Code, an approved water supply capable of supplying required fire flow for fire protection shall be provided to all premises upon which buildings or portions of buildings
are hereafter constructed. The required fire flow shall be determined by the Fire Chief. When any portion of the building to be protected is in excess of 150 feet from a water supply on a public street, there shall be installed, and supplied by the approved water supply, on-site fire hydrants capable of supplying the required flow.

a. The location, number, and type of fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on the public street or on the site of the premises to be protected as required and approved by the Fire Chief. All hydrants shall be accessible to the Fire Department by access roadways meeting California Fire Code requirements for “Access Roadways for Fire Apparatus”. Such fire protection facilities including all surfaces access roads shall be installed and made serviceable by the subdivider prior to the time of construction.

b. In a residential development, one (1) fire hydrant shall be installed for each 500 feet of residential frontage. Regardless of the average spacing, fire hydrants shall be located such that all points on streets and access roads adjacent to a building are within two hundred fifty (250) feet.

c. In a commercial area or industrial development, one (1) fire hydrant shall be installed for each three hundred (300) feet of commercial or industrial frontage. Regardless of the average spacing, fire hydrants shall be located such that all points on streets and access roads adjacent to a building are within a distance defined by C105.1 Appendix C of the California Fire Code.

d. When fire hydrants density, as determined by the hydrant spacing requirement, is not sufficient to provide the required fire flow, additional fire hydrants may be required by the Chief.

e. Design, locations, and layout of water mains and fire hydrants shall be approved by the City Engineer and the Fire Chief, and shall be installed by the subdivider.

f. The location, number and type of fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on the public street or on the site of the premises to be protected as required and approved by the chief. All hydrants shall be accessible to the fire department apparatus by access roadways meeting California Fire Code requirements for Access Roadways for Fire Apparatus. Such fire protection facilities, including all surface access roads, shall be installed and made serviceable by the subdivider prior to the time of construction.

1. 4000 GPM and greater; required duration is four (4) hours.
2. 3000 GPM – 3750 GPM; required duration is three (3) hours.
3. 1500 GPM – 2750 GPM; required duration is two (2) hours.

Subdivision Trees. Subdivision trees and landscaping design shall be approved by the city and shall be planted at a time and in locations approved by the City Director of Parks and Leisure Services, all in general accord with the requirements of the Porterville Municipal Code.
a. At least one (1) tree shall be planted on each residential lot. Five (5) gallon trees shall be installed upon all lots abutting interior, local and collector street, and fifteen (15) gallon trees shall be planted upon parcels having frontage on arterial thoroughfares.

b. The subdivider shall be required to plant street trees at thirty-five (35) feet on center along all Parkways identified in the General Plan within and/or bordering the subdivision.

(11) **Street Signs.** Street signs shall be installed by the city at the subdivider’s expense. Any required barricades to prevent traffic access at dead-end streets shall be provided by the subdivider in accord with the standard specifications.

(12) **Street Lights.** Ornamental street lights shall be installed by the subdivider at locations designated by the City Engineer.

(13) **Railroad Crossings.** Provisions shall be made for any and all railroad crossings necessary to provide access to, or circulation with, the proposed subdivision, including the preparation of all documents necessary for application to the Public Utilities Commission of the State of California for the establishment and improvement of such crossing.

(14) **Lot Corners.** The subdivider’s engineer shall set at all lot corners a marker consisting of a one (1) inch diameter iron pipe twenty-four (24) inches long, with the engineer’s marker thereon.

(15) **Benchmarks.** The subdivider’s engineer shall set at least two (2) bench marks in the subdivision tied to North American Vertical Datum of 1988.

(16) **Temporary Drainage Reservoir lots.** Temporary drainage reservoir lots, when approved, shall be designed and constructed to the requirements of the City Engineer or Public Works Director and the Director of Parks and Leisure Services.

(17) **Others.** Other improvements deemed necessary by the City Council for the public health, safety or welfare.

(g) **Agreement for Installation of Improvements.** Prior to the approval by the City Council of the final map, the subdivider shall execute and file an agreement between the subdivider and the city, specifying a period of time, agreeable to the City Engineer or Public Works Director, which shall be not greater than one (1) year, within which he shall complete all improvement work to the satisfaction of the City Engineer or Public Works Director, and providing that if the subdivider shall fail to complete such work within such period, the city may complete the same and recover the full cost and expense thereof from the subdivider. The agreement shall also provide for inspection of all improvements by the City Engineer or Public Works Director or his authorized representative and reimbursement to the city by the subdivider for the cost of such inspection. Such agreements may also provide:

(1) For the construction of the improvements in units.

(2) For an extension of time under conditions therein specified.

(3) For the termination of the agreement upon the completion of proceedings under an assessment district act for the construction of improvements deemed by the
City Engineer or Public Works Director to be at least the equivalent of the improvements specified in such agreement and required to be constructed by the subdivider.

(4) For progress payments to the subdivider, or his order, from any deposit money which the subdivider may have made in lieu of providing a surety bond, as provided in this chapter; provided, however, that no such progress payment shall be made for more than ninety (90) percent of the value of any installment of work, and provided that each such installment of work shall be completed to the satisfaction of the City Engineer or Public Works Director.

(5) The subdivider to arrange a preconstruction conference with the city, involving representative(s) of all contractors who are to work on the improvements, one (1) week prior to the initial start of construction.

(6) The subdivider to give the city twenty-four (24) hours’ notice to restarting work if no construction work has been done for two (2) or more prior work days.

(h) **Construction of Improvements Absent Subdivision Agreement.** If the subdivider chooses to construct improvements absent a subdivision agreement, pertaining to the improvements to be constructed, as specified in Section 404.02(g), Agreement for Installation of Improvements, then the subdivider shall execute and file a preliminary subdivision agreement between the subdivider and the city. The preliminary subdivision agreement shall specify a period of time, not to exceed one (1) year, within which all improvements shall be completed, and providing that if the subdivider shall fail to complete such work within such period, the city may increase inspection fees to recover any additional inspection costs incurred by the city. Such agreements may also provide for:

(1) The subdivider to arrange a preconstruction conference with the City, involving representative(s) of all contractors who are to work on the improvements, one (1) week prior to the initial start of construction.

(2) The subdivider to give the City twenty-four (24) hours’ notice to restarting work if no construction work has been done for two (2) or more prior work days.

(i) **Improvement Security**

(1) **Security.** The subdivider shall file with the agreement required by the provisions of subsections (g) and (h) above, to assure his full and faithful performance thereof, a bond or security for such sum as the City Engineer deems sufficient to cover the cost of the improvements.

(2) **Security, Form, and Amount.** Such security shall be in the manner, form, and kind provided by the Map Act and acceptable to the city attorney. The security shall be in the amount of one hundred (100) percent of the estimated cost of the improvements, conditioned upon the faithful performance of his agreement by the subdivider, and in the additional amount of one hundred (100) percent of such sum securing the payment by the subdivider to his contractor, his subcontractors, and to persons renting equipment or furnishing labor or materials to them for improvements. The security provided shall guarantee maintenance and/or repair of all defects in required public improvements for a period of one (1) year.
following acceptance of said improvements by the city. In lieu of a one hundred (100) percent performance bond and one hundred (100) percent labor and materials bond, surety may be assured by the filing of a letter of credit, cash deposit, or deposit of negotiable bonds, which creates a trust fund in an amount equal to one hundred and ten (110) percent of the cost of the work estimated by the City Engineer or Public Works Director. Said trust fund shall be maintained in a financial institution subject to regulation by the state and federal government with the trust fund limited to the following conditions:

a. Ten (10) percent of the cost, representing a labor and materials deposit, to be retained for thirty-five (35) days after the filing of the notice of completion.

b. Funds may be discharged from the balance of the surety account from time to time as work is completed, up to ninety (90) percent of value of work completed, with authorization of the City Engineer until all work is completed and the notice of completion is filed; at which time the remaining funds shall be released thirty-five (35) days thereafter.

c. Prior to final acceptance by the city of improvements, the subdivider shall provide the city with a one (1) year maintenance bond in the amount of five (5) percent of the estimated cost of improvements.

(3) **Completion of Work by City.** In the event the subdivider shall fail to complete all improvement work in accordance with the provisions of this Series and the city shall have completed the same, or if the subdivider shall fail to reimburse the city for the cost of incidental expenses or to cover the cost of replacement and the repair of existing streets or other improvements damaged in the development of the subdivision or requiring repair or replacement during the one (1) year guarantee period, the city shall demand performance of the agreement by the subdivider to do such work and reimburse itself for the cost of work agreed to be performed by the subdivider. If the amount of the surety bond or cash deposit exceeds all costs and expenses incurred by the city, the city shall release the remainder of such bond or certification, less the cost and expense incurred by the city. The subdivider shall be liable to the city for any costs additional to those secured in an action to be brought therefore by the city.

(j) **Supplemental Improvements**

(1) **Required.** The subdivider may be required to install improvements for the benefit of the subdivision which may contain supplemental size, capacity or number for the benefit of property not within the subdivision as a condition precedent to the approval of a subdivision or parcel map, and thereafter to dedicate such improvements to the public. Supplemental size, capacity or number shall mean that size, capacity or number in excess of the minimum standard city requirements.

(2) **Improvement Security.** When constructing off-site improvements, the subdivider shall file a bond or security in accordance with subsection (i) above for such sum as the City Engineer deems sufficient to cover the cost of the improvements to assure his full and faithful performance thereof.
(3) **Reimbursement Agreement.** The city shall enter into an agreement for reimbursement to the subdivider. However, the subdivider shall be reimbursed only for that portion of the cost of such improvements equal to the difference between the amount it would cost the subdivider to install improvements to serve the subdivision only, and the actual cost of oversize improvements or in the case of Master Plan facilities, the subdivider is entitled to one hundred (100) percent of the reimburse cost.

(4) **Non-Master Plan Reimbursement Procedures.** The subdivider shall submit a written request, along with supporting documentation to the City Engineer within 45 days of completion of the improvements. To pay the cost of such reimbursement, the City Council may at its discretion:

a. Immediately reimburse the subdivider for the entire cost of oversizing and thereafter levy a charge upon the real property benefitted thereby; or

b. Collect a reasonable use charge for the account of the subdividers from persons not within the subdivision using the oversize improvements.

(5) **Reimbursement Procedures.** Upon the expiration of thirty (30) days from the date of the notice of completion and upon full occupancy of the development or phased development, money shall be disbursed from the master facilities construction fund to pay for or to reimburse others for the cost of all the work referred to in said notice of completion; said money disbursed shall be the actual value of the work completed, as determined by the City Engineer. The developer shall submit all documentation necessary to support final payment within ninety (90) days of full occupancy of the development or phased development. Failure to do so shall void developer’s right to request reimbursements.

(k) **Utility Fees and Off-Site Charges**

(1) The subdivider shall pay utility fees for sewer, water and storm drainage as may be required by applicable Council resolution or ordinance.

(2) Engineering plan checking, inspection fees, acreage fees and off-site charges, i.e., street signs, subdivision trees, etc., shall be paid prior to approval of the subdivision agreement by the City Council.

403.03 **Design and Construction Standards**

(a) **Streets and Highways**

(1) The street and highway design shall conform both in width and alignment with any general plan circulation element, precise street plans and other precise plans adopted by the City Council, and right-of-way for any such street or highway indicated on the general plan or precise plans shall be dedicated to the city by the subdivider.

(2) Streets and highways not otherwise designated on the circulation element of the general plan shall not be less than those set forth in this section, except where it can be shown by the subdivider that the topography of the land is such as to justify narrower width. Increased widths may be required for bicycle lanes and,
when determined necessary, by the City Council in the public interest. Approval or determination of street classification shall be made by the City Council.

a. Major arterial rights-of-way shall not be less than one hundred sixteen (116) feet in width.

b. Minor arterial rights-of-way shall not be less than ninety-four (94) feet in width.

c. Collectors without on-street parking rights-of-way shall not be less than fifty-three (53) feet in width.

d. Collectors with median and without on-street parking rights-of-way shall not be less than sixty-five (65) feet in width.

e. Collectors with on-street parking rights-of-way shall not be less than sixty-seven (67) feet in width.

f. Local residential rights-of-way shall not be less than forty-seven (47) feet in width.

g. Local commercial street rights-of-way shall not be less than sixty (60) feet in width.

h. Cul-de-sac or other dead-end street serving less than ten (10) homes shall not be less than forty-seven (47) feet in width.

(3) **Relationship to Existing Streets.** The street system in the proposed subdivision shall relate functionally to the existing streets in the area adjoining the subdivision and be designed to maximize access points to existing local and collector streets.

(4) **Center Lines.** The center lines of all streets, wherever practicable, shall be the continuations of the center lines of existing streets, or shall be offset at least one hundred fifty (150) feet.

(5) **Intersections.** Each street intersection shall be as near to a right angle as is practicable, and no intersection of streets at angles less than sixty (60) degrees shall be approved, unless necessitated by topographical conditions as determined by the City Engineer.

(6) **Corner Cut-Offs.** At street intersections, the block corners shall have a corner cut-off sufficient to accommodate a City Standard Street Intersection Return, inclusive of a wheelchair ramp.

(7) **Cul-de-Sac or Dead-End Streets.** Cul-de-sac or dead-end street shall be no more than six hundred (600) feet in length and shall have a turnaround having a minimum radius of 47 feet, measured to the property line, and minimum of forty (40) feet to curb face unless the City Engineer determines that such turnaround is not necessary.

a. Cul-de-sacs and dead end streets shall be prohibited in R districts except where necessary to give access to or permit satisfactory future development of adjoining land.

b. Cul-de-sacs and dead end streets should be avoided in all other districts. If cul-de-sacs and dead end streets cannot be avoided, bicycle and
pedestrian connections shall be provided from the cul-de-sac or dead end street to nearby public areas and main streets.

(8) **Curve Radius.** The center line curve radius on all streets shall be designed in accordance with acceptable safe engineering practices. In no case shall the curve radius for an arterial be less than five hundred (500) feet. Center line curve radius on all other streets shall not be less than two hundred (200) feet.

(9) **Frontage Streets.** When any lots front or side on any arterial, collector, expressway or freeway, the subdivider may be required to dedicate and improve a frontage street to provide ingress to and egress from such lots. Residential properties shall not front onto and take access to/from arterial or collector streets.

(10) **Private Roads and Alleys.** Private roads and alleys shall not be permitted unless a Conditional Use Permit is approved by the City Council and, if approved, all private roads or alleys shall be constructed to city standards.

(11) **Grades of Streets.** Streets shall not be less than 0.2 percent and not greater than seven (7) percent, unless because of topographical conditions or other exceptional conditions the City Engineer determines that a grade less than 0.2 percent, or in excess of seven (7) percent, is necessary.

(12) **Fire Hydrants.** The position of any street within twenty (20) feet of a fire hydrant shall not have a grade in excess of seven (7) percent to allow for the positioning of a fire suppression unit.

(13) **Access on Arterials.** Arterial streets shall not be used to provide direct access to individual single-family residential lots. When the rear or side of any lot borders an arterial, the subdivider may be required to execute and deliver to the city an instrument prohibiting the right of vehicular ingress and egress from said arterial to said lot.

(14) **Access on Collectors.** The use of a collector as primary direct access to individual single-family residential lots shall not be allowed.

(b) **Alleys**

(1) The City Council, for any one (1) of the following reasons, may require alleys (if alleys are required, they shall be constructed to city standards):

a. Unusual size, shape or topographical character of the property to be subdivided.

b. The relationship to existing or proposed commercial, industrial or high density residential development or adjacent railroad right-of-way.

c. The special nature of the design or density of a residential subdivision where dwellings are grouped in such a manner as to require access from other than the street frontage.

d. The need to maintain continuity of existing alleys where the property to be subdivided is located immediately between existing residential blocks where alleys are provided.

(2) Residential alleys shall have a minimum dedicated width of twenty (20) feet.
(3) Alleys shall be provided where needed to serve existing or proposed commercial or industrial areas, and shall have a minimum dedicated width of thirty (30) feet, with adequate provisions for ingress and egress.

(4) A twenty (20) foot corner diagonal cutoff, measured along the property lines from the point of intersection, will be required where two (2) alleys intersect. An ADA compliant accessibility ramp shall be constructed pursuant to the city design standards.

(5) Alleys shall be so laid out and aligned as to provide reasonable access for utilities and other services.

(6) Dead-end alleys shall be prohibited.

(c) **Pedestrian Ways**

(1) Pedestrian ways ten (10) feet or more in width may be required:
   a. Through the middle of blocks that are more than six hundred (600) feet in length;
   b. To connect culs-de-sac;
   c. To provide access to playgrounds, parks, schools, shopping centers, or similar community facilities; and/or
   d. To provide access to trails or bikeways shown in the General Plan.

(2) The subdivider shall install paving, landscaping, and fences as approved by the City Council or Parcel Map Committee unless otherwise waived.

(d) **Bikeways.** Bikeways shall be required in all locations shown in the General Plan or as approved by the City Council or Parcel Map Committee. Bikeway width, paving, landscaping, fencing, and signs shall be as approved by the City Council or Parcel Map Committee.

(e) **Street Names**

(1) All street names shall be approved by the City Council. Duplication of existing names shall not be allowed, unless the streets are approximately in alignment with existing streets and not so far removed as to be confusing.

(2) Names of through streets in a north-south alignment shall be followed by the designation “street,” and the names of through streets in an east-west alignment shall be followed by the designation “avenue.”

(3) Cul-de-sac streets in a north-south alignment shall be followed by the designations of either “place,” “way” or “drive,” and cul-de-sac streets in an east-west alignment shall be followed by the designations of either “lane,” “circle” or “court.”

(f) **Blocks**

(1) **Block Length.** Blocks shall not exceed six hundred (600) feet in length, unless existing adjacent property alignment, topographic, or traffic conditions justify a variation. Blocks longer than six hundred (600) feet in length shall provide mid-
block pedestrian crossings so that there is no more than six hundred (600) feet of continuous block without a pedestrian crossing. Blocks in the HZ Overlay zone are exempt from the block length limitations and requirement for mid-block crossings.

(2) **Block Width.** The width of each block shall be sufficient for an ultimate layout of two (2) tiers of lots, wherein of a size required by the provisions of this chapter, unless the conditions justify or make necessary a variation from this requirement.

(g) **Lots**

(1) **Lot Width.** Each residential lot or parcel shall have frontage width of not less than that required by this Ordinance except as approved by the City Council as provided for in Section 400.02(b), Modification Requirements.

(2) **Lot Depth.** Lot depths shall not exceed two and one-half (2.5) times the proposed lot width except where existing topography makes such dimensions infeasible.

(3) **Lot Area.** The area of all lots shall comply with the requirements of this Ordinance relative to each particular zoning district.

(4) **Lot Frontage.** Lots shall have a single frontage on a street; double frontage lots or lots without street frontage will not be permitted except where, in the opinion of the City Council, topographic or unusual physical conditions justify a deviation from this rule.

(5) **Side Lines.** The side lines of lots shall, wherever practicable, be required to run at right angles or radially to the street upon which the lot faces.

(6) **Lot Numbering.** Lot numbers shall begin with the numeral "1", and shall continue consecutively through all of the units of the tract with no omissions or duplications, and no block numbers shall be used.

(7) **Division of Lots.** No lot shall be divided by a county, city, school, or any other taxing district boundary lines.

(8) **Suitability of Lots.** All lots shall be suitable for the purpose for which they are intended to be used. Land subject to flooding or deemed by the Parcel Map Committee or City Council to be uninhabitable shall be indicted on the final map.

(9) **Land Remnants.** All remnants of below-minimum size left over after the subdivision of a larger tract must be added to adjacent lots rather than allowed to remain as unusable parcels.

(h) **Access Limitation Strips**

(1) A one (1) foot access limitation strip shall be provided at the dead end of a stubbed street or at the edge of a partial width street, and shall be offered for dedication to the city for future street purposes.

(2) Access limitation strips shall be designated on the final map of the subdivisions and shall be specifically referred to in dedication and acceptance certificates.

(i) **Improvement Extension and Maintenance.** Each subdivision shall provide for the extension of improvements such as but not limited to lighting, common landscape areas,
including pocket parks, perimeter walls, drainage systems beneficial to specific subdivision, drainage reservoirs, and open space areas, and the maintenance of such facilities through appropriate mechanisms as approved by the City Attorney. If a Landscaping and Lighting Maintenance District, Benefit Assessment District, or similar district is required, the following standards apply:

(1) Prior to the approval of improvement plans for a development, the applicant shall submit the following information for the establishment of a landscaping and lighting maintenance district, the extension of the subject improvements into the assessment area, and the maintenance of the improvements once constructed:
   a. A petition on a form provided by the city requesting to have the subdivision placed in a district at the time the final map is approved by the city.
   b. Completed and approved landscaping and lighting improvement plans, and legal description.

(2) The district shall be established, or the annexation into an existing district concluded, and improvements completed and accepted concurrently with the other improvements in the subdivision.

(3) Exclusive of assessments for a district, the applicant shall pay all service fees and maintain all new district improvements in a safe and healthy manner for the greater of a ninety (90) day plant establishment period following acceptance of the subdivision improvements, or until assessment begins for the district.

(j) Waiver of Right to Protest District Formation. Prior to final map approval, each subdivider shall record a document waiving their right to protest a new assessment or an assessment increase equal to or less than a CPI adjustment for a city-wide Landscaping and Lighting Maintenance District or other maintenance district when at least fifty-one (51) percent of the city is already in such district under the provisions of Government Code Section 53753.

(k) Grading and Erosion Control. Every map approved pursuant to this Series shall be conditioned on compliance with the requirements for grading and erosion control, including the prevention of sedimentation or damage to off-site property, set forth in Appendix J of California Building Code of the most recently adopted edition. Steep terrain and other topographical features may limit the abilities of a subdivider to perform mass grading operations. At the discretion of the City Engineer or Public Works Director, individual grading plans for each individual lot may be submitted with the building permit in lieu of a mass grading plan normally submitted with the improvement plans.

(l) Protection of Natural Features and Trees

(1) Natural Features. Significant rock outcroppings and other unusual land forms shall be shown and identified on the tentative map and on improvement and landscape plans. Such features shall be preserved as required by the Parcel Map Committee or City Council.
Trees.

a. All existing trees six (6) inches in diameter or over shall be shown on the tentative map with a notation as to the size, species and dripline. Trees that are part of an agricultural crop may be shown as the outer extent of the planting with a notation as to the species and average tree size and dripline.

b. Existing trees six (6) inches or over in diameter may be required to be preserved. In cases where tree preservation is required, all grading and necessary tree trimming shall be conducted in accordance with an arborist’s recommendations for tree preservation.

c. Trees within a proposed public right-of-way shall be removed only for good cause to protect the public safety or to allow the installation of adequate public facilities as may be approved by the City Engineer and the Zoning Administrator.

Storm Water Management Plan. Every map approved pursuant to this Series shall be conditioned to comply with the requirements of the City’s Storm Water Management Plan, which includes measures that control construction site run-off and post-construction run-off.

Watercourses

(1) In accordance with Sections 66478.1 through 66478.10 inclusive of the Subdivision Map Act, if the land division will front upon a public waterway, river, or stream, as defined in Section 66478.4(c), access routes and easements along the bank shall be provided as follows:

a. The land division shall provide, or have available, reasonable public access by fee or easement from a public highway to that portion of the bank of such river or stream bordering or lying within the proposed land division, as determined by the Parcel Map Committee or City Council in accordance with Section 66478.5 of the California Government Code;

b. The land division shall provide for a dedication of a public easement along a portion of the bank of such river or stream bordering or lying within the proposed land division, as determined by the City Council in accordance with Section 66478.5 of the California Government Code; and

c. The Parcel Map Committee or City Council shall determine the governmental entity to which such access route or easement shall be dedicated, and all dedications shall be in accordance with Section 66478.6 of the California Government Code.

(2) In accordance with Section 66478.12 of the California Government Code, if the land division will front upon any lake or reservoir that is owned in part or entirely by any public agency, including but not limited to the United States, State of California, or the City of Porterville, the land division shall be provided with or have available reasonable access by fee or easement from public highways to the water of the lake or reservoir upon which the land division borders either within the land division or a reasonable distance from the land division, as determined
by the City Council or the Parcel Map Committee, as appropriate, in accordance with said statute. The Parcel Map Committee or City Council shall determine the governmental entity to which such dedication shall be made.

(3) If a land division is traversed by a river, stream, or creek, the subdivider shall leave such river, stream, or creek in its natural condition whenever practical. Sufficient right-of-way shall be dedicated to the city or other public entity and improved for flood control purposes as necessary to accommodate flows of water that would be generated by a flood of one hundred (100) year frequency. In the event that a land division is to front upon a river, stream, or creek, the provisions of this paragraph shall apply to that portion of the bank thereof bordering or lying within the proposed land division. The Parcel Map Committee or City Council shall determine the governmental entity to which such dedication shall be made.

(4) The City Council may disapprove a tentative map because of flood hazard and inundation, and require protective improvements to be constructed as a condition precedent to approval of the map.

(o) **Drainage Reservoirs**

(1) Temporary drainage reservoirs will only be allowed in areas where it has been determined by the City Engineer or Public Works Director that it is not practical to implement the intent of the latest adopted version of the Storm Drain Master Plan. Landscape and irrigation systems shall be installed as approved by the Director of Parks and Leisure Services. Maintenance of these facilities shall be part of the maintenance district created for the benefit of the subdivision.

(2) Temporary drainage reservoirs may be approved until such time as Storm Drain Master facilities are available for connection and shall be dedicated to the city as an easement.

(3) Drainage Reservoirs designated in the Storm Drain Master Plan shall be considered permanent facilities and title of the land shall be held by the city in fee. Property acquisitions shall be in the form of a dedication or purchased in accordance with the City’s Storm Drain Master Plan and City’s Property and Right-of-Way Acquisitions Policy and Procedures Manual. Landscaping and irrigation systems shall be installed as approved by the Director of Parks and Leisure Services.
Chapter 404  Common Interest Developments (Condominiums)

Sections:

404.01  Standards for New Residential Condominiums
404.02  Standards for Residential Condominium Conversions
404.03  Standards for New Commercial and Industrial Condominiums
404.04  Commercial and Industrial Condominium Conversions

404.01  Standards for New Residential Condominiums

(a)  **Purpose.** The ownership of residential condominiums is distinguished by a sharing of responsibility that is not common to most other types of residential development. As a result, the purpose of this Series is to establish criteria for the construction of new residential condominiums to prevent problems inherent in community ownership that might be detrimental to the health, safety, and welfare of residents of such projects and the community at large.

(b)  **Applicability.** The regulations set forth in this Series shall apply to the construction of new residential condominiums.

(c)  **Conditional Use Permit and Maps Required.** A conditional use permit and tentative map approved by the City Council is required for all residential condominium applications.

(d)  **Application and Fees.** The applicant of a proposed condominium project shall submit the required number of copies of the Conditional Use Permit application and tentative maps to the Zoning Administrator, together with the requested filing fee. In addition to the required permit and map submittals, the applicant shall submit:

1.  **Development Plan.** Schematic development plans with dimensions, consisting of at least a site plan, parking plan, typical floor plan, and building elevations showing natural and proposed grades;

2.  **Landscaping Plan.** A preliminary landscaping plan of the project indicating the types and sizes of landscaping materials and permanent irrigation facilities;

3.  **Department of Real Estate Application.** A copy of the project application submitted to the State of California’s Department of Real Estate for a subdivision public report;

4.  **Conditions, Covenants, and Restrictions.** The proposed conditions, covenants, and restrictions (CC&Rs); and

5.  **Additional Information.** Any other information the Zoning Administrator finds necessary to evaluate the project.

(e)  **Warranty and Reserves.**

1.  **Warranty for Improvements.** The subdivider shall provide to the Homeowners’ Association and/or purchaser a one (1) year warranty on all physical improvements required under this Ordinance.
(2) **Long Term Reserves.** Prior to approval of the final map, or parcel map if no final map is required, the subdivider shall provide evidence to the city that a long-term reserve fund for replacement has been established in the name of the homeowners' association. Such fund shall equal two (2) times the estimated monthly homeowner's assessment for each dwelling unit.

(f) **Covenants, Conditions, and Restrictions.** Project covenants, codes, and restrictions (CC&Rs) shall be developed, and shall be reviewed and approved by the City Attorney and Zoning Administrator prior to approval of the Final or Parcel Map. In addition to the following provisions, the CC&Rs shall reference by incorporation the approved Conditions of Approval, and shall be recorded in conjunction with the Final or Parcel Map.

(1) **Conveyance of Private Open Space.** The surface area and appurtenant air space of Private Open Space areas, including but not limited to the patio, deck, balcony, solarium, or atrium and any integral portion of that space that may exceed the minimum area requirements, shall be described and conveyed in the grant deed as an integral part of the unit.

(2) **Assignment and Use of Required Parking Spaces.** Required parking spaces shall be permanently and irrevocably specifically assigned to particular units within the project. To the maximum practicable extent, the spaces assigned to each unit shall be contiguous. In no case shall the private storage area of one (1) unit overhang or take its access from the required parking space of another unit. All studio and one (1) bedroom units shall be assigned one (1) parking space and may rent additional spaces from the Homeowners’ Association. An occupant of a unit with two (2) or more bedrooms may rent one (1) parking space back to the Homeowners’ Association. All parking spaces, except those specifically designated for recreational vehicles, shall be used solely for the purpose of parking motor vehicles as defined by the California Vehicle Code, and shall not be used for trailers, unmounted campers, boats, or similar recreational vehicles.

(3) **Right of Public Entry to Common Area.** Officers, agents, and employees of the city, the County, the State, and the United States Government, and any department, bureau, or agency thereof, shall have the right of immediate access to all Common Areas at all times for the purpose of preserving the public health, safety, and welfare, except in those instances where a Common Area is accessible only through a private unit.

(4) **Maintenance of Common Area.** Provision shall be made both for annual assessments of the owners for maintenance and special assessments for capital improvements. The amount of the regular annual assessment and the procedure for its change shall be specified. The manner in which special assessments may be levied for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair, or replacement of a capital improvement upon the Common Area shall be specified. Both annual and special assessments may be collected on a monthly basis. The remedies which the Homeowners’ Association may bring for the nonpayment of assessments shall be specified and may include penalties for late payment. Assignment of the maintenance
responsibilities of all improvements and utility systems for each unit shall be specified.

(5) **Utility Easements over Private Streets and Other Areas.** Required public utility easements shall be referenced and any required access routes necessary to assure that firefighting equipment can reach and operate efficiently in all areas.

(6) **Access for Construction, Maintenance, or Repairs.** Each Owner and the Homeowners’ Association shall have an easement for entry upon any privately owned unit, where necessary, in connection with construction, maintenance, or repair for the benefit of the Common Area or the owners of the units in common.

(7) **Right to Terminate Management and Maintenance Contracts.** Unless otherwise prohibited by law, or any local, state, or federal regulation, reference shall be made to the Homeowners’ Association’s right to terminate the contract of any person or organization engaged by the developer to perform management or maintenance duties three (3) months after the Homeowners’ Association assumes control of the project, or at that time renegotiate any such contracts.

(8) **CC&R Amendments.** A statement that the CC&Rs shall not be amended, modified, or changed without first obtaining the written consent of the city.

### 404.02 Standards for Residential Condominium Conversions

(a) **Purpose.** The purpose of this Series is to establish criteria for the conversion of existing multiple-family rental housing to condominiums and to reduce the impact of such conversions on residents in rental housing who may be required to relocate due to the conversion.

(b) **Applicability.** The regulations set forth in this Series shall apply to the conversion of existing multiple-family rental housing to condominiums. This Series shall not apply to a “limited-equity housing cooperative” as defined in Section 11003.4 of the California Business and Professional Code.

(c) **Conditional Use Permit and Maps Required.** A conditional use permit and tentative map approved by the City Council is required for all residential condominium conversion applications.

(d) **Application and Fees.** The applicant of a proposed condominium conversion project shall submit the required number of copies of the Conditional Use Permit application and tentative maps to the Zoning Administrator, together with the requested filing fee. In addition to the required permit and map submittals, the applicant shall submit:

(1) **Physical Elements Report.** A report prepared by a registered engineer or architect or licensed qualified contractor describing the physical elements of all structures and facilities. The report shall include, but not be limited to, the following:

   a. Structural Condition of Elements. A report detailing the structural condition of all elements of the property, including foundations, electrical, plumbing, utilities, walls, roofs, ceilings, windows, recreational facilities, sound transmission of each building, mechanical equipment, parking facilities and appliances. The report shall state, to the best
knowledge or estimate of the applicant, when such element was built; the condition of each element; when said element was replaced; the approximate date upon which said element will require replacement; the cost of replacing said element; and any variation of the physical condition of said element from the current zoning and from the Building Code in effect on the date that the last building permit was issued for the subject structure. The report shall identify any defective or unsafe elements and set forth the proposed corrective measures to be employed.

b. Pest Control. A report from a licensed structural pest control operator, approved by the city, on each structure and each unit within the structure.

c. Soil Conditions. A report on soil and geological conditions regarding soil deposits, faults, and groundwater in the vicinity of the project and a statement regarding any known evidence of soils problems relating to the structures. Reference shall be made to any previous soils reports for the site and a copy submitted with said report.

d. Repairs and Improvements. A statement of repairs and improvements to be made by the subdivider necessary to refurbish and restore the project to achieve a high degree of appearance and safety.

(2) **Covenants, Conditions and Restrictions.** The proposed covenants, conditions and restrictions (CC&Rs).

(3) **Demographic Characteristics.** Specific information concerning the demographic characteristics of the project, including but not limited to the following:

a. Square footage and number of rooms in each unit;
b. Rental rate history for each type of unit for previous five (5) years;
c. Monthly vacancy rate for each month during preceding two (2) years;
d. Makeup of existing tenant households, including family size, length of residence, age of tenants, and whether receiving federal or state rent subsidies;
e. Proposed sale price of units;
f. Proposed homeowners' association fee;
g. Financing available; and
h. Names and addresses of all tenants.

(4) **Notice of Intent to Convert.** Signed copies from each tenant of Notice of Intent to Convert, as specified in subsection (g) below. The subdivider shall submit evidence that a letter of notification was sent to each tenant for whom a signed copy of said notice is not submitted. This requirement shall be deemed satisfied if such notices comply with the legal requirements for service by mail.

(5) **Additional Information.** Any other information the Zoning Administrator finds necessary to evaluate the project.
(c) **Filing and Processing**

1. **Acceptance of Reports.** The final form of the Physical Elements Report and other documents shall be as approved by the city. The reports in their acceptable form shall remain on file with the Community Development Department for review by any interested persons. The report shall be referenced in the subdivision report to the review authority.

2. **Submittal of Budget.** Prior to final map approval, the subdivider shall provide the city with a copy of the proposed budget for maintenance and operation of common facilities, including needed reserves. The budget shall show estimated monthly costs to the owner of each unit, projected over a five (5) year period, or such time as is required by the Department of Real Estate. Such budget shall be prepared or reviewed and analyzed by a professional management firm, experienced with management of condominium complexes. The management firm shall submit a statement of professional qualifications.

3. **Copy to Buyers.** The subdivider shall provide each purchaser with a copy of all submittals (in their final, acceptable form) required by subsection (d) above prior to said purchaser executing any purchase agreement or other contract to purchase a unit in the project, and said developer shall give the purchaser sufficient time to review said information. Copies of the submittals shall be made available at all times at the sales office and shall be posted at various locations, as approved by the city, at the project site. Copies shall be provided to the homeowners' association upon its formation.

4. **Final Information Submitted.** No later than six (6) months from the date the subdivider closes escrow on the first sale of a unit, the subdivider shall submit the following information to the Community Development Department:
   a. Name, address and phone number of Homeowners' Association;
   b. Actual sale price of units;
   c. Actual Homeowners' Association fee;
   d. Number of prior tenants who purchased units; and
   e. Number of units purchased with intent to be used as rentals.

(f) **Development Standards.** All condominium conversions must conform to the Porterville Municipal Code in effect at the time of tentative map approval except as otherwise provided in this Series. The Building Official shall perform an assessment of building conditions prior to tentative map approval. A report of violations shall be specified in the tentative map staff report to the City Council, as the case may be. A physical inspection of every unit shall be required prior to final map approval or tentative map approval if no final map is required.

1. **Modification of Development Standards.** The base district development standard requirements of Series 200, Base Districts, may be modified by the City Council based on findings that the quality of life accommodated by the project will not be compromised and that residents will benefit from other amenities that are located in close proximity to the project site.
Warranty for Improvements. The subdivider shall provide to the Homeowners’ Association and/or purchaser a one (1) year warranty on all physical improvements required under this section.

Long Term Reserves. Prior to approval of the final map, or parcel map if no final map is required, the subdivider shall provide evidence to the city that a long-term reserve fund for replacement has been established in the name of the homeowners' association. Such fund shall equal two (2) times the estimated monthly homeowner's assessment for each dwelling unit.

Tenant Provisions. Notices to tenants shall be provided as required in Section 66427.1 of the Subdivision Map Act. All written notices to tenants required by this section shall be deemed satisfied if such notices comply with the legal requirements for service by mail. In addition, at least three (3) days before any hearing or action on a proposed tentative map for a conversion, the Community Development Department shall provide a copy of the staff report to the subdivider and to each tenant of the property.

Notice of Intent. A notice of intent to convert shall be delivered by the Subdivider to each tenant at least sixty (60) days prior to filing of the tentative map. The form of the notice shall be in the form outlined in Section 66452.9 of the Subdivision Map Act and approved by the Zoning Administrator.

Notice of Public Report. Each tenant shall receive ten (10) days' written notice that an application for a public report will be or has been submitted to the Department of Real Estate and that such report will be available on request.

Notice of Final Map Approval. Each tenant shall receive written notification within 10 days of approval of a final map for the proposed conversion.

Tenant's Right to Purchase. Any present tenant shall be given notice of an exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant. The right shall run for a period of not less than ninety (90) days from the date of issuance of the subdivision public report unless the tenant gives prior written notice of his or her intention not to exercise the right. Evidence of receipt by each tenant shall be submitted prior to approval of the final map.

Vacation of Units. Each tenant not in default under the obligations of the rental agreement or lease under which he/she occupies his/her unit shall be given one hundred eighty (180) days' written notice of intention to convert his or her unit prior to termination of tenancy. The subdivider shall notify each tenant immediately prior to the time of final map approval of the anticipated date required to vacate the unit. Evidence of receipt by each tenant shall be submitted prior to approval of the final map.

No Increase in Rents. The rents charged tenants at the time when a completed tentative map application was accepted by the Community Development Department shall not be increased for two (2) years from that acceptance time, or until the unit is sold or the subdivision is denied, withdrawn or reverted to acreage. The increase in rent on a unit which has been vacated after receipt of the
application by the Community Development Department shall not be subject to control.

(7) **Notice to New Tenants.** At least thirty (30) days prior to the filing of the tentative map, the subdivider shall give notice of the filing of the map to each person applying after such date for rental of a unit immediately prior to acceptance of any rent or deposit. The notice shall be in the form outlined in Section 66452.8(b) of the Subdivision Map Act and shall advise the prospective tenant that notice will be provided at least one hundred eighty (180) days prior to the actual conversion. If the subdivider fails to give notice in accordance with this section, he or she shall pay to each prospective tenant who becomes a tenant and who was entitled to such notice and who does not purchase his or her unit, an amount equal to two (2) times monthly rent for moving expenses.

(h) **Covenants, Conditions, and Restrictions.** Project covenants, codes, and restrictions (CC&Rs) shall be developed, and shall be reviewed and approved by the City Attorney and Zoning Administrator prior to approval of the Final or Parcel Map. In addition to the following provisions, the CC&Rs shall reference by incorporation the approved Conditions of Approval, and shall be recorded in conjunction with the Final or Parcel Map.

(1) **Conveyance of Private Open Space.** The surface area and appurtenant air space of Private Open Space areas, including but not limited to the patio, deck, balcony, solarium, or atrium and any integral portion of that space that may exceed the minimum area requirements, shall be described and conveyed in the grant deed as an integral part of the unit.

(2) **Assignment and Use of Required Parking Spaces.** Required parking spaces shall be permanently and irrevocably specifically assigned to particular units within the project. To the maximum practicable extent, the spaces assigned to each unit shall be contiguous. In no case shall the private storage area of one (1) unit overhang or take its access from the required parking space of another unit. All studio and one (1) bedroom units shall be assigned one (1) parking space and may rent additional spaces from the Homeowners’ Association. An occupant of a unit with two (2) or more bedrooms may rent one (1) parking space back to the Homeowners’ Association. All parking spaces, except those specifically designated for recreational vehicles, shall be used solely for the purpose of parking motor vehicles as defined by the California Vehicle Code, and shall not be used for trailers, unmounted campers, boats, or similar recreational vehicles.

(3) **Right of Public Entry to Common Area.** Officers, agents, and employees of the city, the County, the State, and the United States Government, and any department, bureau, or agency thereof, shall have the right of immediate access to all Common Areas at all times for the purpose of preserving the public health, safety, and welfare, except in those instances where a Common Area is accessible only through a private unit.

(4) **Maintenance of Common Area.** Provision shall be made both for annual assessments of the owners for maintenance and special assessments for capital improvements. The amount of the regular annual assessment and the procedure for its change shall be specified. The manner in which special assessments may
be levied for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair, or replacement of a capital improvement upon the Common Area shall be specified. Both annual and special assessments may be collected on a monthly basis. The remedies which the Homeowners’ Association may bring for the nonpayment of assessments shall be specified and may include penalties for late payment. Assignment of the maintenance responsibilities of all improvements and utility systems for each unit shall be specified.

(5) **Utility Easements over Private Streets and Other Areas.** Required public utility easements shall be referenced and any required access routes necessary to assure that firefighting equipment can reach and operate efficiently in all areas.

(6) **Access for Construction, Maintenance, or Repairs.** Each Owner and the Homeowners’ Association shall have an easement for entry upon any privately owned unit, where necessary, in connection with construction, maintenance, or repair for the benefit of the Common Area or the owners of the units in common.

(7) **Right to Terminate Management and Maintenance Contracts.** Unless otherwise prohibited by law, or any local, state, or federal regulation, reference shall be made to the Homeowners’ Association’s right to terminate the contract of any person or organization engaged by the developer to perform management or maintenance duties three (3) months after the Homeowners’ Association assumes control of the project, or at that time renegotiate any such contracts.

(8) **CC&R Amendments.** A statement that the CC&Rs shall not be amended, modified, or changed without first obtaining the written consent of the city.

(i) **Required Findings.** In addition to any other findings that this Subdivision Ordinance requires, the City Council shall not approve a final map for conversion unless it finds that each tenant has been given and received notice in compliance with the requirements of Section 66427.1 of the Subdivision Map Act.

### 404.03 Standards for New Commercial and Industrial Condominiums

(a) **Purpose.** The ownership of commercial and industrial condominiums is distinguished by a sharing of responsibility that is not common to most other types of development. As a result, the purpose of this Series is to establish criteria for the construction of new commercial and industrial condominiums to prevent problems inherent in community ownership that might be detrimental to the health, safety, and welfare of residents of such projects and the community at large.

(b) **Applicability.** The regulations set forth in this Series shall apply to the construction of new commercial and industrial condominiums.

(c) If a commercial or industrial condominium is proposed in combination with a residential condominium, the requirements of this section and Section 404.01, Standards for New Residential Condominiums, shall be read together, with the relevant requirements applying to the portions of the project.
(d) **Conditional Use Permit and Maps Required.** A conditional use permit and tentative map approved by the City Council is required for all commercial and industrial condominium applications.

(e) **Application and Fees.** The applicant of a proposed commercial or industrial condominium project shall submit the required number of copies of the Conditional Use Permit application and tentative maps to the Zoning Administrator, together with the requested filing fee. In addition to the required permit and map submittals, the applicant shall submit:

1. **Development Plan.** A development plan of the project including location and sizes of structures, exterior elevations, parking layout, and access areas;
2. **Landscaping Plan.** A preliminary landscaping plan of the project indicating the types and sizes of landscaping materials and permanent irrigation facilities;
3. **Reserve Fund Study.** A reserve study showing the amount which must be set aside as long-term reserves for capital and maintenance replacement.
4. **Conditions, Covenants, and Restrictions.** The proposed conditions, covenants, and restrictions (CC&Rs); and
5. **Additional Information.** Any other information the Zoning Administrator find necessary to evaluate the project.

(f) **Development Standards.** In addition to the development standards contained in the applicable zoning district that permit commercial and industrial condominiums, the following development standards shall apply:

1. **Sound Transmission.**
   a. **Shock Mounting of Mechanical Equipment.** All permanent mechanical equipment, such as motors, compressors, pumps, and compactors, which is determined by the Building Official to be a source of structural vibration or structure-borne noise shall be shock mounted with inertia blocks or bases and/or vibration isolators in a manner approved by the Building Official.
   b. **Noise Standards.** Common walls and floors between dwelling units shall comply with the Building Code provisions governing noise resistance for newly constructed common wall and floors.

(g) **Trash and Recycling Collection Areas.** Trash and recycling collection areas shall be provided within two hundred fifty (250) feet of the units they are designed to serve, and shall comply with the City of Porterville or its contracted solid waste and recycling collector(s) specifications for trash enclosures.

(h) **Utilities.** All units shall have separate gas and electric meters and provisions for individual shut-off of all utility valves, including water.

(i) **Warranty for Improvements.** The subdivider shall provide to the Condominium Association and/or purchaser a one (1) year warranty on all physical improvements required under this section.
(j) **Long Term Reserves.** Prior to approval of the final map, or parcel map if no final map is required, the subdivider shall provide evidence to the city that a long-term reserve fund for replacement has been established in the name of the condominium association. Such fund be based on a reserve study showing the amount which must be set aside monthly for the reserve account.

(k) **Covenants, Conditions, and Restrictions.** Project covenants, codes, and restrictions (CC&Rs) shall be developed, and shall be reviewed and approved by the City Attorney and Zoning Administrator prior to approval of the Final or Parcel Map. In addition to the following provisions, the CC&Rs shall reference by incorporation the approved Conditions of Approval, and shall be recorded in conjunction with the Final or Parcel Map.

1. **Right of Public Entry to Common Area.** Officers, agents, and employees of the city, the County, the State, and the United States Government, and any department, bureau, or agency thereof, shall have the right of immediate access to all Common Areas at all times for the purpose of preserving the public health, safety, and welfare, except in those instances where a Common Area is accessible only through a private unit.

2. **Maintenance of Common Area.** Provision shall be made both for annual assessments of the owners for maintenance and special assessments for capital improvements. The amount of the regular annual assessment and the procedure for its change shall be specified. The manner in which special assessments may be levied for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair, or replacement of a capital improvement upon the Common Area shall be specified. Both annual and special assessments may be collected on a monthly basis. The remedies which the Condominium Association may bring for the nonpayment of assessments shall be specified and may include penalties for late payment. Assignment of the maintenance responsibilities of all improvements and utility systems for each unit shall be specified.

3. **Utility Easements over Private Streets and Other Areas.** Required public utility easements shall be referenced and any required access routes necessary to assure that firefighting equipment can reach and operate efficiently in all areas.

4. **Access for Construction, Maintenance, or Repairs.** Each Owner and the Condominium Association shall have an easement for entry upon any privately owned unit, where necessary, in connection with construction, maintenance, or repair for the benefit of the Common Area or the owners of the units in common.

5. **Right to Terminate Management and Maintenance Contracts.** Unless otherwise prohibited by law, or any local, state, or federal regulation, reference shall be made to the Condominium Association’s right to terminate the contract of any person or organization engaged by the developer to perform management or maintenance duties three (3) months after the Condominium Association assumes control of the project, or at that time renegotiate any such contracts.

6. **CC&R Amendments.** A statement that the CC&Rs shall not be amended, modified, or changed without first obtaining the written consent of the city.
404.04 Commercial and Industrial Condominium Conversions

(a) **Purpose.** The ownership of commercial and industrial condominiums is distinguished by a sharing of responsibility that is not common to most other types of development. As a result, the purpose of this section is to establish criteria for the conversion of existing buildings to commercial or industrial condominiums to prevent problems inherent in community ownership that might be detrimental to the health, safety, and welfare of residents of such projects and the community at large.

(b) **Applicability.** The regulations set forth in this section shall apply to the conversion of existing buildings into commercial or industrial condominiums.

If a commercial or industrial condominium conversion is proposed in combination with a residential condominium, the requirements of this section and Section 404.02, Standards for New Commercial and Industrial Condominiums, shall be read together, with the relevant requirements applying to the portions of the project.

(c) **Conditional Use Permit and Maps Required.** A conditional use permit and tentative map approved by the City Council is required for all commercial and industrial condominium conversion applications.

(d) **Application and Fees.** The applicant of a proposed commercial or industrial condominium conversion project shall submit the required number of copies of the Conditional Use Permit application and tentative maps to the Zoning Administrator, together with the requested filing fee. In addition to the required permit and map submittals, the applicant shall submit:

(1) **Physical Elements Report.** A report prepared by a registered engineer or architect or licensed qualified contractor describing the physical elements of all structures and facilities. The report shall include, but not be limited to, the following:

a. **Structural Condition of Elements.** A report detailing the structural condition of all elements of the property, including foundations, electrical, plumbing, utilities, walls, roofs, ceilings, windows, recreational facilities, sound transmission of each building, mechanical equipment, parking facilities and appliances. The report shall state, to the best knowledge or estimate of the applicant, when such element was built; the condition of each element; when said element was replaced; the approximate date upon which said element will require replacement; the cost of replacing said element; and any variation of the physical condition of said element from the current zoning and from the Building Code in effect on the date that the last building permit was issued for the subject structure. The report shall identify any defective or unsafe elements and set forth the proposed corrective measures to be employed.

b. **Pest Control.** A report from a licensed structural pest control operator, approved by the city, on each structure and each unit within the structure.

c. **Soil Conditions.** A report on soil and geological conditions regarding soil deposits, faults, and groundwater in the vicinity of the project and a statement regarding any known evidence of soils problems relating to the
structures. Reference shall be made to any previous soils reports for the site and a copy submitted with said report.

d. **Repairs and Improvements.** A statement of repairs and improvements to be made by the subdivider necessary to refurbish and restore the project to achieve a high degree of appearance and safety.

(2) **Notice to Tenants.** Evidence of written notice provided to each tenant explaining that the owner intends to apply to the city for a condominium conversion. The notice to tenants must be sent at least six (6) months before the application is submitted to the city, and further notice must be given to any tenant who occupies the building after the original notice was sent.

(3) **Plot Plan.** A plot plan of the project including location and sizes of structures, square footage of each building and unit, exterior elevations, parking layout, and access areas;

(4) **Budget.** A proposed budget for maintenance and operation of common facilities, including needed reserves. The budget shall show estimated monthly costs to the owner of each unit, projected over a five (5) year period. Such budget shall be prepared or reviewed and analyzed by a professional management firm, experienced with management of similar condominium complexes. The management firm shall submit a statement of professional qualifications.

(5) **Conditions, Covenants, and Restrictions.** The proposed conditions, covenants, and restrictions (CC&Rs); and

(6) **Additional Information.** Any other information the Zoning Administrator find necessary to evaluate the project.

(e) **Filing and Processing**

(1) **Acceptance of Reports.** The final form of the Physical Elements Report and other documents shall be as approved by the city. The reports in their acceptable form shall remain on file with the Community Development Department for review by any interested persons. The report shall be referenced in the subdivision report to the review authority.

(2) **Copy to Buyers.** The subdivider shall provide each purchaser with a copy of all submittals (in their final, acceptable form) required by Section 404.04(d), Application and Fees, prior to said purchaser executing any purchase agreement or other contract to purchase a unit in the project, and said developer shall give the purchaser sufficient time to review said information. Copies of the submittals shall be made available at all times at the sales office and shall be posted at various locations, as approved by the city, at the project site. Copies shall be provided to the condominium association upon its formation.

(f) **Development Standards.** All condominium conversions must conform to the Porterville Municipal Code in effect at the time of tentative map approval except as otherwise provided in this section. The Building Official shall perform an assessment of building conditions prior to tentative map approval. A report of violations shall be specified in the tentative map staff report to the City Council. A physical inspection of every unit shall be required prior to final map approval or tentative map approval if no final map is required.
In addition to the requirements required in other sections of the Municipal Code, the conversion shall comply with the following requirements:

(1) **Sound Transmission.**
   
a. *Shock Mounting of Mechanical Equipment.* All permanent mechanical equipment, such as motors, compressors, pumps, and compactors, which is determined by the Building Official to be a source of structural vibration or structure-borne noise shall be shock mounted with inertia blocks or bases and/or vibration isolators in a manner approved by the Building Official.

b. *Noise Standards.* The structure shall conform to all interior and exterior sound transmission standards of the Municipal Code. In such cases where present standards cannot reasonably be met, the applicant may be required to notify potential buyers of the noise deficiency currently existing within these units.

(2) **Trash and Recycling Collection Areas.** Trash and recycling collection areas shall be provided within two hundred fifty (250) feet of the units they are designed to serve, and shall comply with the City of Porterville or its contracted solid waste and recycling collector(s) specifications for trash enclosures.

(3) **Utilities.** All units shall have separate gas and electric meters and provisions for individual shut-off of all utility valves, including water.

(4) **Warranty for Improvements.** The subdivider shall provide to the Condominium Association and/or purchaser a one (1) year warranty on all physical improvements required under this section.

(5) **Long Term Reserves.** Prior to approval of the final map, or parcel map if no final map is required, the subdivider shall provide evidence to the city that a long-term reserve fund for replacement has been established in the name of the condominium association. Such fund be based on a reserve study showing the amount which must be set aside monthly for the reserve account.

(g) **Covenants, Conditions, and Restrictions.** Project covenants, codes, and restrictions (CC&Rs) shall be developed, and shall be reviewed and approved by the City Attorney and Zoning Administrator prior to approval of the Final or Parcel Map. In addition to the following provisions, the CC&Rs shall reference by incorporation the approved Conditions of Approval, and shall be recorded in conjunction with the Final or Parcel Map.

(1) **Right of Public Entry to Common Area.** Officers, agents, and employees of the city, the County, the State, and the United States Government, and any department, bureau, or agency thereof, shall have the right of immediate access to all Common Areas at all times for the purpose of preserving the public health, safety, and welfare, except in those instances where a Common Area is accessible only through a private unit.

(2) **Maintenance of Common Area.** Provision shall be made both for annual assessments of the owners for maintenance and special assessments for capital improvements. The amount of the regular annual assessment and the procedure
for its change shall be specified. The manner in which special assessments may be levied for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair, or replacement of a capital improvement upon the Common Area shall be specified. Both annual and special assessments may be collected on a monthly basis. The remedies which the Condominium Association may bring for the nonpayment of assessments shall be specified and may include penalties for late payment. Assignment of the maintenance responsibilities of all improvements and utility systems for each unit shall be specified.

(3) **Utility Easements over Private Streets and Other Areas.** Required public utility easements shall be referenced and any required access routes necessary to assure that firefighting equipment can reach and operate efficiently in all areas.

(4) **Access for Construction, Maintenance, or Repairs.** Each Owner and the Condominium Association shall have an easement for entry upon any privately owned unit, where necessary, in connection with construction, maintenance, or repair for the benefit of the Common Area or the owners of the units in common.

(5) **Right to Terminate Management and Maintenance Contracts.** Unless otherwise prohibited by law, or any local, state, or federal regulation, reference shall be made to the Condominium Association’s right to terminate the contract of any person or organization engaged by the developer to perform management or maintenance duties three (3) months after the Condominium Association assumes control of the project, or at that time renegotiate any such contracts.

(6) **CC&R Amendments.** A statement that the CC&Rs shall not be amended, modified, or changed without first obtaining the written consent of the city.
Chapter 405  Reversions, Mergers, and Lot Line Adjustments

Sections:

405.01  Reversion to Acreage
405.02  Mergers
405.03  Lot Line Adjustments

405.01  Reversion to Acreage

(a) **Purpose.** The purpose of this section is to establish procedures and standards, consistent with the requirements of the Subdivision Map Act, for the reversion of previously subdivided property to acreage.

(b) **Initiation of Proceedings.** Proceedings for reversion to acreage may be initiated by the Parcel Map Committee on its own motion or by petition of all of the owners of record of the real property within the subdivision.

(c) **Contents of Petition.** The petition shall be in a form prescribed by the Zoning Administrator and shall contain the following:

1. Adequate evidence of title to the real property within the subdivision.

2. Sufficient data to enable the legislative body to make all of the determinations and findings required by this Series, including a three hundred (300) foot radius map and property owners list.

3. A final map which delineates dedications which will not be vacated and dedications which are a condition to reversion if applicable and which sufficiently describes all property to be reverted to acreage.

4. Such other pertinent information as may be required by the Zoning Administrator and City Engineer.

(d) **Public Hearing.** A public hearing shall be held on the proposed reversion to acreage. Notice of the time and place of any public hearing shall be given in conformance with the provisions of Section 601.05, Public Notification.

(e) **Required Findings.** Subdivided real property may be reverted to acreage and a final map approved for recordation only if the Parcel Map Committee finds that:

1. Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes if applicable. Such determination regarding dedicated public streets shall be made by the City Council in accordance with Division 9, Part 3 of the Streets and Highways Code of the State of California.

2. Either:
   a. All owners of an interest in the real property within the subdivision have consented to reversion; or
b. None of the improvements required to be made have been made within two (2) years from the date the final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is the later; or

c. No lots shown on the final map or parcel map have been sold within five (5) years from the date such map was filed for record.

(f) **Conditions of Approval.** As conditions of reversion, the following shall be required:

1. Dedications or offers of dedication necessary for the purposes specified by city ordinance following reversion.

2. Retention of all previously paid fees if necessary to accomplish the purposes of this Ordinance adopted pursuant thereto.

3. Retention of any portion of required improvement security or deposits if necessary to accomplish the purposes of this Ordinance adopted pursuant thereto.

(g) **Effective Date.** Reversion shall be effective upon the final map being filed for record by the county recorder, and thereupon all dedications and offers of dedication not shown thereon shall be of no further force or effect.

(h) **Deposits and Securities.** When a reversion is effective, all fees and deposits shall be returned and all improvement security released, except those retained pursuant to applicable city ordinance, including the stipulations of this Series.

405.02 **Mergers**

(a) **Required Mergers.** Two (2) or more contiguous parcels or units of land which have been subdivided under the provisions of the Map Act or any prior law regulating the division of land or a local ordinance enacted pursuant thereto, or which were not subject to such provisions at the time of their creation, shall not merge simply by virtue of the fact such contiguous parcels or units are held by the same owner. No further proceeding under the provisions of the Map Act or this Series enacted pursuant thereto shall be required for the purpose of sale, lease or financing of such contiguous parcels or units, except, however, the city may provide for the merger of a parcel or unit with a contiguous parcel or unit held by the same owner if all of the following requirements are satisfied:

1. At least one (1) of the affected parcels is not developed with a structure, other than an accessory structure, for which a building permit was issued by the local agency, or which was built prior to the time such permits were required by the local agency.

2. With respect to any affected parcel, one (1) or more of the following conditions exists:
   
   a. Comprised less than five thousand (5,000) square feet in area at the time of the determination of merger.

   b. Was not created in compliance with applicable laws and ordinances in effect at the time of its creation.
c. Does not meet current standards for sewage disposal and domestic water supply.

d. Does not meet slope stability standards.

e. Has no legal access which is adequate for vehicular and safety equipment access and maneuverability.

f. Its development would create health or safety hazards.

g. Is inconsistent with the applicable General Plan and any applicable specific plan, other than minimum lot size or density standards.

(b) **City Initiation Merger.** Notification of Intention to Merge. Prior to recording a notice of merger, the Zoning Administrator shall cause to be mailed by certified mail to the current record owner of the property a notice of intention to determine status, notifying the owner that the affected parcels may be merged pursuant to standards specified in the merger ordinance, and advising the owner of the opportunity to request a hearing on determination of status and to present evidence at the hearing that the property does not meet the criteria for merger. The notice of intention to determine status shall be filed for record with the Tulare County Recorder on the date that notice is mailed to the property owner.

(1) **Request for Hearing.** At any time within thirty (30) days after recording of the notice of intention to determine status, the owner of the affected property may file with the Zoning Administrator a request for a hearing on determination of status.

(2) **Procedure for Hearing.** Upon receiving a request for a hearing on determination of status, the Zoning Administrator shall fix a time, date and place for a hearing to be conducted by the City Council, and shall so notify the property owner by certified mail. The hearing shall be conducted not less than thirty (30) days following the receipt of the property owner’s request therefor, but may be postponed or continued with the mutual consent of the Zoning Administrator and the property owner.

(3) **Procedure for Determination Following Hearing.** At the hearing, the property owner shall be given the opportunity to present any evidence that the affected property does not meet the standards for merger specified in the merger ordinance. At the conclusion of the hearing, the City Council shall make a determination that the affected parcels are to be merged or are not to be merged and shall so notify the owner of its determination. A determination of nonmerger may be made whether or not the affected property meets the standards for merger specified in paragraphs (1) and (2) above. A determination of merger shall be recorded within thirty (30) days after conclusion of the hearing.

(4) **Determination When No Hearing is Requested.** If, within the thirty (30) day period specified in paragraph (1) above, the owner does not file a request for a hearing, the Zoning Administrator may, at any time thereafter, make a determination that the affected parcels are to be merged or are not to be merged. A determination of merger shall be recorded with the Tulare County Recorder which specifies the names of the property owners and particularly describes the real property in question no later than ninety (90) days following the mailing of the notice required by paragraph (2) above.
(5) **Notice of Intention for Nonmerger.** If, in accordance with paragraph (3) or (4) above, the Zoning Administrator or City Council determines that the subject property shall not be merged, it shall cause to be recorded a release of the notice of intention to determine status, and shall mail a clearance letter to the current owner of record.

(c) **Property Owner Initiated Merger of Contiguous Parcels.** Pursuant to Government Code Section 66499.20 ¾, a property owner owning contiguous parcels is authorized to merge those contiguous legal parcels without requiring the property to be reverted to acreage. Such merger shall be accomplished in accordance with the following procedures:

(1) The property owner shall file an application for merger with the Zoning Administrator, submit evidence of title to all parcels to be affected, submit a proposed certificate of compliance, and pay the processing fee established by resolution of the City Council. Mergers shall be in the form and contain the information required of a tentative map together with a legal description of the merged parcel.

   a. The Zoning Administrator and City Engineer shall consider and approve the application if it is found that the parcel created by the merger will conform to the requirements of this code and applicable state law.

   b. The merger shall be evidenced by recording a certificate of compliance which lists the parcel numbers affected and is signed by the Zoning Administrator and City Engineer. The certificate of compliance shall be recorded concurrently with any deed of easement regarding the relocation or elimination of applicable easements. The certificate of compliance shall be recorded against each parcel that is merged.

(d) **Certificate of Compliance**

(1) Any person owning real property may request, and the Zoning Administrator shall determine, whether such real property complies with the provisions of the Map Act and of this Series. Upon making such a determination, the Zoning Administrator shall cause a certificate of compliance to be filed for record with the county recorder. The certificate of compliance shall identify the real property and shall state that the division thereof complies with applicable provisions of the Map Act and of this Series. The Zoning Administrator may impose a reasonable fee to cover the cost of issuing and recording the certificate of compliance.

(2) If the Zoning Administrator determines that such real property does not comply with the provisions of the Map Act or of this Series, he may, as a condition to granting a certificate of compliance, impose such conditions as would have been applicable to the division of the property at the time the current owner of record acquired the property and which had been established at such time by the Map Act or this Series. Upon making such a determination and establishing such conditions, the Zoning Administrator shall cause a conditional certificate of compliance to be filed for record with the county recorder. Such certificate shall serve as notice to the property owner who has applied for the certificate pursuant to this section, a grantee of the property owner, or any subsequent transferee or
assignee of the property that the fulfillment and implementation of such conditions shall be required prior to subsequent issuance of a permit or other grant of approval for development of the property. Compliance with such conditions shall not be required until such time as a permit or other grant of approval for development of such property is issued by the city.

405.03 Lot Line Adjustments

(a) **Lot Line Adjustment.** Pursuant to Government Code Section 66412(d), a lot line adjustment between four (4) or fewer existing adjoining parcels, where the land taken from one (1) parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created, may be approved by the City Engineer and Zoning Administrator or authorized representatives without the approval and filing of a parcel map. Such lot line adjustments shall be accomplished in accordance with the following procedures:

1. Applications for lot line adjustments shall be filed with the Zoning Administrator and shall be in the form and contain the information required of a tentative map together with legal descriptions of each parcel.

2. The property owner(s) or agent shall file an application for a lot line adjustment with the city, submit evidence of title to all parcels to be affected, submit a proposed lot line adjustment map and legal description, and pay the processing fee established by resolution of the City Council.

3. The Zoning Administrator and City Engineer shall consider and approve the application if it is found that the parcels created by the lot line adjustment will conform to the requirements of this Ordinance and applicable state law. Criteria to be considered includes, but is not limited to, standards relating to lot width and depth and minimum lot area. The Parcel Map Committee, following a public hearing, may consider these criteria satisfied if the resulting parcels maintain a position with respect to said criteria which is equal to or better than such position prior to approval or conditional approval of the lot line adjustment.

4. The lot line adjustment shall be evidenced by recording a deed describing each affected parcel and a city resolution signed by the Zoning Administrator and City Engineer. The deed and resolution shall be recorded concurrently with any easement deed regarding the relocation or elimination of applicable easements.

(b) The City Engineer shall not impose any conditions on the approval of a lot line adjustment except to comply with the requirements of subsection (a) above. Any improvements that are required to be installed or constructed shall be constructed pursuant to the requirements of this chapter.
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Chapter 406 Amendments and Enforcement

Sections:
406.01 Correction and Amendments of Maps
406.02 Enforcement and Judicial Review

406.01 Correction and Amendment of Maps

(a) **Applicability.** The city may approve corrections and amendments to the following maps:

(1) **Tentative Maps**

   a. **Minor Changes.** Minor changes in an approved tentative map may be approved by the Zoning Administrator upon application by the subdivider or on the city’s own initiative provided that:

      1. No lots, units or building sites or structures are added;
      2. Changes are consistent with the intent and spirit of the original tentative map approval; and
      3. There are no resulting violations of the Municipal Code.

   b. **Substantive Changes.** Amendments of an approved tentative map for a Major Subdivision that, in the opinion of the Zoning Administrator are not minor, shall be presented to the City Council for approval subject to the procedures for processing a tentative map set forth in Section 401.01, Tentative Maps. The Zoning Administrator may approve substantive changes to an approved tentative map for a Minor Subdivision in the same manner that applied to the original approval of a tentative map.

   c. **Effect of Amendments.** Any approved amendment shall not alter the expiration date of the tentative map.

(2) **Final Map.** Amendments to a final map or parcel map may be made in any of the following instances without providing public notice:

   a. To correct an error in any course or distance shown on the map.
   b. To show any course or distance that was omitted from the map.
   c. To correct an error in the description of the real property shown on the map.
   d. To indicate monuments set after the death, disability, replacement or retirement from practice of the engineer or surveyor charged with responsibilities for setting monuments.
   e. To show the proper location of any monument that has been changed in location, or character, or that was originally shown at the wrong location or incorrectly as to its character.
   f. To correct any additional information filed or recorded as part of the final map in accordance with Section 66434.2 of the Subdivision Map Act, if the correction does not impose any additional burden on the present
owners of the property and does not alter any right, title, or interest in the property reflected on the recorded map.

g. To correct any other type of map error or omission as approved by the City Engineer that does not affect any property right. Errors and omissions may include, but not be limited to, lots and numbers, acreage, street names and identification of adjacent record maps. Error does not include changes in courses or distances from which an error is not ascertainable from the data shown on the final map.

h. To make modifications when there are changes that make any or all of the conditions of the map no longer appropriate or necessary and:

1. The modifications do not impose any additional burden on the owners of the property;
2. The modifications do not alter any right, title, or interest in the real property reflected on the recorded map; and
3. The city finds that the map as modified does not meet the findings in Section 401.01(g)(1), Basis for Denial.

(b) Form and Contents. Amendments to either tentative or final maps may be made with a certificate of correction or an amending map. The amending map or certificate of correction shall be prepared by a Registered Civil Engineer or Licensed Land Surveyor. The form and contents of the amending maps shall conform to the applicable requirements of this Series. The amending map shall set forth in detail the corrections made and show the names of the owners of the property affected by the correction or omission as of the date of the filing or recording of the original recorded map.

(c) Review and Approval

(1) General Review. The amending map or certificate of correction shall be submitted to the City Engineer for review and approval, accompanied by the required fee. The City Engineer shall examine the amending map or certificate of correction and, if the only changes are those set forth in subsection (a) above, the City Engineer shall certify to this fact on the amending map or certificate of correction.

(2) Certificate of Correction. The City Engineer shall have twenty (20) days to examine the certificate of correction for compliance with subsections (a) (b) above, endorse a statement on it of his or her examination and certification, and present it to the County Recorder for recordation. If the City Engineer determines that the certificate of correction fails to comply with this section, the City Engineer shall return the certificate to the applicant with a written statement of the changes necessary. The City Engineer shall have ten (10) days after resubmission and approval of the amended certificate of correction to present it to the County Recorder for recordation.

(d) Filing with the County Recorder. The amending map or certificate of correction certified by the City Engineer shall be filed in the office of the Tulare County Recorder in which the original map was filed. Upon such filing, the County Recorder shall index the
names of the fee owners and the appropriate subdivision designation shown on the 
amending map or certificate of correction in the general index and map index, 
respectively. The original map shall be deemed to have been conclusively so corrected 
and shall impart constructive notice of all the corrections in the same manner as though 
on the original map.

406.02 Enforcement and Judicial Review

(a) **Purpose.** This section establishes procedures the City will use to enforce the 
requirements of this Series, including compliance with any conditions of approval 
imposed to protect public health, safety, and welfare and promote development in 
accordance with the General Plan.

(b) **Prohibition.**

(1) **No Sale or Lease Until Final Maps Are in Full Compliance.** No person shall 
sell, lease, or finance any parcel or parcels of real property, or commence 
construction of any building for sale, lease or financing except for model homes, 
or allow occupancy thereof, for which a final map is required by this Series or the 
Subdivision Map Act, until a map, in full compliance with the provisions of this 
Series and the Subdivision Map Act, has been filed with the Tulare County 
Recorder.

(2) **No Conveyances Made by Parcel Number Until Final Maps are Filed.** 
Conveyances of any part of a division of real property for which a final map is 
required shall not be made by parcel number, letter or other designation, unless 
and until the final map has been filed for record with the Tulare County 
Recorder.

(3) **Exceptions.**

a. This section does not apply to any parcel or parcels of a subdivision 
offered for sale or lease, contracted for sale or lease, or sold or leased in 
compliance with or exempt from any law regulating the design and 
improvement of subdivisions in effect at the time the subdivision was 
established.

b. Paragraphs (1) and (2) above shall not prohibit an offer or contract to sell, 
lease, or finance real property or to construct improvements where the 
sale, lease or financing, or the commencement of construction, is 
expressly conditioned upon the approval and filing of a final or parcel 
map.

c. This section shall not, in any way, modify or affect the provisions of 
Section 11018.2 of the Business and Professions Code.

(c) **Remedies**

(1) **Voidable Sale.** Any deed of conveyance, sale or contract to sell real property that 
has been divided, or that has resulted from a division, in violation of the 
provisions of this Series or the Subdivision Map Act, is voidable at the sole 
option of the grantee, buyer or person contracting to purchase, any heir, personal 
representative, or trustee in insolvency or bankruptcy within one (1) year after the
date of discovery of the violation. The deed of conveyance, sale, or contract to sell is binding upon any successor in interest of the grantee, buyer or person contracting to purchase, other than those above enumerated, and upon the grantor, vendor or person contracting to sell, or his or her assignee, heir or devisee.

(2) **Action in Superior Court.** Any grantee, or successor in interest, of real property that has been divided, or that has resulted from a division, in violation of the provisions of this Series or the Subdivision Map Act may, within one (1) year of the date of discovery of such violation, bring an action in the superior court to recover any damages suffered by reason of the division of property. The action may be brought against the person who divided the property in violation and against any successors in interest who have actual or constructive knowledge of such division of property.

(3) **Exceptions.**

a. **Certificate of Compliance.** The provisions of this section shall not apply to the conveyance of any parcel of real property identified in a certificate of compliance filed in accordance with subsection (e) below, or identified in a recorded final map, from and after the date of recording.

b. **Other Provisions of Law.** The provisions of this section shall not limit or affect in any way the rights of a grantee or successor in interest under any other provision of law.

(4) **Limitation Period.** For purposes of this section, the limitation period for commencing an action, either civil or criminal, against the subdivider or owner of record at the time of a violation of this Series or the Subdivision Map Act, shall be tolled for any time period during which there is no constructive notice of the violation, because the owner of record, at the time of the violation or at any time thereafter, failed to record a deed, lease, or financing document with the County Recorder.

(d) **Effect on City Permits and Approvals**

(1) **No Issuance of Permit or Approval.** The city shall not issue a permit or grant any approval necessary to develop any real property that has been divided, or that has resulted from a division, in violation of the provisions of this Series or the Subdivision Map Act if it finds that development of the real property is contrary to the public health or the public safety. The authority to deny a permit or approval shall apply whether the applicant was the owner of the real property at the time of the violation or whether the applicant is the current owner of the real property, with or without actual or constructive knowledge of the violation at the time of the acquisition of interest in the real property.

(2) **Imposing Additional Conditions.** If the city issues a permit or grants approval for the development of any real property illegally subdivided, it may impose only those conditions that would have been applicable to the division of the property at the time the applicant acquired his or her interest in the property, and that had been established at such time by this Series. If the applicant was the owner of record at the time of the initial violation, the city may impose conditions applicable to a current division of the property. If a conditional certificate of
compliance has been filed for record in accordance with subsection (e) below, only those conditions stipulated in that certificate shall be applicable.

(e) **Certificate of Compliance.** Any person owning real property or in contract of sale of the real property may request the Zoning Administrator to determine whether such property complies with the provisions of this Series and the Subdivision Map Act. A recorded final map or parcel map shall constitute a certificate of compliance with respect to the parcels of real property described.

1. **Form and Contents.** An application for a determination of compliance shall be submitted to the Community Development Department together with a plat map, required fee, and such information the city deems necessary, including, but not limited to:
   
a. The name or names of owners of the parcel.
b. The assessor parcel number or numbers of the parcel.
c. The number of parcels for which the certificate of compliance or conditional certificate of compliance is being issued and recorded.
d. The legal description of the parcel or parcels for which the certificate of compliance or conditional certificate of compliance is being issued and recorded.
e. A notice stating: “This certificate relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances enacted pursuant thereto. The parcel described herein may be sold, leased, or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto. Development of the parcel may require issuance of a permit or permits, or other grant or grants of approval.”
f. Any conditions to be fulfilled and implemented prior to subsequent issuance of a permit or other grant of approval for development of the property, as specified in the conditional certificate of compliance.

2. **Determination of Compliance.** If the Zoning Administrator determines that the real property complies with this Series and the Subdivision Map Act, the Zoning Administrator shall forward a certificate of compliance to be filed for record with the County Recorder. The certificate of compliance shall identify the real property and shall state that the division of land complies with this Series and the Subdivision Map Act.

3. **Determination of Non-Compliance.** If the Zoning Administrator determines that the real property does not comply with the provisions of this Series or the Subdivision Map Act, the Zoning Administrator may issue a conditional certificate of compliance by imposing any conditions that would have been applicable to the division of land at the time the applicant acquired his or her interest and that had been established at that time by this Series and the Subdivision Map Act.

4. **Recording the Certificate.** Upon making a determination and establishing the conditions, the Zoning Administrator shall file a conditional certificate of
compliance for record with the County Recorder. The certificate shall serve as notice to the property owner who has applied for the certificate, a grantee of the property owner, or any subsequent transferee or assignee of the property, that the fulfillment and implementation of the conditions shall be required prior to subsequent issuance of a permit or other grant of approval for development of the property. Compliance with these conditions shall not be required until a permit or other grant of approval for development of the property is issued.

(f) Notice of Violation

(1) Notice of Intention. If the Zoning Administrator has knowledge that real property has been divided in violation of the provisions of this Series or the Subdivision Map Act, a notice of intention to record a notice of violation shall be mailed by certified mail to the current owner of record. The notice shall describe the property in detail, name the owner, describe the violation, and state that the owner will be given opportunity to present evidence. The notice shall specify the date, time and place for a meeting at which the owner may present evidence to the Zoning Administrator why a notice of violation should not be recorded.

(2) Determination by the Zoning Administrator. The meeting shall be held no sooner than thirty (30) days and no later than sixty (60) days from the date of mailing. If, within fifteen (15) days of receipt of the notice, the owner fails to notify the Zoning Administrator objecting to the recording of the notice of violation, the Zoning Administrator shall record it. If, after the owner presents evidence, the Zoning Administrator determines that the property has in fact been illegally divided, the Zoning Administrator shall record the notice of violation. If, after the owner presents evidence, the Zoning Administrator determines that there has been no violation, the Zoning Administrator shall mail a clearance letter to the owner.

(3) Notice of Violation. The notice of violation, when recorded, shall be constructive notice of the violation to all successors in interest in the property.

(g) Penalties. A violation of this Series by a person who is the subdivider or an owner of record, at the time of the violation, of property involved in the violation is punishable by imprisonment in the county jail not exceeding one (1) year or in the state prison, by a fine not exceeding $10,000, or by both fine and imprisonment. Every other violation of this Series is a misdemeanor.

(h) Judicial Action. Any action or proceeding to attack, review, set aside, void or annul the decision of the City Engineer, Zoning Administrator, or City Council concerning a subdivision, or of any of the proceedings, acts or determinations taken, done or made prior to such decision, or to determine the reasonableness, legality or validity of any condition attached thereto, shall not be maintained by any person unless the action or proceeding is commenced and service of summons effected within ninety (90) days after the date of the decision. Thereafter, all persons are barred from any such action or proceeding or any defense of invalidity or unreasonableness of the decision or of the proceedings, acts or determinations. Any such proceeding shall take precedence over all matters of the calendar of the court except criminal, probate, eminent domain and forcible entry and unlawful detainer proceedings.
(i) **Other Legal Action.** This Series does not bar any legal, equitable or summary remedy to which the city or other public agency, or any person, firm or corporation may otherwise be entitled, and the city or other public agency, or any person, firm or corporation may file a suit in the superior court of Tulare County, to restrain or enjoin any attempted or proposed subdivision for sale, lease or financing in violation of this Series or the Subdivision Map Act.
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Chapter 500  Airport Environs (AE) Overlay District

Sections:

500.01  Purpose
500.02  Applicability
500.03  Use Restrictions
500.04  Development by Right
500.05  Regulations for Noise Exposure
500.06  Regulations for Safety
500.07  Regulations for Airspace Protection
500.08  Supplemental Regulations
500.09  Nonconforming Uses

500.01  Purpose
As used herein, “Airport” means the Porterville Municipal Airport. The Airport Environs (AE) Overlay District is established to:

(a) Protect land uses around the airport from potential hazards of airport operations;
(b) Identify a range of uses compatible with airport accident hazard and airport noise exposure;
(c) Prohibit the development of incompatible uses that are detrimental to the general health, safety and welfare and to existing and future airport operations;
(d) Require noise attenuated construction within the airport environs; and
(e) Comply with Federal Aviation Administration (FAA) regulations.

500.02  Applicability
The standards and regulations of this chapter apply to all lands within the AE Overlay District mapped on the Official Zoning Map.

Regulations in the AE Overlay District modify and supplement the underlying zoning district regulations. Within the AE Overlay District, noise impact zones, airport safety zones, and air-space protection zones apply. Where a proposed use, building, or land is impacted by more than one (1) zone, the use, building and/or land shall conform to the requirements of all applicable zones. Where zones impose conflicting requirements, the most restrictive of the requirements shall apply.
500.03 Use Restrictions
Notwithstanding any other provisions of this chapter, no use may be made of land or water within the AE Overlay District in such a manner that would:

(a) Create a “Hazard to Air Navigation” as determined by the FAA;
(b) Result in glare in the eyes of pilots using the airport;
(c) Make it difficult for pilots to distinguish between airport lights and others;
(d) Impair visibility in the vicinity of the airport;
(e) Create steam or other emissions that cause thermal plumes or other forms of unstable air;
(f) Create electrical interference with navigation signals or radio communication between the airport and aircraft;
(g) Create an increased attraction for wildlife. Of particular concern are landfills and certain recreational or agricultural uses that attract large flocks of birds which pose bird strike hazards to aircraft in flight; or
(h) Otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.

500.04 Development by Right
Nothing in this chapter prohibits:

(a) Construction of a single-family home, and a second unit, outside of Safety Zone 1, on a legal lot of record as of the date of adoption of this Ordinance if such use is permitted in the underlying zoning district.
(b) Lot line adjustments provided that new developable parcels would not be created and the resulting intensity or density of the affected property would not exceed the applicable criteria indicated in the Table 500.06(A).
(c) The construction of buildings, the development of facilities, and the establishment of uses other than residential uses in a permanent building or facility, within the “aviation” area as defined on the FAA’s “approved conditionally” Airport Layout Plan and which are determined “airport supporting” by the Airport Manager or City Council. Crew quarters in a permanent building or facility may be allowed with Conditional Use Permit approval.
(d) Uses and facilities in place at the adoption of this Ordinance within the “aviation” area as defined on the FAA’s “approved conditionally” Airport Layout Plan.

500.05 Regulations for Noise Exposure

(a) Noise Exposure – Compatibility Criteria. In regard to noise exposure levels, land uses are classified as being either “normally compatible”, “conditional” or
“incompatible” as defined below. All land uses are compatible at noise exposure less than CNEL fifty-five (55) dB.

(1) **Normally Compatible**

a. *Indoor Uses:* Either the activities associated with the land use are inherently noisy or standard construction methods will sufficiently attenuate exterior noise to an acceptable indoor community noise equivalent level (CNEL); for land use types that are compatible because of inherent noise levels, sound attenuation must be provided for associated office, retail, and other noise-sensitive indoor spaces sufficient to reduce exterior noise to an interior maximum of CNEL fifty (50) dB.

b. *Outdoor Uses:* Except as noted in the table, activities associated with the land use may be carried out with minimal interference from aircraft noise.

(2) **Conditional**

a. *Indoor Uses:* Building structure must be capable of attenuating exterior noise to the indoor CNEL indicated by the number in the table cell.

b. *Outdoor Uses:* Caution shall be exercised with regard to noise-sensitive outdoor uses; these uses are likely to be disrupted by aircraft noise events; acceptability is dependent upon characteristics of the specific use. Noise-sensitive land uses are ones for which the associated primary activities, whether indoor or outdoor, are susceptible to disruption by loud noise events. The most common types of noise-sensitive land uses include, but are not limited to, the following: residential, hospitals, nursing facilities, intermediate care facilities, educational facilities, libraries, museums, places of worship, child-care facilities, and certain types of passive recreational parks and open space.

(3) **Incompatible**

a. *Indoor Uses:* Unacceptable noise interference if windows are open; at exposures above CNEL sixty-five (65) dB, extensive mitigation techniques required to make the indoor environment acceptable for performance of activities associated with the land use.

b. *Outdoor Uses:* Severe noise interference makes the outdoor environment unacceptable for performance of activities associated with the land use.

(b) **Noise Exposure – Land Use Compatibility.** Table 500.05(B) below describes the compatibility of various land uses within the Noise Impact Zones as shown in Map 500-1, Airport Impact Map: Future Noise. Land uses not specifically listed in Table 500.05(B) shall be evaluated by the Zoning Administrator based on the criteria for the most similar comparable use.
The “Conditional Criteria” column lists the criteria to be met by uses listed as “conditional”. The individual letters refer to criteria listed at the end of the table.

When a proposed building lies within multiple CNEL range zones (e.g., partly in sixty to sixty-five (60-65) dB and partly in sixty-five to seventy (65-70) dB), the higher range zone applies for the purposes of determining sound attenuation requirements unless less than twenty-five (25) percent of the building floor area is within that zone. In such case, the lower range zone may be used.

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Exterior Noise Exposure (CNEL dB)</th>
<th>Conditionally Compatible Criteria</th>
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<tbody>
<tr>
<td><strong>Outdoor Uses (limited or no activities in buildings)</strong></td>
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<tr>
<td>Natural Land Areas: woods, brush lands, desert</td>
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<td>Water: flood plains, wetlands, lakes, reservoirs</td>
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<td>Agriculture (except residences and livestock): crops, orchards, vineyards, pasture, range land</td>
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<td>Livestock Uses: feed lots, stockyards, breeding, fish hatcheries, horse stables</td>
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<td>Outdoor Major Assembly Facilities (capacity ≥1,000 people): spectator-oriented outdoor stadiums, amphitheaters, fairgrounds, zoos</td>
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<td>Group Recreation (limited spectator stands): athletic fields, water recreation facilities, picnic areas</td>
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<tr>
<td>Small/Non-Group Recreation: golf courses, tennis courts, shooting ranges</td>
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<tr>
<td>Local Parks: children-oriented neighborhood parks, playgrounds</td>
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<tr>
<td>Camping: campgrounds, recreational vehicle/motor home parks</td>
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<td>Cemeteries (excluding chapels)</td>
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<tr>
<td><strong>Residential and Lodging Uses</strong></td>
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<tr>
<td>Single-Family Residential: individual dwellings, townhouses, mobile homes, bed &amp; breakfast inns</td>
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</table>
### TABLE 500.05(B): LAND USE COMPATIBILITY BY NOISE EXPOSURE LEVEL

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Normally Compatible</th>
<th>Conditional</th>
<th>Incompatible</th>
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<tbody>
<tr>
<td>Multi-Family Residential</td>
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<td>Exterior Noise Exposure (CNEL dB)</td>
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<td>Conditional Criteria</td>
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<tr>
<td>Long-Term Lodging (&gt;30 nights): extended-stay hotels, dormitories</td>
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<td>Exterior Noise Exposure (CNEL dB)</td>
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<td>Conditional Criteria</td>
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<tr>
<td>Short-Term Lodging (&lt; 30 nights): hotels, motels, other transient lodging(except conference/assembly facilities)</td>
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<td>Exterior Noise Exposure (CNEL dB)</td>
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<td>Congregate Care: retirement homes, assisted living, nursing homes, intermediate care facilities</td>
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<td>Exterior Noise Exposure (CNEL dB)</td>
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<tr>
<td><strong>Educational and Institutional Uses</strong></td>
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<tr>
<td>Family Day Care Home homes (&lt;14 children)</td>
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<td>Exterior Noise Exposure (CNEL dB)</td>
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<td>Conditional Criteria</td>
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<td>Children’s Schools: K-12, day care centers (&gt;14 children); school libraries</td>
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<td>Exterior Noise Exposure (CNEL dB)</td>
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<td>Adult Education classroom space: adult schools, colleges, universities</td>
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<td>Community Libraries</td>
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<tr>
<td>Indoor Major Assembly Facilities (capacity ≥1,000 people): auditoriums, conference centers, concert halls, indoor arenas, casinos</td>
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<td>Conditional Criteria</td>
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<tr>
<td>Indoor Large Assembly Facilities (capacity 300 to 999 people): movie theaters, places of worship, cemetery chapels, mortuaries</td>
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<tr>
<td>Indoor Recreation: gymnasiums, club houses, athletic clubs, dance studios</td>
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<td>Conditional Criteria</td>
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<td>In-Patient Medical: hospitals, mental hospitals</td>
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<td>Out-Patient Medical: health care centers, clinics</td>
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<tr>
<td>Exterior Noise Exposure (CNEL dB)</td>
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<td>75-80</td>
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<tr>
<td>Conditional Criteria</td>
<td>F</td>
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<tr>
<td>Penal Institutions: prisons, reformatories</td>
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<tr>
<td>Exterior Noise Exposure (CNEL dB)</td>
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<tr>
<td>Conditional Criteria</td>
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<tr>
<td>Public Safety Facilities: police, fire stations</td>
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<tr>
<td>Exterior Noise Exposure (CNEL dB)</td>
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<tr>
<td>Conditional Criteria</td>
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<tr>
<td>Land Use</td>
<td>Normally Compatible</td>
<td>Conditional</td>
<td>Incompatible</td>
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<tr>
<td><strong>Commercial, Office and Service Uses</strong></td>
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<tr>
<td>Major Retail: regional shopping centers, ‘big box’ retail</td>
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<tr>
<td>Local Retail: community/neighborhood shopping centers, grocery stores</td>
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<tr>
<td>Eating/Drinking Establishments: restaurants, fast-food dining, bars</td>
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<tr>
<td>Limited Retail/Wholesale: furniture, automobiles, heavy equipment, lumber yards, nurseries</td>
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<tr>
<td>Offices: professional services, doctors, finance, civic; radio, television &amp; recording studios, office space associated with other listed uses</td>
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<tr>
<td>Personal &amp; Miscellaneous Services: barbers, car washes, print shops</td>
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<tr>
<td>Vehicle Fueling: gas stations, trucking &amp; transportation terminals</td>
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<tr>
<td><strong>Industrial, Manufacturing, and Storage Uses</strong></td>
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<tr>
<td>Hazardous Materials Production: oil refineries, chemical plants</td>
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<tr>
<td>Heavy Industrial</td>
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<tr>
<td>Light Industrial, High Intensity: food products preparation, electronic equipment</td>
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<tr>
<td>Light Industrial, Low Intensity: machine shops, wood products, auto repair</td>
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<tr>
<td>Research &amp; Development</td>
<td></td>
<td></td>
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<tr>
<td>Indoor Storage: wholesale sales, warehouses, mini/other indoor storage, barns, greenhouses</td>
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<tr>
<td>Outdoor Storage: public works yards, automobile dismantling</td>
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<tr>
<td>Mining &amp; Extraction</td>
<td></td>
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<tr>
<td><strong>Transportation, Communication, and Utilities</strong></td>
<td></td>
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<tr>
<td>Airport Terminals: airline, general aviation</td>
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</tbody>
</table>
### TABLE 500.05(B): LAND USE COMPATIBILITY BY NOISE EXPOSURE LEVEL

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Normally Compatible</th>
<th>Conditional</th>
<th>Incompatible</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Exterior Noise Exposure (CNEL dB)</strong></td>
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<td>55-60</td>
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<td>75-80</td>
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</tbody>
</table>

- **Rail & Bus Stations**: 50
- **Transportation Routes: road & rail rights-of-way, bus stops**
- **Auto Parking: surface lots, structures**
- **Communications Facilities: emergency communications, broadcast & cell towers**
- **Power Plants**
- **Electrical Substations**
- **Wastewater Facilities: treatment, disposal**
- **Solid Waste Disposal Facilities: landfill, incineration**
- **Solid Waste Transfer Facilities, Recycle Centers**

**Conditional Criteria:**

A. Compatible at levels indicated, but noise disruption of natural quiet will occur.
B. Exercise caution with uses involving noise-sensitive animals.
C. Exercise caution if clear audibility by users is essential.
D. Compatible at levels indicated, but noise disruption of outdoor activities will occur.
E. Only on existing residential parcels; no subdivisions are allowed.
F. Applies only to classrooms; offices, laboratory facilities, gymnasiums, outdoor athletic facilities, and other uses to be evaluated as indicated for those land use categories.

(c) **Single-Event Noise Levels:** Single-event noise levels shall be considered when evaluating the compatibility of highly noise-sensitive land uses such as residences, schools, libraries, and outdoor theaters. Susceptibility to speech interference and sleep disturbance are among the factors that make certain land uses noise sensitive. Single-event noise levels are especially important in areas that are regularly overflown by aircraft, but that do not produce significant CNEL contours (helicopter overflight areas are a particular example). Flight patterns for Porterville Municipal Airport shall be considered in the review process. Acoustical studies or on-site noise measurements may be required to assist in determining the compatibility of sensitive uses.

(d) **Maximum Acceptable Interior Noise Levels.** Land uses for which interior activities may be easily disrupted by noise shall comply with the following maximum, aircraft-related, interior noise level criteria.
(1) CNEL forty (40) dB in any habitable room of single- or multi-family residences.

(2) CNEL forty-five (45) dB for: hotels, motels, and other lodging; hospitals and nursing homes; places of worship, meeting halls, theaters, and mortuaries; and schools, libraries, and museums.

(3) CNEL fifty (50) dB in offices and office areas of industrial facilities.

(e) **Residential Interior Noise Level Reduction.** New dwellings exposed to CNEL above sixty (60) dB shall incorporate the following noise reduction design measures unless alternative designs that achieve and maintain an interior noise level of CNEL forty (40) dB are incorporated and verified by a Board Certified Acoustical Engineer.

(1) All facades must be constructed with substantial weight and insulation;

(2) Sound-rated windows providing noise reduction performance similar to that of the façade must be included for habitable rooms;

(3) Sound-rated doors or storm doors providing noise reduction performance similar to that of the façade must be included for all exterior entries;

(4) Acoustic baffling of vents is required for chimneys, fans, and gable ends;

(5) Installation of a mechanical ventilation system affording comfort under closed-window conditions; and

(6) Double-stud construction, double doors, and heavy roofs with ceilings of two (2) layers of gypsum board on resilient channels.

### 500.06 Regulations for Safety

(a) **Development Standards.** Table 500.06(A) below describes the development standards for all development within the Airport Safety Zones as shown in Map 500-2, Airport Impact Map: Safety. Additional standards follow the table.

<table>
<thead>
<tr>
<th>Standard</th>
<th>Safety Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Maximum Lot Coverage (% of site)</td>
<td>0</td>
</tr>
<tr>
<td>Non-Residential Development</td>
<td></td>
</tr>
<tr>
<td><strong>Maximum Site-Wide Average Intensity (people/acre)</strong></td>
<td>10</td>
</tr>
<tr>
<td><strong>Maximum Single-Acre Intensity (people/acre)</strong></td>
<td>20</td>
</tr>
<tr>
<td>Residential Development</td>
<td></td>
</tr>
<tr>
<td><strong>Maximum Site-Wide Average Density (units/acre)</strong></td>
<td>n/a</td>
</tr>
</tbody>
</table>
TABLE 500.06(A): DEVELOPMENT STANDARDS - AIRPORT SAFETY ZONES

<table>
<thead>
<tr>
<th>Standard</th>
<th>Safety Zones</th>
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<tbody>
<tr>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Maximum Single-Acre Density (units/acre)</td>
<td>n/a</td>
</tr>
</tbody>
</table>

(1) **Intensity Calculation.**

a. **Non-Residential Development.** Usage intensity calculations shall include all people (e.g., employees, customers/visitors) who may be on the property at any single point in time, whether indoors or outdoors. The city may make exceptions for rare special events (e.g., an air show at the airport) for which a facility is not designed and normally not used and for which extra safety precautions can be taken as appropriate.

b. **Residential Development.**

1. The maximum allowable residential densities are intended to include density bonuses and any other bonuses or allowances that the city may provide for affordable housing developed in accordance with the provisions of state and/or local law or regulation. The overall density of a development project, including any bonuses or allowances, must comply with the allowable density criteria in Table 500.06(A).

2. Second units are excluded from density calculations.

c. **Mixed-Use Development.**

1. Where the residential and nonresidential uses are proposed to be situated on separate parts of the project site, the project shall be evaluated as separate developments. The residential density shall be calculated with respect to the area(s) to be devoted to residential development and the nonresidential intensity calculated with respect to the area(s) proposed for nonresidential uses.

2. Development in which residential uses are proposed to be located in conjunction with nonresidential uses in the same or nearby buildings on the same site must meet both residential density and non-residential intensity criteria. The number of dwelling units shall not exceed the density limits indicated in Table 500.06(A). Additionally, the normal occupancy of the residential portion shall be added to that of the nonresidential portion and the total occupancy shall be evaluated with respect to the non-residential usage intensity criteria cited in Table 500.06(A).
(b) **Airport Safety – Compatibility Criteria.** In regard to airport safety, land uses are classified as being either “normally compatible”, “conditional” or “incompatible” as defined below.

1. **Normally Compatible.** Normal examples of the use are compatible under the presumption that usage intensity and maximum lot coverage criteria in Table 500.06(A) will be met. Atypical examples may require review to ensure compliance with usage intensity and lot coverage criteria. Noise, airspace protection, and/or overflight limitations may apply.

2. **Conditional.** Use is compatible if indicated Floor Area Ratio (FAR), Lot Coverage, and other listed conditions are met.

3. **Incompatible.** Use shall not be permitted under any circumstances.

(c) **Airport Safety – Land Use Compatibility.** Table 500.06(C) below describes the compatibility of various land uses within the Airport Safety Zones as shown in Map 500-2, Airport Impact Map: Safety. Land uses are classified as being either “normally compatible”, “conditional” or “incompatible.”

Land uses not specifically listed in Table 500.06(C) shall be evaluated by the Zoning Administrator based on the criteria for the most similar comparable use.

“#” numbers in table cells refer to the maximum allowable FAR.

“A” letters in table cells refer to criteria to be met by uses listed as “conditional”. The individual letters refer to criteria listed at the end of the table.

<table>
<thead>
<tr>
<th>LAND USE COMPATIBILITY - AIRPORT SAFETY ZONES</th>
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</thead>
<tbody>
<tr>
<td><strong>TABLE 500.06(C):</strong> Normally Compatible</td>
</tr>
<tr>
<td><strong>Land Use</strong></td>
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<tr>
<td></td>
</tr>
<tr>
<td><strong>Outdoor Uses (limited or no activities in buildings)</strong></td>
</tr>
<tr>
<td>Natural Land Areas: woods, brush lands, desert</td>
</tr>
<tr>
<td>Water: flood plains, wetlands, lakes, reservoirs</td>
</tr>
<tr>
<td>Agriculture (except residences and livestock): crops, orchards, vineyards, pasture, range land</td>
</tr>
<tr>
<td>Livestock Uses: feed lots, stockyards, breeding, fish hatcheries, horse stables</td>
</tr>
<tr>
<td>Outdoor Major Assembly Facilities (capacity ≥1,000 people): spectator-oriented outdoor stadiums, amphitheaters, fairgrounds, zoos</td>
</tr>
<tr>
<td>Group Recreation (limited spectator stands): athletic fields, water recreation facilities, picnic areas</td>
</tr>
</tbody>
</table>

336
<table>
<thead>
<tr>
<th>Land Use</th>
<th>Normally Compatible</th>
<th>Conditional</th>
<th>Incompatible</th>
</tr>
</thead>
<tbody>
<tr>
<td>Small/Non-Group Recreation: golf courses, tennis courts, shooting ranges</td>
<td></td>
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<td></td>
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<tr>
<td>Local Parks: children-oriented neighborhood parks, playgrounds</td>
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<tr>
<td>Camping: campgrounds, recreational vehicle/motor home parks</td>
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<td>E, E</td>
<td>D, E</td>
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<tr>
<td>Cemeteries (except chapels)</td>
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<tr>
<td><strong>Residential and Lodging Uses</strong></td>
<td></td>
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<tr>
<td>Single-Family Residential: individual dwellings, townhouses, mobile homes, bed &amp; breakfast inns</td>
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<tr>
<td>Multi-Family Residential</td>
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<tr>
<td>Long-Term Lodging (&gt;30 nights): extended-stay hotels, dormitories</td>
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<tr>
<td>Short-Term Lodging (≤ 30 nights): hotels, motels, other transient lodging (except conference/assembly facilities)</td>
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<td>0.46, 0.74</td>
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<tr>
<td>Congregate Care: retirement homes, assisted living, nursing homes, intermediate care facilities</td>
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<tr>
<td><strong>Educational and Institutional Uses</strong></td>
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<tr>
<td>Family Day Care Home homes (≤14 children)</td>
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<tr>
<td>Children’s Schools: K-12, day care centers (&gt;14 children); school libraries</td>
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</tr>
<tr>
<td>Adult Education classroom space: adult schools, colleges, universities</td>
<td></td>
<td>0.09, 0.15</td>
<td>H, H</td>
</tr>
<tr>
<td>Community Libraries</td>
<td></td>
<td>0.23, 0.37</td>
<td>C</td>
</tr>
<tr>
<td>Indoor Major Assembly Facilities (capacity ≥1,000 people): auditoriums, conference centers, concert halls, indoor arenas, casinos</td>
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<tr>
<td>Indoor Large Assembly Facilities (capacity 300 to 999 people): movie theaters, places of worship, cemetery chapels, mortuaries</td>
<td></td>
<td>0.03, 0.05</td>
<td></td>
</tr>
<tr>
<td>Indoor Recreation: gymnasiums, club houses, athletic clubs, dance studios</td>
<td></td>
<td>0.14, 0.22</td>
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<tr>
<td>In-Patient Medical: hospitals, mental hospitals</td>
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</tr>
<tr>
<td>Out-Patient Medical: health care centers, clinics</td>
<td></td>
<td>0.55, 0.88</td>
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<tr>
<td>Penal Institutions: prisons, reformatories</td>
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</tbody>
</table>

**TABLE 500.06(C): LAND USE COMPATIBILITY - AIRPORT SAFETY ZONES**
### TABLE 500.06(C): LAND USE COMPATIBILITY -机场安全区域

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Normally Compatible</th>
<th>Conditional</th>
<th>Incompatible</th>
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</thead>
<tbody>
<tr>
<td><strong>Public Safety Facilities: police, fire stations</strong></td>
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<tr>
<td><strong>Commercial, Office, and Service Uses</strong></td>
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<tr>
<td>Major Retail: regional shopping centers, ‘big box’ retail</td>
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<td>Local Retail: community/neighborhood shopping centers, grocery stores</td>
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<tr>
<td>Eating/Drinking Establishments: restaurants, fast-food dining, bars</td>
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<td>Limited Retail/Wholesale: furniture, automobiles, heavy equipment, lumber yards, nurseries</td>
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<tr>
<td>Personal &amp; Miscellaneous Services: barbers, car washes, print shops</td>
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<tr>
<td><strong>Industrial, Manufacturing, and Storage Uses</strong></td>
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<tr>
<td>Hazardous Materials Production: oil refineries, chemical plants</td>
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<tr>
<td>Heavy Industrial</td>
<td>M</td>
<td>M</td>
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<tr>
<td>Light Industrial, High Intensity: food products preparation, electronic equipment</td>
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<tr>
<td>Light Industrial, Low Intensity: machine shops, wood products, auto repair</td>
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<tr>
<td>Research &amp; Development</td>
<td>0.69, M</td>
<td>1.10, M</td>
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</tr>
<tr>
<td>Outdoor Storage: wholesale sales, warehouses, mini/other indoor storage, barns, greenhouses</td>
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<tr>
<td>Mining &amp; Extraction</td>
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<tr>
<td><strong>Transportation, Communication, and Utilities</strong></td>
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<tr>
<td>Airport Terminals: airline, general aviation</td>
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<tr>
<td>Rail &amp; Bus Stations</td>
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</table>
### Table 500.06(C): Land Use Compatibility - Airport Safety Zones

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Normally Compatible</th>
<th>Conditional</th>
<th>Incompatible</th>
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</thead>
<tbody>
<tr>
<td><strong>Transportation Routes: road &amp; rail rights-of-way, bus stops</strong></td>
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<tr>
<td><strong>Auto Parking: surface lots, structures</strong></td>
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<tr>
<td><strong>Communications Facilities: emergency communications, broadcast &amp; cell towers</strong></td>
<td>C</td>
<td>C</td>
<td>C</td>
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<tr>
<td><strong>Power Plants</strong></td>
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<td>N</td>
<td>N</td>
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<tr>
<td><strong>Electrical Substations</strong></td>
<td></td>
<td>C</td>
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<tr>
<td><strong>Wastewater Facilities: treatment, disposal</strong></td>
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<td>C</td>
</tr>
<tr>
<td><strong>Solid Waste Disposal Facilities: landfill, incineration</strong></td>
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<td></td>
</tr>
<tr>
<td><strong>Solid Waste Transfer Facilities, Recycle Centers</strong></td>
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</tbody>
</table>

**Conditional Criteria:**

A. Objects above runway elevation not allowed in Object Free Area (OFA), the dimensions of which are established by FAA airport design standards for the runway.
B. Not allowed in OFA.
C. Allowed only if site outside safety zone would not serve intended function.
D. Not allowed within 1,000 feet of runway centerline.
E. Allowed only if intensity criteria listed in Table 500.06(A) are met.
F. Accessory buildings only. Dwelling must be located outside of safety zone.
G. No new sites or land acquisition. Building replacement and expansion allowed for existing facilities. School expansion is limited to 50 students.
H. Also subject to limitations of individual components of campus facilities (e.g. assembly facilities, offices, gymnasiums).
I. Building capacity limited to 1,000 people.
J. Eating and drinking establishments that make up 10% or more of the total floor area shall be evaluated separately.
K. Design site to locate buildings outside of safety zone whenever possible. Parking areas may be located within safety zone.
L. No fuel tanks within 1,000 feet of runway centerline.
M. Avoid bulk storage of hazardous materials. Permitting agencies to evaluate possible need for special measures to minimize hazards if struck by aircraft.
N. Peaker plants only. Primary plants not allowed.
500.07 Regulations for Airspace Protection

(a) **Height Limitations.** The criteria for determining the acceptability of a project with respect to height shall be based upon the standards set forth in Federal Aviation Regulations (FAR) Part 77, Subpart C, Objects Affecting Navigable Airspace. Additionally, where an FAA aeronautical study of a proposed object is required in accordance with FAR Part 77, Subpart C, the results of that study shall be taken into account by the city.

(1) **Maximum Height.**
   a. Except as provided below, no object, including a mobile or temporary object such as construction crane, shall have a height that would result in penetration of any obstruction surface depicted for Porterville Municipal Airport on Map 500-4, Airport Impact Map: Airspace Protection.
   b. Within the primary surface and beneath the approach or transitional surfaces, objects shall be limited in height consistent with the airspace protection surfaces defined by FAR Part 77.

(2) **Exception.** Outside the primary surface and the approach or transitional surfaces, no object shall be limited to a height of less than thirty-five (35) feet above the ground even if the object would penetrate an FAR Part 77 surface and thus constitute an obstruction.

(b) **FAA Notification.** Any person proposing construction or alteration within the AE Overlay District shall submit notification of the proposal to the FAA if such construction or alteration exceeds any of the following height standards:

(1) Two hundred (200) feet above ground level.
(2) The plane of an imaginary surface extending outward and upward at a slope of one hundred (100) to one (1) for a distance of twenty thousand (20,000) feet from the nearest point of any runway.

500.08 Supplemental Regulations

(a) **Avigation Easement Dedication.** An avigation easement shall be dedicated to the City of Porterville for the following development:

(1) Any residential development within the CNEL fifty-five (55) dB contour shown in Map 500-1, Airport Impact Map: Future Noise.
(2) Any residential or nonresidential development within Safety Zones one (1) through five (5) as shown in Map 500-2, Airport Impact Map: Safety.
(3) Any residential or nonresidential development within an area beneath a transitional surface or the inner ten thousand (10,000) feet of an approach surface.

(b) **Overflight Notification.** If no avigation easement is otherwise provided, residential development within the primary or secondary overflight area indicated in Map 500-
3. Airport Impact Map: Overflight, an overflight notification consistent with the following standards shall be recorded.

(1) The notification shall contain the following language dictated by state law with regard to real estate transfer disclosure.

NOTICE OF AIRPORT IN VICINITY: This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

(2) The notification shall be made evident to prospective purchasers of the property and shall appear on the property deed.

500.09 Nonconforming Uses

Lawful nonconforming structures may be continued and maintained without being required to conform to the requirements of this chapter in accordance with the following.

(a) Residential Single Family. A nonconforming single-family dwelling may be maintained, remodeled, reconstructed, or expanded in size as long as there is no increase in the number of dwelling units. Secondary dwelling units may be constructed. The lot line of an existing single-family residential parcel may be adjusted as long as it does not result in an increase of allowable density.

(b) Residential Multi-Family. Nonconforming multi-family residential dwellings may be maintained, remodeled, or reconstructed. The size of individual dwelling units may be increased, but additional dwelling units may not be added. Sound attenuation and avigation easement dedication requirements established by this chapter shall apply.

(c) Non-Residential. Nonconforming nonresidential facilities may be maintained, altered, or reconstructed. However, any such work must not result in expansion of either the portion of the site devoted to the nonconforming use or the floor area of the buildings and must not result in an increase in the usage intensity (the number of people per acre) above the levels existing at the time of adoption of this Ordinance. Sound attenuation and avigation easement dedication requirements established by this chapter shall apply.
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(d)
Map 500-1
Airport Impact Map: Future Noise

Boundary Lines
- Airport Property Line
- Ultimate Airport Property Acquisition
- Parcel Lines
- City Limits

Noise Impact Zones
1. 55 - 60 dB CNEL
2. 60 - 65 dB CNEL
3. 65 - 70 dB CNEL
4. 70 - 75 dB CNEL
5. 75+ dB CNEL

Ultimate Average Annual Day
(557 operations)

Notes

Source: Mead & Hunt, Inc. (November 2008)
Map 500-2

Airport Impact Map:
Safety

Safety Zones
- Zone 1
- Zone 2
- Zone 3
- Zone 4
- Zone 5
- Zone 6
- Zones for Existing Runway Configuration

Notes
Safety zones represent a composite of zones associated with existing and proposed runway configurations. Zones for existing runway configuration are shown for information purposes.

Source: Mead & Hunt, Inc. (November 2008)
Map 500-3
Airport Impact Map: Overflight

Boundary Lines
- Existing Airport Property Line
- Ultimate Airport Property Acquisition
- Parcel Lines
- City Limits

Overflight Zones
- Primary Overflight Area (80% of aircraft overflights at approximately 1,000 feet or less above runway elevation estimated to occur within these limits)
- Secondary Overflight Area (Occasional overflight by aircraft operating at airport)

Source: Mead & Hunt, Inc. (November 2008)

Base Map Sources:
- Parcel Base Map - Tulare County GIS (October 2008).
Map 500-4
Airport Impact Map: Airspace Protection
Chapter 501  Floodplain (FP) Overlay District

Sections:

501.01  Purpose
501.02  Applicability
501.03  Development in the FP District

501.01  Purpose

The purpose of the Floodplain (“FP”) Overlay District is to promote public health, safety, and general welfare, and to minimize the loss of life and property due to flooding in areas of the city that have been determined to be subject to such an event. The FP Overlay District is also intended to:

(a) Minimize expenditure of public money for costly flood control projects;
(b) Minimize the need for rescue and relief efforts associated with flooding;
(c) Minimize prolonged business interruptions;
(d) Minimize flood damage to public facilities and utilities such as water and gas mains; electric, telephone, and sewer lines; and streets and bridges located in areas of special flood hazard;
(e) Maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
(f) Ensure that potential buyers are notified that property is in an area of special flood hazard;
(g) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions; and
(h) Maintain eligibility for state disaster relief.

501.02  Applicability

The standards and regulations of this chapter apply to all lands within the FP Overlay District mapped on the Official Zoning Map and all lands which, after considering evidence from flood experience and engineering studies, are deemed subject to inundation by a one hundred (100) year flood.

The basis for establishing the FP Overlay District boundaries on the Official Zoning Map are areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the “The Flood Insurance Study (FIS) for the City of Porterville,” dated January 18, 1983, with an accompanying flood insurance rate map and subsequent revisions. The FP Overlay District boundary on the Official Zoning Map may be updated administratively should there be any subsequent revisions to the FIS and attendant mapping. Where there is a discrepancy between the FIS
and attendant mapping and the FP Overlay District boundary shown on the Official Zoning Map, the FIS and attendant mapping shall prevail unless the City Council, within its area of jurisdiction, has delineated (or may by rule require developers of land to delineate) floodplains consistent with the criteria developed by FEMA and the Director of Water Resources for areas where development is ongoing or imminent, and thereafter as development becomes imminent.

501.03 Development in the FP Overlay District

All development in the FP Overlay District shall be in compliance with the Porterville Flood Damage Prevention Code, Chapter 7, Article XIV of the Porterville Municipal Code.
Chapter 502  Hillside Zone (HZ) Overlay District

Sections:

502.01  Purpose and Intent
502.02  Applicability
502.03  Required Plans and Materials
502.04  Land Use Regulations
502.05  Ridgelines
502.06  Grading
502.07  Site Drainage Improvements
502.08  Street Requirements and Design
502.09  Open Space
502.10  Landscaping and Irrigation
502.11  Development Standards

502.01  Purpose and Intent

(a) The Hillside Zone (HZ) Overlay District is established to achieve the City’s objective to facilitate and permit the orderly development of property within the hillside areas through a set of hillside development standards aimed at protecting the public health, safety and welfare; protecting and preserving natural and biological resources for the long-term benefit of the Porterville community and the broader community; recognizing the inherent value in the properties subject to this chapter; allowing size, type, location, density, and intensity of development based on available infrastructure, the geographic steepness of terrain, presence of unique geographic conditions and constraints, and presence of environmentally sensitive areas; and optimizing the use of sensitive site design, grading, landscape architecture, and architecture, all to achieve the City’s objectives.

(b) The HZ Overlay District and the regulations contained in this chapter are intended to provide development that is consistent with and serves to implement the goals and policies of the General Plan for properties classified in the HZ Overlay District. Specific regulations and standards address the following City objectives:

(1) To uphold the value of the community and the subject property by protecting ridgelines, prominent landforms, rock outcroppings, open space areas, hydrologic features, wildlife communities, unique and sensitive habitat and vegetation communities, and other natural, biological, and scenic resources.

(2) Enable property owners to select suitable development sites on their real property for new hillside development projects founded on science-based conclusions, including the use of slope density calculations and maximum land holding capacity, to determine the appropriate density and intensity of a structure that can be built on a particular hillside slope.

(3) To provide for hillside development that maintains the integrity of the hillsides’ natural characteristics and features.
FIGURE 502.01(B)(1): HILLSIDE DEVELOPMENTS

Hillside developments should be designed with respect to natural hill characteristics and development intensity appropriate for the area.

(4) To ensure the ridgelines that frame the City of Porterville will be preserved to the greatest extent possible.

FIGURE 502.01(B)(2): RIDGELINES

Significant Ridgelines shall be preserved.

(5) To facilitate the protection of existing views from vantage points within public open spaces, rights-of-way, public parks, and private development from encroachment upon by new development.

(6) To minimize grading and cut and fill operations where possible to retain the natural character of the hillside areas.
Minimize water runoff and soil erosion incurred in adjusting the terrain to meet onsite and offsite development needs.

To encourage all the characteristics and qualities of a cohesive neighborhood that promotes a “sense of place” within a hillside setting.

To promote and encourage a variety of high-quality, alternative architectural and development designs and concepts appropriate for hillside areas.

To preserve the public health, safety, and welfare and specifically protect the public and property from hazards such as seismic, geologic, hydrologic and fire, including damage to property from landslides, erosion, earth creep, and storm water runoff, and other hazards in and near hillsides.

To reflect the City's design goals and policies expressed in the General Plan.

To require that infrastructure such as but not limited to roads, utilities, drainage, and sound attenuation barriers serve both a utilitarian and aesthetic purpose.

To ensure that open space is an integral part of subdivision design.

FIGURE 502.01(B)(3): LANDSCAPING

Landscaping shall be used for aesthetic enhancement, erosion control and transition to natural open space areas.

To provide areas where residents can enjoy active and passive recreation.
FIGURE 502.01(B)(4): OPEN SPACE AREAS

Open space shall be an integral component of subdivision design, with developed open space areas

(15) To ensure that proper landscape setbacks are provided to separate residential uses from non-residential uses and to allow for transitions between natural open space and development.

FIGURE 502.01(B)(5): BIOSWALES

Bioswales and similar natural landscaped runoff control facilities shall be used to enhance appearance and allow for groundwater recharge.
Series 500: Overlay Zones

(16) To ensure that the circulation system is a beneficial element in the hillside development setting and maintains, to the greatest extent possible, the natural characteristics of a hillside environment.

(17) To ensure quality development that blends with the hillside environment, and to create neighborhoods that display a cohesive and harmonious form and complementary architectural styles.

(18) To minimize resource consumption through the use of a drought-tolerant native plant palette.

502.02 Applicability

The HZ Overlay District shall be applied to all properties within the incorporated boundaries of the City of Porterville, as well as those properties within the City’s official Sphere of Influence, as may be amended from time to time, that are designated Hillside Development Zone on the Porterville 2030 General Plan Land Use Diagram.

The regulations of this Ordinance and requirements or conditions imposed pursuant to this Ordinance shall not supersede any other regulations or requirements adopted or imposed by the Porterville City Council, the State of California, or any federal agency that has jurisdiction by law over uses and development authorized by this Ordinance, including the Urban Wildland Interface Code. Where conflict occurs between the provisions of the Ordinance and any other city Ordinance, chapter, resolution, guideline or regulation, the more restrictive provisions shall control, unless otherwise specified.

502.03 Required Plans and Materials

The following information is supplemental to the basic requirements for submittal of subdivision maps, information and/or other entitlement applications required for review by the Zoning Administrator and City Council. The specified data shall be submitted concurrently with all required application forms and fees, provided that the Zoning Administrator may waive submission of items deemed unnecessary. Where appropriate, the following information may be combined onto submittal exhibits. The submittal of applications for parcel maps, containing four (4) or fewer lots, shall only require items A, B, D and E.

(a) **Topographical Map.** A topographical map at a scale specified in development applications. This map shall identify all existing slope banks, ridgelines, canyons, natural drainage courses, federally recognized blue-line streams or Waters of the United States, rock outcroppings, existing manmade features, mines, and existing vegetation. The topographic map shall include areas of protected plant or animal communities identified in the biological resource survey report described in Subsection G2 below. Also depicted shall be known landslides and other existing geologic conditions.
(b) **Conceptual Grading Plan.** A conceptual grading plan, which shall include the following items in addition to those required by the City Code:

1. Top of walls  
2. Top of curbs  
3. High point and low point elevations  
4. Pad and/or finished floor elevations  
5. Areas of cut and fill, calculated as a percentage of the total site area  
6. Contours for existing and proposed topography. Existing contours shall be depicted with a dashed line with every fifth contour darker, and proposed contours shall be depicted as above except with a solid line. Contours shall be shown at minimum intervals of five (5) feet of change in elevation, with two (2) foot contours shown in the flatter areas below ten (10) percent  
7. Lot and pad dimensions, along with a statistical summary of lot and pad sizes  
8. Design of roads and driveways, including average grades indicated, as well as areas of the steepest grade  
9. Lot drainage, including the gradient of the drainage and flow velocities

(c) **Cut and Fill Map.** A cut and fill map identifying proposed fill areas colored blue and cut areas colored red, with depths of such areas clearly shown in ten (10) foot major contour lines. Quantities of each cut and fill area shall also be clearly specified on the map.

(d) **Slope Analysis Map**

1. A detailed slope analysis map to use in determining the average slope and the amount and location of land as it exists in its natural state. For the slope analysis map, the applicant shall use a base topographical map of the subject site, prepared and signed by a registered civil engineer or licensed land surveyor. The map shall have a scale of not less than one (1) inch to one hundred (100) feet and a two (2) foot contour interval. This interval may be adjusted with the approval of the Zoning Administrator and City Engineer on the basis of good engineering principles. This base topographical map shall include all adjoining properties to the extent necessary to determine impacts to neighboring properties to portray the site's context. The slope map shall delineate slope bands, with monochromatic but distinct colors for the following slope ranges:
   
   a. Up to five (5) and nine-tenths (5.9) percent  
   b. Six (6) percent to ten and nine-tenths (10.9) percent  
   c. Eleven (11) percent to twenty and nine-tenths (20.9) percent  
   d. Twenty-one (21) percent to twenty-five and nine-tenths (25.9) percent  
   e. Twenty-six (26) percent to thirty and nine-tenths (30.9) percent
f. Thirty-one (31) percent to fifty (50) percent

g. Greater than fifty (50) percent

(2) Also included shall be a tabulation of the land/area by slope percentage specified in acres. Such slope map shall be prepared using CAD-based or GIS-based software specifically designed for such purpose and approved for such use by the City Engineer.

(3) A calculation of the average slope of the entire parcel pursuant to Section 103.07, Determining Average Slope.

(4) Calculations of average slope percent shall be based upon accurate topographic surveys using a two (2) foot contour interval and a horizontal map scale of one (1) inch : 100 feet or larger.

(5) The slope analysis shall be stamped and signed by a registered or licensed professional to provide such analysis and indicating the datum, source, and scale of topographic data used in the slope analysis.

(e) **Future House Plotting Map.** In the event that no grading is proposed, a statement to that effect shall be filed with a plan that shows possible future house plotting and driveway design for each parcel proposed. This future house plotting map shall be prepared on a topographic map at the scale required in the development application. Access drive and street elevations must be provided.

(f) **Site Sections.** Sufficient number of site sections to clearly illustrate the extent of the proposed grading. The sections shall:

(1) All be drawn at the same scale and indexed, or keyed, to the existing topography, grading plan, and project site map. Both vertical and horizontal scales shall be indicated and not overly exaggerated. The site section shall extend at least one hundred fifty (150) feet outside the project site boundary to clearly show impact on adjacent property.

(2) The site sections shall be stamped and signed by a licensed professional registered in the State of California indicating the datum, source, and scale of topographic data used in the slope profiles.

(3) The site sections shall be stamped and signed by a registered civil engineer indicating the datum, source, and scale of topographic data used in the slope profiles, and attesting to the fact that the slope profiles have been accurately calculated and identified.

(g) **Technical Reports.** The following technical reports:

(1) A geologic and soils report prepared by a licensed professional, in sufficient detail to substantiate and support the design concepts presented in the application as submitted

(2) A biological resource survey report identifying all existing plant communities, with sensitive or protected species or communities clearly delineated, as well as known habitat area for protected animal species, including the location of sensitive biological resources. All sensitive species
surveys shall be conducted in accordance with any applicable protocols established by the U.S. Fish and Wildlife Service and the California Department of Fish and Game. The applicant shall engage in a third party agreement with the City and the selected biological consultant and provide the funding for purposes of payment to the consultant. The report shall be signed by the person preparing such report, with the signature intended to verify that the mandatory protocols were conformed to in the analysis as per the City’s local guidelines for implementing the California Environmental Quality Act (CEQA). The submission of the biological survey may be deferred until after initial project submittal as approved by the Environmental Coordinator.

(3) An archaeological survey subject to the same terms as provided in Subsection G2. above.

(h) **Architectural and Landscaping Design Guidelines Manual.** A comprehensive architectural and landscaping design guideline manual shall be part of the development application. Such manual shall be required for all Hillside Development Permit applications except those involving the construction of one (1) single-family dwelling unit on an existing lot, in which case Subsection I below shall apply. Such manual shall be approved as part of the applicable Hillside Development Permit and shall be binding upon all subsequent development authorized by that applicable Hillside Development Permit. The manual shall include the following, but the applicant/land owner may include additional information at his/her discretion.

(1) Illustrative, color drawings, photos or similar representations of the various architectural styles to be used with text and visual descriptions on the overall architectural theme of the project.

(2) A neighborhood design diagram depicting the locations of proposed vehicular and pedestrian circulation, utility easements, developable pad, property lines, perimeter setbacks, parks, and recreation centers.

(3) Identification of exterior building materials (structure and trim), roofing materials, and colors for primary structures.

(4) Illustrations and descriptions of permitted fencing and wall materials.

(5) Illustrations and descriptions of permitted/proposed signage and entry treatments.

(6) Description and illustrative drawings or similar representations of how the architecture and building approaches established in the manual implement the Architectural Standards set forth in Subsection 502.11(g), Architectural Standards – General.

(7) Identification of landscaping approaches and plant palettes for all common open space areas, roadway medians, edge and berm treatments, common slopes, and private front yard areas.
(8) Description of how the landscaping approaches and plant palettes established in the manual implement the Landscape Standards set forth in Section 502.10, Landscaping and Irrigation.

(i) **Single Lot Applications.** For applications involving one (1) single-family dwelling unit residence on an existing lot or a second unit on a single lot, architectural and landscaping treatment materials shall be provided.

(j) **Additional Analysis.** The following items shall also be required as part of an application, unless waived or conditionally waived by the Community Development Director or the City Council to aid in the analysis of the proposed project to illustrate existing or proposed conditions or both:

1. A topographic model and/or large scale detailed partial model at a one (1) : one (1) vertical to horizontal relationship.
2. A line of sight or view analysis as described in Subsection L below.
3. Visual simulation of the post-development condition, including use of photographic and/or computer generated graphic renderings as described in Subsection L below.

(k) **Landscape and Irrigation.** Preliminary landscape and irrigation plans for all common areas showing project compliance with the provisions of this Article and requirements of the City Fire Chief for fire hazard mitigation and brush management zones in Chapter 12, Article III of the City Code and the State Code regarding wild land interface in State Response Areas.

(l) **Visual Simulation**

1. **Photography.** The requirement for a visual simulation provides decision makers with a pictorial representation of the future condition of a development project as close to reality as possible. The photograph is the basis of view simulation, and care shall be taken in the camera selection. The goal is to provide an analysis that, as closely as possible, represents site views from a variety of locations distant from the project and from surrounding areas that will have a direct view of the project.
2. **Control Data.** The location of the camera shall be recorded as accurately as possible at the time the photograph is taken.
3. **Computer Modeling.** Depending on the project site location, the proposed project may be required to be modeled based on subdivision design, architectural, and landscape data. Existing terrain, buildings, survey data, and any field notes shall be included in the modeling effort. The level of detail included in the computer model will be determined by the intended use of the simulation.
4. **Staging.** The computer model shall be aligned to the photographs in the rendering software utilizing the alignment data and the lens and focal length of the camera used. The model shall be lighted according to the time of day and year and the views rendered.
(5) **Rendering.** The rendering process shall be completed after aligning the model to the photograph. The subject matter shall be colored and textured to simulate the proposed project as closely as possible.

(6) **Photocomposition.** Any retouching undertaken to make foreground objects visible shall be done in such a way so as to preserve the original photograph and the rendered image intact.

### 502.04 Land Use Regulations

(a) **Uses Requiring a Hillside Development Permit.** The following uses require a Hillside Development Permit.

1. Any subdivision of land.
2. Lighting of tennis courts, basketball courts, and similar sports courts.
3. Detached garages and other accessory structures containing more than fifteen hundred (1,500) square feet in gross floor area.
4. Stables, corrals, and similar facilities for the private noncommercial keeping and containment of animals.

(b) **Uses Requiring an Administrative Hillside Development Permit.** The following uses of land are permitted after review and approval of an Administrative Hillside Development Permit.

1. Single-family dwelling unit, detached or attached.
2. Second dwelling units.
3. Detached garages and other accessory structures, up to a maximum of fifteen hundred (1,500) square feet in gross floor area.
4. Swimming pools, spas, ponds, and associated hardscape and landscape improvements that involve the construction of any retaining walls over three (3) feet in height, subject to the issuance of a grading permit and required building permits.
5. Tennis courts, basketball courts, and similar sports courts, subject to the issuance of a grading permit and required building permits.
6. Public and private parks.
7. Landscaped parkways and medians, landscaped slopes, and similar other open spaces.
8. Riding and hiking trails for pedestrians, equestrians and non-motorized vehicles.

(c) **Permitted Accessory Uses.** The following are permitted as accessory uses clearly subordinate to the principal use of the property.

1. Animal Raising.
2. Crop Cultivation.
502.05  Ridgelines

(a)  **Significant Ridgelines.** The Official Significant Ridgeline Map, incorporated herein by reference and identified on the Porterville 2030 General Plan Land Use Diagram, identifies crests of significant ridgelines in the City for the purpose of this chapter. The precise delineation of a ridgeline shall be determined at the time a development application is received based on Official Significant Ridgeline Map and the following criteria. Significant ridgelines are those ridgelines characterized by any combination of the criteria specified below.

1. The ridgelines that surround or visually dominate the surrounding valley landscape either through their size in relation to the hillside or mountain terrain of which they are a part.

2. Their visual dominance as characterized by a silhouetting appearance against the sky.

3. A significant natural backdrop feature or separation of communities.

4. Visual dominance due to proximity and view from existing development or major corridors.

5. As an area of significant ecological, historical, or cultural importance, such as those that connect park or trail systems.

(b)  **Ridgeline Preservation**

1. No grading or improvements shall occur within one hundred (100) feet of a designated and delineated significant ridgeline area, as measured horizontally on a topographic map prior to any grading or improvements. No portion of any structure shall be closer to a designated and delineated significant ridgeline area, as measured fifty (50) feet vertically from a cross section of the area.

2. No engineered slopes, housing construction, streets, utilities, excavation, or other permanent human-made features shall be permitted within any significant ridgeline area. Exceptions may be granted as part of the Hillside Development Permit process if findings are made that:
   
a. The encroachment into a significant ridgeline area will be in compliance with the intent and purpose of this chapter and the specific criteria set forth herein; and
   
b. That conditions of approval applied via the Hillside Development Permit will implement the provisions of this chapter.
502.06 Grading

(a) General Grading Requirements

(1) Landform grading techniques such as varying slope height, rounding tops and toes of slopes, and incorporating variable gradients shall be used to ensure that manufactured slopes mimic natural hill forms. Landform grading shall be used for all post-disturbance conditions unless determined by the Zoning Administrator and the City Engineer that landform grading is not feasible due to soils conditions, encroachment into sensitive biological resource areas, protection of watersheds or watercourses, or other similar
considerations. Findings shall be recorded as part of the Hillside Development Permit record as to why landform grading is not feasible. Grading shall be kept to a minimum and shall be preformed in a way that preserves significant natural features and visually blends with adjacent properties. Factors to be considered include the natural features of the site, slope and soil characteristics, vegetative cover, access to the site and orientation and visibility of both the site and the proposed development.

**FIGURE 502.06(A)(1): GRADING**

Landform grading techniques will resemble natural slopes.

(2) Construction of artificial ridgelines shall be used to mask the view of dwelling from off-site locations, to preserve the appearance of a natural undeveloped hillside, and to preserve the appearance of open space.

(3) A combination of berming and landscaping shall be used to screen utilitarian features such as, but not limited to, water tanks and detention basins.

(4) Slopes which are readily visible from existing or proposed public right-of-way shall be landform graded.

(5) Grading of any site shall conform to the following grading standards, based upon the percent of average slope.

a. Six (6) – fifteen (15) percent - Redistribution of earth over large areas may be permitted.

b. Fifteen (15) – twenty (20) percent - Some grading may occur, but landforms shall retain their natural character. Padded building sites may be allowed, but custom foundations, split level designs, stacking and clustering are expected to mitigate the need for large padded building areas.

c. Twenty (20) – twenty-five and nine-tenths (25.9) percent - Grading will be minimal, custom homes sites and access shall follow the natural slope of the ground, custom foundations and split level design required to reduce disturbance.
d. Twenty-six (26) percent and steeper - No grading shall be allowed other than house pad and access to pad.

e. Minimize pad size to accommodate the structure and a reasonable amount of open space. A maximum of the remaining lot area shall be kept in the natural state of the original slope.

f. Sloping lot designs, such as split level building terraces are encouraged to reduce pad size.

g. Minimize grading within twenty (20) feet of all perimeter property lines of the project site, unless the grading naturally conforms to the existing adjacent slopes or to the planned grading of the adjacent slopes.

(b) **Prohibited Grading Practices**

(1) The cutting of significant ridgelines is prohibited.

(2) Graded slopes that are characterized by linear (in plan), planar slope surfaces with unvarying gradients and angular slope intersections are prohibited.

(3) Manufactured slopes shall complement the adjacent natural slopes in terms of hill form and slope height.

(c) **Berming**

(1) Any berm three (3) feet or greater in vertical height shall be landform graded no steeper than 3:1.

(2) All berms shall have varying slope gradients and rounded tops with a horizontal dimension half the vertical height of the berm.

(3) A combination of berming and landscaping shall be used to screen utilitarian features such as, but not limited to, water tanks and detention basins.

(4) Landscaping materials used on berms shall be drought tolerant and fire resistant and must be approved by the Parks and Leisure Services Director.
Berms shall be used to help screen hillside development and utilitarian features where topography warrants it. From public view, the berm shall completely hide development and other structures, providing a view of natural slope face where topography warrants.

(d) **Slopes between Residential Pads.** Where there is at least a four (4) foot elevation difference between residential flat pads, slopes shall be contour graded no steeper than two (2) : one (1).

Corner lot setbacks are ten (10) feet from right-of-way to privacy wall. Side slopes against public roads shall be landform graded.

(e) **Road Systems Along Project Edges.** Road systems shall be placed along project edges to the greatest extent practicable to maximize the use of aesthetic landscape buffers surrounding a development and to buffer residential neighborhoods from vehicular traffic. Project edges along roadway systems shall consist of varied slope and landscape treatments to provide visual interest.
FIGURE 502.06(E): ROAD SYSTEMS ALONG PROJECT EDGES

Road systems shall be placed along project edges to create a buffer between the project and adjacent land uses. This strategy, as illustrated above, can also provide a way to take advantage of panoramic views.

(f) **Use of Loffelstein and Similar Living Walls.** The use of Loffelstein walls and other similar living wall systems that allow for landscaping opportunities with planting pockets and stepped designs is required. Such wall shall be subject to the following development standards.

1. The minimum height shall be fifteen (15) feet, with a maximum height of thirty (30) feet.
2. Such walls shall utilize a curvilinear slope pattern to mimic the appearance of natural hillside terrain.
3. Such walls shall be planted with landscape material suitable for the climate, wall exposure relative to the sun, and taking into consideration the landscape aesthetic effect to be achieved by the overall development. The color palette and materials selected for the retaining wall shall blend in with adjacent hillsides and landscape plant palette.
FIGURE 502.06(F): USE OF LOFFELSTEIN AND SIMILAR LIVING WALLS

Loffelstein walls and similar living wall systems retain large amounts of earth while providing planting pockets for landscaping. Once landscaping matures, the wall will be masked and have a softer appearance than a hardscape wall surface.

(g) **Contour Construction and Materials.** Retaining walls shall follow the natural contours of the slope to the greatest degree practicable, and all materials used to construct retaining walls shall consist of native stone, poured-in-place concrete, pre-cast concrete block, and shall be of a color and texture that mimic the color and texture of surrounding native plant materials.

(h) **Retaining Wall Height Standards.** The cumulative height of any retaining wall built to retain a cut slope or fill slope shall not exceed six (6) feet in height. Cumulative height shall mean the combined height of any wall or series of walls required to retain a single slope.

**502.07 Site Drainage Improvements**

(a) **General.** Site and subdivision features required and designed to control and retain stormwater and other runoff pursuant to the requirements of City ordinances and other pertinent regulations shall be fully integrated into the design of the subdivision. Such features shall be designed and located to account for natural drainage patterns, integration of open space into overall subdivision design, location of trails and other mobility corridors, and placement of subdivision entry enhancements or other aesthetic features.
FIGURE 502.07(A): RUNOFF CONTROL

Natural landscaped runoff control facilities shall be used to enhance appearance and allow for groundwater recharge.

(b) **Materials and Color.** Water retention and detention features shall consist of natural earth and plant materials that must be approved by the Parks and Leisure Director. Concrete or similar hardscape materials shall not be permitted unless determined by the City Engineer to be the only feasible method of capturing and conveying runoff. Wherever concrete or similar structures are necessary, per drainage and storm water control plans approved by the City Engineer, such structures shall use integral color concrete to blend with surrounding color palette that blend with the natural environment.

(c) **Detention Basins**

(1) A detention basin area with gentle slopes (defined as three (3) : one (1) or less) and lined with turf or natural material such as rock may be used as an entry feature. Detention basins shall not be eligible for open space, park credit, or any fee credit.

(2) Detention basin side slope ratios greater than three (3) : one (1) are prohibited.

(d) **Bioswales**

(1) Bioswales shall be used to collect surface runoff before it crosses pavement areas and to reduce ponding and damage to walkways. Bioswales shall be graded to direct water away from paved areas into detention basins prior to conveyance to the City drainage system per master plan.
FIGURE 502.07(D)(1): USE OF BIOSWALES

Bioswales planted with native rocks and vegetation shall be used to the maximum extent to serve as a hillside community’s drainage system.

(2) Bioswales shall consist of primarily herbaceous plants whose stems and leaves retard water flow and help settle pollutants, and which, with the aid of the roots, decompose into the soil.
FIGURE 502.07(D)(2): LANDSCAPING OF BIOSWALES

Bioswales shall incorporate landscaping and gentle slopes.

502.08 Street Requirements and Design

(a) Minimum Number of Access Points. New hillside development projects shall have a minimum of two (2) points of vehicular access, one of which may be established for emergency access only, as determined by the Fire Chief through the Hillside Development Permit review process.

(b) Street Design Standards. All streets shall be designed and constructed in accordance with the following standards.

(1) Street sections shall be designed in accordance with street standards and specifications adopted by the City and as revised from time to time. In addition to such adopted standards, the following street standards shall apply to development in the Hillside Residential zone.

a. The maximum length of any cul-de-sac street shall be six hundred (600) feet unless approved otherwise by the Fire Chief and City Engineer.

b. All streets shall contain two (2) clear twelve (12) foot travel lanes.
Where split level streets are used, the following standards shall apply.

a. The use of split level roads is permitted to reduce the amount and visual effect of grading (Figure 502.08(B)).

b. The ground slope between the two (2) traffic ways shall be of a ratio less than two (2) : one (1).

FIGURE 502.08(B): SPLIT LEVEL ROADWAYS

Use of split level roadways is permitted and encouraged where such design can be used to facilitate landform grading. This type of road can also maximize the view opportunities in the hillside setting.

Street grades shall not exceed the following except as may be modified by the City Council in compliance with of the Porterville City Code. The maximum length of street runs at the maximum specified grade shall be subject to the review and approval of the Fire Chief, or their respective designees. Minor adjustments to street grades shall be subject to the review and approval of the Fire Chief and the City Engineer.

a. Major Arterials shall be no steeper than eight (8) percent.
b. Minor Arterials shall be no steeper than ten (10) percent.
c. Collector Streets shall be no steeper than ten (10) percent.
d. Local Streets shall be no steeper than ten (10) percent.
e. Loaded Local Streets shall be no steeper than eight (8) percent.
f. Intersections shall be at six (6) percent grade or less.
g. Local Streets can have a minimum centerline radius of one hundred fifty (150) feet provided minimum sightline distances are met.
h. Street grades at fire hydrant locations shall be no steeper than seven (7) percent for no less than twenty (20) feet on each side of hydrant.
(c) **Private Streets**

(1) Private streets and alleys shall not be permitted unless approved by the City Council and, if approved, all private streets or alleys shall be constructed to City standards.

(2) Driveway grades shall not exceed ten (10) percent unless otherwise approved by the Fire Chief and City Engineer. The finished grade of the driveway shall conform to the finished grade of the lot. Proper design consideration shall be given to vertical curves and parking landings.

(3) Common drives in single family hillside residential development shall be considered if grading is reduced by their use. Common easement maintenance agreements are required for common driveways.

(d) **Driveways**

(1) Driveways that are less than one hundred fifty (150) feet in length shall be a minimum of twelve (12) feet wide.

(2) Driveways between one hundred fifty (150) feet and four hundred (400) feet shall be a minimum of sixteen (16) feet wide.

(3) Driveways that are greater than four hundred (400) feet in length shall be subject to the approval of the Fire Chief.

(4) Grade changes through driveway approaches and transitions shall not exceed ten (10) degrees.

(5) Driveways shall be paved with asphalt or Portland Cement Concrete (PCC). PCC or an approved alternative shall be used when grades exceed ten (10) percent.

(6) Private driveway gates are prohibited. All automatic gates across emergency access roads shall be equipped and maintained with a City of Porterville approved key-operated switch overriding all command functions and openings of gate(s).

502.09 **Open Space**

(a) **Requirement to Provide Developed Open Space.** Developed Open Space shall be provided for attached residential development as set forth in Table 502.11(C)(4) and as otherwise required for this chapter to meet general landscaping, slope treatment, and parkway landscaping requirements.

(1) **Types of Open Space.** Open space in the HZ Overlay District shall consist of two (2) general types of open space:

   a. Natural Open Space, which shall be defined as undeveloped areas retained in their naturally occurring condition with regard to landform, vegetation, and water features; with the exception of walking trails and viewing platforms.

   b. Developed or Improved Open Space, which shall be defined as any area not occupied by structures that has been improved with
landscaping, trails, recreation amenities, and similar features that provide opportunities for active and passive recreation, and that provide landscape improvements that enhance the overall appearance and character of a development.

(2) **Use of Natural Open Space.** Undeveloped open space shall be left in its natural state, with permitted improvements limited to the establishment of trails and associated viewing areas established as community open space.

(b) **Deed Restrictions.** Any lands dedicated for open space purposes shall contain covenants and recordable deed restrictions burdening the subject property, in a form and content approved by the City Attorney, ensuring that:

1. The open space area will not be subdivided in the future;
2. The use of the open space will continue in perpetuity for the purpose specified;
3. Appropriate provisions will be made for the maintenance of the open space that clearly define future maintenance responsibilities; and
4. Common undeveloped open space shall not be turned into a commercial enterprise admitting the general public at a fee, unless otherwise authorized by policy or law.

(c) **Open Space Ownership**

1. The fee title owner or easement holder of an interest in the land that is dedicated for open space purposes shall be selected by the property owner, developer, or sub-divider, subject to the approval by the Zoning Administrator or City Council. The ownership may vest in, but not be limited to, the following:
   a. The City, subject to acceptance by the City Council of a recordable interest.
   b. Other public jurisdictions or agencies, subject to their acceptance.
   c. Quasi-public and non-profit organizations, subject to their acceptance.
   d. Homeowner associations, landscape maintenance districts or other similar organizations.

2. The City may, in its reasonable discretion, require that the applicant establish a mechanism to fund the long-term maintenance of such open space, which may include a cash deposit, an assessment district, trust, or other appropriate funding mechanism.

(d) **Maintenance.** The person or entity identified as having the right of ownership or control over the open space shall be responsible for its continuing upkeep and proper maintenance as set forth in Section 502.09(b), Deed Restrictions, unless the City authorizes alternate maintenance strategies.
(e) **Required Planting Areas.** Slopes requiring retaining at a height greater than three (3) feet shall be terraced for planting areas. Such planting areas shall have a minimum width of six (6) feet. No more than two (2) terraces of retaining walls shall be permitted on one (1) manufactured slope.

![FIGURE 502.09(E): PLANTING AREAS](image)

Planting areas shall be provided between terraced retaining walls.

(f) **Irrigation Systems Required.** All planting areas shall be provided with an automatic irrigation system.

(g) **Landscaped Parkways Required**

   (1) All public streets shall include a landscaped parkway as indicated in the General Plan.

   (2) Such required parkways shall be landscaped as set forth in Section 502.10, Landscaping and Irrigation.

**502.10 Landscaping and Irrigation**

Landscaping is an essential part of the site development by assisting in adapting the development into the natural backdrop of the hills, by providing areas of open space for use by residents and for assisting in slope stabilization, erosion control and filtering of pollutants from stormwater.

(a) **Landscape and Irrigation Plan**

   (1) All proposed new development shall require approval of a conceptual landscape plan. Complete landscape and irrigation plans shall be submitted as part of the building permit application process. Such plan shall be subject to the review and approval of the Parks and Leisure Services Director and the Fire Chief.

   (2) All landscape and irrigation plans shall include all information required by this Ordinance and shall be designed to ensure slope stability, fire safety,
and design quality, as well as a tree removal and retention plan with the following information.

a. Identification of the extent of vegetation removal required for site preparation and development; and

b. The location and species of individual trees of six (6) inch caliper or more. Maximum effort shall be exercised to retain existing trees in place.

(3) The Zoning Administrator may waive the landscape and irrigation plan requirement for additions and remodeling where no or only minor alterations to the existing landscape or topography are proposed.

(4) All landscaping shall be planted and maintained in compliance with approved plans.

(b) General Landscaping Standards

(1) All portions of a site where existing vegetative cover is damaged or removed, or consists primarily of weeds (typically unwanted plants that grow aggressively and are damaging to landscaping), and are not otherwise covered with new improvements, must be successfully re-vegetated with a substantial mix of native and/or drought tolerant grasses and ground covers. The density of the reestablished vegetation must be adequate to prevent soil erosion and invasion of weeds after one (1) growing season.

(2) A combination of berming and landscaping shall be used to screen utilitarian features such as, but not limited to, water tanks and detention basins.

(3) Plants with similar water requirements shall be grouped together in hydrozones.

(4) Prior to planting, consideration of soil compaction shall be used to determine planting pit depths and drainage.

(5) The Community Development Director and the Parks and Leisure Services Director shall have the authority to require other improvements such as the removal of dead or diseased trees and the thinning of trees or other vegetation to encourage desirable growth.

(c) Tree Removal and Replacement. For each existing native tree or shrub removed or damaged with a combined caliper equal to or greater than six (6) inches at four (4) feet above finish grade, a twenty-four (24) inch box minimum replacement tree or shrub of the same genus and species or as otherwise approved by the Parks and Leisure Director shall be planted on the site. For trees equal to or in excess of an 8-inch combined caliper, the replacement tree shall be a forty-eight (48) inch box or larger of the same genus and species. Should a tree of the same genus and species not be available, the applicant shall submit reasonable proof of general unavailability in the region, and a list of no less than five (5) substitutes, one (1) of which shall be of the same genus, for approval by the Parks and Leisure Services Director. The Parks and Leisure Services Director may approve a substitute or may require provisions, including but not limited to bonds or similar security, to assure the installation and maintenance of the specific genus desired.
(d) **Setbacks/Slopes along Roadway Edges**

(1) The following setbacks from the curb face, or line that would be the location of the curb face, to the property line shall be required from the following roadways:

a. Major Arterial: eighty (80) feet  
b. Minor Arterial: sixty (60) feet  
c. Parkway: forty (40) feet  
d. Collector: thirty-five (35) feet  
e. Local Residential Street: twenty (20) feet

(2) Setbacks and slopes along edges between roadways and rear property lines shall be fully landscaped with materials consistent with all other common open space areas. The landscape material shall transition in height to provide low vegetation immediately adjacent to the right-of-way edge to taller trees on the slope.
Any manufactured slope in excess of four (4) feet vertical that abuts any public or private street or other right-of-way or open space use intended for public use and/or enjoyment shall be fully landscaped in accordance with the provisions of this chapter and shall be maintained by a homeowners association or other entity required as part of the tentative map approval process for the maintenance of common open space.

(e) Drought-Tolerant/Native Vegetation

All landscape plans must use native and/or drought-tolerant plant materials appropriate for their location and soil type, as identified in standard agricultural suitability soils test. Preferred landscaping materials shall
consist of native plants. Landscape and irrigation plans shall comply with the City’s water efficient landscape requirements contained in Chapter 303, Landscaping.

(2) All native vegetation outside the impact area shall be preserved and protected from damage during construction. Oak trees shall have a preservation zone of the dripline plus ten (10) feet surrounding the tree. Any project impact within this preservation zone shall be considered as damaging to the tree.

(f) **Interface between Natural Open Space Areas and Development**

(1) The area between a structure and wildfire hazard areas, as contained within the General Plan and defined by the Fire Chief, shall be planted and maintained as consistent with the provisions of Subsection J. The transition between manufactured areas and natural areas shall be established beyond residential structures so as to permit the development to meet the State Code regarding wild land interface in State Response Areas.

(2) Climactically suitable shrubs and trees shall be used as wind breaks as appropriate.

(g) **Landscaping as Focal Points.** Significant landscaping, such as signature trees (i.e., large or unique trees), hedges, and flowering plants shall be used to provide focal points within a development, including and specifically as entry statements that shall require the following setbacks measured diagonally from face of curb, or the line that would be the location of the curb face:

(1) Major Arterial: one hundred (100) feet
(2) Minor Arterial: eighty (80) feet
(3) Parkway: fifty (50) feet
(4) Collector: fifty (50) feet
(5) Local Residential Street: twenty (20) feet

A landscape area shall then be provided generally matching the depictions within Figure 502.10(G). Provisions for maintenance of said landscape areas shall be an integral component of project approval. No landscaping or other features shall interfere with the established sight distance needed for safe vehicular access at intersections.
(h) **Slope Maintenance and Erosion Control**

1. All cut and fill slopes shall be planted with native and/or drought-tolerant vegetation and irrigated with an automatic irrigation system to prevent erosion.

2. All cut or fill slopes exceeding five (5) feet in vertical height shall be planted with adequate plant material to protect the slope against erosion. Planting shall be in the ratio of at least one (1) shrub per sixteen (16) square feet of natural slope area and one (1) tree per four hundred (400) square feet of actual slope area, with ground cover to completely cover the slope within twelve (12) months from planting.

3. All shrubs shall be a minimum one (1) gallon size,

4. All trees shall be minimum fifteen (15) gallon size.

5. Slopes less than five (5) feet in vertical height shall be planted with ground cover to cover the slopes completely within twelve (12) months of planting.

6. Landscape coverage and stabilization of graded slopes shall be selected and designed to be compatible with surrounding natural vegetation. A City-approved irrigation system shall be utilized for plant establishment. A minimum three (3) feet flat area from top or toe of slope of twenty (20) feet or greater in height shall be maintained to face of wall or fence on common area maintenance slopes.
(7) Shrubs on manufactured slopes shall be heavily concentrated along the drainage flow of swales.

(8) Lawns and sod shall not be installed on slopes steeper than four (4) : one (1). Low-maintenance bunch grasses can be used on slopes steeper than four (4) : one (1).

(i) **Irrigation**

(1) Irrigation shall be designed to conserve water and to protect existing native vegetation.

(2) Drip irrigation shall be required in appropriate areas to reduce overspray and runoff.

(3) Irrigation needs shall be reduced by careful control of drainage pattern on a slope and selection of appropriate plant material.

(4) Technological irrigation equipment, such as humidity sensors, that control irrigation settings and run times due to seasonal weather changes shall be used.

(j) **Fuel Modification Zones**

(1) A permanent fuel modification area and fire prevention plan shall be required, subject to the determination of the Fire Chief, around development projects, or portions thereof, that are adjacent or exposed to hazardous fire areas for the purpose of fire protection. The recommended width of the fuel modification area shall be based on applicable Building and Fire Codes and the State Code regarding wild land interface in State Response Areas and the recommendations of the Fire Chief, with consideration given to:

a. The natural non-graded slope of the land within the project and in the areas adjacent to the project.

b. Fuel loading.

c. Access to the project by fire suppression equipment, and access directly to the fuel modified area, and egress out of the project in case of evacuation.

d. The on-site availability of water that can be used for firefighting purposes with regard to fire flows, water pressure, and duration.

e. “Built-in” fire protection within structures.
Fuel modification zones shall be designed to have graduated zones of reduced fuel.

(2) Adequate provisions shall be made for the continual maintenance of such areas, and the Fire Chief may require brush, vegetation, or debris to be removed and cleared consistent with the provisions of Chapter 12, Section 12.1.1 of the Porterville City Code, which adopts the Uniform Fire Code as the City’s fire code.

(k) Private Yard Landscaping. The paving of over forty (40) percent of either the front yard or rear yard shall not be permitted.

(l) Screening

(1) Landscaping shall be designed to screen the view of downslope building elevations. The landscape plan for individual residential dwellings shall specifically consider the downslope elevation and demonstrate that portions of elevations below the bottommost floor are screened from view. Downslope elevations visible from any adjacent property or public right-of-way shall be landscaped with a selection of shrubs and trees that screen the downslope portion from view to the satisfaction of the Zoning Administrator.

(2) Visual screening and privacy within side and rear yards shall be provided; front yards and building entrances shall be substantially visible for security purposes.
(m) **On-lot Tree Program**

1. A minimum of two (2) trees shall be installed and permanently maintained in each rear yard.
2. One (1) additional tree shall be installed along the side yard adjacent to the street on corner lots with uphill visibility from roads.
3. Tree sizes shall be a minimum of twenty-four (24) inch box for rear yards with fifteen (15) feet depths or less and thirty-six (36) inch box for rear yards that are greater than fifteen (15) feet deep.
4. Minimum distance between tree trunk and adjacent property line shall be five (5) feet.
5. Soil compaction and drainage shall be considered when determining planting pit depths.

**FIGURE 502.10(M): ON-LOT TREE PROGRAM**

On-lot tree program requires trees planted in each lot.

### 502.11 Development Standards

(a) **Allowable Density Calculation Procedures.** For the purposes of this chapter, allowable density is defined as the maximum number of dwelling units permitted per gross acre of land. The maximum allowable density shall be based upon and established by the average slope of a property, calculated in compliance with Section 502.03(d)(3), Slope Analysis Map. The maximum allowable density based on the average slope shall be as set forth in to Table 502.11(A).
TABLE 502.11(A): MAXIMUM ALLOWED DENSITY BASED ON AVERAGE SLOPE

<table>
<thead>
<tr>
<th>Average Slope</th>
<th>Maximum Allowable Density</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 5.9% inclusive</td>
<td>2.4 units/acre</td>
</tr>
<tr>
<td>6 to 10.9%</td>
<td>2.2 units/acre</td>
</tr>
<tr>
<td>11 to 20.9%</td>
<td>1.8 units/acre</td>
</tr>
<tr>
<td>21 to 25.9%</td>
<td>1.0 units/acre</td>
</tr>
<tr>
<td>26 to 30.9%</td>
<td>1 unit/20 acres</td>
</tr>
<tr>
<td>31 to 50%</td>
<td>1 unit/80 acres</td>
</tr>
</tbody>
</table>

(1) The maximum dwelling unit yield based on the maximum allowable density mathematical sum shall be considered maximum potentials and not an entitlement, right or vested right to develop. Other factors and individual property characteristics will affect and may reduce the yield, including but not limited to: physical constraints, floor-area ratio, compliance with design guidelines, engineering design standards, hillside development standards; and performance criteria such as access, emergency response standards, and sensitive grading techniques and volumes.

(2) Calculating the maximum allowable density for any parcel or group of parcels under common development application within the HZ Overlay District shall involve the following steps:

   a. Establish allowed density based on average slope:
      
      1. **Alternative 1** – Average slope of the parcel or group of parcels. For Alternative 1, the average slope shall be calculated in compliance with Section 502.03(d)(3), Slope Analysis Map. For example, a one hundred (100) acre parcel which has an average slope for the entire parcel of twenty-five (25) percent would yield a maximum of one hundred (100) units.

      2. **Alternative 2** – Recalculation alternative. The largest contiguous area of the least steep slope category may be used to calculate average slope in compliance with the method established in Section 502.03(d)(2), Slope Analysis Map. For example, on a one hundred (100) acre parcel, of which 60 acres has an average slope of more than twenty-five and nine-tenths (25.9) percent, thirty (30) acres are between twenty-one (21) to twenty-five and nine-tenths (25.9) percent slope, and there is a contiguous ten (10) acre area of between eleven (11) to twenty and nine-tenths (20.9) percent, the ten (10) acres with a average slope of eleven (11) to twenty and nine-tenths (20.9) percent can be used to recalculate allowable density (1.8 units/acre X 10 acres = 18 units).

(3) For the purposes of this chapter, floor-area ratio (FAR) is defined as the ratio of the total gross square footage of the dwelling unit excluding both attached and detached garage square footage and any accessory structure on
a lot to the square footage of the pad or that portion of the lot containing the
dwelling and having a gradient of five (5) percent or less. After constraints
and performance criteria have been addressed to develop a maximum yield,
the maximum yields for a parcel is further affected by average FAR and are
based on Table 502.11(A)(3).

<table>
<thead>
<tr>
<th>Table 502.11(A)(3): Unit Yield Based on Floor-Area Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling Unit Yield</td>
</tr>
<tr>
<td>Maximum units</td>
</tr>
<tr>
<td>80% of Maximum</td>
</tr>
<tr>
<td>70% of Maximum</td>
</tr>
<tr>
<td>60% of Maximum</td>
</tr>
</tbody>
</table>

(4) Physical constraints are the on-site circumstances and resources that will be
protected consistent with policies in the General Plan or other regulatory
requirements. Factors that require special consideration are as follows:

a. USGS blue-line streams, sensitive biological resource areas
   identified in the biological resource survey report completed for the
   project, and archaeological resources identified in the archaeological
   survey conducted for the project.

b. Areas greater than twenty-five and nine-tenths (25.9) percent slope
greater than one (1) acre as determined by Section 502.03(d), Slope
Analysis Map.

c. Liquefiable soils, shallow hard rock, and faulting.

d. Large, mature native trees including: Coastal Live Oak, Sycamores,
or Willow.

(b) **Detached Dwellings.** Standards for detached dwelling units will provide assurance
that development will be appropriate to the hillside setting. The following standards
combined with the standards for grading and drainage, subdivision and landscaping
design will result in adaptive hillside development.
(1) **Density.** Density limitations shall be determined as set forth in Table 502.11(A) of this chapter.

(2) **Minimum Pad Size.** The minimum area of a pad on a lot, including the summation of multiple pad areas where split-level construction is proposed, shall be six thousand (6,000) square feet.

(3) **Building Setbacks.** Building setbacks shall be set forth in Table 502.11(B)(3).

<table>
<thead>
<tr>
<th>TABLE 502.11(B)(3): BUILDING SETBACKS DETACHED DWELLINGS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Setbacks</strong></td>
</tr>
<tr>
<td>Front yard</td>
</tr>
<tr>
<td>Side yard</td>
</tr>
<tr>
<td>Rear yard</td>
</tr>
<tr>
<td><strong>Corner Setbacks</strong></td>
</tr>
<tr>
<td>*Face of curb to privacy wall</td>
</tr>
<tr>
<td>Privacy wall to structure</td>
</tr>
</tbody>
</table>

*Setbacks are measured from face of curb or for rolled curbs, from the flowline.*
FIGURE 502.11(B): BUILDING SETBACKS

Building Setbacks for six thousand (6,000) to ten thousand (10,000) sq. ft. pads and greater.

(4) **Floor-Area Ratios.** Maximum allowable floor-area ratios shall be as set forth in Table 502.11(A)(3).

(5) **Building Height – Primary Structure.** Each proposed single-family detached structure in the HZ Overlay District shall comply with the following height limits.

a. **Height Measurement.** The maximum allowable building height shall be measured as the vertical distance from the existing or planned grade of the site at the point of the building foundation to an imaginary plane located at the allowed number of feet above and parallel to the grade. For split-level construction, each building component shall be measured from the lowest elevation of the site pad area on which that component is located.
b. **General Height Limit.** No structure shall exceed a height of thirty-five (35) feet.

c. **Height of Lowest Floor Level.** The vertical distance between the lowest point where the foundation wall meets grade and the lowest floor line of the structure shall not exceed six (6) feet.

(c) **Attached Dwellings**

(1) **Density.** Density limitations shall be determined as set forth in Table 502.11(A) of this section. Where attached housing is proposed, the overall permitted density of a development site shall determine the maximum number of units allowed, and all such units may be clustered or attached on a lot or lots restricted to a limited area of the development site, with the density calculation applicable to the site as a whole. However, in compliance with the provisions of Section 502.09, Open Space, any remainder open space lot or lots shall be deed restricted against further residential development and shall be permanently maintained as required by the provisions of this chapter.

(2) **Building Height.** Each proposed attached or clustered dwelling unit structure shall comply with the following height limits.

a. **Height Measurement.** The maximum allowable building height shall be measured as in compliance with Section 502.11(b)(5), Building Height – Primary Structure.

b. **General Height Limit.** No structure or group of structures shall exceed a height of thirty-five (35) feet.

c. **Height of Lowest Floor Level.** The vertical distance between the lowest point where the foundation meets grade and the lowest floor line of the structure shall not exceed six (6) feet.
(3) **Building Setbacks.** Buildings shall be set back from lot lines as indicated in Table 502.11(C)(3).

<table>
<thead>
<tr>
<th>Yard Lot Line</th>
<th>Minimum Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front yard</td>
<td>20'</td>
</tr>
<tr>
<td>Side yard</td>
<td>15'</td>
</tr>
<tr>
<td>Rear yard</td>
<td>20'</td>
</tr>
<tr>
<td>*Face of curb to privacy wall</td>
<td>20'</td>
</tr>
<tr>
<td>Privacy wall to structure</td>
<td>10'</td>
</tr>
</tbody>
</table>

*Setbacks are measured from face of curb or for rolled curbs, from the flowline.

a. Building to Building. The minimum setback between structures shall be no less than twenty (20) feet.

b. Building to Street or Parking Area. The minimum building setback to street or parking area shall be no less than twenty (20) feet, measured from face of curb.

c. Building to Privacy Wall. The minimum building setback to privacy wall shall be no less than twenty (20) feet.

**FIGURE 502.11(C)(1): BUILDING SEPARATION AND SETBACKS**

![Diagram of building setbacks and separations](image-url)
(4) **Required Common Open Space Area.** Every attached or cluster development project shall be required to provide common open space areas accessible to all dwelling units within such development project. The required area shall be as set forth in Table 502.11(C)(4). Such common open space area may consist of passive landscaped area, common recreation facilities such as a swimming pool or sports court, or any combination of such improvements. The minimum dimensions of such common open space area shall be twenty (20) feet by twenty (20) feet. Such common open space shall be centrally located and equally accessible to all dwelling units within the development.

<table>
<thead>
<tr>
<th>Numbers of Dwelling Units within Development</th>
<th>Required Open Space Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-20</td>
<td>100 sq. ft. per dwelling unit</td>
</tr>
<tr>
<td>21-40</td>
<td>150 sq. ft. per dwelling unit</td>
</tr>
<tr>
<td>40+</td>
<td>200 sq. ft. per dwelling unit</td>
</tr>
</tbody>
</table>

(5) **Location of Garages.** Garage structures for attached and cluster developments are not required to be attached to the dwelling units they serve. Common garage structures may be developed, provided parking is provided for each dwelling unit in compliance of the requirements of Section 502.09, Open Space.
(d) **Custom Lot Design and Development Standards**

(1) **Design Standards – General**

   a. Roadways, driveways, and individual building pads shall be designed to conform to the natural hillside contours, blending into the environment rather than forcing building sites and infrastructure upon the land. An emphasis shall be placed on limiting grading to individual flat graded pad areas for residential building sites and any roads accessing the residential building sites, ensuring a minimal cut and fill situation.

   b. Any areas that require grading shall incorporate landform grading techniques to further encourage the natural appearance of custom pads.

   c. For any standard not specifically indicated in this Section as applying to custom lot development, the general standards applicable to all development in the HZ Overlay District shall apply.

(2) **Landscape Standards**. Custom lot development shall implement landscape standards that avoid harsh or abrupt transitions between open space and development while providing a combination of landscape materials that blend into the adjoining natural open space. Landscape setbacks along roads and along flat pads of custom lots shall be required to ensure that suitable transitions from residential development to natural open space are accomplished.

(3) **Architectural Standards**. Individual houses on custom lots shall be visually compatible with the surrounding area, with architecture that complements the adjacent natural environment and any adjoining residential structures and/or neighborhoods.

(4) **Grading Standards**

   a. Unless otherwise specified in this section, the landform grading practices set forth in Section 502.06, Grading, shall apply.

   b. Retaining walls shall be screened from public view to the greatest extent possible.

(5) **Development Standards**

   a. The minimum pad size shall be no less than ten thousand (10,000) square feet unless the site is over fifteen (15) percent average slope in which case smaller padded building sites are allowed to reduce grading impacts as set forth in Section 502.06, Grading.

   b. Maximum building height, as measured from finished grade to top of building, shall be as follows:

      1. Eighteen (18) feet – Single (1) story portion of structure
      2. Twenty-eight (28) feet – Two (2) story portion of structure
      3. Thirty-five (35) feet – Three (3) story portion of structure
c. Setbacks shall be provided as set forth in Table 502.11(C)(3).

d. No fence or walls shall exceed a height of six (6) feet, and all fences and walls shall comply with the regulations set forth in Section 502.11(g)(6), Fencing and Privacy Walls.

e. Walls and opaque fencing shall be permitted only on the flat pad of a custom lot.

f. The minimum landscape setback of twenty (20) feet shall be provided between developed pad and natural vegetation.

g. The maximum step in foundation wall shall be no higher than ten (10) feet to account for homes built in a hillside setting.

h. Where no standard is specifically indicated in this subsection, the development standards set forth in Section 502.11(a), Allowable Density Calculation Procedures, shall apply.

(e) **Accessory Structures**

(1) Accessory structures shall either be constructed as an integral part of the main dwelling unit or be within the setbacks set forth in Table 502.11(C)(3).

(2) The height of any accessory structure shall be limited to sixteen (16) feet.

(3) Accessory structures shall not be permitted within any front yard area.

(4) Accessory structures shall maintain a minimum five (5) foot setback from rear and side pad edges. For pads on lots adjacent to a street, a minimum twenty (20) foot setback from any pad edge to the street shall be maintained. A side yard on the street side of a corner lot shall maintain a minimum twenty (20) foot setback from pad edge.

(f) **Other Regulations**

(1) **Exterior Lighting.** Exterior lighting shall be provided and properly shielded to avoid glare and the spill of light to surrounding areas. Low-level lighting and the use of multiple low profile fixtures is encouraged, as opposed to the use of fewer, but taller fixtures. Emphasis for exterior lighting shall be on safety and landscape lighting as opposed to building lighting. The applicant shall present descriptions of exterior lighting in the design guideline manual required by Section 502.03(h), Architectural and Landscaping Design Guidelines Manual.

(2) **Decks.** No portion of the walking surface of a deck with visible underpinnings shall exceed a height of 6 feet above grade. Decks shall be integrated into the architecture of the house and not appear as an add-on to the primary building mass. The applicant shall present illustrations and descriptions of decks in the design guideline manual required by Section 502.03(h), Architectural and Landscaping Design Guidelines Manual.

(3) **Utilities.** All newly installed utilities shall be placed underground unless, in the determination of the authority responsible for approving the Hillside Development Permit, such requirement would result in unsafe conditions.
All existing electric power lines of capacity sixty-six (66) kilovolts or less shall be relocated underground. All utilities shall be placed underground unless, in the determination of the authority responsible for approving the Hillside Development Permit, such requirement would result in unsafe conditions.

(4) **Gated Communities Prohibited.** Gated communities shall be prohibited.

(5) **Private Gates at Driveway Prohibited.** All gates or other structures or devices, which could obstruct emergency access or otherwise hinder emergency operations, shall be prohibited. Private gates at driveways that do not hinder emergency access or operations shall be setback a minimum of thirty (30) feet from the front property line.

(g) **Architectural Standards – General.** To achieve hillside compatible development, the City recognizes the importance of having architectural design that incorporates rooflines and other building elements that reflect the naturally occurring ridgeline silhouettes and topographical variation.

(1) **Conformance with Project Design Manual.** The applicant shall demonstrate how the architectural criteria of this section are met in the design guideline manual required by Section 502.03(h), Architectural and Landscaping Design Guidelines Manual.

(2) **Architectural Themes**

a. For subdivisions consisting of production-style development, whereby dwelling units are constructed by a single developer utilizing a limited number of floor plans and building architectural styles, the architectural styles throughout the development shall be thematically consistent with one another. Varying floor plans, colors, materials, and building forms shall be utilized such that within a single development project, a minimum of nine (9) different elevations are available. However, where attached units are provided, a more unified architectural scheme is permitted.

b. For custom lot developments consisting of a subdivision of more than one (1) lot, the requirement for a design guideline manual, as set forth in Section 502.03(h), Architectural and Landscaping Design Guidelines Manual, shall apply.

c. For a development consisting of one (1) home on an existing lot, such homes shall comply with the requirements of Section 502.11(b), Detached Dwellings.

(3) **Required Treatments**

a. Architectural treatments on all exterior walls of any building shall be designed to avoid a monotonous or continuous façade of the exterior wall. Under no circumstance shall the front and rear façade of any building be in one (1) continuous vertical or horizontal plane. Architectural features and details shall be located on all exterior walls of the building, including the rear and sides of the building.
Buildings shall utilize wall articulation (i.e., insets, pop-outs, etc.) and roof orientation as a means to prevent massing.

b. The apparent size of exterior wall surfaces visible from off the site shall be minimized through the use of single-story elements, building face setbacks, overhangs, landscaping, and/or other means of horizontal and vertical articulation to create changing shadow lines and break up of massive forms.

**FIGURE 502.11(G)(3): BUILDING FACADES**

(4) **Finish Materials/Color.** Building materials and colors shall be compatible with the natural setting. Exterior colors shall be limited to earth tones found in nearby natural vegetation and/or soil, or come from natural sources (e.g., rock, stone, wood), or resemble a natural appearance.

(5) **Support Structures**

a. Support structures (e.g. columns, pilings, etc.) below the lowest floor on the downhill side of a house, if and where permitted as part of the Hillside Development Permit review process, shall be enclosed unless visible structural members are an integral feature of the architectural design.

b. A support structure wall surface shall not exceed six (6) feet in height.
FIGURE 502.11(G)(5): SUPPORT STRUCTURES

Support structures shall be minimized in height.

(6) **Fencing and Privacy Walls**

a. All fences and masonry walls adjacent to or fronting on public roads or major public spaces shall be of decorative masonry or other approved materials that have a natural appearance (e.g. masonry walls, pre-fabricated modular concrete) and shall be a color that blends with the natural surrounding environment and complements the landscaping. The use of indigenous rock and colors or materials which blend with the surrounding natural landscape shall be preferred. The applicant shall present illustrations and descriptions of fencing and wall materials in the design guideline manual required by Section 502.03(h), Architectural and Landscaping Design Guidelines Manual.

b. Any fence or privacy wall adjacent to a public road or major public space shall be placed at the top of a slope.

c. All fences and privacy walls, whether or not visible from a public road or major public open space, shall be limited in height to six (6) feet, as measured from the grade on which the bottom of the fence or wall is placed to the uppermost extent of such fence or wall.

d. Solid fences and walls in a required front yard area, or within the street side yard on a reverse corner lot shall not exceed a height of forty-two (42) inches.

e. Open work fences, whereby the fence is ninety (90) percent open or more, shall not exceed a height of forty-eight (48) inches within the front setback or within the street side yard on a reverse corner lot, otherwise the height limitations specified in (c) and (d) above shall apply.

f. The provisions of Chapter 21, Article III, Section 21-3(f) of the City Code regarding corner rounding areas shall apply.

g. A minimum setback distance of twenty (20) feet shall be provided between any fence or privacy wall adjacent to a public right-of-way,
with the distance measured from the fence or privacy wall to the face of curb.

h. Any fence or wall that runs along the top of a landform and silhouettes against the sky shall be transparent to allow views from off-site to be unobstructed.

**FIGURE 502.11(G)(6): SETBACK FROM PRIVACY WALL**

Adequate setback shall be provided between curb and privacy wall.
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Chapter 503 Single Story (S) Overlay District

Sections:

503.01 Purpose
503.02 Applicability
503.03 Building Height and Number of Stories

503.01 Purpose
The Single Story (S) Overlay District is intended to ensure the scale of new development is compatible with existing development and uses in transitional zones.

503.02 Applicability
The standards of this chapter apply to all lands within the S Overlay District mapped on the Official Zoning Map.

503.03 Building Height and Number of Stories
Building height shall not exceed thirty-five (35) feet. All buildings are limited to single story construction.
Chapter 600  Planning Agency

Sections:

600.01  Purpose  
600.02  City Council  
600.03  Zoning Administrator  
600.04  Project Review Committee  
600.05  Parcel Map Committee  

600.01  Purpose  
This chapter identifies the bodies, officials, and administrators, with designated responsibilities under various parts and chapters of this Ordinance. Subsequent chapters of this series provide detailed information regarding various procedures, applications, and permits including zoning, and General Plan text and map amendments, fees, and enforcement. When carrying out their assigned duties and responsibilities, all bodies, administrators, and officials shall interpret and apply the provisions of this Ordinance as minimum requirements adopted to implement the policies and achieve the objectives of the General Plan.

600.02  City Council  
The City Council has the following powers and duties under this Ordinance:

(a)  Initiate, consider and adopt, reject or modify amendments to the General Plan pursuant to the provisions of Chapter 612, Amendments to General Plan and the State Government Code;
(b)  Initiate, consider and adopt, reject or modify amendments to the text of this Ordinance pursuant to the provisions of Chapter 613, Amendments to Zoning Map and Text and the State Government Code;
(c)  Approve, conditionally approve, modify or deny Conditional Use Permits and Variances pursuant to the provisions of Chapter 605, Conditional Use Permits and Variances;
(d)  Approve, conditionally approve, or deny major subdivisions pursuant to the provisions of Chapter 401, Major Subdivisions;
(e)  Hear and decide appeals from decisions of the Zoning Administrator on Temporary Use Permits, minor modifications of approved Conditional Use Permits,
Development Plan Review, administrative approvals, environmental review, and any other permits that can be appealed pursuant to the provisions of Chapter 610, Appeals and other applicable requirements;

(f) Hear and decide appeals from decisions of the Parcel Map Committee on minor subdivisions pursuant to the provisions of Chapter 610, Appeals and other applicable requirements;

(g) Enter into development agreements with property owners pursuant to the provisions of Chapter 611, Development Agreements and the State Government Code;

(h) Establish, by resolution, a schedule of fees and deposits for the various applications and services provided pursuant to this Ordinance;

(i) Initiate proceedings to revoke Use Permits pursuant to the provisions of Chapter 614, Enforcement; and

(j) Determine which incentives the City should grant to developers proposing projects that are eligible for such incentives under this Ordinance and the provisions of State law applicable to affordable housing and childcare facilities

600.03 Zoning Administrator

The Zoning Administrator is the Community Development Director or his designated appointee. The Zoning Administrator has the following powers and duties under this Ordinance:

(a) Provide professional recommendations to the City Council, other appointed officials and City management on matters related to the planning and development of the community;

(b) Administer the provisions of the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA);

(c) Approve, conditionally approve, modify, or deny development plan review applications for multiple-family projects of twenty-five (25) or more units, public and semi-public and commercial projects of ten thousand (10,000) square feet or more, industrial projects of one hundred thousand (100,000) square feet or more, mixed-use projects, and any project within the D district pursuant to the provisions of Chapter 603, Development Plan Review;

(d) Hear and decide applications for Temporary Use Permits, minor modifications of approved Conditional Use Permits, and administrative approvals subject to appeal to the City Council;

(e) Hear and decide applications for adjustments pursuant to provisions of Chapter 608, Adjustments;

(f) Make determinations of zoning conformance pursuant to Chapter 602, Zoning Conformance Review;
(g) Make environmental determinations on any approvals it grants that are subject to environmental review under the California Environmental Quality Act and the procedures in Chapter 609, Environmental Review;

(h) Negotiate the components and provisions of development agreements for recommendation to the City Council;

(i) Issue administrative regulations for the submission and review of applications; and

(j) Administratively approve or deny a use or occupancy where authority to do so is provided for in this Ordinance.

600.04 Project Review Committee

The Project Review Committee is the Zoning Administrator, City Engineer and Fire Chief or their designees. The Project Review Committee shall review development proposals for the following projects through the Pre-Application Review Process:

(a) All new commercial or industrial structures and additions of five hundred (500) square feet or more;

(b) Multiple-family developments of four (4) or more units or consisting of two (2) or more structures;

(c) A change in occupancy or use that results in an intensification of use or where the new occupant is in a different use classification than the former occupant; and

(d) Any project that requires a discretionary approval, including but not limited to, Conditional Use Permits, Variances, zoning change, general plan amendment, subdivision, and annexation.

600.05 Parcel Map Committee

The Parcel Map Committee shall review and approve, conditionally approve or disapprove subdivision maps for Minor Subdivisions. The Parcel Map Committee shall also make environmental determinations on any approvals it grants that are subject to environmental review under the California Environmental Quality Act and the procedures in Chapter 609, Environmental Review. Said Parcel Map Committee shall include the Zoning Administrator, City Engineer and Fire Chief or their designees. The Zoning Administrator shall serve as committee chairman.
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Chapter 601  Common Procedures

Sections:

601.01  Purpose
601.02  Application Forms and Fees
601.03  Mandatory Pre-application Review
601.04  Review of Applications
601.05  Public Notification
601.06  Conduct of Public Hearings
601.07  Notice of Action and Findings Required
601.08  Scope of Approvals
601.09  Effective Dates
601.10  Expiration and Extension
601.11  Modification of Approvals; Changed Plans
601.12  Revocation of Approvals
601.13  Appeals

601.01  Purpose
This chapter establishes procedures that are common to the application and processing of all permits and approvals provided for in this Ordinance unless superseded by specific requirement of this Ordinance or State law.

601.02  Application Forms and Fees

(a)  Applicants. The following persons may file applications:

(1)  The owner of the subject property; and
(2)  An agent representing the owner, duly authorized to do so in writing by the owner, including a person with a duly executed written contract or exclusive option to purchase the subject property or a lessee in possession of the subject property.

(b)  Application Forms and Supporting Materials.

(1)  Application Forms. The Zoning Administrator shall prepare and issue application forms and lists that specify the information that will be required from applicants for projects subject to the provisions of this Ordinance, as required by the California Permit Streamlining Act.

(2)  Supporting Materials. The Zoning Administrator may require the submission of supporting materials as part of the application, including but not limited to, statements, photographs, plans, drawings, renderings, models, material samples and other items necessary to describe existing conditions and the proposed project. The Zoning Administrator may require sufficient information to permit the City to determine the level of environmental review that shall be required pursuant to the California Environmental Quality Act and the City’s adopted environmental review guidelines. Unless
otherwise specified, all renderings shall depict the proposed structure, landscaping, other improvements, and surrounding land uses as they would appear one (1) month after project completion.

(3) **Availability of Materials.** All material submitted becomes the property of the City, may be distributed to the public, and shall be made available for public inspection. At any time upon reasonable request, and during normal business hours, any person may examine an application and materials submitted in support of or in opposition to an application in the Community Development Department. Unless barred by law, copies of such materials shall be made available at a reasonable cost to be established annually through City Council resolution.

(c) **Payment, Waiver and Refund of Application Fees.**

(1) **Schedule of Fees.** The Council shall establish fees for permits, informational materials, copying, and other such items by resolution. Applications for Permits shall be accompanied by the required fees. Payment of the fee is required in order for an application to be complete under the Permit Streamlining Act. No application shall be processed without payment of a fee unless a fee waiver or deferral has been approved subject to any applicable provision of the Municipal Code.

(2) **Fee Waiver.** No fee shall be required when the applicant is the City, or if it is waived under any other provision of the Municipal Code.

(3) **Refund of Fees.** If an application is withdrawn prior to a decision, the applicant may be eligible for a refund of a portion of the fee. The amount of the refund shall be determined by the Zoning Administrator based on the level of staff review conducted to date. No refund shall be made for any application that has been denied.

**601.03 Mandatory Pre-Application Review**

Pre-application review is a process that is intended to provide information on relevant General or Specific Plan policies, zoning and subdivision regulations, and procedures related to projects pursuant to this Ordinance.

(a) **Projects Requiring Pre-Application Review.** Pre-application review is required for the following projects:

(1) All new commercial or industrial structures and additions of five hundred (500) square feet or more;

(2) Multiple-family developments of four (4) or more units or consisting of two (2) or more structures;

(3) A change in occupancy or use that results in an intensification of use or where the new occupant is in a different use classification than the former occupant; and
(4) Any project that requires a discretionary approval, including but not limited to, Conditional Use Permits, Variances, planned developments, zoning changes, general plan amendments, subdivisions, and annexations.

(b) **Payment of Fee.** No application will be accepted for pre-application review without payment of a fee established by resolution of the City Council and submission of materials that the Zoning Administrator has determined necessary to conduct such review.

(c) **Submittal Requirements.** The applicant shall submit to the Zoning Administrator nine (9) copies, or as may be determined necessary at the time of submittal, of a preliminary map, site plan drawn to scale and dimensioned, and other materials to indicate the essential characteristics of the project. For subdivisions, the preliminary map shall be of the same size and scale as that required by Chapter 401, Major and Minor Subdivisions, for tentative maps, and shall contain the following minimum information:

1. Key map showing adjacent property, subdivisions and roads or streets, proposed street in the subdivision, and other development that would affect the subdivision.
2. Name and address of the owner of record, subdivider and engineer or surveyor.
3. Date, north point and scale showing the general topography contours and features.
4. Location and widths of proposed and existing street rights-of-way.
5. Location, average size, and number of lots.
6. Acreage of proposed subdivision.
7. The intended land use and information on utilities, sanitary sewers, drainage, water and other improvements.

(d) **Review.** The Zoning Administrator will then, within twelve (12) days, schedule a meeting of the Project Review Committee with the applicant on the proposed project. The Project Review Committee will make such general recommendations to the applicant as shall seem proper regarding such proposed project and shall recommend consultations by the applicant with such other public or private agencies as it shall designate.

(e) **Summary of Recommendations.** The Project Review Committee shall furnish written copies of its recommendations to the applicant.

(f) **Permit Streamlining Act.** An application that is accepted for pre-application review shall not be considered complete pursuant to the requirements of the California Permit Streamlining Act unless it has been reviewed and determined to be complete in compliance with the requirements of Section 601.02, Application Forms and Fees.
601.04 Review of Applications

The Zoning Administrator shall determine whether an application is complete within thirty (30) days of the date the application is filed with the required fee.

(a) Incomplete Application. If an application is incomplete, the Zoning Administrator shall provide written notification to the applicant listing the applications for permit(s), forms, information and any additional fees that are necessary to complete the application.

(b) Complete Application. When an application is determined to be complete the Zoning Administrator shall make a record of that date. If an application requires a public hearing, the Zoning Administrator shall schedule it and notify the applicant of the date and time.

(c) Concurrent Processing.

(1) Adjustment. If an adjustment pursuant to Chapter 608, Adjustments, is being submitted in conjunction with an application for another approval, permit, or entitlement under this Ordinance, they shall be heard and acted upon at the same time and in the same manner as that application.

(2) Development Plan Review. No separate notice or public hearing is required to conduct development plan review of a project that requires a Use Permit, Variance, tentative map or other discretionary approval subject to a public hearing by the City Council.

(d) Extensions. The Zoning Administrator may, upon written request and to provide reasonable accommodation, grant extensions of any time limit for review of applications imposed by this Ordinance in compliance with applicable provisions of State law.

601.05 Public Notification

Whenever the provisions of this Series require public notice, notification shall be provided in compliance with the requirements of State law and as follows.

(a) Mailed Notice. At least ten (10) days before the date of the public hearing or the date of action when no public hearing is required, the Zoning Administrator, or the City Clerk for hearings before the City Council, shall provide notice by First Class mail delivery to:

(1) The applicant, the owner, and any occupant of the subject property;
(2) All property owners of record within a three hundred (300) foot radius of the subject property as shown on the latest available assessment role;
(3) All neighborhood and community organizations that have previously filed a written request for notice of projects in the area where the site is located; and
(4) Any person or group who has filed a written request for notice regarding the specific application.
(b) **Newspaper Notice.** At least ten (10) days before the date of the public hearing or the date of action when no public hearing is required, the Zoning Administrator or the City Clerk for hearings before the City Council shall provide notice by at least one (1) publication in a newspaper of general circulation published in the City.

(c) **Alternate Method for Large Mailings.** If the number of owners to whom notice would be mailed or delivered is greater than one thousand (1,000), instead of mailed notice, the Zoning Administrator or City Clerk may provide notice by placing a display advertisement of at least one-eighth (1/8) page in at least one (1) newspaper of general circulation at least ten (10) days prior to the hearing.

(d) **Contents of Notice.** The notice shall include the following information:

1. A general description of the proposed project or action and the location of the real property, if any, that is the subject of the application;
2. The date, time, location, and purpose of the public hearing or the date of action when no public hearing is required;
3. The identity of the hearing body or officer;
4. The names of the applicant and the owner of the property that is the subject of the application;
5. The location and times at which the complete application and project file may be viewed by the public;
6. A statement that any interested person or authorized agent may appear and be heard; and
7. A statement describing how to submit written comments.

(e) **Failure to Notify Individual Properties.** The validity of the proceedings shall not be affected by the failure of any property owner, resident or neighborhood or community organization to receive such mailed notice.

**601.06 Conduct of Public Hearings**

A public hearing held pursuant to this Ordinance shall comply with the following procedures:

(a) **Public Hearing Testimony.** Any person may appear at a public hearing and submit oral or written evidence, either individually or as a representative of a person or an organization. Each person who appears at a public hearing shall be identified, state an address and, if appearing on behalf of a person or organization, state the name and mailing address of the person or organization being represented. The presiding officer may establish time limits for individual testimony and may require that individuals with shared concerns select one (1) or more spokespersons to present testimony on behalf of those individuals.

(b) **Continuance of Public Hearing.** The body conducting the public hearing may by motion continue the public hearing to a fixed date, time and place or may continue the item to an undetermined date and provide notice of the continued hearing.
(c) **Investigations.** The body conducting the hearing may cause such investigations to be made as it deems necessary and in the public interest in any matter to be heard by it. Such investigation may be made by a committee of one (1) or more members of the Council or by members of its staff or its agents or employees. The facts established by such investigation shall be submitted to the Council either in writing, to be filed with the records of the matter, or in testimony before the Council, and may be considered by the Council in making its decision.

(d) **Record of Hearing.** The body conducting the hearing shall cause a written summary of all pertinent testimony heard at such public hearing, together with a record of the names and addresses of all persons testifying, to be prepared and filed with the papers relating to such matter.

**601.07 Notice of Action and Findings Required**

When making a decision to approve, approve with conditions, modify, revoke or deny any discretionary permit under this Ordinance, the responsible body shall issue a notice of action and make findings of fact as required by this Ordinance.

(a) **Date of Action.** The responsible body shall decide to approve, modify, revoke, or deny any discretionary permit following the close of the public hearing, or if no public hearing is required, within the time period required by this Ordinance. The date of action shall be the date of the hearing.

(b) **Notice of Action.** After the Zoning Administrator takes any action to approve, modify, or deny an application that is subject to appeal under the terms of this Ordinance, the Zoning Administrator shall issue a Notice of Action. The Notice shall describe the action taken, including any applicable conditions, and shall list the findings that were the basis for the decision. The Zoning Administrator shall mail the Notice, within seven (7) calendar days from the date of taking the action, to the Applicant at the mailing address stated in the application and to any other person or entity who has filed a written request of such notification with the Community Development Department.

(c) **Findings.** Findings, when required by State law or this Ordinance, shall be based upon consideration of the application, plans, testimony, reports, and other materials that constitute the administrative record and shall be stated in writing in the resolution by the decision-making authority. The findings shall be set forth in the Notice of Action that the City issues following an appealable decision by the Zoning Administrator and in the resolution the City Council adopts following action.

**601.08 Scope of Approvals**

(a) **Scope.** Any approval permits only those uses and activities actually proposed in the application, and excludes other uses and activities. The approved use and/or construction is subject to, and shall comply with, all applicable city ordinances and laws and regulations of other governmental agencies. Unless otherwise specified
therein, any approval terminates all other uses at the location subject to the approval.

(b) **Conditions of Approval.** Unless otherwise specified or required by the Zoning Administrator or City Council, the site plan, floor plans, building elevations and/or any additional information or representations, whether oral or written, indicating the proposed structure or manner of operation submitted with an application or submitted during the approval process shall be deemed conditions of approval. Any approval may be subject to requirements that the permittee guarantees, warranties or insure that he will comply with permit's plans and conditions in all respects.

(c) **Actions Voiding Approval.** If the construction of a building or structure or the use established is contrary to the description or illustration in the application, so as to either violate any provision of the Ordinance or require additional permits, then the approval shall be deemed null and void.

(d) **Periodic Review.** All approvals may be subject to periodic review to determine compliance with the permit and applicable conditions. If a condition specifies that activities or uses allowed under the Conditional Use Permit are subject to periodic reporting, monitoring or assessments, it shall be the responsibility of the permit holder, the property owner or successor property owners to comply with such conditions.

**601.09 Effective Dates**

A final decision on an application for any discretionary approval subject to appeal (e.g., a Use Permit, Variance or Development Plan approval) shall become effective after the expiration of the ten (10) day appeal period following the date of action, unless an appeal is filed. No building permit or business license shall be issued until the eleventh (11th) day following the date of the action. If a different termination date is fixed at the time of granting, or if actual construction or alteration has begun under valid building permits, such ten (10) day period may be waived.

**601.10 Expiration and Extension**

(a) **Expiration.** The City Council, in the granting of any permit, or the Zoning Administrator, in the granting of any Development Plan approval or permit modification or adjustment, may specify the time within which the proposed use must be undertaken and actively and continuously pursued. The City Council or Zoning Administrator may impose upon the permit a term of such period of time as is found to be consistent with the purposes of the use and necessary to safeguard the public safety, health and welfare. If no time period is otherwise specified, any permit granted under this Ordinance may be declared lapsed and of no further force and effect if it is not exercised or extended within two (2) years of its issuance.

(1) A permit for the use of a building or a property is exercised when, if required, a valid City business license has been issued, and the permitted use has commenced on the property.
(2) A permit for the construction of a building or structure is exercised when a valid City building permit, if required, is issued, and construction has lawfully commenced.

(b) **Extensions.** The Zoning Administrator may approve a one (1) year extension of any permit or approval granted under this Ordinance upon receipt of a written application with the required fee within one (1) year of the date of the approval. All other extensions shall require approval by the City Council.

(c) **Appeals.** Permits may be declared lapsed by the Zoning Administrator upon 15 days written notice to the permit holder. The Zoning Administrator’s determination that a permit has lapsed may be appealed to the City Council in the same manner as any action by the Zoning Administrator.

**601.11 Modification of Approvals; Changed Plans**

(a) **Modifications of Approvals.** The Zoning Administrator may approve minor modifications to approved plans that are consistent with the original findings and conditions approved by the City Council and would not intensify any potentially detrimental effects of the project.

(b) **Changed Plan.** A request for changes in conditions of approval of a discretionary permit or a change in an approved site plan or building plan that would affect a condition of approval shall be treated as a new application, except that such changes determined to be minor, in the opinion of the Zoning Administrator, may be approved by the Administrator.

**601.12 Revocation of Approvals**

Any permit granted under this chapter may be revoked if any of the conditions or terms of such permit are violated or if any law or ordinance is violated in connection therewith. Notwithstanding this provision, no lawful residential use can lapse regardless of the length of time of the vacancy.

(a) **Initiation of Proceeding.** The City Council, by its own action, or following a recommendation from the Zoning Administrator, may initiate revocation proceedings.

(b) **Public Notice.** The City Clerk shall give notice of the hearing before the City Council pursuant to the requirements of Section 601.05, Public Notification.

(c) **Public Hearing.** The public hearing regarding the revocation of a Use Permit or Variance shall be conducted in the same manner as for Conditional Use Permits pursuant to Chapter 605, Conditional Use Permits.

(d) **Decision of the City Council.** The City Council may revoke the permit if it makes any of the following findings:

(1) That approval was obtained by means of fraud or misrepresentation of a material fact;
(2) That the use in question has ceased to exist or has been suspended for one (1) year or more;

(3) That there is or has been a violation of or failure to observe the terms or conditions of the permit or Variance, or the use has been conducted in violation of the provisions of this Ordinance, law or regulation; or

(4) That the use to which the permit or Variance applies has been conducted in a manner detrimental to the public safety, health and welfare, or so as to be a nuisance.

601.13 Appeals

All final decisions of the Zoning Administrator may be appealed to the City Council pursuant to Chapter 610, Appeals.
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Chapter 602 Zoning Conformance Review

Sections:

602.01 Purpose
602.02 Applicability
602.03 Procedures
602.04 Request for Other Zoning Administrator’s Determinations

602.01 Purpose
This chapter establishes procedures for conducting zoning conformance review to ensure that each new or expanded use or structure complies with the applicable requirements of this Ordinance. Having made such determination, the Zoning Administrator shall establish a record of the zoning conformance approval that document the initial establishment of a use, or the construction of a structure, which is allowed as a matter of right.

602.02 Applicability
Zoning conformance approval is required for buildings, structures, or signs erected, constructed, altered, repaired or moved, the use of vacant land, changes in the character of the use of land or building, or for substantial expansions in the use of land or building, which are allowed as a matter of right by this Ordinance.

602.03 Procedures
Prior to obtaining any business license, building permit, subdivision approval, or lot line adjustment, the applicant shall request the Zoning Administrator to determine whether the use, building, or change in lot configuration complies with all provisions of this Ordinance or any Conditional Use Permit or Variance approval issued pursuant to the Ordinance’s requirements and that all conditions of such permits and approvals have been satisfied. The following requirements apply to such determinations:

(a) Application. Applications and fees for zoning conformance review shall be submitted in accordance with the provisions set forth in Section 601.02, Application Forms and Fees. The Zoning Administrator may request that the application be accompanied by plans and related materials necessary to show that the proposed development, alteration, or use of the property complies with all provisions of this Ordinance and the requirements and conditions of any applicable Conditional Use Permit or Variance approval.

(b) Determination. The Zoning Administrator shall determine whether the Development Ordinance allows the proposed uses or structures by right. A Zoning Certificate shall be issued if the Zoning Administrator determines that the proposed use or building is allowed as a matter of right by the Development Ordinance, and conforms to all the applicable development and use standards. An approved Zoning Certificate may include attachments of other written or graphic information, including but not limited to, statements, numeric data, site plans, floor plans and
building elevations and sections, as a record of the proposal's conformity with the applicable regulations of this chapter.

(c) **Exceptions.** No Zoning Certificate shall be required for the continuation of previously approved or permitted uses and structures, uses and structures that are not subject to any building or zoning regulations, or other uses or buildings already subject to Conditional Use Permits, Variances, or other discretionary approvals in the district in which they are located.

**602.04 Request for Other Zoning Administrator’s Determinations**

Requests for interpretations of this Ordinance, verifications of zoning regulations, or verifications related to previous permits shall be made in writing to the Zoning Administrator. Requests shall be accompanied by payment of fees established in the City’s adopted fee schedule. The Zoning Administrator shall provide a Zoning Administrator determination in writing within thirty (30) days of a complete submittal.
Chapter 603  Development Plan Review

Sections:
603.01  Purpose
603.02  Applicability
603.03  Scope
603.04  Procedures and Responsibilities
603.05  Findings, Criteria, and Conditions

603.01  Purpose
This chapter establishes objectives, standards, and procedures for conducting development plan review. The purpose of development plan review is to ensure that new development is carried out in accord with the goals and objectives of the General Plan and any adopted guidelines. These regulations shall be carried out in a manner that encourages creative and appropriate solutions while avoiding unnecessary delays in project approval. Projects subject to development plan review are generally non-controversial but still require special consideration to ensure that they can be designed, located, and operated in a manner that will not interfere with the use and enjoyment of surrounding properties.

603.02  Applicability
Development plan review is required for proposed projects based on specified criteria (e.g. number of residential units, square feet of building space, or location) as identified in Table 603.02. When development plan review is required by this chapter and a Conditional Use Permit is also required, then the Conditional Use Permit process established in Chapter 605, Conditional Use Permits, shall be used in lieu of the development plan review process. Projects that do not meet the threshold for development plan review only require zoning conformance review pursuant to Chapter 602, Zoning Conformance Review, before a building permit is issued.

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Zoning Conformance Review</th>
<th>Development Plan Review</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multiple-Family</td>
<td>Less than 25 units</td>
<td>25 units or more</td>
</tr>
<tr>
<td>Public and Semi-Public</td>
<td>Less than 10,000 square feet</td>
<td>10,000 square feet or more</td>
</tr>
<tr>
<td>Commercial</td>
<td>Less than 10,000 square feet</td>
<td>10,000 square feet or more</td>
</tr>
<tr>
<td>Industrial</td>
<td>Less than 100,000 square feet</td>
<td>100,000 square feet or more</td>
</tr>
<tr>
<td>Mixed-Use Projects (projects with two or more freestanding uses)</td>
<td></td>
<td>All projects</td>
</tr>
<tr>
<td>Any Use within a Downtown District</td>
<td></td>
<td>All projects</td>
</tr>
</tbody>
</table>
603.03 Scope
The Zoning Administrator shall approve, conditionally approve, deny, or make recommendations on applications for development plan review based on consideration of the requirements of this chapter as they apply to the design of the development, structures, landscaping, and other physical features of an application including:

(a) Building proportions and massing;
(b) Exterior colors and materials as they relate to overall appearance, one another, and surrounding development;
(c) Site design, orientation and location of buildings, relative to existing structures on or adjacent to the property, typography, and other physical features of the natural and built environment;
(d) Size, location, and arrangement of on-site parking and paved areas;
(e) Height, location, materials, colors, and variety of fences, walls, and screen plantings;
(f) Location and type of landscaping including selection and size of plant materials, design of hardscape, and irrigation; and
(g) The size, location, design, color, number, lighting, and materials of all signs.

603.04 Procedures and Responsibilities
(a) Application Requirements. Applications for development plan review shall be filed with the Community Development Department in accordance with the application procedures in Chapter 601, Common Procedures.
(b) Public Notice. All applications for development plan review require public notice pursuant to Chapter 601, Common Procedures.
(c) Review Procedures.
   (1) Completeness Review. The Zoning Administrator shall review all applications within thirty (30) days to determine if they are complete as provided for in Chapter 601, Common Procedures. No application for development plan review shall be deemed complete until the applicant has applied for any Use Permit, Variance, or other zoning or subdivision approval required pursuant to this Ordinance.
   (2) Compliance Review. After determining that an application for development plan review is complete, the Zoning Administrator shall review the application for compliance with the applicable development plan review requirements.
(3) **Public hearing.**

a. The Zoning Administrator may conduct a public hearing for any development plan review application. The Zoning Administrator shall notify the applicant that a hearing will be required within thirty (30) days of the date the application is received.

b. The Zoning Administrator shall conduct a public hearing on a development plan review application when a hearing is requested by the applicant or other interested person(s). This request shall be made in writing to the Zoning Administrator no later than seven (7) days after the date of the public notice provided in compliance with Subsection (b) above.

(4) **Concurrent Processing.** No separate notice or public hearing is required to conduct development plan review of a project that requires a Use Permit, Variance, tentative map or other discretionary approval subject to a public hearing by the City Council.

603.05 **Findings, Criteria, and Conditions**

(a) **Findings for Approval.** The Zoning Administrator may only approve a development plan review application if it finds that the application is consistent with the purposes of this chapter:

1. The applicable standards and requirements of the Municipal Code;
2. The policies of the General Plan; and
3. The development plan review criteria set forth in the following subsection.

(b) **Review Criteria.** When conducting development plan review, the Zoning Administrator shall be guided by whether the project satisfies the following criteria.

1. The overall design of the project including its scale, massing, site plan, exterior design, and landscaping will enhance the appearance and features of the project site and surrounding natural and built environment.
2. The project site plan is appropriate to the function of the project and will provide an attractive and comfortable environment for occupants, visitors, and the general community.
3. Project details, colors, materials, and landscaping, are internally consistent, fully integrated with one another, and used in a manner that is visually consistent with the proposed architectural design.
4. The project is compatible with neighboring development by avoiding big differences in building scale and character between developments on adjoining lots in the same zoning district and providing a harmonious transition in scale and character between different districts.
5. The project contributes to the creation of an attractive and visually interesting built environment that includes a variety of building styles and designs with well-articulated structures that present varied building facades,
rooflines, and building heights within a unifying context that encourages increased pedestrian activity and promotes compatibility among neighboring land uses within the same or different districts.

(6) The streetscapes, including street trees, lighting, and pedestrian furniture, is consistent with the character of activity centers, commercial districts and nearby residential neighborhoods.

(7) Street frontages are attractive and interesting for pedestrians and provide for greater safety by allowing for surveillance of the street by people inside buildings and elsewhere.

(8) The proposed landscaping plan is suitable for the type of project and site conditions and will improve the appearance of the community by enhancing the building and site design; and the landscape plan incorporates plant materials that are drought-tolerant, will minimize water usage, and are compatible with Porterville’s climate.

(9) The project has been designed to be energy efficient including, but not limited to, building siting, and landscape design.

c) **Conditions of Approval.** In granting development plan review approval, the Zoning Administrator may impose conditions reasonably related to the application and deemed necessary to achieve the purposes of this chapter or mitigating potentially significant impacts identified as a result of environmental review.

d) **Final Development Plan and Building Permit Review.** No building or grading permit or business license shall be issued for any project for which development plan review is required until the applicant submits and the City approves a final development plan and building permit plans showing any changes required as a condition of development plan review approval.
Chapter 604  Hillside Development Permit

Sections:

604.01  Purpose
604.02  Applicability
604.03  Decision-Making Authority
604.04  Procedures
604.05  Appeals, Expiration and Extensions

604.01  Purpose

This chapter describes the process and general requirements applicable to those uses for which a Hillside Development Permit or an Administrative Hillside Development Permit is required by this Ordinance. These uses require special consideration to ensure that they can be designed, located, and operated in a manner that will not interfere with the use and enjoyment of surrounding properties. The process for review of Hillside Development Permit and Administrative Hillside Development Permit applications is designed to evaluate possible adverse impacts and to minimize them where possible through the imposition of specific conditions or requirements. Approval of a Hillside Development Permit or an Administrative Hillside Development Permit requires careful review of the location, design, configuration, and special impacts of a proposed use to determine, against standards and criteria, the desirability of permitting its establishment on a particular site.

(a)  **Hillside Development Permits.** No person shall grade, erect, or construct into, over or on top of property within the HZ Overlay District without first obtaining a Hillside Development Permit, except as otherwise provided for in this chapter.

(b)  **Administrative Hillside Development Permits.** If no other development permits are required by this Ordinance or other provisions of the Municipal Code, then the property owner or duly authorized agent may submit an application for an Administrative Hillside Development Permit.

604.02  Applicability

This chapter is applicable to uses or developments on properties within the incorporated boundaries of the City of Porterville, as well as those properties within the City’s official Sphere of Influence, as may be amended from time to time, that are designated Hillside Development Zone on the General Plan Land Use Diagram, except the activities listed below:

(a)  Construction that does not require a grading permit or a building permit.

(b)  The construction and installation (trenching, utility construction, and backfilling) of underground utility systems.

(c)  The re-grading of existing yard areas for landscaping installation provided such re-graded yard area does not exceed twenty-five hundred (2,500) square feet in area.
(d) Swimming pools, spas, ponds, and associated hardscape and landscape improvements that do not involve the construction of any retaining walls over three (3) feet in height, subject to the issuance of a grading permit and required building permits.

(e) Additions to existing structures and/or construction of accessory structures located entirely on the existing pad area and are less than five hundred (500) square feet in area, unless a grading permit for establishment of same is required.

(f) Any project that has received final approval for construction prior to the effective date of this Ordinance, provided that such permit or approval has not expired or is not otherwise revoked.

604.03 Decision-Making Authority

(a) Hillside Development Permit. The City Council shall consider and render a decision on any application for a Hillside Development Permit.

(b) Administrative Hillside Development Permit. The Zoning Administrator shall consider and render a decision on any application for an Administrative Hillside Development Permit.

(c) Referral of Application to City Council. The Zoning Administrator or designee may, at his or her discretion, refer an application for an Administrative Hillside Development Permit to the City Council for a decision rather than acting on it himself or herself. In this case, the application shall be processed as a Hillside Development Permit.

604.04 Procedures

(a) Filing. Written applications for Hillside Development Permits or Administrative Hillside Development Permits shall be filed with the Community Development Department in accordance with the application procedures in Chapter 601, Common Procedures.

(b) Review Procedures.

(1) The Zoning Administrator shall review all applications within thirty (30) days to determine if they are complete as provided for in Chapter 601, Common Procedures. No application shall be deemed complete until the applicant has applied for any Use Permit, Variance, or other zoning or subdivision approval required pursuant to this Ordinance.

(2) After determining that an application is complete, the Zoning Administrator shall review the application for compliance with the applicable HZ Overlay District requirements.

(3) After determining that an application is complete, if it is not exempt from environmental review, the Zoning Administrator shall conduct the hillside development review process concurrently with the required environmental review. When a project requiring review by the City Council is subject to
environmental review, the Zoning Administrator shall submit the proposed Negative Declaration or Environmental Impact Report to the City Council for review and action pursuant to CEQA requirements before the City Council takes action on the hillside development application.

(4) **Hillside Development Permit.**
   a. The Zoning Administrator shall prepare a report and recommendation.
   b. If an application is exempt from environmental review and does not otherwise require a hearing by the City Council, the City Clerk shall schedule a public hearing before the City Council within thirty (30) days of the date the application is deemed complete.
   c. No separate notice or public hearing is required for a Hillside Development Permit for a project that requires a Conditional Use Permit, Variance, tentative map or other discretionary approval subject to a public hearing by the City Council.

(5) **Administrative Hillside Development Permit.**
   a. The Zoning Administrator may conduct a public hearing for any application that may be approved by the Zoning Administrator. The Zoning Administrator shall notify the applicant that a hearing will be required within thirty (30) days of the date the application is received.

604.05 **Appeals, Expiration and Extensions**

(a) **Appeals.**
   (1) Administrative Hillside Development Permits. The decision by the Zoning Administrator are subject to the appeal provisions of Chapter 610, Appeals.
   (2) Hillside Development Permits. The decision of the City Council shall be final.

(b) **Expiration and Extension.** Hillside Development Permit and Administrative Hillside Development approvals are effective and may only be extended or modified as provided for in Chapter 601, Common Procedures.
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Chapter 605    Conditional Use Permits

Sections:

605.01  Purpose
605.02  Applicability
605.03  Procedures
605.04  Required Findings
605.05  Conditions of Approval
605.06  Decision; Expiration and Extensions; Modifications

605.01  Purpose

This chapter describes the process and general requirements applicable to those uses for which a Conditional Use Permit is required. These uses require special consideration to ensure that they can be designed, located, and operated in a manner that will not interfere with the use and enjoyment of surrounding properties. The process for review of Conditional Use Permit applications is designed to evaluate possible adverse impacts and to minimize them where possible through the imposition of specific conditions.

605.02  Applicability

Conditional Use Permit approval is required for uses or developments specifically identified in the Series 200, Base Districts, and 500, Overlay Districts, of this Ordinance or any other section of this Ordinance which requires a Conditional Use Permit.

605.03  Procedures

(a)  Application. Written applications for Conditional Use Permits shall be filed with the Zoning Administrator in accordance with Chapter 601, Common Procedures.

(b)  Public Hearing. After determining that an application is complete, the City Clerk shall schedule a public hearing before the City Council. Notice shall be provided in compliance with the requirements in Chapter 601, Common Procedures.

605.04  Required Findings

A Conditional Use Permit shall only be granted if the City Council determines that the project as submitted or as modified conforms to all of the following criteria. If the City Council determines that it is not possible to make all of the required findings, the application shall be denied. The specific basis for denial shall be established for the record.

(a)  Approval of the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable plan that the City has adopted; and

(b)  The location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the district where it is located and conforms in all significant respects with the General Plan and with any other applicable plan adopted by the City Council.
605.05 Conditions of Approval

(a) In approving a Conditional Use Permit, the City Council may impose conditions reasonably related to the application and deemed necessary to:

   (1) Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies that the City has adopted;

   (2) Achieve the general purposes of this Ordinance or the specific purpose of the zoning district in which the project is located;

   (3) Protect the public health, safety, and general welfare;

   (4) Ensure operation and maintenance of the use in a manner compatible with existing and potential uses in the surrounding area;

   (5) Achieve the findings for a Conditional Use Permit listed in Section 605.04 above; or

   (6) Mitigate any potentially significant impacts identified as a result of review conducted in compliance with the requirements of the California Environmental Quality Act.

605.06 Decision; Expiration and Extensions; Modifications

(a) **Decision.** The decision of the Council shall be final. The City Clerk shall cause a copy of its resolution to be mailed to the applicant within ten (10) days from the date of adoption thereof.

(b) **Expiration, Extension, and Modifications.** Conditional Use Permits are effective and may only be extended or modified as provided for in Chapter 601, Common Procedures.
Chapter 606    Temporary Use Permits

Sections:

606.01   Purpose
606.02   Applicability
606.03   Procedures
606.04   Required Findings
606.05   Conditions of Approval

606.01   Purpose
This chapter establishes a process for review and approval of certain uses that are intended to be of limited duration of time and will not permanently alter the character or physical facilities of the site where they occur.

606.02   Applicability
Temporary Use Permit approval is required for temporary uses as described in Section 301.19, Temporary Uses. The Zoning Administrator may refer an application for a Temporary Use Permit to the City Council if the Zoning Administrator finds that the temporary use may have substantial and detrimental impacts to surrounding land that warrant Council review.

606.03   Procedures
(a)   Application. Any person may apply to the Zoning Administrator for approval of a temporary use not less than forty-five (45) days before the use is intended to begin in accordance with the provisions in Chapter 601, Common Procedures.

(b)   Determination. Within ten (10) days of accepting an application for a Temporary Use Permit as complete, the Zoning Administrator shall render a written decision.

606.04   Required Findings
The Zoning Administrator may approve an application for a Temporary Use Permit to allow a temporary use for a period of time, only upon making all of the following findings:

(a)   The proposed use will not unreasonably affect adjacent properties, their owners and occupants, or the surrounding neighborhood, and will not in any other way constitute a nuisance or be detrimental to the health, safety peace, comfort, or general welfare of persons residing or working in the area of such use or to the general welfare of the City;

(b)   The proposed use will not unreasonably interfere with pedestrian or vehicular traffic or circulation in the area surrounding the proposed use, and will not create a demand for additional parking that cannot be safely and efficiently accommodated by existing parking areas; and
(c) Appropriate controls are in place that will ensure the premises will be kept clean, sanitary, and free of litter.

606.05 Conditions of Approval

In approving a Temporary Use Permit, the Zoning Administrator may impose any conditions reasonably related to the application and deemed necessary to achieve the findings for a Temporary Use Permit listed in Section 606.04 above.
Chapter 607    Variances

Sections:
607.01    Purpose
607.02    Procedures
607.03    Required Findings
607.04    Use Variances Prohibited
607.05    Conditions of Approval
607.06    Decision; Expiration and Extensions; Modifications

607.01    Purpose
This chapter is intended to provide a mechanism for relief from the strict application of this Ordinance where strict application will deprive the property owner of privileges enjoyed by similar properties because of the subject property’s unique and special conditions. Variances may be granted with respect to dimensional and performance standards, but Variances from the use regulations of this Ordinance are not allowed.

607.02    Procedures
(a)    Application. Applications for Variances shall be filed in accordance with Chapter 601, Common Procedures. In addition to any other application requirements, the application for a Variance shall include data or other evidence demonstrating that:

(1)    There are special circumstances or conditions applicable to the property such as its size, shape, topography, location, surroundings, or existing structures, which do not apply generally to uses, land or structures in the vicinity and same zoning district;

(2)    Due to the special circumstances applicable to this property, strict application of the respective zoning regulation would deprive the property owner of privileges enjoyed by other property owners in the same zoning district;

(3)    Special circumstances applicable to the property were or are not self-imposed by the property owner; and

(4)    Authorization of the Variance substantially meets the intent and purpose of the zoning district in which the subject property is located and will not be detrimental to the health, safety, and general welfare of persons living or working in the neighborhood or to the general welfare of the City.

(b)    Public Notice and Hearing. All applications for Variances shall require public notice and a hearing before the City Council pursuant to Chapter 601, Common Procedures.

607.03    Required Findings
A Variance shall only be granted if the City Council makes all of the following findings.
(a) There are special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, whereby the strict application of this Ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district;

(b) Such special circumstances were not created by the owner or applicants;

(c) The Variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located; and

(d) The authorization of the Variance will substantially meet the intent and purpose of the zoning district in which the subject property is located and will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or the public welfare in general.

If the City Council denies an application, it shall state the reasons for that determination.

**607.04 Use Variances Prohibited**

The City Council shall not approve any changes in the uses permitted in any zoning classification or zoning district or approve any modification of the requirements of this Ordinance that would have the effect of allowing the establishment of a use not otherwise permitted. This restriction shall not affect the authority otherwise to grant Variances pursuant to this chapter.

**607.05 Conditions of Approval**

In approving a Variance, the City Council may impose reasonable conditions necessary to insure that the Variance shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located including conditions to:

(a) Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies adopted by the City Council;

(b) Achieve the general purposes of this Ordinance or the specific purposes of the zoning district in which the site is located;

(c) Protect the public health, safety, and general welfare;

(d) Ensure operation and maintenance of the use in a manner compatible with existing and potential uses in the surrounding area; or

(e) Mitigate any potentially significant impacts identified as a result of review conducted in compliance with the requirements of the California Environmental Quality Act.
607.06 Decision; Expiration and Extensions; Modifications

(a) Decision. The decision of the Council shall be final. The City Clerk shall cause a copy of its resolution to be mailed to the applicant within ten (10) days from the date of adoption thereof.

(b) Expiration and Extension. Variances are effective and may only be extended or modified as provided for in Chapter 601, Common Procedures.
Chapter 608  Adjustments

Sections:

608.01  Purpose
608.02  Procedures
608.03  Public Notice and Hearing
608.04  Required Findings
608.05  Conditions of Approval

608.01  Purpose
This chapter establishes a process for making and acting upon requests for reasonable accommodation to provide an alternate means of granting relief from this Ordinance’s requirements when so doing would be consistent with the Ordinance’s objectives and it is not possible or practical to approve a Variance. It is the policy of the City to comply with the Federal Fair Housing Act, the Americans with Disabilities Act and the California Fair Employment and Housing Act to provide reasonable accommodation by modifying the application of its zoning and subdivision regulations for persons with disabilities seeking fair access to housing. This chapter authorizes the Zoning Administrator to grant administrative relief from the Ordinance’s dimensional requirements to achieve these and other objectives and also allows the City Council to grant adjustments when necessary to accommodate uses protected by State or federal law.

608.02  Procedures

(a) **Application.** An application for relief shall be filed to the Administrator in accordance with Chapter 601, Common Procedures. The application shall state in writing the nature of the exception requested and explain why the findings necessary to grant the exception are satisfied. The applicant shall also submit plans delineating the requested exception.

(b) **Relief Granted by the Zoning Administrator.** The Zoning Administrator may grant relief from the dimensional requirements specified in this Ordinance to the following extent:

1. **Setbacks.** Front and rear yard setback adjustments not exceeding two (2) feet. Side yard setback adjustments not exceeding one (1) foot.
2. **Building Site Coverage.** Building site coverage adjustments not exceeding five (5) percent.
3. **Height.** Maximum building height or other height limitations not exceeding five (5) feet.

(c) **Referral to City Council.** The Zoning Administrator may refer to the City Council any request for an adjustment necessary to comply with the reasonable accommodation provisions of federal law based on a determination that there is a compelling public interest requiring such an accommodation.
(d) **Concurrent Processing.** If a request for relief is being submitted in conjunction with an application for another approval, permit, or entitlement under this Ordinance, it shall be heard and acted upon at the same time and in the same manner as that application.

**608.03 Public Notice and Hearing**

(a) **Public Notice.** All applications for relief require public notice pursuant to Chapter 601, Common Procedures.

(b) **Public Hearing.** Requests for relief referred to the City Council shall require a public hearing pursuant to Chapter 601, Common Procedures.

**608.04 Required Findings**

(a) **Findings for Approval.** A decision to grant an adjustment shall be based on the following findings, supported by information in the record:

1. The adjustment is necessary due to the physical characteristics of the property and the proposed use or structure or other circumstances, including, but not limited to, topography, noise exposure, irregular property boundaries, or other unusual circumstance;

2. The granting of the requested adjustment would not be detrimental to the health or safety of the public or the occupants of the property or result in a change in land use or density that would be inconsistent with the requirements of this Ordinance; and

3. The granting of the adjustment will substantially meet or advance the intent and purpose of the zoning district in which the subject property is located.

(b) **Additional Finding for Reasonable Accommodations.** If the adjustment requested is to provide reasonable accommodation pursuant to federal or State statute, the responsible decision-maker must find that denial of the requested adjustment would impose a substantial burden on religious exercise or would conflict with any federal or State statute requiring reasonable accommodation of persons with disabilities.

**608.05 Conditions of Approval**

In approving an adjustment from the requirements of this Ordinance, the Zoning Administrator or the City Council may impose reasonable conditions necessary to achieve the purposes of the Ordinance where the request is subject to federal or State statutes requiring reasonable accommodation, the Zoning Administrator or City Council must find that such conditions are necessary to further a compelling public interest and represent the least restrictive means of furthering that interest. Adjustments approved based on federal or State requirements for reasonable accommodation may be conditioned to provide for automatic expiration based on a change of occupancy or other relevant change in circumstance.
Chapter 609  Environmental Review

Sections:

609.01  Purpose and Applicability
609.02  Procedures
609.03  Mitigation Monitoring and Reporting Program
609.04  Preparation of Environmental Documents by Consultants

609.01  Purpose and Applicability

This chapter establishes procedures for conducting environmental review to meet requirements of the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). These provisions are intended to insure that responsible decision-makers and the public are informed about the potentially significant environmental effects of proposed activities and that environmental review is integrated with the discretionary review provisions that this chapter establishes to promote incorporation of environmental considerations into the design, planning, and review of projects. These procedures apply to all projects sponsored or assisted by the City and to all private projects requiring any discretionary approvals from the City. In the event of a conflict between these environmental review regulations and applicable federal or state regulations or guidelines, the applicable federal or state regulations shall prevail.

609.02  Procedures

(a)  Filing of Forms. Concurrent with the submittal of project applications, the applicant shall prepare and file an Environmental Information Form and project plans with the Community Development Department.

(b)  Preliminary Review. Within thirty (30) days after receiving an application, the Zoning Administrator shall conduct a preliminary environmental review. As part of this review, the Zoning Administrator will identify issues to help decide if the applicant proposes a project that is subject to environmental review and may require the applicant to submit additional information needed to support this determination. An application subject to environmental review pursuant to CEQA and the City’s environmental guidelines shall not be considered complete until all studies that may be required are submitted.

(c)  Review for Exemption.

(1)  Determinations of Exemption shall be made within thirty (30) days of the date the application is deemed complete.

(2)  If the Zoning Administrator has determined that a project is exempt from environmental review under CEQA, such determination shall be announced in any required public notice. The notice shall include a citation to the CEQA Guidelines or CEQA section under which it is found to be exempt.
(3) Following approval of a project that is exempt from CEQA review, a Notice of Exemption shall be filed with the County Clerk as provided for in CEQA and the applicable State and City guidelines.

(4) A determination of exemption by any decision-making authority other than the City Council may be appealed to the City Council in the same manner provided in Chapter 610, Appeals.

(d) Initial Study. If the proposed project is subject to CEQA and is not exempt from environmental review, an Initial Study shall be prepared. The Initial Study shall consider all phases of project planning, implementation, and operation and may rely upon expert opinion supported by facts, including documentation submitted by the applicant, technical studies, or other substantial evidence to document its findings regarding the project’s potential impacts. An Initial Study is not required to include the same level of detail as an Environmental Impact Report (EIR).

(1) If the Zoning Administrator determines, after preliminary review, that the project, due to its design, size, nature, or location, will clearly have a significant impact on the environment and requires preparation of an EIR, an Initial Study is not required but may be prepared to assist identification of environmental issues.

(2) An Initial Study shall include:
   a. A brief description of the project, including its specific location;
   b. A brief description of the environmental setting;
   c. A checklist, matrix, or other listing of the project’s environmental effects with discussion and documentation to support the entries;
   d. Discussion of ways to mitigate any potential significant effects;
   e. Information on the project’s consistency with existing zoning, plans, or other applicable regulations;
   f. List of resources cited and consulted.

(3) Project level CEQA documents need not provide additional project-level greenhouse gas emissions analysis or mitigation measures, if the proposed project is consistent with the General Plan.

(e) Determination of Environmental Significance. Based on the Initial Study, the Zoning Administrator will make one (1) of the following findings:

(1) The project will have "No Significant Impacts" on the environment, and a Negative Declaration will be prepared;

(2) The project has been modified to mitigate potential environmental impacts to a level of insignificance and a Mitigated Negative Declaration will be prepared; or

(3) The proposed project will have, or may have, significant impact(s) that will not be mitigated, and an EIR will be required.
(f) **Environmental Determination.** If the Zoning Administrator has determined that that proposed project will not have a significant effect on the environment, a Negative Declaration shall be prepared for public review in conformance with the requirements of CEQA and applicable State and City environmental review guidelines. If the Applicant has agreed to incorporate mitigation measures in order to reduce environmental impacts to a point of insignificance, a Mitigated Negative Declaration shall be prepared for public review. The Zoning Administrator shall provide public notice of the proposed environmental determination at the same time and in the same manner required for the underlying permit in accordance with Chapter 601, Common Procedures.

(g) **Public Notice of Environmental Determination.** The Zoning Administrator shall provide public notice of the proposed environmental determination in a newspaper of general circulation, at City Hall, and with the County Clerk.

(h) **Preparation of a Draft EIR.** If it is determined that an EIR is required, the Zoning Administrator shall prepare, distribute, and post a Notice of Intent to Prepare an EIR in the same manner required for the underlying permit unless otherwise specified in applicable State or Federal requirements. The purpose of this notice is to inform interested parties that an EIR is being prepared, and to seek guidance about significant environmental issues and mitigation measures that should be explored. The applicant or any aggrieved party who believes that a Negative Declaration, rather than an EIR, should be prepared for the proposed project may appeal to the City Council within ten (10) days after the notice has been posted. The City Council's decision shall be final. The City will prepare the draft EIR with its own staff or by contract with a consultant in conformance with the requirements of CEQA and applicable State and City environmental review guidelines. The Applicant shall pay the cost of preparing an EIR and reasonable costs for administering the work of outside consultants in accord with the adopted fee schedule.

(i) **Public Review of Draft EIR.** Following completion of a Draft EIR, the Zoning Administrator shall prepare and post a Notice of Completion initiating a minimum thirty (30) day public review period or forty-five (45) days if the project is subject to review by a State Agency. The Zoning Administrator shall mail a notice of the availability of a Draft EIR to those requesting such notice in writing, to local and regional agencies, and interested federal agencies. The City shall make copies of the Draft EIR available for public review at the Community Development Department during regular office hours and at the Porterville Public Library. The City may impose a charge for copies of the Draft EIR in accordance with the adopted fee schedule.

(j) **Final EIR.** After the public review period has expired, the City or its consultant will prepare a Final EIR for certification by the highest decision-making body responsible for action on the project. The Final EIR will consist of the Draft EIR, all of the comments received, a list of persons, organizations and public agencies commenting on the Draft EIR, and a response from the City on significant environmental issues raised in the draft EIR and comments.
Responsibility for Action on Environmental Document. Any City official or body responsible for taking action on a project for which an Initial Study or EIR has been prepared shall use the environmental assessment to make its decision on the development proposal. If the project is accepted, the decision-making body may impose conditions to mitigate any adverse environmental impacts. The highest decision-making entity responsible for action on an application for a development permit shall approve the Negative Declaration or Mitigated Negative Declaration or certify the Final EIR prior to or at the time the project is considered for approval. The decision-making entity may decline to approve or certify the environmental document and request further review or analysis if, in its independent judgment, approval of the Negative Declaration or Mitigated Negative Declaration or certification of the Final EIR would not comply with the requirements of applicable State and local environmental review requirements. Approval of a Negative Declaration or Mitigated Negative Declaration or certification of a Final EIR shall be deemed to be a finding that the document has been prepared in compliance with CEQA and State and local CEQA guidelines. The decision-making entity shall also certify that the environmental document reflects the independent judgment of the body. Certification of a Final EIR does not imply that the City endorses the proposed project nor that the City will approve the necessary permit applications.

Timing of Environmental Review and Decision-Making. When a development project is subject to environmental review, all decision-making officials and entities shall take final action on all applications for the project that have been submitted and deemed complete in compliance with the time limits mandated by State and federal law.

Mitigation Monitoring and Reporting Program

Program Contents. The City shall approve a Mitigation Monitoring and Reporting Program (MMRP) for all projects that it approves with a Mitigated Negative Declaration or following certification of a Final EIR. The purpose of the MMRP is to ensure compliance with all of the provisions or changes identified as mitigation measures during implementation of the project. The MMRP shall consist of the following:

1. Mitigation Implementation Plan. A plan, submitted by the applicant for City approval, which outlines in detail the manner in which mitigation measures will be implemented during preconstruction, construction and post-construction phases of the project;

2. Compliance Schedule. A schedule, submitted by the applicant to the City, indicating the phase of the project (preconstruction, construction or post-construction) in which mitigation measures will be implemented;

3. Compliance Reports. Reports submitted by the applicant to the City, specifying how and when each mitigation measure was implemented; and

4. Verification Report(s). Report(s) made by the City pursuant to an inspection of the project to determine if the applicant has properly and timely implemented mitigation measures identified in the environmental document.
for the project as set forth in the mitigation implementation plan and compliance schedule.

(b) **Submittal and Approval.** The applicant shall prepare and submit a draft MMRP for review by the Zoning Administrator in a format specified by the City, accompanied by the required fee, at least fifteen (15) days before the conclusion of the public review period for the environmental document. The Zoning Administrator shall review the MMRP for consistency with the approved environmental document and shall identify the City official or agency that will be responsible for ensuring that the mitigation measure is implemented. After approval of the MMRP, the applicant shall pay fees to the City in an amount not exceeding the reasonable cost for monitoring compliance with the MMRP.

(c) **Enforcement.** Failure to comply with the conditions and requirements of an approved MMRP shall be considered a violation of the conditions of approval of a project. Such violations shall be subject to enforcement in accordance with the provisions of Chapter 614, Enforcement.

(d) **Modification of Mitigation Program Not Permitted Following Adoption.** Unless specifically authorized or required by the conditions of project approval, neither CEQA nor this chapter authorize the City to modify or add mitigation measures if the monitoring program shows that the mitigation measures have not achieved the desired result.

609.04   **Preparation of Environmental Documents by Consultants**

If the City Planning Division is unable to prepare an environmental document or technical study for a public or private project, the City shall contract with a qualified consultant for preparation of the appropriate environmental documents including technical studies. The City has undertaken the negotiation of and maintains an on-call environmental consultant for use on City projects with defined funding sources, and for use by private development proponents in the event they desire to streamline the process. In such cases, the City, and consultant shall prepare an agreement for preparation of and to specify the details of the necessary environmental studies and documents. The applicant is responsible for the full cost of the services. The full negotiated cost of service plus ten (10) percent for contingencies shall be placed on deposit with the City prior to authorizing work to begin on the environmental documents. The Zoning Administrator shall be the authority to require payment to the City of a ten (10) percent administrative fee in cases where the cost of administering the contract is likely to exceed the adopted fee for environmental reviews. Where no City funds will be expended on consultant services, the Zoning Administrator shall have the authority to facilitate the consultant selection process, to select the consultant, and to negotiate fees for services. The process for selecting an environmental consultant shall be as follows:

(a) Staff will prepare a Request for Proposals (RFP) soliciting project specific proposals from qualified consultants as represented in a consultant services file and as posted by the purchasing agent;
(b) Staff will evaluate the proposals relative to responsiveness and pursuant to the consultant selection criteria currently used in the City;

(c) Staff may elect to interview the consultant to determine additional qualifications and ability to represent the City’s interest in a public forum;

(d) Staff will prepare a consultant services agreement and the Zoning Administrator will sign following submittal of the necessary funds and contingencies by the project proponent; and

(e) Staff will send the deposit to the finance department and request the establishment of a pass through account and will set up a purchase order for monthly invoice payments.
Chapter 610  Appeals

Sections:

610.01  Purpose
610.02  Rights of Appeal
610.03  Time Limits
610.04  Procedures
610.05  Standards of Review

610.01  Purpose
This chapter establishes uniform procedures for appeals of final decisions by the Zoning Administrator or Parcel Map Committee.

610.02  Rights of Appeal
Appeals may be filed by the applicant, by the owner of property, or by any other person aggrieved by a decision that is subject to appeal under the provisions of this Ordinance.

610.03  Time Limits
Unless otherwise specified in State or federal law, all appeals shall be filed in writing within ten (10) calendar days of the date of the action. In the event an appeal period ends on a Saturday, Sunday, or holiday observed by the City, the appeal period shall end at the close of business on the next consecutive business day.

610.04  Procedures

(a)  Proceedings Stayed by Appeal. The timely filing of an appeal shall stay all proceedings in the matter appealed including, but not limited to, the issuance of City building permits and business licenses.

(b)  Filing an Appeal. All final decisions of the Zoning Administrator or Parcel Map Committee may be appealed to the City Council by filing a written appeal with the Community Development Department accompanied by the required fee. The notice of appeal shall set forth, in concise language, the following:

(1)  Date of appeal;
(2)  Name of appellant and the individual representing appellant;
(3)  Address to which notices shall be sent;
(4)  Telephone number of representative;
(5)  Name of applicant, if different from appellant;
(6)  Action or decision being appealed and the date of such action or decision;
(7)  Address and description of real property involved; and
(8)  Grounds for appeal.
(c) **Transmission of Record.** The City Clerk shall schedule the appeal for consideration by the City Council within 60 days of the date the appeal was filed. The Zoning Administrator shall forward the appeal, the Notice of Action, and all other documents that constitute the record to the City Council. The Zoning Administrator shall also prepare a staff report that responds to the issues raised by the appeal and may include a recommendation for action.

(d) **Public Notice.** In addition to providing notice in the same manner required for the action that was the subject of the appeal, the City Clerk shall provide notice to all persons who spoke on the matter at any prior hearings on the same matter. Notice to such persons shall be mailed only if they provided their names and addresses at the time they spoke at the prior hearing, and if the board, commission, or agency provides the names and addresses to the City Clerk's office.

(e) **City Council Action.** The City Council shall review the appeal, the record, and any written correspondence submitted after the appeal has been filed, and may take one (1) of the following actions:

1. Conduct a public hearing; or
2. Remand the matter to the Zoning Administrator to cure a deficiency in the record or proceedings.

(f) **City Council Decision.** The City Council shall render its decision within thirty (30) days of the date the hearing is closed unless State law requires a shorter deadline. An action to grant an appeal shall require a majority vote of the hearing body members. A tie vote shall have the effect of rejecting the appeal.

(g) **Council Action In-Lieu of Appeal.** The City Council may call up for review and a public hearing any action of the Zoning Administrator within ten (10) days of the date of mailing of the Notice of Action. Such action by the Council shall stay all proceedings in the same manner as the filing of an appeal. Such action shall not require any statement of reasons and shall not represent opposition to or support of an application or appeal.

**610.05 Standards of Review**

When reviewing any decision on appeal, the City Council shall use the same standards and criteria for decision-making required for the original decision. The City Council may adopt the same decision and findings as were originally approved.
Chapter 611 Development Agreements

Sections:

611.01 Purpose
611.02 Objective
611.03 Requirements
611.04 Contents
611.05 Application
611.06 Hearings and Notice
611.07 Report and Findings
611.08 Action of City Council
611.09 Initiation of Amendment or Cancellation
611.10 Recordation
611.11 Review

611.01 Purpose
The purpose of this chapter is to provide a mechanism that assures the applicant of a development project that upon approval, the applicant may proceed with the project in accordance with existing policies, rules and regulations, and conditions that were applicable at the time of project approval, and in a manner consistent with Section 65864 et seq., of the Government Code.

611.02 Objective
The objective of a development agreement is to strengthen the public planning process, encourage private participation in comprehensive planning, reduce the economic costs of development and promote the construction of public improvements by the private sector by providing for provisions in the agreement whereby the applicant is reimbursed over time for the financing of the public improvements.

611.03 Requirements
To enter into a development agreement, the City shall find that:

(a) A person has a legal or equitable interest in real property for the development of such property; and

(b) The development project is consistent with the General Plan and any applicable specific plan.

611.04 Contents
A development agreement shall specify the duration of the agreement, the permitted uses of the property, the density or intensity of use, the maximum height and size of proposed buildings, and provisions for reservation or dedication of land or facilities for public purposes. The development agreement may include conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that such conditions, terms, restrictions, and requirements shall not prevent development of the land for uses and to the
density or intensity of development set forth in the agreement. The agreement may require that construction shall be commenced within a specified time and that the project or any phase thereof be completed within a specified time.

611.05 Application

An application for a development agreement shall be made to the Community Development Department on a form prescribed by the department. The application shall be accompanied by a fee set by resolution of the City Council and will be processed in conjunction with other associated discretionary permits.

611.06 Hearings and Notice

Upon receipt of a development agreement application, the Community Development Department shall initiate and notice the public hearing pursuant to the provisions of Chapter 601, Common Procedures.

611.07 Report and Findings

The Community Development Department shall prepare a report on the development agreement application and provide a recommendation to the City Council based on the following findings:

(a) The project is consistent with the General Plan and any applicable specific plan.
(b) The project is authorized by the Ordinance as it relates to use and development standard regulations.
(c) The project will not be detrimental to the public health, safety and general welfare.
(d) The project will provide sufficient benefit to the city to justify entering into the development agreement.
(e) The project will not have a significant impact on the environment.

611.08 Action of City Council

Following a public hearing, the City Council shall consider staff's recommendation and shall take action on the development agreement. The Council can approve, approve with modifications or deny the development agreement. If the Council approves or approves with modification the development agreement, it shall initiate proceedings to adopt an Ordinance. After the Ordinance takes effect, the city may enter into the agreement with the applicant.

611.09 Initiation of Amendment or Cancellation

Either party may propose an amendment to or cancellation in whole or in part of the development agreement previously entered into. If proposed by the applicant, the procedure shall be the same as the procedure for entering into an agreement. However, where the City Council initiates the proposed amendment to or cancellation of the development agreement,
it shall first give at least thirty days' notice to the applicant of its intention to initiate such proceedings in advance of giving notice of the public hearing.

611.10 Recordation

(a) Within ten (10) days after the City enters into the development agreement, the City shall have the agreement recorded with the County Recorder.

(b) If the parties to the agreement or their successors in interest amend or cancel the agreement, or if the City terminates or modifies the agreement for failure of the applicant to comply in good faith with the terms or conditions of the agreement, the city shall have notice of such action recorded with the County Recorder.

611.11 Review

(a) The Community Development Department shall review the development agreement at least once every twelve months from the date the agreement is entered into. The Community Development Department shall report the findings to the City Council. The time for review may be modified by agreement between the parties.

(b) Should the Zoning Administrator find that the developer is in noncompliance or not performing consistent with the development agreement, the director shall report this finding to the City Council. The City Council may terminate the development agreement consistent with Chapter 611.09, Initiation of Amendment or Cancellation.
Chapter 612 Amendments to General Plan

Sections:

612.01 Purpose
612.02 Applicability
612.03 Initiation of Amendment
612.04 Application Requirements
612.05 Review of Application and Determinations by Zoning Administrator
612.06 Public Hearing Scheduling
612.07 City Council Hearing and Action

612.01 Purpose
This chapter establishes procedures for making changes to the General Plan as provided for in State law when there are compelling reasons to do so as a result of changes in conditions or circumstances unforeseen at the time of adoption or last amendment of the General Plan. These circumstances include, but are not limited to, changes in State or federal law and problems and opportunities that were unanticipated at the time of adoption or last amendment. This amendment process is not intended to relieve particular hardships nor to confer special privileges or rights upon any person, but only to make adjustments necessary in light of changed conditions or changes in public policy.

612.02 Applicability
The procedures of this chapter shall apply to all proposals to change the text of the General Plan and the diagrams that illustrate the application of its provisions.

612.03 Initiation of Amendment
An amendment may be initiated by the City Council by adoption of a resolution of intention or by application of any interested person.

612.04 Application Requirements
(a) Application. A qualified applicant shall submit an application for a General Plan amendment on a form prescribed by the Zoning Administrator accompanied by the required fee. The Zoning Administrator may require an applicant to submit such additional information and supporting data as considered necessary to process the application.

(b) Coordination with Other Applications. The Zoning Administrator may allow any necessary applications for amendments to zoning regulations or for approval of discretionary permits, to be processed simultaneously with the proposed General Plan amendment. However, an application for a General Plan amendment is not considered to be a Development Project and so is not subject to the time limits specified in State Law for processing such applications until the Council approves the General Plan amendment and any necessary amendments to this Ordinance.
612.05 **Review of Application and Determinations by Zoning Administrator**

After determining that an application is complete and environmental review has been conducted, the Zoning Administrator shall prepare a report and recommendation to the City Council on the application for a General Plan amendment.

612.06 **Public Hearing Scheduling**

The City Clerk shall schedule the application for hearing by the City Council in accordance with the Council’s schedule for considering General Plan amendments. Notice shall be provided in accordance with Chapter 601, Common Procedures.

612.07 **City Council Hearing and Action**

(a) **Hearing.** The City Council shall conduct a public hearing in conformance with the provisions of Chapter 601, Common Procedures.

(b) **Action.** After the conclusion of the hearing, the City Council may approve, modify or disapprove the proposed General Plan amendment.

(c) **Public Notification.** Following the Council action, the City Clerk shall make the documents amending the General Plan, including the diagrams and text, available for public inspection.
Chapter 613 Amendments to Zoning Map and Text

Sections:

613.01 Purpose
613.02 Applicability
613.03 Initiation of Amendment
613.04 Application Requirements
613.05 Review of Application and Determinations by Zoning Administrator
613.06 City Council Hearing and Action

613.01 Purpose
This chapter provides procedures by which changes may be made to the text of this Ordinance and to the Zoning Map whenever the public necessity and convenience and the general welfare require such amendment to maintain consistency with the General Plan. The zoning amendment process is not intended to relieve particular hardships nor to confer special privileges or rights upon any person, but only to make adjustments necessary in light of changed conditions or changes in public policy.

613.02 Applicability
The procedures in this chapter shall apply to all proposals to change the text of this Ordinance or to revise a zoning district classification or zoning district boundary line shown on the zoning map.

613.03 Initiation of Amendment
An amendment may be initiated by the City Council by adoption of a resolution of intention or by application of any interested person.

613.04 Application Requirements
(a) Application. A qualified applicant shall submit an application for a zoning amendment on a form prescribed by the Zoning Administrator accompanied by the required fee. The Zoning Administrator may require an applicant to submit such additional information and supporting data as considered necessary to process the application.

(b) Coordination with Other Applications. The Zoning Administrator may allow any necessary applications for amendments to zoning regulations or for approval of discretionary permits, to be processed simultaneously with the proposed zoning amendment. However, an application for a zoning amendment is not considered to be a Development Project and so is not subject to the time limits specified in State Law for processing such applications until the Council approves the zoning amendment.
613.05 **Review of Application and Determinations by Zoning Administrator**

After determining that an application is complete and environmental review has been conducted, the Zoning Administrator shall prepare a report and recommendation to the City Council on the application for a zoning amendment.

613.06 **City Council Hearing and Action**

(a) **Hearing.** The City Council shall conduct a public hearing in conformance with the provisions of Chapter 601, Common Procedures.

(b) **Action.** After the conclusion of the hearing, the City Council may approve, modify or disapprove the proposed zoning amendment.

(c) **Public Notification.** Following the Council action, the City Clerk shall make the documents amending this Ordinance and map, including the diagrams and text, available for public inspection.
Chapter 614   Enforcement

Sections:

614.01  Purpose
614.02  Enforcement Responsibilities
614.03  Nuisance Defined
614.04  Penalties
614.05  Remedies
614.06  Nuisance Abatement
614.07  Recording a Notice and Order

614.01  Purpose
This chapter establishes the responsibilities of various departments, officials and public employees of the City to enforce the requirements of this chapter and sets forth the procedures the City will use to identify, abate, remove, and enjoin those uses, structures, buildings, or properties that are deemed to be in violation of this Ordinance.

614.02  Enforcement Responsibilities
All departments, officials, and public employees of the City, vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this chapter, and shall issue no permit or license for uses, buildings, or purposes in conflict with the provisions of this chapter; and any such permit or license issued in conflict with the provisions of this chapter shall be null and void. The following officials, departments, and employees have specific responsibilities as follows:

(a)  Zoning Administrator. The Zoning Administrator shall enforce all provisions of this chapter related to issuance of discretionary permits and shall have responsibility for ordering the correction of violations and initiating the revocation of discretionary permits pursuant to Section 601.12, Revocation of Approvals, and the abatement of nuisances as defined in this chapter by recommendation to the City Council.

(b)  Chief Building Official. Prior to issuance of building permits, the Building Department shall ascertain that plans presented with the building permit application conform to those approved subject to the requirements of this chapter.

(c)  Code Enforcement Officer. The Code Enforcement Officer shall enforce all provisions of this chapter pertaining to the use, erection, construction, reconstruction, relocation, conversion, alteration, or addition to any building or structure and condition of approval of Use Permits, Variances, nuisance abatements, or other discretionary approvals. The Code Enforcement Officer is hereby authorized to cause to be stopped any work or use undertaken without or contrary to approval granted pursuant to this chapter or in violation of any of its other provisions.
(d) **City Attorney.** The City Attorney may, at his or her discretion or upon order of the Council, immediately commence action or proceedings for the abatement and removal and enjoinder of violations in the manner provided by law, and may take such other steps and may apply to such courts as may have jurisdiction to grant such relief as will abate and remove such use, or building or structure, and may seek to restrain and enjoin any person, firm or corporation from such use of any property, building or structure, or from setting up, erecting, building, maintaining or demolishing any such building or structure contrary to the provisions of this chapter.

### 614.03 Nuisance Defined

(a) **Structure or Use.** Any building or structure erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this Ordinance, and any use of any land, buildings or premises established, conducted, operated or maintained contrary to the provisions of this Ordinance, shall be, and the same hereby declared, to be unlawful and a public nuisance.

(b) **Violation of Permit.** Any use established through the issuance of a discretionary permit (i.e. Conditional Use Permit, Variance, tentative parcel map, tentative tract map, etc.) which is not constructed, operated and/or maintained in compliance with the provisions of this Ordinance and the conditions of approval of said permit shall be, and the same hereby declared, to be unlawful and a public nuisance.

(c) **Other Nuisances.** Any use, event, structure or building, whether non-conforming or otherwise, that meets any of the following criteria shall be deemed a public nuisance subject to abatement as set forth herein: excessive littering; excessive noise (particularly between the hours of 11:00 p.m. and 7:00 a.m.); noxious smells or fumes; or violation of any provision of this chapter or any other City, State, or federal regulation, Ordinance, or statute.

### 614.04 Penalties

Any person, firm or corporation, violating any of the provisions of this Ordinance may be subject to the Administrative Citation procedure pursuant to Chapter 2, Article XIV of the City of Porterville Municipal code and shall be deemed guilty of an infraction or misdemeanor; and upon conviction thereof, shall be punishable by a fine of not more than $1000, by imprisonment in the county jail of Tulare County for a term not exceeding 180 days, or by both such fine and imprisonment. If an injunction is sought and granted, the person, firm, or corporation shall be deemed to be guilty shall be obligated to pay the City, attorney’s fees, and costs of the City, at the discretion of the court. Such person, firm, or corporation shall be deemed to be guilty of a separate offense for each and every day during any portion of which any violation of this chapter is committed or continued by such person, firm, or corporation, and shall be punishable as herein provided.

### 614.05 Remedies

The remedies provided for herein shall be cumulative and not exclusive. Upon a finding of nuisance pursuant to this chapter, and after giving the property owner an opportunity to
cure the nuisance (i.e. courtesy notice or Notice of Violation) and determining that the nuisance still exists, the City Council may impose any remedy available at law or in equity. Such expense shall be a lien on the property on which the nuisance is maintained and a personal obligation of the owner of such property, when so determined by resolution of City Council. Remedies shall include, but is not limited to, any of the following or combination thereof:

(a) Enjoining the use in whole or in part;
(b) Imposing reasonable conditions upon any continued operation of the use, including those uses that constitute existing non-conforming uses;
(c) Requiring continued compliance with any conditions so imposed;
(d) Requiring the user to guarantee that such conditions shall in all respects be complied with; or
(e) Upon a failure of the user to comply with any conditions so imposed, imposing additional conditions or enjoining the use in whole or in part.

614.06 Nuisance Abatement

(a) Notice and Order and Opportunity to Cure. Following identification of any uses, structures, or buildings that are deemed to be in violation of this Ordinance, or any nuisance as defined in this chapter, the Code Enforcement Officer shall issue a Notice of Order to the property owner and occupant of the subject property. The notice shall specify the exact violation or nuisance that has been identified, a date by which the nuisance must be corrected, provisions regarding re-inspection and any fees that may apply, and the name and contact information of the Code Enforcement Officer or designee. Prior to initiation of nuisance abatement, the property owner shall have the opportunity to cure the violation within the specified time period. The Code Enforcement Officer may authorize additional re-inspections if there is substantial progress in curing the violation, and all re-inspection fees are paid as required by the adopted City fee schedule.

(b) Initiation of Nuisance Abatement. Proceedings under this section to terminate, modify or condition any use, structure or building may be initiated by resolution of the City Council on its own accord or following recommendation by the Zoning Administrator. In either case, the resolution shall identify the use, building, or structure being considered, identify the property involved, set forth the reason or reasons for the proposed abatement, and fix a time and place for a public hearing on the proposed abatement. A resolution initiating abatement proceedings may be adopted without a public hearing.

(c) Notice of Public Hearing. Upon initiation of abatement proceedings, the City Clerk shall give notice to the violator of his right to a public hearing before the Council pursuant to the provisions in Chapter 601, Common Procedures. In addition, within the prescribed time period, the City Clerk shall also mail the notice of the right to hearing to the person or persons whose use, structure or building is the subject of
the abatement proceedings, any person who requested initiation of abatement proceedings, and to any other person who has filed a written request with the Community Development Department for such notice.

(d) **Public Hearing.** The City Council shall conduct a public hearing in the manner prescribed in Chapter 601, Common Procedures and shall provide for testimony by City staff and the owner of the use, structure, or property that is the subject of the proceeding. Any other interested person shall also be given an opportunity to provide testimony.

(e) **Action.** The City Council shall consider the staff report and the evidence, testimony, and facts presented at the hearing before taking action. If the Council finds that the use, building, or structure constitutes a nuisance, it may impose any remedy as provided for in this chapter.

(f) **Decision and Notice.** The decision of the City Council shall be final. The City Clerk shall issue a Notice of Action describing the Council's action, with its findings. The City Council shall mail the notice to the permit holder and to any person who has requested such notification by filing a written request with the City Clerk.

(g) **Effective date.** A decision to abate a nuisance shall become effective immediately after the date of decision.

614.07 **Recording a Notice and Order**

(a) If compliance is not had with an order of the Code Enforcement Officer to correct violations of this Ordinance within the time specified in the Notice and Order, the Director may file with the County Recorder a certified statement describing the property and certifying that:

(1) The property and/or structure is in violation of this chapter; and

(2) The owner has been so notified.

(b) The notice shall specifically describe the violations and a proof of service shall also be recorded with the Notice and Order.

(c) Whenever the corrections ordered shall thereafter have been completed, the Code Enforcement Officer shall file a new certified statement with the County Recorder certifying that all required corrections have been made so that the property and/or structure is no longer in violation of this Ordinance.
Series 700: General Terms

Chapter 700  List of Terms and Definitions

Sections:

700.01  List of Terms
700.02  Definitions

700.01  List of Terms

Abutting or Adjoining
Accessory Building
Accessory Structure
Accessory Use
Acre, Gross
Acre, Net
Adjacent
Adult-Oriented Business Terms (see Section 301.02, Adult Oriented Businesses)
Affordable Housing Terms
  Additional Incentive
  Affordable Rent
  Affordable Sales Price
  Density Bonus
  Density Bonus Units
  Economically Feasible
  Housing Cost
  Lower Income Household
  Maximum Residential Density
  Moderate Income Household
  Regulatory Agreement
  Senior Citizen
  Senior Citizen Housing
  Development
  Target Unit
  Very Low Income Household
Aggrieved Person
Alley
Alteration

Americans with Disabilities Act (ADA)
Animal-Related Terms
  Household Pet
  Livestock
ARC Districts
  (Agriculture/Rural/Conservation Districts)
Area, Gross
Balcony
Base District
Bedroom
Bicycle Parking, Long-term
Bicycle Parking, Short-term
Block
Blockface
Building
Building Footprint
Building Front
Building Height
Building, Accessory
Building, Main
C Districts (Commercial Districts)
California Environmental Quality Act (CEQA)
Carport
City
City Council
City Engineer
Code Enforcement Officer
Commercial Vehicle
Compatible
Condition of Use
Conditionally Permitted
Construction
Conversion
County
Crew Quarters
D Distincts (Downtown Districts)
Deck
Demolition
Density
Development
Development Agreement
Development Ordinance
District
Double Frontage Lot
Drive Through Facilities
Driveway
Dwelling Unit
Easement
Effective Date
Emergency
Environmental Impact Report (EIR)
Façade
Family
Fence
Feasible
Floor Area
Floor Area Ratio
Foot-candle
Footprint
Freeway
Frontage, Street (Frontage, Lot)
Garage
General Plan
Glare
Gross Leasable Area
Ground Floor
Hazardous Materials
Heat
Height
Home Occupation
Household
Illegal Use
In-Lieu Fees
Intensity of Use
International Building Code
Intersection, Street
Kitchen
Land Division Terms
Abut
Access, Approved
Adjoin
Applicant
Arterial
Block
Centerline
Collector Street
Community Apartment Project
Condominium
Condominium Project
Conversion
Cul-de-sac
Design
Final Map
Flood or Flooding
Frontage Road
Improvements
Industrial Street
Local Street
Lot Line Adjustment
Map Act
Merger
Minor Street
Parcel
Parcel Map
Preliminary Map
Private Street
Public Improvement
Remainder
Standard Plans and Specifications
Stock Cooperative
Subdivider
Subdivision
Subdivision Design
Tentative Map
Tentative Parcel Map
Vesting Tentative Map
Landscaping
Landscaping Terms
Automatic Controller
Backflow Prevention Device
Anti-drain or check Valve
Controller
Emitter
Hydrozone
Irrigation Efficiency
Operating Pressure
Overspray
Runoff
Lighting Terms
Foot-candle
Light Fixture
Light Fixture Cutoff
Full cutoff
Cutoff
Semi-cutoff
Non-cutoff
Shielded Fixture
Living Room
Long-Term Parking
Lot
Lot Area
Lot Coverage
Lot Depth
Lot Frontage
Lot Line
Lot Line Types
Front Lot Line
Interior Lot Line
Rear Lot Line
Side Lot Line
Street Side Lot Line
Lot Types
Lot, Corner
Lot, Flag
Lot, Interior
Lot, Key
Lot, Reversed Corner
Lot, Through
Lot Width
Maintenance and Repair
Manufactured Home
Medical Marijuana Dispensary
Mobile Home
Noise Terms
Ambient Noise Level
Decibel
Mobile Noise Source
Noise
Noise Level Reduction (NLR)
Nonconforming Use and Development Terms
Abandoned
Illegal Nonconforming Building or Use
Nonconforming Building or Structure
Nonconforming Lot
Nonconforming Sign
Nonconforming Use
Nuisance
Occupancy, Change In
On-Site Loading Facilities
On-Site
Open Space Types
Private Open Space
Common Open Space
Usable Open Space
Opposite
Outdoor Storage
Owner
Parking Area
Permit
Permitted Use
Person
Persons with Disabilities
Pre-existing
Project
Public Works Director
Qualified Applicant
R District (Residential District)
Recreational Vehicle
Redevelopment Agency
Rescission
Right-of-Way
Screening
Setback
Sidewalk
Sign-Related Terms
Abandoned Sign
Animated Sign
Area of Sign
Awning Sign
Balloon
Banner
Building Frontage
Building-Mounted Sign
Can Sign (Box Sign)
Canopy
Center Identification Sign
Changeable Copy Sign
Channel Letters
Construction Sign
Directional Sign
Electronic Message Center Sign
Fence Sign
Flag
Freestanding Sign
Height
Identifiable Area
Identification Sign
Illegal Sign
Illuminated Sign
Inflatable Sign
Logo
Marquee Sign
Mansard
Master Sign Program
Monument Sign
Neon Sign
Off-site Advertising Sign
Off-site Directional Sign
Parapet
Pennant
Pole Sign
Political Sign
Portable Sign
Projecting Sign
Real Estate Sign
Roof Sign
Sign
Sign Area
Sign Copy
Sign Face
Temporary Sign
Vehicle Display Sign
Vehicle for Sale Sign
Wall Sign

Window Sign
Site
Specific Plan
State
Story
Street
Structural Alteration
Structure
Accessory Structure
Permanent Structure
Primary Structure (Main Structure)
Temporary Structure
Swimming Pool
Tandem Parking
Telecommunication Terms
Antenna
Amateur Radio Antenna
Camouflage
Co-location
Communication Tower
Ground Mounted
Monopole
Wireless Telecommunications Facility
Temporary Uses
Garage Sales
Model Homes
Outdoor Sales, Temporary and Seasonal
Unit
Use
Use, Primary
Use, Accessory
Variance
Vibration
Visible
Weekday
Yard
Front Yard
Interior Side Yard
Street Side Yard
Rear Yard
Zoning Administrator
Zoning District
700.02 Definitions

**Abutting or Adjoining.** Having a common border, boundary, or lot line. Lots or parcels of land that touch at corners only shall not be deemed adjoining.

**Accessory Building.** See Building, Accessory.

**Accessory Structure.** See Structure, Accessory.

**Accessory Use.** See Use, Accessory.

**Acre, Gross.** A measure of total land area of a lot or site, including areas to be dedicated for public rights-of-way, streets, schools, or other dedications.

**Acre, Net.** A measure of land area of a lot or site remaining after dedication of all areas for public rights-of-way, streets, schools, or other dedications.

**Adjacent.** Directly abutting, having a boundary or property line(s) in common or bordering directly, or contiguous to.

**Adult-Oriented Business Terms.** See Section 301.02, Adult-Oriented Business.

**Affordable Housing Terms.** The following terms are related to Chapter 302, Affordable Housing Density Bonus and Other Incentives.

**Additional Incentive.** A benefit offered by the City to facilitate construction of eligible projects as defined by the provisions of Chapter 302. Benefits may include, but are not limited to, priority processing, fee deferments and waivers, the modification of site development standards or zoning code requirements, or any other regulatory incentive which would result in identifiable cost avoidance or reductions that are offered in addition to a density bonus.

**Affordable Rent.** Monthly housing expenses, including a reasonable allowance for utilities, for rental target units reserved for very low, lower or moderate income households, not exceeding the following calculations:

(1) **Very Low Income:** Fifty (50) percent of the area median income for the county, adjusted for household size, multiplied by thirty (30) percent and divided by twelve (12); and

(2) **Lower Income:** Sixty (60) percent of the area median income for the county, adjusted for household size, multiplied by thirty (30) percent and divided by twelve (12).

**Affordable Sales Price.** A sales price at which lower or very low income households can qualify for the purchase of target units, calculated on the basis of underwriting standards of mortgage financing available for development.
Density Bonus. A minimum increase in the number of dwelling units authorized for a particular parcel of land of at least twenty-five (25) percent over the otherwise maximum residential density.

Density Bonus Units. Residential units granted pursuant to the provisions of Chapter 302, Affordable Housing Density Bonus and Other Incentives, which exceed the otherwise maximum residential density for the development site.

Economically Feasible. Economically feasible means when a housing project can be built with a reasonable rate of return. The housing developer's financial ability to build the project shall not be a factor.

Household Type. Type of household classified according to whether the occupants of the housing units are very low income, lower income, or senior citizens.

Housing Cost. The sum of actual or projected monthly payments for all of the following associated with for-sale target units: principal and interest on a mortgage loan, including any loan insurance fees, property taxes and assessments, fire and casualty insurance, property maintenance and repairs, homeowners' association fees, and a reasonable allowance for utilities.

Lower Income Household. A household whose gross income is as established by Health and Safety Code Section 50079.5.

Maximum Residential Density. The maximum number of residential units allowed by the General Plan range specified on the land use map of the City’s General Plan.

Moderate Income Household. A household whose gross income is as established by Health and Safety Code Section 50093.

Regulatory Agreement. A legally binding agreement between a developer and the City to ensure that the requirements of Chapter 302, Affordable Housing Density Bonus and Other Incentives are satisfied. The agreement, among other things, shall establish: the number of target units, their size, location, terms, and conditions of affordability, and production schedule.

Senior Citizen. Persons who are:

(1) At least sixty-two (62) years of age; or

(2) At least fifty-five (55) years of age in a senior citizen housing development, as defined by state and federal law.

Senior Citizen Housing Development. Residential development of one (1) of the following types:
(1) Assisted housing units for senior citizens; or

(2) Housing intended for, and solely occupied by, persons at least sixty-two (62) years of age; or

(3) Housing consisting of at least one hundred fifty (150) units in which eighty (80) percent of the units have at least one (1) person aged fifty-five (55) or older and which provide special facilities and services designed for seniors. Eligibility for a density bonus or other incentive for senior citizen units must be in conformity with state and federal laws governing senior housing projects.

**Target Unit.** A dwelling unit within a housing development which will be reserved for sale or rent to, and affordable to, very low, lower or moderate income, or senior citizen households.

**Very Low Income Household.** A household whose gross income is as established by Health and Safety Code Section 50105.

**Aggrieved Person.** Any person who, in person or through a representative, appeared at a City public hearing in conjunction with a decision or action appealed or who, by other appropriate means prior to a hearing, informed the local government of the nature of his or her concerns or who, for good cause, was unable to do either.

**Alley.** A public way permanently reserved primarily for secondary vehicular service access to the rear or side of properties otherwise abutting on a street.

**Alteration.** Any change, addition or modification that changes the exterior architectural appearance or materials of a structure or object. Alteration includes changes in exterior surfaces, changes in materials, additions, remodels, demolitions, and relocation of buildings or structures, but excludes ordinary maintenance and repairs. See also “Structural Alterations” for modifications to any of the supporting members of a structure.


**Animal-Related Terms.**

**Household Pet.** Any animal customarily permitted and kept in a dwelling and kept only for the company or pleasure provided to the occupants of the dwelling, such as a dog, cat, parakeet, tropical fish, hamster, rabbit, or Vietnamese pot-bellied pig.

**Livestock.** Any domestic animals such as cattle, horses, donkeys, mules, burros, sheep, hogs, or goats.
ARC Districts (Agriculture/Rural/Conservation Districts). One (1) or more of the following districts: AC Agriculture/Conservation or RR Rural Residential.

Area, Gross. The horizontal area within the boundaries of a lot or site including any area for future streets, parks, and other dedications.

Balcony. A platform that projects from the wall of a building thirty (30) inches or more above grade.

Base District. A zoning district that includes use, height, bulk, space, and development standards for the regulation of development in a particular area.

Bedroom. Any room located within a dwelling unit that is used primarily for sleeping purposes by its residents and that contains at least seventy (70) square feet of floor area. Rooms designated as a “den”, “library”, “study”, “loft” or other extra room that satisfies this definition and is not a kitchen, living room, or bath will be considered a bedroom.

Bicycle Parking, Long-term. Bicycle parking that is designed to serve employees, students, residents, commuters, and others who generally stay at a site for four (4) hours or longer.

Bicycle Parking, Short-term. Bicycle parking that is designed to serve shoppers, customers, messengers, guests, and other visitors to a site who generally stay for a period of less than four (4) hours.

Block. The frontage along one (1) side of a street between the two (2) nearest intersecting streets.

Blockface. All property between two (2) intersections that fronts upon a street or abuts a public right-of-way.

Building. Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods, or materials.

Building Footprint. See Footprint.

Building Front. That portion of the main building which affords public entry. In the case of a building with more than one (1) public entry, the entrance with the assigned address shall be considered the main public entry.

Building Height. See Height.

Building, Accessory. A subordinate building, the use of which is incidental to that of the main building on the same lot.
**Building, Main.** A building in which is conducted the principal use of the lot on which it is situated.

**C Districts (Commercial Districts).** One (1) or more of the following districts: CN Neighborhood Commercial, CR Retail Center, CG General and Service Commercial or CMX Commercial Mixed-Use.

**California Environmental Quality Act (CEQA).** State law, pursuant to California Public Resources Code Section 21000 et. seq. or any successor statute, that requires public agencies to document and consider the environmental effects of a proposed action before a decision.

**Carport.** An accessory structure that is roofed but permanently open on at least two (2) sides and maintained for the storage of motor vehicles.

**City.** The City of Porterville.

**City Council.** The City Council of the City of Porterville.

**City Engineer.** The City Engineer of the City of Porterville.

**Code Enforcement Officer.** A Code Enforcement Officer is defined under Chapter 2, Article IV, of the City of Porterville Municipal Code.

**Commercial Vehicle.** Any vehicle currently registered as such with the state Department of Motor Vehicles or equivalent out-of-state or federal agency and is used primarily in the conduct of a business as opposed to private family or individual use.

**Compatible.** That which is harmonious with and will not adversely affect surrounding buildings and/or uses.

**Condition of Use.** A development standard determined to be necessary to permit the harmonious classification of a use as listed in a district and therefore a prerequisite to place, or for application to place, such use as classified.

**Conditionally Permitted.** Permitted subject to approval of a Conditional Use Permit or Site Plan Review.

**Construction.** Construction, erection, enlargement, alteration, conversion or movement of any building, structures, or land together with any scientific surveys associated therewith.

**Conversion.** A change of a residential dwelling, including a mobile home lot in a mobile home park, as defined in Section 18214 of the Health and Safety Code, or a residential hotel, as defined in paragraph (1) of subdivision (b) of Section 50519 of the Health and Safety Code, to a condominium, cooperative, or similar form of ownership;
or a change of a residential dwelling, including a mobile home lot in a mobile home park, or a residential hotel to a nonresidential use.

**County.** The County of Tulare.

**Crew Members.** People that make up the crew of an aircraft, including the pilot, co-pilots, flight engineers, observers, control officers, essential maintenance personnel, and personnel that support the operation of the aircraft’s activity such as paramedics, nurses, and incidental passengers that travel to or from the site of the aircraft in the aircraft in flight.

**Crew Quarters.** Temporary or permanent facilities that house crew members of an aircraft on a temporary basis.

**D Districts (Downtown Districts).** One (1) or more of the following districts: DR-N Downtown Retail – North of Olive Avenue, DR-S Downtown Retail – South of Olive Avenue, DR-D Downtown Retail – D Street Corridor, D-MX Downtown Mixed-Use, D-PO Downtown Professional Office, D-CG Downtown General and Service Commercial, D-PS Downtown Public and Semi Public, DRM-2 Downtown Medium Density Residential, and DRM-3 Downtown High Density Residential.

**Deck.** A platform, either freestanding or attached to a building, that is supported by pillars or posts. See also “Balcony.”

**Demolition.** The intentional destruction and removal of any structure or portion thereof, including a residential dwelling, including a mobile home, as defined in Section 18008 of the Health and Safety Code, or a mobile home lot in a mobile home park, as defined in paragraph (1) of subdivision (b) of Section 50519 of the Health and Safety Code, which has not been declared to be a public nuisance under Division 13 (commencing with Section 17000) of the Health and Safety Code or any local ordinance enacted pursuant to those provisions.

**Density.** The number of dwelling units per unit of land area.

**Development.** Any manmade change to improved or unimproved real estate, including but not limited to the division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill or land disturbance; and any use or extension of the use of land.

**Development Agreement.** A contract duly executed and legally binding between the City of Porterville and a developer(s) that delineates the terms and conditions agreed upon by two (2) or more parties.

**Development Ordinance.** The Development Ordinance of the City of Porterville, as amended.
**District.** See Zoning District.

**Double Frontage Lot.** See Lot, Through.

**Drive-Through Facilities.** Facilities designed to enable persons to receive a service or purchase or consume goods while remaining within a motor vehicle, typically associated with banks, eating, and drinking establishments, pharmacies, and other commercial uses.

**Driveway.** An accessway composed of concrete or asphalt that provides vehicular access between a public street or legal right-of-way, controlled by the City of Porterville, and the parking or loading facilities located on an adjacent property.

**Dwelling Unit.** A room or suite of rooms including one (1) and only one (1) kitchen, and designed or occupied as separate living quarters for one (1) family. See also Family.

**Easement.** A portion of land created by grant or agreement for specific purpose; an easement is the right, privilege or interest which one (1) party has in the land of another.

**Effective Date.** The date on which a permit or other approval becomes enforceable or otherwise takes effective, rather than the date it was signed or circulated.

**Emergency.** A sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services.

**Environmental Impact Report (EIR).** An Environmental Impact Report as required under the California Environmental Quality Act, Public Resources Code Section 21000 et. seq.

**Facade.** The exterior wall of a building exposed to public view or that wall viewed by persons not within the building. The portion of any exterior elevation of a building extending vertically from the grade to the top of a parapet wall or eave, and horizontally across the entire width of the building elevation.

**Family.** One (1) or more persons living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking and eating facilities. Members of a "family" need not be related by blood but are distinguished from a group occupying a hotel, club, fraternity or sorority house.

**Fence.** An artificially-constructed barrier of any material or combination of materials erected to enclose or screen an area of land.

**Feasible.** Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.
Floor Area. The total floor area in a building (including basements, mezzanines, interior balconies, and upper stories or levels in a multistory building) unless otherwise stipulated; e.g., "ground" floor area.

Floor Area Ratio (FAR). The ratio of the total floor area of all buildings on a lot to the lot area.

Foot-candle. See Lighting Terms.

Footprint. The horizontal area, as seen in plan view, of a building or structure, measured from the outside of exterior walls and supporting columns, and excluding eaves.

Freeway. A divided arterial highway designated for through traffic having grade separate intersections and full control of access; State Routes 190 and 65.

Frontage, Street (Frontage, Lot). That portion of a lot or parcel of land that borders a public street. "Street frontage" shall be measured along the common lot line separating said lot or parcel of land from the public street, highway, or parkway.

Garage. A building or portion of a building that is enclosed and roofed and designed for the storage of motor vehicles.

General Plan. The Porterville 2030 General Plan.

Glare. The effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, such as to cause annoyance, discomfort or loss of visual performance and ability.

Gross Leasable Area. The total floor area for which a tenant pays rent and that is designed for the tenant’s occupancy and exclusive use, including any basements and mezzanines.

Ground Floor. The first floor of a building other than a cellar or basement.

Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Heat. Thermal energy of a radioactive, conductive, or convective nature.

Height. The vertical distance from the highest point of any structure to the ground level directly below. See also Section 103.05, Measuring Height.
**Home Occupation.** Any occupation conducted by a resident, entirely within a dwelling, where the use is accessory to the residential use of the structure, and does not change the residential character of the neighborhood. See Chapter 301, Standards for Specific Uses and Activities.

**Household.** A family living together in a single dwelling unit, with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit.

**Illegal Use.** Any use of land or building that does not have the currently required permits and was originally constructed and/or established without permits required for the use at the time it was brought into existence.

**In-lieu Fees.** A cash payment required as a substitute for a dedication and/or improvement of land by an owner or developer of property.

**Intensity of Use.** The impacts a particular use or the use in combination with other uses has on its surroundings or on its demand for services and natural resources. Measures of intensity include but are not limited to requirements for water, gas, electricity, or public services; number of automobile trips generated by a use; parking demand; number of employees on a site; hours of operation; the amount of noise, light or glare generated; the number of persons attracted to the site, or, in eating establishments, the number of seats.

**International Building Code.** The latest edition of the International Building Code, as adopted by and in effect in the City.

**Intersection, Street.** The area common to two (2) or more intersecting streets.

**Kitchen.** Any room or space within a building intended to be used for the cooking or preparation of food.

**Land Division Terms.** The following terms are related to Series 400, Land Divisions.

- **Abut.** To physically touch, border upon, or share a common corner or property line. For the purposes of Series 400, Land Divisions, abutting properties shall include those properties separated by any road, street, or highway except for a limited access major highway, canal, or railroad.

- **Access, Approved.** A means of vehicular access that conforms to all of the requirements of Series 400, Land Divisions, and has been approved by the City Council or its designee.

- **Adjoin.** To physically touch, be contiguous to, or be situated next to but not including properties separated by any road, street, or highway.

- **Applicant.** The subdivider or agent thereof.
**Arterial.** A street designated by the circulation element of the General Plan to serve high-volume inter- and intra-city traffic, and to act as a distributor between freeways, other arterials, and major traffic generators.

**Block.** An area of land within a subdivision entirely bounded by any streets (other than alleys), freeways, railroad rights-of-way, natural barriers, or the exterior boundaries of the subdivision.

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

**Collector Street.** A street designated by the circulation element of the General Plan to collect and distribute traffic between local streets and arterials.

**Community Apartment Project.** A project in which an undivided interest in the land is coupled with the right of exclusive occupancy of any apartment located thereon.

**Condominium.** A property conforming to the definition set forth in Section 783 of the Civil Code of the State of California.

**Condominium Project.** A development consisting of condominiums.

**Conversion.** The creation of separate ownership of existing real property together with a separate interest in space of a building.

**Cul-de-sac.** A local street open at only one (1) end, which has a turnaround for vehicles at the closed end.

**Design.** Any of the following:

- Street alignments, grades and widths, sidewalks, curbs and gutters;
- Drainage and sanitary facilities and utilities, including alignments and grades thereof;
- Location and size of all required easements and rights-of-way;
- Fire roads and firebreaks;
- Lot size and configuration;
- Traffic access;
- Grading;
- Land to be dedicated for park or recreational purposes; and
- Other specific physical requirements in the plan and configuration of the entire subdivision that are necessary to ensure consistency with, or implementation of, the General Plan or any applicable specific plan.
**Final Map.** A map showing a subdivision of five (5) or more lots, prepared for filing with the Tulare County Recorder in accordance with the provisions of the Subdivision Map Act and Series 400, Land Divisions, if deemed in substantial compliance with a previously approved tentative subdivision map and with any conditions to such approval.

**Flood or Flooding.** Any general inundation of normally dry land from the overflow of tidal waters or from the unusual and rapid accumulation of runoff of surface waters from any source.

**Frontage Road.** A street adjacent and auxiliary to a freeway or arterial, and separated by a divider strip, which street provides access to abutting property.

**Improvements.** Any street work and utilities to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways, ways, and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the final map thereof. Improvements also refers to any other specific improvements or types of improvements, the installation of which, either by the subdivider, by public agencies, by private utilities, by any other entity approval by the local agency, or by a combination thereof, is necessary to ensure consistency with, or implementation of, the General Plan or any applicable specific plan.

**Industrial Street.** A street that serves an industrial area and connects said area to the major street system.

**Local Street.** A street which provides direct access to abutting properties, primarily in residential districts with more than four hundred (400) average daily vehicle trips pursuant to the latest edition of the Institute of Transportation Engineers - Trip Generation Manual.

**Lot Line Adjustment.** A shift or rotation of an existing lot line or other adjustment where a greater or lesser number of parcels than originally existed is not created, as approved in accordance with Section 405.03, Lot Line Adjustments.


**Merger.** The joining of two (2) or more contiguous parcels of land under one (1) ownership into one (1) parcel.

**Minor Street.** A street that provides direct access to abutting properties, primarily in residential districts with four hundred (400) or fewer average daily vehicle trips pursuant to the latest edition of the Institute of Transportation Engineers - Trip Generation Manual.
**Parcel.** A legally subdivided plot of land shown on a map of record. Also referred to as “lot.”

**Parcel Map.** A map prepared in accordance with the provisions of this chapter, designed to be placed on record in the office of the Tulare County Recorder, and providing for the division of land which meets the exceptions set forth in Section 66426 of the Map Act.

**Preliminary Map.** A map to be submitted to the Zoning Administrator prior to the filing of a tentative map, to show the general characteristics of the proposed subdivision and any other data necessary to enable the Project Review Committee to review the proposed subdivision design.

**Private Street.** Any street, roadway, accessway or similar, lying in whole or in part within a subdivision which is privately owned and maintained and provides access to a development.

**Public Improvement.** A street work, utilities, and other facilities proposed or required to be installed within the subdivision for the general use of all the subdivision lot owners and for local neighborhood or community needs.

**Remainder.** That portion of an existing parcel which is not designated on the required map as part of the subdivision. The remainder shall not be considered as part of the subdivision but shall be shown on the required map as part of the area surrounding the subdivision.

**Standard Plans and Specifications.** All the standard plans and specifications prepared by the City Engineer and approved by resolution of the City Council.

**Stock Cooperative.** A development in which a corporation is formed primarily for the purpose of holding title to, either in fee simple or for a term of years, improved real property, and all or substantially all of the shareholders of the corporation receive a right of exclusive occupancy in a portion of the real property, title to which is held by the corporation. The owners’ interest in the corporation, whether evidenced by a share of stock, a certificate of membership, or otherwise, shall be deemed to be an interest in a common interest development and a real estate development.

**Subdivider.** As defined in Section 66423 of the Map Act.

**Subdivision.** The division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future. Property shall be considered contiguous units, even if it is separated by roads, streets, utility easement, or railroad rights-of-way. This definition shall specifically include Condominiums, Community Apartment Projects, or Stock Cooperative conversions.
**Subdivision Design.** The overall layout of the proposed subdivision including, but not limited to, the arrangement of streets and intersections, the layout and size of lots, the widths and locations of easements and rights of way for utilities, drainage structures, sewers, the nature and location of public or semi-public facilities, programs for the preservation of natural features, and the installation of public improvements.

**Tentative Map.** A map made for the purpose of showing the design and improvements of a proposed subdivision and the existing conditions in and around it.

**Tentative Parcel Map.** A map made for the purpose of showing the design and improvements of a proposed subdivision creating four (4) or fewer parcels or more than four (4) parcels as provided for in the State Subdivision Map Act and Series 400, Land Divisions, and the existing conditions in and around it.

**Vesting Tentative Map.** A tentative map for a subdivision that shall have printed conspicuously on its face the words "Vesting Tentative Map" at the time it is filed in accordance with Chapter 402, Vesting Tentative Map, and is thereafter processed in accordance with the provisions hereof.

**Landscaping.** The planting, configuration and maintenance of trees, ground cover, shrubbery and other plant material, decorative natural and structural features (walls, fences, hedges, trellises, fountains, sculptures), earth patterning and bedding materials, and other similar site improvements that serve an aesthetic or functional purpose.

**Landscaping Terms.**

**Automatic Controller.** A mechanical or solid state timer, capable of operating valve stations to set the days and length of time of a water application.

**Backflow Prevention Device.** A safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.

**Anti-Drain or Check Valve.** A valve located under a sprinkler head or other location in the irrigation system to hold water in the system to prevent minimizes drainage from sprinkler heads when the system is off.

**Controller.** An automatic timing device used to remotely control valves to set an irrigation schedule.

**Emitter.** A drip irrigation fitting emission device that delivers water slowly from the system to the soil.

**Hydrozone.** A portion of the landscaped area having plants with similar water needs.
**Irrigation Efficiency.** The measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices.

**Operating Pressure.** The pressure at which an irrigation system is designed by the manufacturer to operate.

**Overspray.** The water which is delivered beyond the landscaped area and causes overland flow during irrigation events onto non-targeted areas such as, pavements, walks and structures.

**Runoff.** Water which is not absorbed by the soil or landscape to which it is applied and flows from the landscape area.

**Lighting Terms.**

**Foot-candle.** A quantitative unit of measure for luminance. One (1) foot-candle is equal to the amount of light generated by one (1) candle shining on one (1) square foot surface located one (1) foot away. Equal to one (1) lumen uniformly distributed over an area of one (1) square foot.

**Light Fixture.** The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirrors, and a refractor or lens.

**Light Fixture Cutoff.** Light fixtures are classified as full cutoff, cutoff, semi-cutoff, or non-cutoff according to the most recent adopted criteria of the Illuminating Engineering Society of North America (IESNA). The four (4) IESNA classifications are defined as follows (IESNA 2000):

**Full Cutoff.** The luminous intensity (in candelas) at or above an angle of ninety degrees (90°) above nadir is zero (0), and the luminous intensity (in candelas) at or above a vertical angle of eighty degrees (80°) above nadir does not numerically exceed ten (10) percent of the luminous flux (in lumens) of the lamp or lamps in the luminaire.

**Cutoff.** The luminous intensity (in candelas) at or above an angle of ninety degrees (90°) above nadir does not numerically exceed two and one-half (2.5) percent of the luminous flux (in lumens) of the lamp or lamps in the luminary, and the luminous intensity (in candelas) at or above a vertical angle of eighty degrees (80°) above nadir does not numerically exceed ten (10) percent of the luminous flux (in lumens) of the lamp or lamps in the luminary.

**Semi-Cutoff.** The luminous intensity (in candelas) at or above an angle of ninety degrees (90°) above nadir does not numerically exceed five (5)
percent of the luminous flux (in lumens) of the lamp or lamps in the
luminary, and the luminous intensity (in candelas) at or above a vertical
angle of eighty degrees (80°) above nadir does not numerically exceed
twenty (20) percent of the luminous flux (in lumens) of the lamp or
lamps in the luminary.

Non-Cutoff. There is no candela limitation in the zone above maximum
candela.

Shielded Fixture. Outdoor light fixtures shielded or constructed so that light
rays emitted by the lamp are projected below the horizontal plane passing
through the lowest point on the fixture from which light is emitted.

Living Room. The principal room in a dwelling unit designed for general living
purposes rather than for sleeping.

Long-Term Parking. A situation in which a vehicle is not normally moved during the
period of an employee's work shift, as opposed to customer or visitor parking.

Lot. A parcel, tract, or area of land whose boundaries have been established by a legal
instrument such as a recorded deed or a recorded map, and which is recognized as a
separate legal entity for purposes of transfer of title, except public easements or rights-
of-way.

Lot Area. The total area circumscribed by the boundaries of a lot, excluding any street
rights-of-way.

Lot Coverage. The portion of a lot that is covered by structures, including principal
and accessory buildings, garages, carports, and roofed porches, but not including
unenclosed and unroofed decks, landings, or balconies. See also Section 103.10,
Determining Lot Coverage.

Lot Depth. The distance from the midpoint of the front property line of a lot to the
midpoint of the rear property line, or to the most distant point on any other lot line
where there is no rear lot line. See also Section 103.06, Measuring Lot Width and
Depth.

Lot Frontage. See Frontage, Street.

Lot Line. Any boundary of a lot.

Lot Line Types.

Front Lot Line. The lot line that abuts a street or public right-of-way. For
corner lots, the shortest side fronting a public street is considered the front lot
line regardless of which street is used for vehicle or pedestrian access, or street
address.
**Interior Lot Line.** Any lot line that is not adjacent to a street.

**Rear Lot Line.** The lot line that is opposite and most distant from the front lot line. Where no lot line is within forty-five (45) degrees of being parallel to the front lot line, a line ten (10) feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, will be deemed the rear lot line for the purpose of establishing the minimum rear yard.

**Figure 700.02(A): Rear Lot Line For Purpose Of Determining Setback**

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**Side Lot Line.** Any lot line that is not a front or rear lot line.

**Street Side Lot Line.** A side lot line of a corner lot that is adjacent to a street.

**Lot Types.**

**Lot, Corner.** A lot or parcel situated at the intersection of two (2) or more streets that have an angle intersection measured within said lot or parcel of not more than one hundred thirty-five (135) degrees.

**Lot, Flag.** A lot with access to a street by means of a strip of land having less than the required site width but not less than fifteen (15) feet of frontage. The length of a strip shall be measured from the frontage line to the nearest point of intersection with that lot line parallel or most nearly parallel to the frontage line.
The area of an access strip shall not be included in determining the site area of the strip lot.

**Lot, Interior.** A lot or parcel of land other than a corner or flag lot.

**Lot, Key.** An interior lot adjoining the rear lot line of a reversed corner lot.

**Lot, Reversed Corner.** A corner lot, the street side lot line of which is substantially a continuation of the front line of a lot or parcel of land which adjoins the rear lot line of said lot.

**Lot, Through.** A lot having frontage on two (2) parallel or approximately parallel streets.

**Figure 700.02(B): Lot And Yard Types**

**Lot Width.** The distance between the side lot lines, measured at a right angle to the lot depth at the midpoint of the lot depth line. See also Section 103.06, Measuring Lot Width and Depth.
Maintenance and Repair. The repair or replacement of nonbearing walls, fixtures, wiring, roof or plumbing that restores the character, scope, size or design of a structure to its previously existing, authorized, and undamaged condition.

Manufactured Home. A structure constructed on or after June 15, 1976 in compliance with state standards in effect at the time of construction, is transportable in one (1) or more sections, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation system when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems. "Manufactured home" includes any structure that meets all the requirements of this paragraph and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under the National Manufactured Housing Construction and Safety Act of 1974.

Medical Marijuana Dispensary. Any facility or location where medical marijuana is made available to and/or distributed by or to one (1) or more of the following: a primary caregiver, a qualified patient, or a person with an identification card, in strict accordance with California Health and Safety Code Section 11362.5 et seq. A “medical marijuana dispensary” shall not include the following uses, as long as the location of such uses are otherwise regulated by this Code or Applicable Law: a clinic licensed pursuant to Chapter 1 or Division 2 of the Health and Safety Code, a health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code, a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code, a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code, a residential hospice, or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code, as long as any such use complies strictly with applicable law including, but not limited to, Health and Safety Code Section 11362.5 et seq.

Mobile Home. A structure constructed prior to June 15, 1976 in compliance with state standards in effect at the time of construction, is transportable in one (1) or more sections, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation system when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems. "Mobilehome" does not include a commercial modular, as defined in Section 18001.8, factory-built housing, as defined in Section 19971, a manufactured home, as defined in Section 18007, a multifamily manufactured home, as defined in Section 18008.7, or a recreational vehicle, as defined in Section 18010 of the Health and Safety Code.

Noise Terms.

Ambient Noise Level. The composite of noise from all sources excluding an alleged offensive noise. In this context, the ambient noise level represents the normal or existing level of environmental noise at a given location for a specified time of day or night.
**Decibel.** A unit for measuring the amplitude of a sound, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals.

**Mobile Noise Source.** Any noise source other than a fixed noise source.

**Noise.** Any sound that annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

**Noise Level Reduction (NLR).** The difference in decibels of noise level from the outside of a building to the interior of a building, generally resulting from various construction methods and the materials used in walls, windows, ceilings, doors, and vents of a building.

**Nonconforming Use and Development Terms.**

**Abandoned.** A use that has ceased or a structure that has been vacated for a time period as specified in this ordinance. Abandonment does not include temporary or short-term interruptions to a use or occupancy of a structure during periods of remodeling, maintaining, or otherwise improving or rearranging a facility.

**Illegal Nonconforming Building or Use.** A building or use that does not conform to one (1) or more of the provisions of the Development Ordinance and did not lawfully exist on the effective date of applicable sections of the Development Ordinance.

**Nonconforming Building or Structure.** Any building or structure that was lawfully established and in compliance with all applicable ordinances and laws at the time the ordinance codified in the Development Ordinance or any amendment thereto became effective, but which, due to the application of the Development Ordinance or any amendment thereto, no longer complies with all the applicable regulation and standards of development in the zone in which it is located.

**Nonconforming Lot.** A lot, the area, dimensions, or location of which was lawful prior to the effective date of the Development Ordinance, or any amendment thereto, but which fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

**Nonconforming Sign.** A sign that lawfully existed prior to but which fails by reason of such adoption or amendment to conform to all of the standards and regulation of the Development Ordinance.

**Nonconforming Use.** A use of a structure or land that was lawfully established and maintained, but which does not conform with currently applicable use regulations for the district in which it is located by reason of adoption or
amendment of the Development Ordinance or amendment thereto or by reason of annexation of territory to the city.

**Nuisance.** Anything which is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use and enjoyment of property, or a violation of this Development Ordinance.

**Occupancy, Change In.** A discontinuance of an existing use and the substitution therefore of a use of a different kind or class.

**On-Site Loading Facilities.** A site or portion of a site devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives, and landscaped areas.

**On-Site.** Located on the lot that is the subject of discussion.

**Open Space Types.**

- **Private Open Space.** Open areas for outdoor living and recreation that are adjacent and directly accessible to a single dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests.

- **Common Open Space.** Areas for outdoor living and recreation that are intended for the use of residents and guests of more than one (1) dwelling unit.

- **Usable Open Space.** Outdoor areas that provide for outdoor living and/or recreation for the use of residents.

**Opposite.** Across from or across the street from.

**Outdoor Storage.** The keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours, except for the keeping of building materials reasonable required for construction work on the premises pursuant to a valid and current building permit issued by the City.

**Owner.** Any person owning property, as shown on the last equalized assessment roll for city taxes or the lessee, tenant or other person having control or possession of the property.

**Parking Area.** A lot, structure, or any other area, including driveways, which is designed for and the primary purpose of which is to provide for the temporary storage of vehicles.

**Permit.** Any Zoning Certificate, Conditional Use Permit, Temporary Use Permit, Building Permit, license, certificate, approval, or other entitlement for development and/or use of property as required by any public agency.
Permitted Use. Any use allowed in a zoning district without a requirement for approval of a Conditional Use Permit, but subject to any restrictions applicable to that zoning district.

Person. Any individual, firm, association, organization, partnership, business trust, company, or corporation.

Persons with Disabilities. Persons who have a medical, physical, or mental condition, disorder or disability as defined in California Government Code Section 12926, that limits one (1) or more major life activities.

Pre-existing. In existence prior to the effective date of this Chapter.

Project. Any proposal for a new or changed use or for new construction, alteration, or enlargement of any structure, that is subject to the provisions of this ordinance. This term also refers to any action that qualifies as a “project” as defined by the California Environmental Quality Act.

Public Works Director. The director of Porterville’s public works operation.

Qualified Applicant. The property owner, the owner’s agent, or any person, corporation, partnership or other legal entity that has a legal or equitable title to land that is the subject of a development proposal or is the holder of an option or contract to purchase such land or otherwise has an enforceable proprietary interest in such land.

R District (Residential District). One (1) or more of the following districts: RS-1 Very Low Density Residential, RS-2 Low Density Residential, RM-1 Low-Medium Density Residential, RM-2 Medium Density Residential, or RM-3 High Density Residential.

Recreational Vehicle. A motor home, travel trailer, truck camper, or camping trailer with or without motor power designed for human habitation for recreational, emergency, or other occupancy, which meets all of the following criteria:

1. It contains less than three hundred twenty (320) square feet of internal living room area, excluding built-in equipment, including but not limited to wardrobe, closets, cabinets, kitchen units, or fixtures, and a bath or toilet room;

2. It contains four hundred (400) square feet or less of gross area measured at maximum horizontal projections;

3. It is built on a single chassis; and

4. It is either self-propelled, truck-mounted, or permanently towable on the highways without a permit issued by the appropriate state agency.

Redevelopment Agency. The Redevelopment Agency of the City of Porterville.
Rescission. The City’s unilateral unmaking of an approval for a legally sufficient reason, such as applicant’s material breach of a condition.

Right-of-Way. A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer or other similar use.

Screening. Screening refers to a wall, fence, hedge, informal planting, or berm, provided for the purpose of buffering a building or activity from neighboring areas or from the street.

Setback. The area between a property line and a building or structure which must be kept clear or open. See also Section 103.04, Measuring Distances, and Section 103.12, Measuring Setbacks (Yards).

Sidewalk. A paved, surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

Sign-Related Terms. The following terms are related to Chapter 305, Signs.

Abandoned Sign. A sign remaining in place or not maintained for a period of 90 days which no longer advertises or identifies an ongoing business, product, or service available on the business premise where the sign is located.

Animated Sign. A sign that uses movement or change of lighting to depict action or create a special effect or scene.

Area of Sign. The area included within the outer dimensions of a sign face display area including all portions not part of the necessary supporting structure; a double-faced sign whose faces are parallel or no more than 30 degrees apart shall be deemed to be a single sign for the purposes of determining sign area. In the case of a sign placed on a wall or other structure surface, the area shall be computed by enclosing the sign within sets of parallel lines.

Awning Sign. A sign painted or otherwise affixed permanently to the exterior surface of an awning. For purposes of this Division, awning means shelter projecting from and supported by the exterior wall of a building and constructed of a rigid frame covered by a flexible skin (e.g., as fabric, synthetic material, or thin sheet metal).

Balloon. An inflatable, airtight bag that can be strung together in multiple numbers to attract attention to a business location. A balloon shall not be considered an inflatable sign.

Banner. A temporary sign made of fabric or any nonrigid material with no enclosing framework.
**Building Frontage.** The linear dimension of a building that faces upon a public street (excluding an alley) or public/private parking lot, if appropriate, and is roughly parallel to it. Where a building has more than one (1) frontage, the sign applicant or business owner may designate the primary building frontage and the secondary building frontage for the purposes of this Division.

**Building-Mounted Sign.** Any sign mounted or erected on or against any building or façade, including all wall signs, awning and canopy signs and projecting signs.

**Can Sign (Box Sign).** A sign on the outside face of a metal box with or without internal illumination.

**Canopy.** A rigid multi-sided structure covered with fabric, metal, or other material and supported by columns or posts embedded in the ground, or cantilevered out from the main structure.

**Changeable Copy Sign.** A sign whose informational content can be changed or altered manually.

**Channel Letters.** Three-dimensional individual letters or figures, with an open back or front, illuminated or nonilluminated, that are affixed to a building or to a freestanding sign structure.

**Construction Sign.** A temporary sign describing in words and/or drawings a planned future development project on a property.

**Directional Sign.** An on-site sign designed to direct or guide pedestrian or vehicular traffic and which is nonadvertising in nature, except for a logo and directional information, (e.g., handicapped parking, one (1) way, exit, and entrance).

**Electronic Message Center Sign.** A sign whose informational content can be changed or altered by electric, electro-mechanical, electronic, or any other artificial energy means.

**Fence Sign.** A sign attached to or painted onto any freestanding wall or fence.

**Flag.** A loose fabric or membrane secured to a pole or rod, which flutters and moves with air or wind movement.

**Freestanding Sign.** A sign that is permanently supported upon the ground by poles or braces and is not attached to any building or other structure.

**Height.** The vertical distance measured from the lowest ground level directly beneath the sign to the highest point at the top of the sign. The ground level shall be either the natural grade or finished grade, whichever is lowest.
**Identifiable Area.** Residential, commercial, or industrial site containing a minimum of two (2) acres with an integrated site and design plan creating a single unified development with one (1) or more uses.

**Identification Sign.** A permanent sign used to identify a residential area, shopping district, industrial district, or any area which fulfills the definition of an identifiable area.

**Illegal Sign.** A sign that does not meet the requirements of this Division or that does not have legal nonconforming status.

**Illuminated Sign.** A sign with an artificial source of light incorporated internally or externally for the purpose of illuminating the sign.

**Inflatable Sign.** A form of inflatable device (e.g., shaped as an animal, blimp, or other object) that is displayed, printed, or painted on the surface of an inflatable background, and is primarily installed outside a building to attract attention to or to advertise a business, a business location, a service, a product, or an event. An inflatable sign shall not be considered a balloon.

**Interior Illumination.** Lighting whose source is contained within the sign.

**Logo.** A specially designed graphic symbol of a business establishment, a company, or any other legal private or public entity.

**Marquee Sign.** A sign advertising an event, performance, service, seminar, conference, or show, and displayed on a permanent roof-like structure or canopy made of rigid materials supported by and extending from the facade of a building.

**Mansard.** A wall which has a slope equal to or greater than two (2) vertical feet for each horizontal foot and has been designed to look like a roof.

**Master Sign Program.** A coordinated program of signage designed to encourage consistency in signage for developments with multiple tenants or for developments with a single tenant proposing multiple signs.

**Monument Sign.** A low-profile freestanding sign erected upon or supported solely by a planter, pedestal base, or similar ground structure approximately the same dimension as the height of the sign and which is designed to incorporate the architectural theme and building material of the building on the premises.

**Neon Sign.** A sign with tubing that is internally illuminated by neon or other electrically charged gas.

**Off-site Advertising Sign.** A sign structure or billboard, whether freestanding or mounted on an existing building, built for the purpose of advertising an
establishment, product or service that is not available on the property upon which the sign is located at the time the sign structure was erected.

**Off-site Directional Sign.** A sign offering directional information to a business, location or place located in an area different from where the sign is located.

**Parapet.** That portion of the building wall that extends above the roof of the building.

**Pennant.** A device made of flexible materials, (e.g., cloth, paper, or plastic) that may or may not contain copy, and which is installed for the purpose of attracting attention.

**Pole Sign.** A freestanding sign supported by one (1) or more poles.

**Political Sign.** A temporary sign installed that advertises a political candidate, a political party, or a political issue.

**Portable Sign.** A sign not permanently attached to, mounted upon, or affixed to a building, structure, or the ground. Portable signs include A-frame signs, sandwich board signs, and signs on wheels.

**Projecting Sign.** A sign, the sign surface of which is not parallel to the face of the supporting wall and which is supported wholly by the wall. This definition shall include V- or wing-type signs.

**Real Estate Sign.** A temporary sign indicating that the premises on which the sign is located is for sale, lease, or rent. These signs typically include rider signs that describe amenities such as swimming pools and spas, open house signs, subdivision signs, and off-site directional signs.

**Roof Sign.** A sign erected, constructed, and attached to and/or maintained upon or above any roof or portion of a roof of any building, including a mansard roof. For the purposes of this Division, a mansard roof is any roof or parapet wall with roofing material for siding that slopes from thirty (30) degrees to ninety (90) degrees and does not have a ridgeline.

**Sign.** Any letters, figure, visual symbol, emblem, logo, object, or display, or any combination thereof, designed or used to identify, attract attention to, advertise, or communicate information. Signs include display surfaces together with such facilities as are utilized in supporting, maintaining, and illuminating the display surfaces.

**Sign Area.** See Area of Sign.

**Sign Copy.** Any words, letters, logos, numbers, figures, design, or other symbolic representation incorporated into a sign.
**Sign Face.** The surface or surfaces used for the display of a sign message as seen from any one (1) direction.

**Temporary Sign.** A sign that is designed or intended to be temporarily mounted or displayed and that is not intended for permanent or long-term use.

**Vehicle Display Sign.** A sign mounted, attached, affixed or painted upon any surface of a motor vehicle, trailer or similar conveyance parked on public or private property for the purpose of advertising a business or a business location within the City or outside the City.

**Vehicle for Sale Sign.** A sign painted or affixed onto vehicles for sale that are kept in vehicle display areas of new and used motor vehicle dealership lots.

**Wall Sign.** A sign painted or installed on or attached to a wall and which is parallel to the building facade. This definition includes painted, channel letters, and can signs.

**Window Sign.** A sign painted or installed on a glass window or door or located within twelve (12) inches from inside the window in a manner that it can be viewed from the exterior of a structure.

**Site.** A lot, or group of contiguous lots, that is proposed for development in accordance with the provisions of this ordinance and is in a single ownership or under unified control.

**Specific Plan.** A plan for a defined area that is consistent with the General Plan and with the provisions of the California Government Code, Section 65450 et seq.

**State.** The State of California.

**Story.** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the roof above.

**Street.** A public or private right-of-way whose function is to carry vehicular traffic or provide vehicular access to abutting property.

**Structural Alteration.** Any change of the supporting members of a building, such as bearing walls, columns, beams or girders, floor joists, ceiling joists, or roof rafters.

**Structure.**

**Accessory Structure.** A subordinate structure, the use of which is incidental to that of the main structure on the same lot.
**Permanent Structure.** Anything constructed or erected which requires a fixed location on the ground, or is attached to a building or other structure having fixed location on the ground.

**Primary Structure (Main Structure).** A structure housing the principal use of a site or functioning as the principal use.

**Temporary Structure.** A structure without any foundation or footings and which is intended to be removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

**Swimming Pool.** A pool, pond, lake, or open tank capable of containing water to a depth greater than one and one-half (1.5) feet at any point.

**Tandem Parking.** An arrangement of parking spaces such that one (1) or more spaces must be driven across in order to access another space or spaces.

**Telecommunication Terms.** The following terms are related to Chapter 306, Telecommunications Facilities.

**Antenna.** Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or receiving of electromagnetic radio frequency waves.

**Amateur Radio Antenna.** Any antenna used to receive or transmit radio signals on the amateur radio bandwidth, as designated by federal regulations.

**Camouflage.** To disguise a wireless facility by incorporating it into the architectural design of a building or structure or by utilizing design and siting techniques that disguise the wireless facility as a structure or object other than a wireless facility, which is either already present in the area or blends in with the existing environment. Examples of camouflage techniques include, but are not limited to, trees, clock towers, bell steeples, light poles and flag poles. The use of mono-pines shall not be considered appropriate camouflage unless integrated into the surrounding landscape with the use of live trees, new or existing structures or other design features.

**Co-location.** The location of two (2) or more wireless communication facilities on a single support structure or otherwise sharing a common location. For the purposes of this chapter, collocation shall also include the location of wireless communication facilities with other facilities such as water tanks, light standards, and other utility facilities and structures.

**Communication Tower.** Any structure that is used to transmit or receive electromagnetic radio frequency waves or that supports such a device.
**Ground-Mounted.** A facility that is fully or partially supported by a platform, framework, pole, or other structural system that is affixed to or placed directly on or in the ground.

**Monopole.** A facility that consists of a single pole structure erected on the ground to support wireless communication antennas and connecting appurtenances.

**Wireless Telecommunication Facility.** A facility containing communication towers and/or antennas and any related equipment for the purpose of transmitting or receiving electromagnetic radio frequency waves.

**Temporary Uses.** The following terms are related to Section 301.18, Temporary Uses.

**Garage Sales.** The sale or offering for sale to the general public of over five (5) items of personal property on a portion of a lot in a residentially zoned district, whether inside or outside any building.

**Model Homes.** A dwelling built in a subdivision development to allow potential home buyers to view a sample finished product before other homes in the development are completed.

**Outdoor Sales, Temporary and Seasonal.** The sale or offering for sale to the general public of merchandise outside of a permanent structure on property owned or leased by the person, firm, or corporation. These sales are of a limited duration and conducted on an occasional basis, and are secondary or incidental to the principal permitted use or structure existing on the property.

**Unit.** See Dwelling Unit.

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

**Use, Primary.** A primary or dominant use established, or proposed to be established, on a lot.

**Use, Accessory.** A use that is customarily associated with, and is incidental and subordinate to, the principal use and located on the same lot as the principal use.

**Variance.** Permission to depart from the literal requirements of this Ordinance.

**Vibration.** A periodic motion of the particles of an elastic body or medium in alternately opposite directions from the position of equilibrium.

**Visible.** Capable of being seen (whether or not legible) by a person of normal height and visual acuity walking or driving on a public road.
Weekday. Any day, Monday through Friday, that is not a federal, state, or local holiday.

Yard. An open space on a lot that is unoccupied and unobstructed from the ground upward, except as otherwise permitted by this Development Ordinance.

Front Yard. A yard extending across the front of a lot for the full width of the lot between the side lot lines. The depth of a front yard shall be a distance specified by this Development Ordinance for the district in which it is located and measured inward from the front lot line.

Interior Side Yard. A yard extending along an interior side of a lot from the front lot line to the rear lot line, and to a depth specified by this Development Ordinance for the district in which it is located and measured inward from the interior side lot line.

Street Side Yard. A yard extending along the street side of a corner lot from the front lot line to the rear lot line, and to a depth specified by this Development Ordinance for the district in which it is located and measured inward from the street side lot line.

Rear Yard. A yard extending across the rear of a lot for its full width between side lot lines, and to a depth specified by this Development Ordinance for the district in which it is located. If a lot has no rear lot line, a line 10 feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, will be deemed the rear lot line for the purpose of establishing the minimum rear yard.

Zoning Administrator. The Community Development Director of the City of Porterville, or his or her designee.

Zoning District. A specifically delineated area or district in the city within which regulations and requirements uniformly govern the use, placement, spacing, and size of land and buildings.
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Chapter 701 Use Classifications

Sections:

701.01 Purpose and Applicability
701.02 Residential Use Classifications
701.03 Public and Semi-Public Use Classifications
701.04 Commercial Use Classifications
701.05 Industrial Use Classifications
701.06 Transportation, Communication, and Utilities Use Classifications
701.07 Agricultural and Extractive Use Classifications

701.01 Purpose and Applicability
Use classifications describe one (1) or more uses of land having similar characteristics, but do not list every use or activity that may appropriately be within the classification. The Zoning Administrator shall determine whether a specific use shall be deemed to be within one (1) or more use classifications or not within any classification in this chapter. The Zoning Administrator may determine that a specific use shall not be deemed to be within a classification, whether or not named within the classification, if its characteristics are substantially incompatible with those typical of uses named within the classification.

701.02 Residential Use Classifications

**Single-Family Dwelling.** A dwelling unit designed for occupancy by one (1) household, and located on a separate lot from any other unit (except accessory living quarters, where permitted). This classification includes individual manufactured housing units installed on a foundation system pursuant to Section 18551 of the California Health and Safety Code.

**Detached.** A single-family dwelling unit that is not attached to any other dwelling unit.

**Attached.** A single-family dwelling unit, located singly on a lot, but attached through common vertical walls to one (1) or more dwellings on abutting lots. An attached single-family dwelling unit is sometimes referred to as a “townhome.”

**Multiple-Family Residential.** Two (2) or more dwelling units on a lot. Types of multiple family dwellings include duplexes, garden apartments, senior housing developments, and multi-story apartment buildings.

**Family Day Care Home.** A home that regularly provides care, protection, and supervision for fourteen (14) or fewer children, in the provider's own home, for periods of less than twenty-four (24) hours per day, while the parents or guardians are away, and is either a large family day care home or a small family day care home as follows.
Large. A home that provides family day care for seven (7) to fourteen (14) children, including children under the age of 10 years who reside at the home (Health and Safety Code Section 1596.78(b)). A large family day care home may provide care for more than 12 children and up to and including fourteen (14) children, if all of the following conditions are met (Health and Safety Code Section 1597.465):

1. At least one (1) child is enrolled in and attending kindergarten or elementary school and a second child is at least six (6) years of age.

2. No more than three (3) infants are cared for during any time when more than twelve (12) children are being cared for.

3. The licensee notifies a parent that the facility is caring for two (2) additional schoolage children and that there may be up to thirteen (13) or fourteen (14) children in the home at one (1) time.

4. The licensee obtains the written consent of the property owner when the family day care home is operated on property that is leased or rented.

Small. A home that provides family day care for eight (8) or fewer children, including children under the age of ten (10) years who reside at the home (Health and Safety Code Section 1596.78(c)). A small family day care home may provide care for more than six (6) and up to eight (8) children, without an additional adult attendant, if all of the following conditions are met (Health and Safety Code Section 1597.44):

1. At least one (1) child is enrolled in and attending kindergarten or elementary school and a second child is at least six (6) years of age.

2. No more than two (2) infants are cared for during any time when more than six (6) children are being cared for.

3. The licensee notifies each parent that the facility is caring for two (2) additional schoolage children and that there may be up to seven (7) or eight (8) children in the home at one (1) time.

4. The licensee obtains the written consent of the property owner when the family day care home is operated on property that is leased or rented.

Group Residential. Shared living quarters without separate kitchen or bathroom facilities for each room or unit, offered for rent for permanent or semi-transient residents on a weekly or longer basis. This classification includes rooming and boarding houses, dormitories, private residential clubs, and residential hotels intended for long-term occupancy (thirty (30) days or more) but excludes Hotels and Motels, Residential Care, Limited or General.
**Mobile Home Parks.** Mobile housing in a planned development with common area amenities. Spaces for mobile homes may be rented, leased or owned through a subdivision, cooperative, condominium or other form of resident ownership.

**Residential Care Facilities, Limited.** Facilities that require a State license or are State licensed and provide twenty-four (24) hour non-medical care and supervision for six (6) or fewer persons in need of personal services, supervision, protection, or assistance for sustaining the activities of daily living, excluding the licensee or members of the licensee’s family or persons employed as facility staff. Living accommodations are share living quarters with or without separate kitchen or bathroom facilities for each room or unit. This classification includes facilities that are operated for profit as well as those operated by public or not-for-profit institutions, including hospices.

**Single Room Occupancy.** A residential facility where individual secure rooms, which may or may not include cooking facilities, are rented to one (1) or two (2) person households for a weekly or monthly period of time. This use type is distinct from a Hotel or Motel, which is a commercial use.

**701.03 Public and Semi-Public Use Classifications**

**Cemetery.** Establishments primarily engaged in operating sites or structures reserved for the interment of human or animal remains, including mausoleums, burial places, and memorial gardens.

**Clubs and Lodges.** Meeting, recreational, or social facilities of a private or nonprofit organization primarily for use by members or guests. This classification includes union halls and social clubs.

**Colleges and Trade Schools, Public or Private.** Institutions of higher education providing curricula of a general, religious or professional nature, typically granting recognized degrees, including conference centers and academic retreats associated with such institutions. This classification includes business and computer schools, management training, technical and trade schools, but excludes personal instructional services such as music lessons.

**Community Center.** Any noncommercial facility established primarily for the benefit and service of the population of the community in which it is located. Examples include youth centers and senior centers.

**Cultural Institutions.** Public or non-profit institutions engaged primarily in the display or preservation of objects of interest in the arts or sciences that are open to the public on a regular basis. This classification includes performing arts centers for theater, dance, and events; buildings of an educational, charitable or philanthropic nature; libraries; museums; historical sites; aquariums; art galleries; and zoos and botanical gardens.
Day Care Centers. Establishments providing non-medical care for persons on a less than 24-hour basis other than Family Day Care Home. This classification includes nursery schools, preschools, and day care facilities for children or adults, and any other day care facility licensed by the State of California.

Elderly and Long-term Care. Establishment that provide twenty-four (24) hour medical, convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves, and is licensed as a skilled nursing facility by the, including but not limited to, rest homes and convalescent hospitals, but not Residential Care, Hospitals, or Clinics.

Government Offices. Administrative, clerical, or public contact offices of a government agency, including postal facilities, together with incidental storage and maintenance of vehicles. This classification excludes corporation yards, equipment service centers, and similar facilities that primarily provide maintenance and repair services and storage facilities for vehicles and equipment (See Utilities, Major).

Hospitals and Clinics. State-licensed facilities providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons. This classification includes facilities for inpatient or outpatient treatment, including substance-abuse programs as well as training, research, and administrative services for patients and employees. This classification excludes veterinaries and animal hospitals (see Animal Care, Sales, and Services) and medical marijuana dispensaries.

Instructional Services. Establishments that offer specialized programs in personal growth and development such as music, vocal, fitness and dancing instruction.

Park and Recreation Facilities, Public. Parks, playgrounds, fairgrounds, recreation facilities, trails, wildlife preserves, and related open spaces, all of which are noncommercial. This classification also includes playing fields, courts, gymnasiums, swimming pools, picnic facilities, tennis courts, and golf courses, botanical gardens, as well as related food concessions or community centers within the facilities.

Public Safety Facilities. Facilities providing public-safety and emergency services, including police and fire protection and emergency medical services, with incidental storage, and maintenance facilities.

Religious Facilities. A facility for religious worship and incidental religious education and offices, including churches, temples, and other facilities used primarily for religious services or activities. This classification excludes private schools for primary or secondary education, as defined in this section, which also may be available for temporary use by the general public or civic, cultural, or educational organizations.

Residential Care Facilities, General. Facilities that require a State license or are State licensed and provide twenty-four (24) hour primarily non-medical care and supervision, or skilled nursing services, for more than six (6) persons in need of personal services, supervision, protection, or assistance for sustaining the activities of daily living.
accommodations are shared living quarters with or without separate kitchen or bathroom facilities for each room or unit. This classification includes facilities that are operated for profit as well as those operated by public or not-for-profit institutions, including hospices, nursing homes, skilled nursing facilities, and convalescent facilities. This category excludes transitional housing, foster family homes, community service facilities, and any facilities supervised by or under contract with the State Department of Corrections.

**Schools, Public or Private.** Facilities for primary or secondary education, including public schools, charter schools, and private institutions having curricula comparable to that required in the public schools of the State of California.

**Social Service Facilities.** Any noncommercial facility, such as homeless shelters, and emergency shelters, that may also provide meals, showers, and/or laundry facilities. Specialized programs and services related to the needs of the residents may also be provided. This classification excludes transitional housing facilities that provide living accommodations for a longer term.

### 701.04 Commercial Use Classifications

**Adult-Oriented Business.** An establishment or concern that, as a regular and substantial course of conduct, offers, sells or distributes adult-oriented merchandise, or that offers to its patrons materials, products, merchandise, services, entertainment or performances that have sexual arousal, sexual gratification, and/or sexual stimulation as their dominant theme, or are characterized by an emphasis on specified sexual activities or specified anatomical areas and are not customarily open to the general public because they exclude minors by virtue of their age. This classification does not include any establishment offering professional services conducted, operated, or supervised by medical practitioners, physical therapists, nurses, chiropractors, psychologist, social workers, marriage and family counselors, osteopaths, and persons holding licenses or certificates under applicable State law or accreditation from recognized programs when performing functions pursuant to the respective license or certificate.

**Aircraft Sales, Services, and Storage.** Uses related to the rental, sales and leasing, storage, repair, and washing of aircraft.

**Animal Care, Sales and Services**

**Kennels.** Facilities for keeping, boarding, training, breeding or maintaining for commercial purposes, four (4) or more dogs, cats, or other household pets not owned by the kennel owner or operator. This classification excludes pet shops and animal hospitals that provide twenty-four (24) hour accommodation of animals receiving medical or grooming services.

**Pet Stores.** Retail sales of animals and/or services, including grooming, for animals on a commercial basis. This classification excludes dog walking and similar pet care services not carried out at a fixed location, and excludes pet supply stores that do not
sell animals or provide on-site animal services.

**Veterinary Services.** Medical care for small animals on a commercial basis. This classification allows twenty-four (24) hour accommodation of animals receiving medical or grooming services but does not include kennels.

**Artists’ Studios.** Work space for artists and artisans, including individuals practicing one (1) of the fine arts or performing arts, or skilled in an applied art or craft. Incidental retail sales of items produced on the premises is required.

**Automobile/Vehicle Sales and Services.**

**Automobile/Vehicle Rentals.** Rental of automobiles, including storage and incidental maintenance.

**Automobile/Vehicle Sales and Leasing.** Sales or leasing of automobiles, boats, motorcycles, trucks, and motor homes, including storage and incidental maintenance.

**Automobile/Vehicle Repair, Major.** Repair of automobiles, trucks, motorcycles, motor homes, boats and recreational vehicles, including the sale, installation, and servicing of related equipment and parts, generally on an overnight basis. This classification includes auto repair shops, body and fender shops, transmission shops, wheel and brake shops, auto glass services, and tire sales and installation, but excludes vehicle dismantling or salvaging and tire retreading or recapping.

**Automobile/Vehicle Service and Repair, Minor.** The service and repair of automobiles, light-duty trucks, boats, and motorcycles, including the sale, installation, and servicing of related equipment and parts. This classification includes quick-service oil, tune-up and brake and muffler shops where repairs are made or service provided in enclosed bays and no vehicles are stored overnight. This classification excludes establishments providing engine repair, body and fender work, vehicle painting, or towing. It also excludes repair of heavy trucks or construction vehicles.

**Automobile/Vehicle Washing.** Washing, waxing, or cleaning of automobiles or similar light vehicles, including self-serve washing facilities.

**Large Vehicle and Equipment Sales, Service and Rental.** Sales, servicing, rental, fueling, and washing of large trucks, trailers, tractors, and other equipment used for construction, agricultural, or landscape gardening activities. Includes large vehicle operation training facilities. Sales of new or used automobiles or trucks are excluded from this classification.

**Service Station.** Establishments primarily engaged in retailing automotive fuels or retailing these fuels in combination with activities, such as providing repair services; selling automotive oils, replacement parts, and accessories; and/or providing food services.
Towing and Impound. Establishments primarily engaged in towing light or heavy motor vehicles, both local and long distance. These establishments may provide incidental services, such as vehicle storage and emergency road repair services. (For automobile/dismantling, see Salvage Yards)

Banks and Financial Institutions.

Banks and Credit Unions. Financial institutions providing retail banking services. This classification includes only those institutions engaged in the on-site circulation of money, including credit unions, but excluding check-cashing businesses.

Check Cashing Businesses. Establishments that, for compensation, engage in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. This classification also includes the business of deferred deposits, whereby the check casher refrains from depositing a personal check written by a customer until a specific date pursuant to a written agreement as provided in Civil Code 1789.33. Check Cashing Businesses do not include state or federally chartered banks, savings associations, credit unions, or industrial loan companies. They also do not include retail sellers engaged primarily in the business of selling consumer goods, such as consumables to retail buyers, that cash checks or issue money order incidental to their main purpose or business.

Building Materials and Services. Retailing, wholesaling, or rental of building supplies or equipment. This classification includes lumber yards, tool and equipment sales or rental establishments, and includes establishments devoted principally to taxable retail sales to individuals for their own use. This definition does not include Contractors’ Yards and hardware stores less than ten thousand (10,000) square feet in floor area (see Retail Sales).

Business Services. Establishments that primarily provide goods and services to other businesses on a fee or contract basis, including printing and copying, blueprint services, advertising and mailing, equipment rental and leasing, office security, custodial services, photo finishing, and model building, but excluding vehicle rentals, bulk items, or print shops.

Commercial Entertainment and Recreation. Provision of participant or spectator entertainment to the general public.

Cinema/Theaters. Facilities for indoor display of films, motion pictures, or dramatic, musical, or live performances. This classification may include incidental food and beverage services to patrons.

Large-scale. This classification includes large outdoor facilities such as amusement and theme parks, casinos, sports stadiums and arenas, racetracks, amphitheatres, drive-in theaters, driving ranges, golf courses, and facilities with more than ten thousand (10,000) square feet in building area, including fitness centers, gymnasiums, handball, racquetball, or large tennis club facilities; ice or
roller skating rinks; swimming or wave pools; miniature golf courses; bowling alleys; archery or indoor shooting ranges; riding stables; campgrounds; stables, etc. This classification may include restaurants, snack bars, and other incidental food and beverage services to patrons.

**Small-scale.** This classification includes small, generally indoor facilities, that occupy less than ten thousand (10,000) square feet of building area, such as billiard parlors, card rooms, health clubs, dance halls, small tennis club facilities, poolrooms, and amusement arcades. This classification may include restaurants, snack bars, and other incidental food and beverage services to patrons.

**Eating, Drinking, and Smoking Establishments.** Businesses primarily engaged in serving prepared food, beverages, and/or tobacco for consumption on or off the premises.

**Bars/Night Clubs/Lounges.** Businesses serving beverages for consumption on the premises as a primary use and including on-sale service of alcohol including beer, wine, and mixed drinks. This classification includes establishments that provide dancing or entertainment.

**Coffee Shops/Cafes.** Establishments that serve nonalcoholic beverages, such as coffee, juices or sodas for consumption on or near the premises, or a specialty snack, such as ice cream, frozen yogurt, cookies or popcorn.

**Restaurants.** Establishments where meals are served to customers. This classification includes full-service restaurants with table service as well as establishments providing limited table service, such as fast-food restaurants, carryout sandwich shops, limited service pizza parlors and delivery shops, and delicatessen restaurants. This classification excludes establishments that provide dancing or entertainment (see Bars/Night Clubs/Lounges).

**Tobacco Bars.** Any business establishment which in whole or in part is dedicated to or includes as part of the business, the smoking of tobacco or other substances. This classification includes cigar lounges, hookah bars/cafes, tobacco cafes/bars, and smoking parlors but does not include medical marijuana dispensaries.

**Food and Beverage Retail Sales.** Retail sales of food and beverages for off-site preparation and consumption. Typical uses include food markets, convenient markets, groceries, liquor stores, and retail bakeries.

**Funeral Parlors and Mortuaries.** An establishment primarily engaged in the provision of services involving the care, preparation, or disposition of the human dead and conducting memorial services. Typical uses include a crematory, columbarium, mausoleum, or mortuary.
Hotels and Motels. Establishments offering lodging to transient patrons. These establishments may provide additional services, such as conference and meeting rooms, restaurants, bars, or recreation facilities available to guests or to the general public. This classification includes motor lodges, motels, hostels, extended-stay hotels, and tourist courts, but does not include rooming houses, boarding houses, or private residential clubs.

Light Fleet-Based Services. Passenger transportation services, local delivery services, medical transport, and other businesses that rely on fleets of three (3) or more vehicles with rated capacities less than ten thousand (10,000) lbs. This classification includes parking, dispatching, and offices for taxicab and limousine operations, ambulance services, non-emergency medical transport, local messenger and document delivery services, home cleaning services, and similar businesses. This classification does not include towing operations (See Automobile/Vehicle Sales and Service, Towing and Impound) or taxi or delivery services with two (2) or fewer fleet vehicles on-site (See Business Services).

Maintenance and Repair Services. The on-site maintenance or repair of office machines, household appliances, furniture, and similar items. This classification excludes maintenance and repair of vehicles or boats (see Automotive Sales and Services) and personal apparel (See Personal Services).

Nurseries and Garden Centers. Establishments primarily engaged in retailing nursery and garden products—such as trees, shrubs, plants, seeds, bulbs, and sod—that are predominantly grown elsewhere. These establishments may sell a limited amount of a product they grow themselves. Fertilizer and soil products are stored and sold in package form only. This classification includes wholesale and retail nurseries offering plants for sale.

Offices.

General Offices. Offices of firms or organizations providing professional, executive, management, administrative or design services, such as accounting, architectural, computer software design, engineering, graphic design, interior design, investment, and legal offices, excluding banks, and savings and loan associations (see Banks and Financial Institutions). This classification also includes offices where medical and dental services are provided by physicians, dentists, chiropractors, optometrists, and similar medical professionals, including medical/dental laboratories within medical office buildings but excluding clinics or independent research laboratory facilities and hospitals (see Hospitals and Clinics) and medical marijuana dispensaries.

Walk-In Clientele. Offices of firms or organizations providing services to the public that rely on heavy pedestrian activity and constant visits by clients, including real estate offices, landlord-tenant services, credit counseling, and financial tax services.
**Parking, Public or Private.** Surface lots and structures for use of occupants, employees, or patrons on the subject site or offering parking to the public for a fee when such use is not incidental to another activity.

**Personal Services.** Provision of recurrently needed services of a personal nature. This classification includes barber and beauty shops, tattoo parlors, seamstresses, tailors, dry cleaning agents (excluding large-scale bulk cleaning plants), shoe repair shops, self-service laundries, photocopying and photo finishing services, and travel agencies.

**Retail Sales.** The retail sale or rental of merchandise not specifically listed under another use classification. This classification includes department stores, clothing stores, furniture stores, pet supply stores, small hardware stores (with ten thousand (10,000) square feet or less of floor area), and businesses retailing the following goods: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies and services (including portraiture and retail photo processing), medical supplies and equipment, pharmacies, electronic equipment, records, sporting goods, kitchen utensils, hardware, appliances, antiques, art galleries, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, video rental, and new automotive parts and accessories (excluding vehicle service and installation). Retail sales may be combined with other services such as office machine, computer, electronics, and similar small-item repairs. This classification includes secondhand and wholesale stores. This classification excludes medical marijuana dispensaries.

**Swap Meet.** Any indoor or outdoor place, in an approved location, or for an approved activity where new or used goods or secondhand personal property is offered for sale or exchange to the general public by a multitude of individual licensed vendors, usually in compartmentalized spaces. The term swap meet is interchangeable with and applicable to: flea markets, auctions, open air markets, farmers markets, or other similarly named or labeled activities; but the term does not include the usual supermarket or department store retail operations.

**Salvage and Wrecking.** Storage and dismantling of vehicles and equipment for sale of parts, as well as their collection, storage, exchange or sale of goods including, but not limited to, any used building materials, used containers or steel drums, used tires, and similar or related articles or property.

**Wholesaling and Distribution.** Indoor storage and sale of goods to other firms for resale; storage of goods for transfer to retail outlets of the same firm; or storage and sale of materials and supplies used in production or operation, including janitorial and restaurant supplies. Wholesalers are primarily engaged in business-to-business sales, but may sell to individual consumers through mail or internet orders. They normally operate from a warehouse or office having little or no display of merchandise, and are not designed to solicit walk-in traffic.
701.05 Industrial Use Classifications

Construction and Material Yards. Storage of construction materials or equipment on a site other than a construction site.

Handicraft/Custom Manufacturing. Manufacture of crafts, art, sculpture, stained glass, jewelry, apparel, and similar items using hand tools and small mechanical devices.

Industry, General. Manufacturing of products from extracted or raw materials or recycled or secondary materials, or bulk storage and handling of such products and materials. This classification includes operations such as biomass energy conversion; food and beverage processing; textile mills; production apparel manufacturing; photographic processing plants; leather and allied product manufacturing; wood product manufacturing; paper manufacturing; chemical manufacturing; plastics and rubber products manufacturing; nonmetallic mineral product manufacturing; primary metal manufacturing; fabricated metal product manufacturing; recycling materials processing facilities in which post-consumer materials are sorted, condensed, baled, or transformed; and automotive, ship, aircraft, and heavy equipment manufacturing.

Industry, Limited. Establishments engaged in light industrial activities taking place primarily within enclosed buildings and producing minimal impacts on nearby properties. This classification includes operations such as manufacturing finished parts or products primarily from previously prepared materials; commercial laundries and dry cleaning plants; mobile home manufacturing; monument works; printing, engraving and publishing; computer and electronic product manufacturing; furniture and related product manufacturing; and industrial services.

Recycling Facility. A facility for receiving, temporarily storing, transferring and/or processing materials for recycling, reuse, or final disposal. A certified recycling facility or certified processor means a recycling facility certified by the California Beverage Container Recycling and Litter Reduction Act. A recycling facility does not include storage containers or processing activity located on the premises of a residential, commercial or manufacturing use and used solely for the recycling of material generated by that residential property, business or manufacturer. This use type does not include waste transfer facilities that operate as materials recovery, recycling, and solid waste transfer operations and are classified as utilities.

Reverse Vending Machine. An automated mechanical device that accepts, sorts and processes recyclable materials and issues a cash refund or a redeemable credit slip.

Recycling Collection Facility. An incidental use that serves as a neighborhood drop off point for the temporary storage of recyclable materials but where the processing and sorting of such items is not conducted on-site.
Recycling Processing Facility. Facilities that receive, sort, store and/or process recyclable materials.

Warehousing and Storage. Storage and distribution facilities without sales to the public on-site or direct public access.

Chemical, Mineral, and Explosives Storage. Storage of hazardous materials including but not limited to: bottled gas, chemicals, minerals and ores, petroleum or petroleum-based fuels, fireworks, and explosives.

Indoor Warehousing and Storage. The storage of general merchandise or refrigerated goods within enclosed buildings. Establishments in this classification provide facilities to store commercial goods, but do not sell the goods they handle. They may provide a range of services related to the distribution of goods, including labeling, breaking bulk, inventory control and management, order entry and fulfillment, price marking and ticketing, and transportation arrangement. However, they always provide warehousing or storage in addition to any logistics services.

Outdoor Storage. Storage of vehicles or commercial goods in open lots as a primary use.

Personal Storage. Facilities offering storage for individual use, including mini-warehouses and mini-storage.

701.06 Transportation, Communication, and Utilities Use Classifications

Airports. Facilities for the takeoff and landing of airplanes, including runways, aircraft storage buildings, public terminal buildings and parking, and support activities such as airport operations, crew quarters, and air traffic control.

Heliports. Facilities for the takeoff and landing of helicopters, as a primary use. Heliports typically contain one (1) or more helipads and may have limited facilities such as fuel, lighting, a windsock, or even hangars.

Communication Facilities.

Antenna and Transmission Towers. Broadcasting and other communication services accomplished through electronic or telephonic mechanisms, as well as structures designed to support one (1) or more reception/transmission systems. Examples of transmission towers include, but shall not be limited to, radio towers, television towers, telephone exchange/microwave relay towers, and cellular telephone transmission/personal communications systems towers.

Facilities within Buildings. Includes radio, television, or recording studios; telephone switching centers, and call centers; excludes Antennae and Transmission Towers.
**Freight/Truck Terminals and Warehouses.** Facilities for local or worldwide freight, courier, local messenger, and postal services by truck or rail.

**Transportation Passenger Terminals.** Facilities for passenger transportation operations. This classification includes rail stations, bus terminals, and scenic and sightseeing facilities, but does not include airports or heliports.

**Utilities, Major.** Generating plants, electric substations, solid waste collection, including transfer stations and materials recovery (recycling processing) facilities, solid waste treatment and disposal, water or wastewater treatment plants, and similar facilities of public agencies or public utilities.

**Utilities, Minor.** Facilities necessary to support established uses involving only minor structures, such as electrical distribution lines, solar panels and underground water and sewer lines.

**701.07 Agricultural and Extractive Use Classifications**

**Animal Raising.** The raising, grazing, or feeding of animals for animal products, animal increase, or value increase, and dairying as an accessory use on farms with dairy cattle.

**Crop Cultivation.** The cultivation of tree, vine, field, forage, and other plant crops intended to provide food or fibers. The classification excludes wholesale or retail nurseries. (see Nurseries and Garden Centers)

**Mining and Quarrying.** The extraction of nonmetallic minerals, including dredging and sand and gravel pit operations. This classification includes surface mining operations.