Call to Order
Roll Call

**ORAL COMMUNICATIONS**
This is the opportunity to address the City Council on any matter scheduled for Closed Session. Unless additional time is authorized by the Council, all commentary shall be limited to three minutes.

**CITY COUNCIL CLOSED SESSION:**
A. Closed Session Pursuant to:
   3. Government Code Section 54956.9(a) – Conference with Legal Counsel – Existing Litigation: Lisa Duncan v. City of Porterville et al., Tulare County Superior Court Case No. 246639
   4. Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One Case concerning facts not yet known to potential Plaintiff.
   5. Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: Two Cases.

**6:30 P.M. RECONVENE OPEN SESSION**

**REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION**

Pledge of Allegiance Led by Council Member Cameron Hamilton
Invocation

**PROCLAMATIONS**
Bob Perez
Officer Chris McGuire

**PRESENTATIONS**
Employee of the Month – Javier Sanchez

**AB 1234 REPORTS**
This is the time for all AB 1234 reports required pursuant to Government Code § 53232.3.

1. Tulare County Association of Governments (TCAG)
2. Tulare County Local Agency Formation Commission (LAFCO)
3. P.D.C. Advisory Board
REPORTS
This is the time for all committee/commission/board reports; subcommittee reports; and staff informational items.

I. City Commission and Committee Meetings:
   1. Library and Literacy Commission

ORAL COMMUNICATIONS
This is the opportunity to address the Council on any matter of interest, whether on the agenda or not. Please address all items not scheduled for public hearing at this time. Unless additional time is authorized by the Council, all commentary shall be limited to three minutes.

CONSENT CALENDAR
All Consent Calendar Items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made, in which event the item will be removed from the Consent Calendar.

1. City Council Minutes of April 17, 2012

2. Authorization to Issue a Request for Proposal for Transit Automatic Farebox Collection Equipment
   Re: Considering authorization to advertise for proposals for automatic farebox collection equipment for a base period of three years.

3. Purchase of a Geographic Information Mapping System for the Traffic Unit
   Re: Considering approval of the commencement of negotiations to purchase a Geographic Information Mapping System with funds available through the Selective Traffic Enforcement Program grant.

   Re: Considering authorization to augment the current contract with Bowman Asphalt and initiate change orders for remediation work related to the Jaye Street Improvement Project, and asphalt maintenance work along Gibbons Avenue between Mesa Oak Street and Indiana Street.

5. Authorization to Purchase Water Shares and/or Surface Water for Groundwater Recharge
   Re: Considering authorization to purchase surface water for recharge and/or purchase or bid on Pioneer Water Company shares.

6. Approval of the Third Amendment to the Agreement for Transit Services for College of Sequoias Students
   Re: Considering approval of a renewable agreement between the City of Porterville and Tulare County Association of Governments to provide College of Sequoia students with an unlimited fixed route transit pass during the Fall Semester of 2012 and the Spring Semester of 2013.
7. Approval for Community Civic Event – Porterville City Firefighter’s Association – Porterville Firehouse Chili Cook Off
Re: Considering approval of an event to take place at the Centennial Plaza on Saturday, September 1, 2012, from 10:00 a.m. to 2:00 p.m.

8. City of Porterville Conflict of Interest Code – Biennial Report and Proposed Amendment

9. Review of Local Emergency Status
Re: Reviewing the City’s status of local emergency pursuant to Article 14, Section 8630 of the California Emergency Services Act.

9a. Council Member Requested Agenda Item – Request for the City Council to Consider Financial Support for the Porterville City Firefighters Association’s “Porterville Firehouse Chili Cook-Off”
Re: Considering a request to authorize the scheduling of an item on the September 4th Agenda for consideration of financial support for the Porterville City Firefighters Association’s Chili Cook-Off event.

A Council Meeting Recess Will Occur at 8:30 p.m., or as Close to That Time as Possible

PUBLIC HEARINGS
10. Conditional Use Permit – 2012-007 to Allow for a 60-Foot High Communications Tower at 1809 South Newcomb Street for Southern California Gas Company
Re: Considering adoption of a resolution approving Conditional Use Permit 2012-007.

SECOND READINGS
11. Ordinance 1791, Amending Chapter 21, Development Ordinance – Series 100, 200, 600 and 700 of the Porterville Municipal Code
Re: Second reading of Ordinance 1791, an Ordinance of the City Council of the City of Porterville amending Chapter 21, Development Ordinance – Series 100, 200, 600 and 700 of the Porterville Municipal Code was given first reading on July 31, 2012.

SCHEDULED MATTERS
12. Approval of Amendment Two to the Tulare County Association of Governments Joint Powers Authority
Re: Considering amendments to the Tulare County Association of Governments JPA relative to the implementation and management of the County’s Transportation Impact Fee Program, participation in the Central California Railroad Authority.

Re: Considering the draft “Response to the Grand Jury” letter regarding the 2011-2012 Report on Measure H.
14. Consideration of Purchasing Policy of Literacy Materials Involving Measure H Funds  
Re: Considering the merits of establishing a policy involving the purchase of literacy materials with Measure H funds.

15. Consideration of City Council’s Procedural Handbook  
Re: Considering the City Council’s Procedural Handbook for ratification or potential amendments.

16. Council Member Requested Agenda Item – Resolution of Support for Comprehensive CEQA Reform  
Re: Considering approval of a resolution expressing the City’s support of CEQA reform.

ORAL COMMUNICATIONS

OTHER MATTERS

CLOSED SESSION  
Any Closed Session Items not completed prior to 6:30 p.m. will be considered at this time.

ADJOURNMENT - to the meeting of September 4, 2012.

Pursuant to Ordinance No. 1766, the Council Meeting shall adjourn no later than 9:45 p.m., unless otherwise approved by a majority of the Council Members present.

In compliance with the Americans with Disabilities Act and the California Ralph M. Brown Act, if you need special assistance to participate in this meeting, or to be able to access this agenda and documents in the agenda packet, please contact the Office of City Clerk at (559) 782-7464. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting and/or provision of an appropriate alternative format of the agenda and documents in the agenda packet.

Materials related to an item on this Agenda submitted to the City Council after distribution of the Agenda packet are available for public inspection during normal business hours at the Office of City Clerk, 291 North Main Street, Porterville, CA 93257, and on the City’s website at www.ci.porterville.ca.us.
CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
APRIL 17, 2012, 5:30 P.M.

Call to Order at 5:30 p.m.
Roll Call: Council Member Ward, Vice Mayor Hamilton, Council Member Shelton, Council Member McCracken, Mayor Irish

ORAL COMMUNICATIONS
None

CITY COUNCIL CLOSED SESSION:
A. Closed Session Pursuant to:
3- Government Code Section 54956.95 – Liability Claims: Claimant: Dawn Jobe and Shyan Jobe. Agency claimed against: City of Porterville. (Request to File Late Claim)
4- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: Two Cases.
5- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One Case in which facts are not yet known to potential plaintiff.

6:30 P.M. RECONVENE OPEN SESSION
REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

City Attorney Lew reported on the following reportable closed session action:

A1. On a motion by Council Member Ward, seconded by Vice Mayor Hamilton, the Council authorized staff to: 1) begin escrow, with the City paying escrow fees; 2) make payment to Charles R. Reeder and Carol A. Odom, Trustees of the Carol A. Odom Trust, dated August 17, 1989, as to an undivided 82% interest and Plano Development Group Inc., a California Corporation as to an undivided 18% interest, as tenants in common, in the amount of $30,949 and $19,051 for a total of $50,000, after completion of escrow; 3) authorized the Mayor to sign all necessary documents; and 4) authorized staff to record all documents with the County Recorder. The motion carried unanimously.
Documentation: Resolutions 38-2012 and 39-2012
Disposition: Approved.

Pledge of Allegiance Led by Council Member Brian Ward
Invocation – a moment of silence was observed.

PROCLAMATIONS
Mural Dedication – April 21, 2012
Denim Day – April 25, 2012
Arbor Day – April 27, 2012
Iris Festival – April 28, 2012
Cinco de Mayo Week – April 30 – May 6, 2012

AB 1234 REPORTS
This is the time for all reports required pursuant to Government Code § 53232.3.

1. Tulare County Association of Governments (TCAG) – April 16, 2012: Mayor Irish reported that there was nothing to report from the recent meeting.

2. Indian Gaming Local Community Benefit Committee – April 5, 2012: Vice Mayor Hamilton reported that the City received $104,000 in funds.

3. LAFCO: Vice Mayor Hamilton advised of the LAFCO meeting of April 16th, indicating that LAFCO was looking at a change in policy relative to disadvantaged communities; and advised that he would update the Council on further discussions/action.

Council Member Shelton began to report on community events he recently attended for which he was seeking reimbursement of $.01. In response to an inquiry made by Council Member Shelton, City Attorney Lew opined that $.01 did not constitute a cost.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the City Council postpone Council Members’ comments on recently attended community events until the Other Matters segment of the meeting.

AYES: McCracken, Hamilton, Irish
NOES: Shelton, Ward
ABSENT: None
ABSTAIN: none

Disposition: Approved.

REPORTS
This is the time for all committee/commission/board reports; subcommittee reports; and staff informational items.
1. Library and Literacy Commission – April 10, 2012: Commissioner May reported: 1) the Commission was pleased with staff’s efforts on Kinder registration; 2) the new library facilities planning committee had approached the County regarding a partnership and invited a Council Member representative to attend an upcoming meeting; 3) hours at the Slattery Library had been extended; and 4) spoke of planned summer activities.

2. Parks & Leisure Services Commission – April 5, 2012: No report was presented.

3. Youth Commission – April 16, 2012: No report was presented.

ORAL COMMUNICATIONS

- Charles Webber, voiced appreciation for helpful and friendly City staff at the recent household waste recycling event at Field Services.
- Gail Lemmon, a member of the Transactions and Use Tax Oversight Committee, voiced her interest in being re-appointed.
- Wendy Taylor, 941 W. Pioneer, thanked the Fire Department and Porterville City Firefighters Association for their efforts on the upcoming “Fill the Boot” campaign to fight muscular dystrophy.
- Johnna Key, a Porterville resident, voiced support for allowing Council Member Shelton to speak during the Reports section of the meeting.
- Steve Penn, a Strathmore resident, spoke regarding the need for flashing lights at the intersection of Plano Street and Reed Avenue, noting safety concerns due to the popularity of the area for individuals exercising.
- Mary McClure, a Porterville resident, voiced concern with the manner in which residents were noticed of public hearings concerning re-zonings and annexations.

CONSENT CALENDAR

Item Nos. 2 and 4 were removed for further discussion.

1. THIS ITEM HAS BEEN REMOVED.

3. EXTENDED HOURS FOR CITY TRANSIT SERVICE TO ACCOMMODATE ‘STEP UP GANG CONFERENCE’

Recommendation: That the City Council approve the extended hours for Demand Response service on May 3, 2012, in support of the ‘Step Up Conference.’

Documentation: M.O. 02-041712
Disposition: Approved.

5. BARN THEATER REVOCABLE LICENSES AGREEMENT

Recommendation: That the City Council authorize the Mayor and City Clerk to execute the Barn Theater Revocable Licenses Agreement.

Documentation: M.O. 03-041712
Disposition: Approved.
6. APPROVAL FOR COMMUNITY CIVIC EVENT – ROLLIN’ RELICS CAR CLUB – ROLLIN’ RELICS CAR SHOW – MAY 5, 2012

Recommendation: That the City Council approve the Community Civic Event Application and Agreement submitted by the Rollin’ Relics Car Club, subject to the stated requirements contained in the Application, Agreement and Exhibit ‘A.’

Documentation: M.O. 04-041712
Disposition: Approved.


Recommendation: That the Council approve the Community Civic Event Application and Agreement from the Comision Honorifica Mexicana-Americana, Inc., subject to the restrictions contained in the Application and Agreement, Exhibit ‘A’ and Exhibit ‘B.’

Documentation: M.O. 05-041712
Disposition: Approved.

8. REVIEW OF LOCAL EMERGENCY STATUS

Recommendation: That the City Council:

1. Receive the status report and review of the designated local emergency; and
2. Pursuant to the requirements of Article 14, Section 8690 of the California Emergency Services Act, determine that a need exists to continue said local emergency designation.

Documentation: M.O. 06-041712
Disposition: Approved.

COUNCIL ACTION: MOVED Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council approve Item Nos. 3 and 5 through 8. The motion carried unanimously.

2. APPROVAL OF THE 2010 TULARE COUNTY REGIONAL BICYCLE TRANSPORTATION PLAN – APPLICATION FOR BICYCLE TRANSPORTATION ACCOUNT FUNDS

Recommendation: That the City Council:

1. Authorize staff to submit a BTA application for Tule River Parkway, Phase III construction funds;
2. Approve the Resolution adopting the 2010 Tulare County Regional Bicycle Transportation Plan; and
3. Direct the City Clerk to forward the Resolution to TCAG.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. Council Member Shelton requested clarification regarding the purchase of property, its location, and construction funds.

COUNCIL ACTION:
Resolution 35-2012
MOVED by Council Member Ward, SECONDED by Council Member McCracken that the City Council authorize staff to submit a BTA application for Tule River Parkway, Phase III construction funds; approve the resolution adopting the 2010 Tulare County Regional Bicycle Transportation Plan; and direct the City Clerk to forward the Resolution to TCAG. The motion carried unanimously.

Disposition: Approved.


Recommendation: That the City Council:
1. Approve the OTHG Motocross Race Proposals for June 24, 2012, and August 19, 2012, at the OHV Park; and
2. Approve overnight camping for the events.

The City Manager introduced the item, and the staff report was waived at the Council’s request. Council Member Shelton lauded past racing events and the efforts of individuals associated with the event.

COUNCIL ACTION:
M.O. 07-041712
MOVED by Council Member Ward, SECONDED by Council Member McCracken that the City Council approve the OTHG Motocross Race Proposals for June 24, 2012, and August 19, 2012, at the OHV Park; and approve overnight camping for the events. The motion carried unanimously.

Disposition: Approved.

The Council recessed for ten minutes at 7:10 p.m.

PUBLIC HEARINGS
9. REIMBURSEMENT AGREEMENT FOR CONCRETE IMPROVEMENTS CONSTRUCTED BY THE CITY – JAYE STREET IMPROVEMENTS PROJECT, EASTERLY EXTENSION OF BROWN AVENUE TO GIBBONS AVENUE
Recommendation: That the City Council:
1. Open the Public Hearing, take public comments, concerns and questions;
2. Approve the resolution implementing development charges for construction of curbs, gutters, sidewalks, and drive approaches; and
3. Authorize staff to record a general notice of “Reimbursement Fee” with the office of the Tulare County Clerk-Recorder.

City Manager Lollis introduced the item, and the staff report was presented by Public Works Director Baldo Rodriguez.

The public hearing was opened at 7:34 p.m.

- Daniel Achino, 1009 South Jaye Street, inquired as to when fees would be due.

In response staff clarified that fee payment was triggered by the development of the property, not the sale of property.

The public hearing was closed at 7:36 p.m.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the City Council approve the resolution implementing development charges for construction of curbs, gutters, sidewalks, and drive approaches; and authorize staff to record a general notice of “Reimbursement Fee” with the office of the Tulare County Clerk-Recorder. The motion carried unanimously.

Disposition: Approved.

10. ZONE CHANGE – SIERRA VIEW DISTRICT HOSPITAL

Recommendation: That the City Council:
1. Conduct a Public Hearing to receive input regarding the proposed zone change; and
2. Adopt the draft Ordinance, give first reading and order the Ordinance to print.

City Manager Lollis introduced the item, and the Mayor advised of a conflict of interest, recused himself and exited the Chambers. Vice Mayor Hamilton assumed mayoral duties. The staff report was then presented by City Planner Bill Nebeker.

The public hearing was opened at 7:44 p.m.

- Babette Pisacco, Director of Project Planning and Management for Sierra View District Hospital, made a presentation regarding hospital interaction with Carmelita residents, the need for a new lab location, and requested approval of the zone change.
• Joe Stewart, President/CEO of Sierra View District Hospital, spoke in favor of approval and spoke of the need for hospital expansion.

• Donnette Silva Carter, Porterville Chamber of Commerce, voiced the Chamber's support for approval of the zone change, spoke of quality of life and economic development.

• Joyce Freeman, 102 Carmelita, spoke against the proposed “monstrosity”, and in favor of preserving the integrity of Carmelita Street.

• Michael Cruz, 156 Carmelita, spoke against approval and requested that the item be continued.

• Chuck Atwood, 131 Carmelita, spoke against approval and requested that the street be kept as is.

• Johna Key, Porterville resident, inquired as to vacant property on Putnam and suggested the hospital use that property.

• Roy Maycomber, 140 W. Kessing, spoke in opposition of the zone change.

The public hearing was closed at 8:13 p.m.

Council Member Shelton commented on the testimony received, the rights of homeowners, the proposed design, and Sierra View’s efforts to assuage the concerns of Carmelita residents.

Council Member Ward expressed concern that a conditional use permit would not be required, but expressed confidence that Mr. Stewart and Sierra View would not deviate from the proposed design.

Council Member McCracken voiced his pleasure in seeing the release of the CCRs, and spoke briefly about the efforts made by Sierra View in the past year.

In response to questions posed by Vice Mayor Hamilton, Babette Pisacco spoke about plans for use of a pneumatic tube system between the Emergency Room and the proposed lab; and indicated that expansion plans proposed in 2006 had been abandoned.

A brief discussion followed regarding future zone changes in the area and improvements to the Emergency Department.

In response to concerns expressed by the Council, Joe Stewart spoke of Sierra View’s commitment to the proposed design.

COUNCIL ACTION: Ordinance 1788

MOVED by Council Member Ward, SECONDED by Council Member McCracken that the City Council adopt the draft Ordinance, give first reading and order the Ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE (#PRC 2011-6-Z) FROM PO
(PROFESSIONAL OFFICE) AND RS-2 (LOW DENSITY RESIDENTIAL) TO PS (PUBLIC/SEMI-PUBLIC) FOR THAT .62± ACRE SITE LOCATED AT 515 W. PUTNAM AVENUE AND 182 N. CARMELITA STREET.

AYES: Ward, Shelton, McCracken, Hamilton
NOES: None
ABSTAIN: Irish
ABSENT: None

The City Manager read the ordinance by title only.

Disposition: Approved.

The Council took a ten minute recess, and the Mayor returned to Council Chambers.

**SCHEDULED MATTERS**

11. **AUTHORIZATION OF A TEN-YEAR DEVELOPMENT FEE PAYMENT PLAN**

Recommendation: That the City Council:

1. Authorize a 10-year, 0% interest Development Fee Payment Plan Program for businesses and multi-family housing projects locating within the Porterville City limits, excluding projects requiring major Master Plan infrastructure improvements and Home Occupancy businesses; and


City Manager Lollis introduced the item, and the staff report was presented by Community Development Director Dunlap.

Council Member Shelton requested clarification regarding the disconnection of utilities, participation in the Enterprise Zone, and priority of liens.

**COUNCIL ACTION:**

MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the City Council authorize a 10-year, 0% interest Development Fee Payment Plan Program for businesses and multi-family housing projects locating within the Porterville City limits, excluding projects requiring major Master Plan infrastructure improvements and Home Occupancy businesses; and rescind Resolutions 107-1998, 84-2001, and 64-2012. The motion carried unanimously.

Disposition: Approved.

12. **REQUEST FOR AN AMENDMENT TO THE MUNICIPAL CODE PERTAINING TO CARD TABLES**
Recommendation: That the City Council provide direction to staff.

City Manager Lollis introduced the item, and the staff report was presented by Community Development Director Dunlap.

At 9:09 p.m. the Mayor invited public comment.

- Candace Garrett, 2441 W. Orange Avenue, requested the Council’s approval of change to the Municipal Code to allow for nine tables at a single establishment.

- David Horowitz, Porterville resident, spoke of his traveling to neighboring communities due to a lack of local establishments able to hold poker tournaments, and requested approval of the requested change.

- Mary McClure, commented that Mr. Podergois, the current license owner could not sell the license while the business was not in operation.

- Darren Garrett, father of Candace, spoke of the Gaming Commission’s approval of an increase in the number of card tables at one establishment.

At 9:17 p.m. the Mayor closed public comment.

Council Member Ward recalled a previous request by Mr. Podergois, spoke about the city of Turlock’s assessment of the impacts of gambling, and suggested that the Council do the same.

At Council Member McCracken’s request, the City Manager clarified that the request was being made to increase the number of tables allowed per establishment, not the number of tables allowed within the city.

A discussion ensued regarding current license holders, inactive licenses, and state regulations regarding transfer of licenses.

Vice Mayor Hamilton made a motion to approve amending the Code to allow for nine tables in a single establishment. City Attorney Lew advised that a draft ordinance had not been prepared and any amendments would have to come back for Council consideration.

COUNCIL ACTION: M.O. 08-041712

MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the City Council authorize staff to proceed with drafting the amendment; and direct staff to address concerns regarding potential impacts (i.e. Turlock) in the staff report.

AYES: McCracken, Hamilton, Irish
NOES: Ward, Shelton
ABSTAIN: None
ABSENT: None
Disposition: Direction given.

At 9:34 p.m., Mayor Irish excused himself and exited the meeting due to a previously scheduled engagement. Vice Mayor Hamilton then assumed mayoral duties.

13. **ANNUAL ADJUSTMENT OF FEES BY APPLICATION OF THE ENR COST INDEX**

Recommendation: That the City Council provide direction to staff.

City Manager Lollis introduced the item, and the staff report was presented by Public Works Director Rodriguez.

**COUNCIL ACTION:** MOVED by Council Member Ward, SECONDED by Council Member McCracken that the City Council suspend the ENR auto escalator.

- **AYES:** Ward, Shelton, McCracken, Hamilton
- **NOES:** None
- **ABSTAIN:** None
- **ABSENT:** Irish

Disposition: Approved.

14. **UPCOMING CALL FOR HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) AND HIGH RISK RURAL ROAD PROGRAMS (HRRR) PROJECTS**

Recommendation: That the City Council:

1. Direct the Public Works Director to review intersections within the City of Porterville that potentially could score well under the HSIP and HRRR Grant guidelines;
2. Authorize the preparation and delivery of a HSIP and/or HRRR Grant application or applications if the Director deems intersections within the City are candidates for funding; and
3. Consider roundabouts as a viable candidate for these types of federal funds and provide directions to staff accordingly.

City Manager Lollis introduced the item, and the staff report was presented by Public Works Director Rodriguez.

Council Member Ward voiced his support of the use of roundabouts and spoke of their efficiency. Staff elaborated on the benefits of roundabouts and costs for construction. Council Member McCracken expressed concerns regarding pedestrian traffic and ADA requirements. Staff responded that modern design of roundabouts accounted for pedestrian traffic.
COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council direct the Public Works Director to review intersections within the City of Porterville that potentially could score well under the HSIP and HRRR Grant guidelines; authorize the preparation and delivery of a HSIP and/or HRRR Grant application or applications if the Director deems intersections within the City are candidates for funding; and consider roundabouts as a viable candidate for these types of federal funds and provide directions to staff accordingly.

AYES: Ward, Hamilton
NOES: Shelton, McCracken
ABSTAIN: None
ABSENT: Irish

Disposition: Failed.

15. THIS ITEM HAS BEEN REMOVED.

16. APPOINTMENTS TO THE TRANSACTIONS AND USE TAX OVERSIGHT COMMITTEE

Recommendation: That the City Council:

1. Re-appoint Mr. John Dennis, Ms. Gail Lemmon and Mr. Khris Saleh to the Transactions and Use Tax Oversight Committee to serve four-year terms to expire in May 2016; and
2. Direct staff to publicize notice of the remaining two vacancies.

City Manager Lollis introduced the item, and Administrative Services Manager Patrice Hildreth presented the staff report.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Ward that the City Council re-appoint Mr. John Dennis, Ms. Gail Lemmon and Mr. Khris Saleh to the Transactions and Use Tax Oversight Committee to serve four-year terms to expire in May 2016; and direct staff to publicize notice of the remaining two vacancies.

AYES: Ward, Shelton, McCracken, Hamilton
NOES: None
ABSTAIN: None
ABSENT: Irish

Disposition: Approved, and direction given.

ORAL COMMUNICATIONS
None
OTHER MATTERS

- Council Member McCracken, spoke of his attendance at the Wall of Fame induction ceremony.
- Council Member Shelton requested training/tutoring by the City Attorney on exactly what constituted costs for reimbursement pursuant to AB 1234.
- Council Member Ward, spoke of the upcoming events scheduled for April 21st, including: the mural dedication at Centennial Park, Porterville Celebrates Reading at Veterans Park, the Rocky Hill race, the Iris Festival; and the upcoming Senior Dance.
- Vice Mayor Hamilton lauded Council Member Shelton’s efforts with regard to the Rocky Hill race.

The Council recessed for ten minutes at 10:03 p.m., and then reconvened in Closed Session.

CLOSED SESSION

It was reported that no further reportable action was taken in Closed Session.

ADJOURNMENT

The Council adjourned at 10:32 p.m. to the meeting of May 1, 2012.

Luisa Herrera, Deputy City Clerk

Cameron Hamilton, Vice Mayor
COUNCIL AGENDA: AUGUST 21, 2012

SUBJECT: AUTHORIZATION TO ISSUE A REQUEST FOR PROPOSAL FOR TRANSIT AUTOMATIC FAREBOX COLLECTION EQUIPMENT

SOURCE: Public Works Department - Transit

COMMENT: Throughout the year, the Transit System is in need of various automatic farebox collection equipment, such as spare parts, fare media, upgrades, and additional fareboxes for on-going maintenance and support. The City awarded a one-year contract to GFI Genfare on April 5, 2011, and this contract has now expired.

It is staff’s recommendation to advertise for proposals for automatic farebox collection equipment for a base period of three years. A three-year contract will enable the City to purchase equipment for a longer period of time and potentially receive discounted pricing from a long-term contract.

This project is funded in part by FTA Section 5307 funds with a 20 percent local match. For the transit automatic farebox collection equipment, staff has budgeted $150,000 for maintenance, support, and upgrades in fiscal year 2012/2013.

RECOMMENDATION: That the City Council:

1. Authorize staff to issue a request for proposals for Transit Automatic Farebox Collection Equipment.

P:\pubworks\General\Council\Transit - Authorization to Issue a Request for Proposal for Transit Automatic Farebox Collection Equipment - 2012-08-21.doc
SUBJECT: PURCHASE OF A GEOGRAPHIC INFORMATION MAPPING SYSTEM FOR THE TRAFFIC UNIT

SOURCE: Police Department

COMMENT: In October 2011, the Porterville Police Department, with Council approval, successfully applied for the Selective Traffic Enforcement Program grant through the Office of Traffic Safety for the 2012 year and was awarded grant funds of $164,065. The term to expend funds under this grant will expire on September 30, 2012.

Numerous obligations were established by the Office of Traffic Safety for the spending of the funds granted, including overtime for specific enforcement details, travel expenses, contractual services, other direct costs and equipment. The purchase of a Geographical Information Mapping System is one of the objectives under the equipment budget set by the Office of Traffic Safety.

The purchase price of the Geographic Information Mapping System is estimated at $22,550, which would include software for integration, training for both police and records personnel, and possibly a computer, software licenses, and accessories. This mapping system would be utilized to collect, analyze, and display collision and enforcement data city-wide. This equipment would become the property of the Porterville Police Department at the culmination of the grant obligations. Funds for the purchase of this equipment are available from the Selective Traffic Enforcement Program grant.

In accordance with the City's Purchasing Policy and Procedure Manual, as amended by Resolution No. 122-87 adopted by Council on October 10, 1987, Staff hereby requests approval to begin negotiations for the purchase of this highly specialized equipment.

RECOMMENDATION: That the City Council:
Approve the commencement of negotiations to purchase a Geographic Information Mapping System with funds available through the Selective Traffic Enforcement Program grant.
SUBJECT: AUTHORIZATION TO EXECUTE ADDITIONAL WORK – 2012/2013 FISCAL YEAR MICRO-SURFACING PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: On July 3, 2012, City Council awarded the 2012/2013 Fiscal Year Micro-Surfacing Project to Bowman Asphalt. The project is part of the City’s Measure "R" Street Maintenance Program, which consists of a durable thin asphalt overlay on several streets within the City. An important project component is the removal and replacement of badly distressed asphalt concrete, along with the sealing of significant cracks. New pavement markings will be placed once each street receives the thin asphalt overlay.

Streets and project limits are as follows:

- Olive Avenue – Westwood Street to Salisbury Street.
- Indiana Street – Putnam Avenue to Morton Avenue.
- Indiana Street – Morton Avenue to Henderson Avenue.

The project is progressing satisfactorily and nearing completion. Intermountain Slurry Seal is the subcontractor for Bowman Asphalt and this company will mobilize into Porterville on August 20, 2012, the day before this Council meeting. Staff felt it was prudent to explore the feasibility of expanding the scope of the prime contractor’s scope of work with the remaining Measure "R" Local funds that staff is expecting to be available after the initial contract work is complete. This decision played hand-in-hand with staff’s recent warranty inspection of Jaye Street Improvements Project. Gibbons Avenue to a point approximately 800 feet south of Montgomery Avenue are the limits of this project. The following is a brief reminder of what was presented and directed by City Council during the acceptance of this project and a proposed action plan.

HISTORY:

On March 6, 2012, Council accepted the Jaye Street Improvements Project with the following caveat: Staff had concerns with the final appearance of the asphalt concrete. It was agreed between the City and Contractor, Mitch Brown Construction, to withhold $25,000 in a trust and agency account from the project retention to cover the square yard cost for micro-surfacing within specific areas of concern for the purpose of sealing and locking the aggregates in place.
The Contractor submitted a 3-year warranty bond per the project specifications. The 3-year warranty addresses the structural integrity of the asphalt concrete inclusive of the areas apparent to staff at the time of final inspection and will correct any deficiencies not yet readily apparent to staff. The City and Contractor agreed to review the project yearly during the 3-year warranty period and take corrective measures immediately should they become necessary. If no corrective action is needed, the warranty bond and unused $25,000 will be returned to the Contractor.

PROPOSED ACTION:

Staff performed a recent inspection of the Jaye Street Improvements Project and that inspection solidified our initial concerns with the condition of the top asphalt concrete layer. Through the summer months, those areas brought to the Contractor's attention and the Council's attention, continue to show signs of unraveling or dislodging aggregates. With approval of the Council, staff feels it prudent to augment the current contract with Bowman Asphalt to place a micro-surfacing layer over all deficient workmanship areas.

FURTHER PROPOSED ACTION:

Staff accurately tracks project expenditures and we firmly believe most, if not all, of the five percent (5%) construction contingency ($33,488.84) will be available upon closure of the initial contract with Bowman Asphalt. Gibbons Avenue between Mesa Oak Avenue and Indiana Street is a two-thirds developed arterial street and on the list to receive a micro-surfacing layer in the near future. This street segment is in close proximity to the Jaye Street Improvements Project discussed above and a wise use of funds available to the City during this current fiscal year. Therefore, staff felt it prudent to obtain quotes from Bowman Asphalt for micro-surfacing this segment of Gibbons Avenue. The extra work request calls for the contractor to grind out the areas of deteriorated asphalt, place new asphalt, crack seal some significant longitudinal cracks, place micro-surfacing over the 5,880 square yard area and place appropriate traffic markings. Total cost for the asphalt maintenance efforts along this segment of Gibbons Avenue is $29,221.40. Again, the work, if approved, will be paid from the 5% construction contingency authorized by City Council for the project.
RECOMMENDATION: That City Council:

1. Authorize staff to augment the current contract with Bowman Asphalt and initiate a change order that will utilize all or a portion of the $25,000 held in a trust and agency account for remediation work related to the Jaye Street Improvement Project; and

2. Authorize staff to issue a change order to Bowman Asphalt in the amount of $29,221.40 for asphalt maintenance work along Gibbons Avenue between Mesa Oak Street and Indiana Street.

ATTACHMENT: Locator Map

P:\pub\works\General\Council\Authorization to Execute Additional Work - 2012 Micro Surfacing Project - 2012-05-21.doc
COUNCIL AGENDA: AUGUST 21, 2012

SUBJECT: AUTHORIZATION TO PURCHASE WATER SHARES AND/OR SURFACE WATER FOR GROUNDWATER RECHARGE

SOURCE: Public Works Department – Field Services Division

COMMENT: Previous City Councils have approved the City purchasing surface water when available from surrounding water entities to be used for groundwater recharge. Existing retention facilities and the Porter Slough are available for groundwater recharge.

The City currently owns 465 shares (an increase of 14 shares from last year) of Pioneer Water Company and would like to increase the City’s holdings and water rights. In previous years, City Council has authorized City staff to bid on water shares being offered for sale by shareholders of the Pioneer Water Company (PWC).

Staff recommends that City Council authorize the Public Works Director to purchase or bid on any available shares in PWC and purchase surface water being offered for sale at his discretion. The City Water Fund has $50,000 available for water purchases of this nature.

RECOMMENDATION: That City Council authorize the Public Works Director, at his discretion, to:

1. Purchase surface water for recharge; and
2. Purchase or bid on PWC shares.

Item No. 5
COUNCIL AGENDA: AUGUST 21, 2012

SUBJECT: APPROVAL OF THE THIRD AMENDMENT TO THE AGREEMENT FOR TRANSIT SERVICES FOR COLLEGE OF SEQUOIAS STUDENTS

SOURCE: Public Works Department - Transit

COMMENT: On December 14, 2010, the College of Sequoias (COS) entered into an agreement between the Tulare County Association of Governments (TCAG) and all Tulare County transit agencies to provide students with an unlimited fixed route transit pass valid on Tulare County fixed route bus services and Kings Area Rural Transit fixed routes. The Tulare and Kings counties bus services includes the following transit providers: City of Visalia, City of Tulare, City of Dinuba, City of Porterville, Kings Area Rural Transit and the County of Tulare.

The term of the existing agreement expired on December 31, 2011. The amended agreement allows TCAG and the City of Porterville to enter into a renewable agreement for transit services during the Fall Semester of 2012 and the Spring Semester of 2013 for COS students, which is effective as of August 1, 2012.

The amended agreement, attached, was reviewed by all of the transit providers in both the County of Tulare and Kings County and they were requested to take the agreement before their respective governing boards for approval.

In an effort to develop a similar agreement in the very near future with Porterville College, staff is continuing to meet with College representatives and the student body. A vote by the College student body, along with approval by City Council, will be required to implement any student pass program.

Staff will recommend that similar student pass agreements be entered into with the other transit providers in the area to provide Porterville College students with county-wide access to transit service.
RECOMMENDATION: That the City Council:

1. Approve the attached Third Amendment to Agreement for Transit Services;

2. Authorize the Mayor, City Clerk and City Attorney to execute the Amended Transit Services Agreement for Transit Services; and

3. Authorize staff to forward the executed Amended Agreement for Transit Services to TCAG.

ATTACHMENT: Third Amendment to Agreement for Transit Services

P:\pub\work\4\General\Council\Transit - Approval of 3rd Amendment to Agreement for Transit Services for COS Students - 2012-08-21.doc
THIRD AMENDMENT TO AGREEMENT FOR TRANSIT SERVICES

This Third Amendment to the Agreement for Transit Services between the Tulare County Association of Governments (TCAG) and the _____ Transit (originally entered into on XX/XX/XXXX) to provide transit services for the College of Sequoia (COS) students, is entered into by the Tulare County Association of Governments (TCAG) and _______ Transit (hereinafter referred to as “AGENCY”) effective as of August 1, 2012 (hereinafter referred to as “AGENCY Agreement No. __”) with reference to the following:

WHEREAS, TCAG and AGENCY entered into a renewable agreement for transit services for College of Sequoias students during the Spring 2011, Fall 2011, and Spring 2012 semesters; and

WHEREAS, TCAG and AGENCY desire to amend said agreement to provide the same transit services for the Fall 2012 and Spring 2013 semester; and

WHEREAS, COS will collect all student transportation funds based on the total number of students paying fees, which will transfer to transit providers for transit services provided; and

WHEREAS, the COS Board of Trustees will contribute to the transportation funds for each COS student that is enrolled, per semester in the semester in which they are enrolled; and

WHEREAS, TCAG will retain up to 3% from the Board of Trustees and COS Student funds for administration costs as needed; and

WHEREAS, an additional $25,000 from TCAG will be coordinated and supplemented to the program each semester for a total of $50,000 and will be added to the transportation funds collected and the board of trustees contribution as additional revenue; and

WHEREAS, additional funding may be received from grants and may be applied during the contract period of this agreement; and

WHEREAS TCAG and AGENCY desire to have this amendment be effective as of August 1, 2012.

ACCORDINGLY, IT IS AGREED:

I. **Paragraph 1. is amended to read:** 1. TERM. The Term of AGENCY Agreement No. _____ is amended to read: The term of the agreement shall commence on August 1, 2012 and shall expire at 11:59 PM on May 31, 2013 unless otherwise terminated as provided in this Agreement. The agreement will be renewable for similar or different terms and conditions upon mutual agreement between TCAG, COS, and AGENCY and
between TCAG and the additional agencies: City of Visalia (Visalia Transit, Visalia Towne Trolley), City of Tulare (Tulare Intermodal Express), City of Dinuba (Dinuba Area Regional Transit/Dinuba Connection), City of Porterville (Porterville Transit), Tulare County (Tulare County Area Transit), and Kings Area Rural Transit (KART) for transit service in Tulare and Kings County.

II. **Paragraph 3. is amended to read: 3. PAYMENT.** COS agrees to transfer all transportation funds collected plus the Board of Trustees contribution to TCAG quarterly on or before the following dates: August 1, October 1, January 1, April 1. TCAG agrees to transfer those funds at the end of each semester (after December 31 and May 31) to participating agencies within 10 business days of receiving all COS student ridership data summaries for the semester. Monthly student ridership is due the 15th day of every month. If the 15th falls on a weekend or holiday, the data will be due the following Monday. The first deadline for data submittal by the AGENCY is Monday, September 17, 2012. TCAG will disburse the funds to AGENCY based on their proportional share of monthly student ridership. The revised formula to calculate the AGENCY’s percentage share of total program revenues is as follows:

\[
(50\% \text{ of AGENCY passenger percentage} + 50\% \text{ of AGENCY mileage percentage}) \times \text{Total Semester fares available}
\]

If AGENCY fails to provide the ridership data by the 15th of the month, their distribution for that month will be based on one-half of their previous month’s ridership data. If data is not provided by the AGENCY for the first month of operation, the AGENCY will forfeit that month’s distribution and any subsequent months until a base month is established. Funds will be paid in full for the total semesters ridership after final ridership is submitted after December 31, 2012 for the Fall 2012 semester and after May 31, 2013 for the Spring 2013 semester.

III. Add a paragraph number 20 to read as follows: 20. **EXHIBITS AND RECITALS.** The recitals and the exhibits to this Agreement are fully incorporated into and are integral parts of this Agreement.

IV. Except as provided above, all other terms and conditions of AGENCY Agreement No. ___ shall remain in full force and effect.

V. This amendment shall become effective on August 1, 2012
THE PARTIES, having read and considered the above provisions, indicate their agreement by their authorized signatures below.

TULARE COUNTY ASSOCIATION OF GOVERNMENTS

By ____________________________
Chair, TCAG

Date ____________________________

ATTEST: TED SMALLEY
Executive Director
Tulare County Association of Governments

By ____________________________
Executive Director, TCAG

AGENCY

By ____________________________
Title ____________________________

Approved as to Form
TCAG County Counsel

By ____________________________
Deputy County Counsel

AGENCY Legal Counsel

By ____________________________

Date ____________________________

Date ____________________________

Date ____________________________
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT - PORTERVILLE CITY FIREFIGHTER'S ASSOCIATION - PORTERVILLE FIREHOUSE CHILI COOK OFF

SOURCE: Finance Department

COMMENT: The Porterville City Firefighter's Association is requesting approval to hold a chili cook off at the Centennial Plaza on Saturday, September 1, 2012, from 10:00 a.m. to 2:00 p.m. This event will include themed chili booths along with bounce houses, fire truck displays, beer garden and food and craft vendors. Funds raised will be donated to the Children's Hospital Central California. This application is submitted in accordance with the Community Civic Events Ordinance No. 1326, as amended.

STREET CLOSURE:
Main Street, from Thurman Avenue to Putnam Avenue;
Division Street from Thurman Avenue to Putnam Ave;
Putnam Avenue, Cleveland Avenue and Thurman Avenue from Division to Second Street.

The application has been routed according to the ordinance regulations and reviewed by all the departments involved. All requirements are listed on the attached copy of the Application, Agreement and Exhibit ‘A’.

RECOMMENDATION: That the Council approve the Community Civic Event Application and Agreement from the Porterville Firefighter's Association, subject to the Restrictions and Requirements contained in the Application, Agreement and Exhibit ‘A’ of the Community Civic Event Application.

CITY OF PORTERVILLE  
291 N. Main Street, Porterville, CA 93257  
559-782-7451 Fax: 784-4568

APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A  
COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

DO YOU HAVE?  Event Flyer?  E-mail address?  Website?  
Application date:  June 15, 2012  Event date:  Sept. 1, 2012  
7/30/12  Event time:  10 am - 2 pm

Name of Event:  Porterville's Firehouse Chili Cook-Off

Sponsoring organization:  P.C.F.A. Local 7169  Phone #
Address:  Porterville City, Firefighters Association
Authorized representative:  Cody Clem  Phone # (559) 788-8674
Address:  40 W. Cleveland Ave
Event chairperson:  Same  Phone #

Location of event (location map must be attached):  Mason from Thurman/Pitman
Cleveland from US Division / E-Division
Type of event:  Fundraiser for Central California Childrens Hospital and  
The PCEA, with themed chili booths, bounce houses, food, craft, business vendors
Non-profit status determination:  Yes  Beer Garden, Live Music

City services requested (fees associated with these services will be billed separately):  
Barricades (quantity):  20  Street sweeping Yes  No  X  
Police protection  Yes  No  x  Refuse pickup  Yes  X  No
Other:  Non-profit  Federal ID#  53-0088290  
GroupExemption #  0160
Parks facility application required:  Yes  No  X  Attached  X
Assembly permit required:  Yes  No  X  Attached  

STAFF COMMENTS (list special requirements or conditions for event):

Appr.  Deny
____  ____  Pub. Works Dir.  
____  ____  Comm. Dev. Dir.  
____  ____  Field Svs. Mgr.  
____  ____  Fire Chief  
____  ____  Parks Dir.  
____  ____  Police Chief  
____  ____  Admin. Svs. Dir.  

1 of 4
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

What constitutes a Community Civic Event?
A non-profit organization wishes to sponsor an event that is open to the community at large and will utilize public property. Most of the time, Community Civic Events require street or sidewalk closures.

Authorization: This permit must be submitted NO LESS THAN 30 days PRIOR to the date of the event in order to obtain City Council approval.

City Code requirements:
- At least 48” must remain clear on sidewalks for pedestrian traffic.
- Do not block any entrance to or exit from buildings.
- Area must be accessible to emergency and safety personnel and vehicles.
- Electrical cords must be approved and installation checked by the Fire Department.

Liability insurance: The sponsoring organization/applicant agrees to provide and keep in force during the term of this permit a policy of liability and property damage insurance against liability for personal injury, including accidental death, as well as liability for property damage which may arise in any way during the term of this permit. The City of Porterville shall be named as additional insured. When the location of the event is in Downtown Porterville, the Porterville Redevelopment Agency must also be named as additional insured. The amounts of such insurance and any additional requirements are listed in Exhibit "A." A Certificate of Liability Insurance form sample is enclosed for your convenience. This original certificate shall be submitted to the Finance Department prior to the City of Porterville Council’s approval.

Alcohol liability insurance: Organization/Applicant will obtain an alcohol permit if any alcoholic beverages are to be served. The insurance policy shall be endorsed to include full liquor liability in an amount not less than one million dollars ($1,000,000) per occurrence. The City of Porterville shall be named as additional insured against all claims arising out of or in connection with the issuance of this permit or the operation of the permitted, his/her agents or representatives pursuant the permit. Claims-made policies are not acceptable.

Health permit: Organization/Applicant will obtain or ensure that all participants obtain a ‘Temporary Food Facilities’ permit(s) from the Tulare County Public Health Department, if any food is to be served in connection with this Community Civic Event. To contact the Tulare County Environmental Health Department located at 5957 S. Mooney Blvd., Visalia, CA, 93277, call 559-733-6441, or fax information to 559-733-6932; or visit their website: www.tularehhsa.org.

First aid station: Organization/Applicant will establish a first aid station, with clearly posted signs, to provide basic emergency care, such as ice/hot packs, bandages, and compresses.

Agreement: The sponsoring organization/applicant agrees to comply with all provisions of the Community Civic Event Ordinance 15-20(e), as amended, and the terms and conditions set forth by City Council and stated in Exhibit "A." The sponsoring organization/applicant agrees, during the term of this permit, to secure and hold the City free and harmless from all loss, liability, and claims for damages, costs and charges of any kind or character arising out of, relating to, or in any way connected with his/her performance of this permit. Said agreement to hold harmless shall include and extend to any injury to any person or persons, or property of any kind whatsoever and to whomever belonging, including, but not limited to, said organization/applicant, and shall not be liable to the City for any injury to persons or property which may result solely or primarily from the action or non-action of the City or its directors, officers, or employees.

PLFA Z169
(Name of Organization)

(Signature)

6-15-2012
(Date)
CITY OF PORTERVILLE

VENDOR/PARTICIPANT LIST IN CONNECTION WITH THE APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Name of event: Porterville's Firehouse Chili Cook-Off

Sponsoring organization: PCEA 2169

Location: Main St Event date: 9-1-17 Event time: 10am-2pm

All vendors are required to complete the business license permit form. List all firms, individuals, organizations, etc., that will engage in selling at or participate in the above-named event. NO PERMIT WILL BE ISSUED WITHOUT THIS INFORMATION. Vendors with no valid City of Porterville business license are required to pay $1 per day to the City, with the exceptions of non-profit organizations. This form should be completed at the time of application, but must be submitted NO LESS THAN ONE week prior to the event.

<table>
<thead>
<tr>
<th>Vendor name</th>
<th>Address/Telephone</th>
<th>Business License required?</th>
<th>Type of Activity</th>
</tr>
</thead>
</table>

Will Be Given On Further Date

Municipal Code 15-1: ITINERANT VENDOR OR ITINERANT MERCHANT: All persons, both principal and agent, who engage in a temporary or transient business in the city, selling or offering to sell goods, wares or merchandise or any other thing of value, with the intention of conducting such business for a period of less than ninety (90) days, and who for the purpose of such business hires, leases or occupies any room, doorway, vacant lot, building or other place, for the exhibition for sale of goods, wares, merchandise or other thing of value. If any such place, occupied or used for such business, is rented or leased for a period of less than ninety (90) days, such fact shall be presumptive evidence that the business carried on therein is a transient business; and any person so engaged shall not be relieved from the provisions of this section or from payment of the license taxes herein provided for such business, by reason of any temporary association with local dealer, trader, merchant or auctioneer.
# CITY OF PORTERVILLE

REQUEST FOR STREET CLOSURES AND PUBLIC PROPERTY USAGE IN CONNECTION WITH THE APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

**Name of event:** Porterville's Firehouse Chili Cook-Off

**Sponsoring organization:** P.C.E.A. 2169

**Event date:** Sept. 1, 2012  
**Hours:** 10 am - 2 pm

## ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

<table>
<thead>
<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Main</td>
<td>Cleveland</td>
<td>Putnam</td>
<td>Festival</td>
</tr>
<tr>
<td>Cleveland</td>
<td>W. Division</td>
<td>Main</td>
<td>Kid Zone</td>
</tr>
<tr>
<td>Cleveland</td>
<td>E. Division</td>
<td>Main</td>
<td>Beer Garden</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sidewalks</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking lots and spaces</td>
<td>Location</td>
<td>Activity</td>
<td></td>
</tr>
</tbody>
</table>

---

4 of 4
REQUIREMENTS FOR COMMUNITY CIVIC EVENT
PORTERVILLE CITY FIREFIGHTER'S ASSOCIATION
PORTERVILLE FIREHOUSE CHILI COOK OFF

SEPTEMBER 1, 2012

Business License Supervisor:
S. Hartman

Business License requires vendor list prior to event.

Public Works Director:
B. Rodriguez

No comment. Please refer to Mr. Styles comment regarding barricades

Community Development Director:
B. Dunlap

No comments.

Field Services Manager:
B. Styles

Barricades may be picked up and returned to 555 N. Prospect St.

Chief of Fire Operations:
M. G. Garcia

Keep area in front of Fire Department clear and unobstructed.

Interim Parks and Leisure Services Director:
D. Moore

Bounce house vendors to use generators.

Police Captain:
D. Haynes

Please see attached Exhibit ‘B.’

Administrative Services Manager:
P. Hildreth

No comments other than insurance requirements. See attached Exhibit ‘A’, page 2.
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Porterville City Firefighter’s Association
Event: Porterville Firehouse Chili Cook Off
Event Chairman: Cody Clem
Location: Centennial Plaza
Date of Event: September 1, 2012
Time of Event: 10:00 a.m. to 2:00 pm

RISK MANAGEMENT: Conditions of Approval

That the Porterville City Firefighter’s Association provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than $1,000,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville, its Officers, Employees, Agents and Volunteers as ‘Additional Insured’ against all claims arising from, or in connection with, the Permittee’s operation and sponsorship of the aforementioned Community Civic Event.

A. Said Certificate of Insurance shall be an original (fax and xerographic copies not acceptable), the Certificate shall be signed by an agent authorized to bind insurance coverage with the carrier, and the deductible, if any, shall not be greater than $1,000.

A. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less that A:VII, and the insurance company must be an ‘admitted’ insurer in the State of California.
CITY OF PORTERVILLE
Community Civic Event Application
Porterville Firehouse Chili Cook-Off – September 1, 2012

Proposed Conditions/Requirements for Chili Cook-Off Event

➢ All street closures in the city require City Council approval.

➢ Ensure highly visible and adequate barricades/barriers are used to warn motorists of non-access to closed street and prevent vehicle access to those designated areas.

➢ A Beer Garden shall be established and alcohol may only be sold and consumed within the designated beer garden. A minimum of two (2) security guards shall be assigned to control the Beer Garden while it is in operation. No persons under the age of 21 shall be allowed to enter the beer garden and no alcohol shall be allowed to leave the beer garden. The consumption of alcohol at any other event site shall be strictly prohibited.

➢ Event organizers shall have applied and been granted a temporary license to sell alcohol, from the CA Dept. of Alcoholic Beverage Control.

➢ An Outside Amplifier Permit has been approved and granted. However, event organizers shall not allow music to be played so loud as to unreasonably disturb the peace and good order of any residents or business establishments in the surrounding area.

➢ Amplified music shall not continue after 9:00 p.m.

Dan Haynes, Captain
Police Department- Services Division
CITY OF PORTERVILLE
OUTSIDE AMPLIFIER PERMIT
(City Ordinances #18-9 & 18-14)

This application must be submitted ten (10) days prior to the date of the event. A copy of this permit must be at the operating premises of the amplifying equipment for which this registration is issued.

1 Name and home address of the applicant: Cody Clem P.C.F.A. 2169
40 W. Cleveland Ave., Porterville, CA 93257

2 Address where amplification equipment is to be used: 200 Block Main St

3 Names and addresses of all persons who will use or operate the amplification equipment: Same Above

4 Type of event for which amplification equipment will be used: Live Music at Street Fair/Fundraiser Chili Cook-off

5 Dates and hours of operation of amplification equipment: 10am - 7pm Sept. 1, 2012

6 A general description of the sound amplifying equipment to be used: Live Country Music/Event Announcement

Section 18-8
It shall be unlawful for any person within the city to use or operate or cause to be operated or to play any radio, phonograph, jukebox, record player, loudspeaker, musical instrument, mechanical device, machine, apparatus, or instrument for the intensification or amplification of the human voice or any sound or noise in a manner so loud as to be calculated to disturb the peace and good order of the neighborhood or sleep of ordinary persons in nearby residences or so loud as to unreasonably disturb and interfere with the peace and comfort.

Ord. Code § 8311
The operation of any such instrument, phonograph, jukebox, machine or device in such manner as to be plainly audible at a distance of one hundred feet (100') from the building, structure, vehicle, or place in which, or on which it is situated or located shall be prima facie evidence of a violation of this section.

Section 18-14
It shall be unlawful for any person to maintain, operate, connect, or suffer or permit to be maintained, operated, or operated, or connected any sound amplifier in such a manner as to cause any sound to be projected outside of any building or out of doors in any part of the city, except as may be necessary to amplify sound for the proper presentation of moving picture shows, or exhibiting for the convenient hearing of patrons within the building or enclosure in which the show or exhibition is given, without having first procured a permit from the chief of police, which permit shall be granted at the will of the chief of police upon application in writing therefore, but which permit, when granted, shall be revocable by the city council whenever any such loudspeaker or sound amplifier shall by the council be deemed objectionable, and any such permit may be so revoked with or without notice, or with or without a formal hearing, at the option of the council, and in the event of the revocation of any such permit, the same shall not be renewed, except upon application as the first instance. (Ord. Code § 8312)

Panel Code Section 415 (2)
Any of the following persons shall be punished by Imprisonment in the county jail for a period of not more than 90 days, a fine of not more than four hundred dollars ($400), or both such imprisonment and fine:
(2) Any person who maliciously and willfully disturbs another person by loud and unreasonable noise.

I hereby certify that I have read and answered all statements on this registration form and that they are true and correct.

Signature of Applicant

THIS OUTSIDE AMPLIFIER PERMIT HAS BEEN APPROVED. HOWEVER, WE URGE YOU TO REMAIN CONSIDERATE OF THE GENERAL PEACE AND ORDER OF THE NEIGHBORS IN THE AREA. FAILURE TO ABIDE BY THESE REGULATIONS CAN RESULT IN REVOCAUTION OF THE PERMIT.

City of Porterville, Chief of Police/Detective

Date 6-15-2012

Date 6-24-12
**CERTIFICATE OF LIABILITY INSURANCE**

**PRODUCER:** Walter Mortensen Insurance  
P.O. Box 1960  
Porterville, CA 93258  
559-781-5200  
Daren Griswold  
Porterville, CA 93257

**INSURED:** Porterville City Firefighters Assoc,  
40 W Cleveland Ave

**DATE:** 07/23/2012

**INSURERS AFFORDING COVERAGE**

<table>
<thead>
<tr>
<th>INSURER A</th>
<th>Western Heritage Insurance Company</th>
<th>37150</th>
</tr>
</thead>
<tbody>
<tr>
<td>INSURER C</td>
<td></td>
<td></td>
</tr>
<tr>
<td>INSURER D</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**COVERAGES**

The policies of insurance listed below have been issued to the Insured named above for the policy period indicated. Notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the insurance afforded by the policies described herein is subject to all the terms, exclusions and conditions of such policies. Aggregate limits shown may have been reduced by paid claims.

<table>
<thead>
<tr>
<th>INSUR A/B</th>
<th>LTR</th>
<th>INSUR C/D</th>
<th>TYPE OF INSURANCE</th>
<th>POLICY NUMBER</th>
<th>POLICY EFFECTIVE DATE (MM/DD/YYYY)</th>
<th>POLICY EXPIRATION DATE (MM/DD/YYYY)</th>
<th>LIMITS</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>✓</td>
<td></td>
<td>GENERAL LIABILITY</td>
<td>SCP0572606</td>
<td>9/1/2012</td>
<td>9/2/2012</td>
<td>$1,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>CLAIMS MADE</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>OCCUR</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>GEN'L AGGREGATE LIMIT APPLIES PER:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>POLICY:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>PRO:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>LOC</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Host Liquor Liability</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>ANY AUTO</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>ALL OWNED AUTOS</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>SCHEDULED AUTOS</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>HIRED AUTOS</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>NON-OWNED AUTOS</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>AUTO LIABILITY</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>EXCESS/UMBRELLA LIABILITY</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>OCCUR</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>CLAIMS MADE</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>DEDUCTIBLE</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>RETENTION</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>WORKERS COMPENSATION AND</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>EMPLOYERS' LIABILITY</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>ANY PROPRIETOR/PARTNER/EXECUTIVE</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>OFFICER/MEMBER EXCLUDED?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>OTHER</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS**

Additional Insured: City of Porterville

**CERTIFICATE HOLDER**

City of Porterville  
291 N Main St  
Porterville, CA 93257

**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE  
Robert V. Nuccio

© ACORD CORPORATION 1988
IMPORTANT

If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

DISCLAIMER

The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.
ADDITIONAL INSURED – MANAGERS OR LESSORS OF PREMISES

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

1. Designation of Premises (Part Leased to You): City of Porterville
2. Name of Person or Organization (Additional Insured): City of Porterville

3. Additional Premium:

(If no entry appears above, the information required to complete this endorsement will be shown in the Declarations as applicable to this endorsement.)

WHO IS AN INSURED (Section II) is amended to include as an insured the person or organization shown in the Schedule but only with respect to liability arising out of the ownership, maintenance or use of that part of the premises leased to you and shown in the Schedule and subject to the following additional exclusions:

This insurance does not apply to:
1. Any "occurrence" which takes place after you cease to be a tenant in that premises.
2. Structural alterations, new construction or demolition operations performed by or on behalf of the person or organization shown in the Schedule.
SUBJECT: CITY OF PORTERVILLE CONFLICT OF INTEREST CODE – BIENNIAL REPORT AND PROPOSED AMENDMENT

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT

COMMENT: Government Code Section 87300 et seq. sets forth provisions pertaining to the requirement of agencies to adopt a Conflict of Interest Code. The statute requires that during every even-numbered year, local agencies must submit to their code reviewing body a biennial report which either identifies necessary amendments in its code, or provides a statement which indicates no amendments are necessary. If it is determined that an amendment of the code is necessary, said amendments are required to be submitted to the code reviewing body for consideration and adoption within 90 days of the report.

The City Council is the code reviewing body for the City of Porterville, and the City Manager serves as the Administrative Supervisor of the Conflicts and Disclosure Monitor Agency. The City Manager, as Administrative Supervisor, has reviewed the City’s Conflict of Interest Code, and has proposed amendments to update the list of designated employees and provide clarification with regard to gift limits, which are adjusted biennially pursuant to Government Code Section 89503(f).

RECOMMENDATION: That the City Council:
1. Accept the Conflicts and Disclosure Monitor Agency 2012 Biennial Report; and
2. Direct staff to amend said report for Council’s approval within ninety (90) days.

ATTACHMENT: Conflict of Interest Code Report Proposed Amendments
CONFLICTS AND DISCLOSURE MONITOR AGENCY
2012 BIENNIAL REPORT
FOR
THE CITY OF PORTERVILLE

This Agency has reviewed its Conflict of Interest Code and has determined that:

☑ The Agency’s Code needs to be amended and the following amendments are necessary:
  □ Include positions which must be designated.
  X Revise the titles/departments to reflect reclassifications and/or reorganizations.
  □ Delete the titles of positions that have been abolished.
  □ Delete the positions that manage public investments.
  □ Revise disclosure categories.
  X Other - Non-substantive revisions for clarification purposes.

☐ No amendments are necessary. Our Agency’s Code accurately designates all positions which make or participate in the making of governmental decisions; the disclosure assigned those positions accurately requires the disclosure of all investments, business positions, interests in real property and sources of income which may foreseeably be affected materially by the decisions made by those designated positions; and the Code includes all other provisions required by Government Code Section 87302.

Dated this _____ day of August, 2012.

CONFLICTS AND DISCLOSURE MONITOR AGENCY

______________________________
John D. Lollis, Administrative Supervisor
CONFLICT OF INTEREST CODE OF THE
"CONFLICTS AND DISCLOSURE MONITOR AGENCY" OF THE
CITY OF PORTERVILLE

SECTION 1. **Establishment.** The City Council of the City of Porterville has heretofore established a
Conflicts and Disclosure Monitor Agency (hereinafter "Agency") having jurisdiction as set forth herein
over all officers, officials, and employees of the City. The City Manager shall be the Administrative
Supervisor of such Agency with authority to act for and on behalf of such Agency. Such Agency shall
not affect the duties, responsibilities, or chain of command of any Department, Board, or Commission
except to administer and enforce the requirements, rules, and regulations set forth herein. The City
Council shall be deemed the "Code Reviewing Body" of said Agency pursuant to the provisions of
Section 87300 et seq. of the Government Code.

SECTION 2. **Purpose.** The Conflicts and Disclosure Monitor Agency of the City of Porterville hereby
adopts this document as its "Conflict of Interest Code" in accordance with the requirements of the

SECTION 3. **Designated Positions.** The positions listed on Exhibit "A" attached hereto are designated
positions. Officers and employees holding those positions are designated employees and are deemed,
for the purposes of this Code, to make, or participate in the making of, decisions which may foreseeably
have a material effect on any financial interest and for each such enumerated position, the specific
types of investments, business positions, interests in real property, and sources of income which are
reportable. An investment, business position, interest in real property, or source of income shall be
made reportable by the Conflict of Interest Code if the business entity in which the investment or
business position is held, the interest in real property, or the income or source of income may foresee-
ably be affected materially by any decision made or participated in by the designated employees by
virtue of his or her position.

SECTION 4. **Disclosure Statements.** Each such designated employee shall file disclosure statements
disclosing reportable investments, business positions, interests in real property, and income, to the
extent required by the Act, and on forms prescribed by the Fair Political Practices Commission and
supplied by the City Clerk.
SECTION 5. Place and Time of Filing.

A. All designated employees required to file disclosure statements shall file same with the City Clerk, as Secretary to the Code Reviewing Body.

B. A designated employee required to submit a disclosure statement shall file their initial statement within thirty (30) days after the effective date of this Code disclosing reportable investments, business positions, and interests in real property held on the effective date of the Conflict of Interest Code and income received during the 12-months before the effective date of the Conflict of Interest Code.

C. Individuals hereafter appointed to designated positions shall file his or her initial statement within thirty (30) days after assuming office disclosing reportable investments, business positions, and interests in real property held on, and income received during the twelve (12) months before, the date of assuming office.

D. After the initial filing, each person holding a designated position, shall, on or before the first day of March of each calendar year, file an annual disclosure statement disclosing reportable investments, business positions, interests in real property and income held or received at any time during the previous calendar year, or since the date the designated employee took office if during the calendar year. Such annual statements shall cover the period of the preceding calendar year.

E. Every designated employee who leaves office shall file, within thirty (30) days of leaving office, a statement disclosing reportable investments, business positions, interests in real property and income held or received at any time during the period between the closing date of the last statement required to be filed and the date of leaving office.

F. Any designated employee who resigns their position within twelve (12) months following initial appointment or within thirty (30) days of the date of a notice mailed by the filing officer of the individual's filing obligation, whichever is earlier, is not deemed to assume or leave office, provided that during the period between appointment and resignation, the individual does not make, participate in making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by
virtue of being appointed to the position. Within thirty (30) days of the date of a notice mailed by the filing officer, the individual shall do both of the following:

1. File a written resignation with the appointing power.
2. File a written statement with the filing officer on a form prescribed by the Commission and signed under the penalty of perjury stating that the individual during the period between appointment and resignation, did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

G. A designated employee required to file a statement of economic interest with any other public agency whose disclosure requirements are comparable hereto, may comply with the provisions of this Code by filing a duplicate copy of the statement filed with such other agency, in lieu of an entirely separate statement.

SECTION 6. Contents of Disclosure Statements. Disclosure statements shall be submitted on forms supplied by the City Clerk, and shall contain the following information:

A. Disclosure of Investment or Interest in Real Property.

1. When an investment or an interest in real property is required to be disclosed the statement shall contain:
   a. A statement of the nature of the investment or interest;
   b. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
   c. The address or other precise location of the real property;
   d. A statement whether the fair market value of the investment or interest in real property equals or exceeds two thousand dollars ($2,000) but does not exceed ten thousand dollars ($10,000), whether it exceeds ten thousand dollars ($10,000) but does not exceed one hundred thousand dollars ($100,000), whether it exceeds one hundred thousand dollars ($100,000) but does not exceed one million dollars ($1,000,000), or whether it exceeds one million dollars ($1,000,000);
e. In the case of a statement filed under Government Code Sections 87203 or 87204, if the investment or interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the date of acquisition or disposal.

f. For purposes of disclosure, interest in real property does not include the principal residence of the filer or any other property which the filer utilizes exclusively as a personal residence of the filer.

B. Disclosure of Income.

1. When income is required to be reported the statement shall contain, except as provided in Government Code Section 87207(b):
   a. The name and address of each source of income aggregating five hundred ($500) or more in value, or fifty dollars ($50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
   b. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was at least five hundred ($500) but did not exceed one thousand dollars ($1,000), whether it was in excess of one thousand dollars ($1,000) but not greater than ten thousand dollars ($10,000), whether it was in excess of ten thousand dollars ($10,000) but not greater than one hundred thousand dollars ($100,000), or whether it was greater than one hundred thousand dollars ($100,000);
   c. A description of the consideration, if any, for which the income was received;
   d. In the case of a gift, the amount and the date on which the gift was received;
   e. In the case of a loan, the annual interest rate and the security, if any, given for the loan, and the term of the loan.

2. When the filer’s pro rata share of income to a business entity, including income to a sole proprietorship, is required to be reported, the statement shall contain:
   a. The name, address, and a general description of the business activity of the business entity;
b. The name of every person from whom the business entity received payments if the filer’s pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars ($10,000) during a calendar year.

3. When a payment, including an advance or reimbursement, for travel is required to be reported pursuant to this section, it may be reported on a separate travel reimbursement schedule which shall be included in the filer’s statement of economic interest. A filer who chooses not to use the travel schedule shall disclose payments for travel as a gift, unless it is clear from all surrounding circumstances that the services provided were equal to or greater in value than the payments for the travel, in which case the travel may be reported as income.

4. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, or as to which he or she is a paid consultant, a description of the business activity in which the business entity is engaged, and the designated employee’s position with the business entity. If the business entity or any parent, subsidiary, or otherwise related business entity has an interest in real property in the jurisdiction, or has done business in the jurisdiction at any time during the two years prior to the date of the statement, it is required to be filed.

5. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired to disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal;

SECTION 7. Prohibition on Receipt of Honoraria. No member of the City Council or candidate for the office of City Council shall accept any honorarium. No designated employee shall accept any honorarium from any source if the employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. Subdivisions (b) of Government Code Section 89502 shall apply to the prohibitions in this section. This section shall not limit or prohibit payments,
advances, or reimbursements for travel and related lodging and subsistence authorized by Government Code Section 89506.

SECTION 8. Prohibition on Receipt of Gifts in Accordance with Government Code Section 89503. No member of the City Council, candidate for the office of City Council, or designated employee shall accept any gifts with a total value of more than two hundred fifty dollars ($250) the statutory annual limit in a calendar year from any single source, as adjusted annually biennially pursuant to Section 89503(f).

SECTION 9. Disqualification. No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the employee or a member of his or her immediate family or on:

A. Any business entity in which the designated employee has a direct or indirect investment worth two thousand dollars ($2,000) or more;

B. Any real property in which the designated employee has a direct or indirect interest worth two thousand dollars ($2,000) or more;

C. Any source of income, other than gifts or loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars ($500) or more in value provided to, received by or promised to the designated employee within twelve (12) months prior to the time when the decision is made;

D. Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

E. Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating two hundred fifty dollars ($250) or more in value in an aggregate amount of the limit or more as specified in Government Code Section 89503 (as adjusted annually biennially by State law) provided to, received by, or promised to the designated employee within twelve (12) months prior to the time when the decision is made.
F. No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

G. For purposes of this Section, indirect investment or interest means any investment or interest owned by the spouse or dependent child of a designated employee, by an agent on behalf of a designated employee, or by a business entity or trust in which the employee, the employee’s agents, spouse, and dependent children own directly, indirectly, or beneficially a 10-percent interest or greater.

1. Notwithstanding subdivision (c) of Government Code Section 87103, a retail customer of a business entity engaged in retail sales of goods or services to the public generally is not a source of income to a designated employee who owns a 10-percent or greater interest in the entity if the retail customers of the business entity constitute a significant segment of the public generally, and the amount of income received by the business entity from the customer is not distinguishable from the amount of income received from its other retail customers.

SECTION 10. Manner of Disqualification. When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act must be accompanied by disclosure of the disqualifying interest. In the case of a designated employee who is the head of an agency, this determination and disclosure shall be made in writing to his or her appointing authority; and in the case of other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor. This notice shall be forwarded to the Administrative Supervisor, who shall record the employee's disqualification. Upon receipt of such statement, the Administrative Supervisor shall immediately arrange for the matter to be reassigned to another employee.
SECTION 11. **Interpretation.** In the event of any ambiguity in these rules as to interpretation, construction, or applicability, the Administrative Supervisor shall, by written instrument, clarify such ambiguity. Any designated employee who is unsure of his or her duties under this Code may request assistance from the Fair Political Practices Commission pursuant to Government Code Section 83114, or from the City Attorney, provided that nothing in this section requires the attorney for the City to issue any formal or informal opinion.

SECTION 12. **Violation.** Violation of any provision of this Code, including: (1) willful failure to file, or timely file, any requisite Disclosure Statement, (2) willful failure to disclose any financial or other interest required to be disclosed in such Disclosure Statement, or (3) filer's willful failure to disqualify himself or herself as required herein, shall be grounds for discipline or removal from office, pursuant to Government Code Section 91003.5. Upon ascertaining any such violation, the Administrative Supervisor shall report the same to the appointing official for appropriate proceedings. Such violation shall not, however, invalidate or otherwise affect any decision or action to which such violations might relate. Designated employees violating any provision of this Code are subject to the administrative, criminal and civil sanctions provided in the Act, Government Code Sections 81000-91014. In addition, a decision in relation to which a violation of the disqualification provisions of this Code or of Government Code Section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code Section 91003.

SECTION 13. **Effective Date.** The City of Porterville Conflict of Interest Code, and any amendments to said Code, shall become effective immediately upon passage and approval by the City Council.

Adopted this _____ day of _______________, 2012.

CONFLICTS AND DISCLOSURE MONITOR AGENCY

By______________________________

John D. Lollis, Administrative Supervisor
A. ADMINISTRATION:
   1. Deputy City Manager

B. DEPARTMENT DIRECTORS:
   1. Administrative Services Manager
   2. Community Development Director
   3. Fire Chief
   4. Parks and Leisure Services Director
   5. Police Chief
   6. Public Works Director

C. DEPARTMENTAL EMPLOYEES AS FOLLOWS:
   1. Community Development Department:
      a. City Planner
      b. Development Associate
      c. Project Manager

   2. Administrative Services Finance Department
      a. Purchasing Agent
      b. Management Information Systems Manager
      c. Accountant

   3. Fire Department:
      a. Battalion Chief/Fire Marshall
      b. Battalion Chief of Operations
      c. Deputy Fire Marshall

   4. Public Works Department
      a. Chief Building Official
      b. Deputy Public Works Director/City Engineer
      c. Deputy Public Works Director/Field Services Manager
      d. Assistant City Engineer

D. CONSULTANTS: Consultants shall disclose pursuant to the broadest disclosure category in the Code subject to the following limitations:

The Administrative Supervisor may determine in writing that a particular consultant, although a "designated position", is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Administrative Supervisor's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

* This designation does not include the following City officials or employees required to report their financial interests pursuant to Article 2 of Chapter 7 of the Act, Government Code Sections 87200, et seq.:
   a. City Council Members
   b. City Manager
   c. City Attorney
   d. Finance Director
COUNCIL AGENDA: August 21, 2012

SUBJECT: REVIEW OF LOCAL EMERGENCY STATUS

SOURCE: Administration

COMMENT: In accordance with the City Council's Resolution of Local Emergency adopted on December 21, 2010, and pursuant to Section 8630, Article 14 of the California Emergency Services Act, the Council must review the status of its local emergency at every regularly scheduled meeting and make a determination whether to continue or terminate the local emergency declaration.

Since its last review on August 7, 2012, City staff has continued its coordination with both State and Federal representatives in having made claims for reimbursement for public areas reported as suffering flood damage. An estimated total of $361,750 in damage repair projects were defined and accepted by both State (CEMA) and Federal (FEMA) emergency agencies, which after final FEMA administrative review, a total of approximately $270,000 was approved. Although all repair projects were originally to be completed by no later than July 2012, the City has received a one (1)-year extension to July 2013.

As was previously reported, staff made application for almost $2 million in State Office of Emergency Services (OES) grant funds, which would provide financial assistance for mitigating repetitive flooding conditions. Considering the preliminary flood prevention measures previously presented to the Council, staff evaluated the grant application criteria, and made application for mitigation projects, specifically focusing on Downtown, Murry Park, and Zalud Park projects. Staff is pleased to report that its proposed grant-funded projects successfully passed initial screening, with staff having also attended several days of required training in preparation for administering the grant funds.

RECOMMENDATION: That the Council:
1. Receive the status report and review of the designated local emergency; and
2. Pursuant to the requirements of Section 8630, Article 14 of the California Emergency Services Act, determine that a need exists to continue said local emergency designation.

ATTACHMENT: None
SUBJECT: COUNCIL MEMBER REQUESTED AGENDA ITEM – Request for the City Council to Consider Financial Support for the Porterville City Firefighters Association’s “Porterville Firehouse Chili Cook-Off”

SOURCE: City Manager

COMMENT: City Council Member Shelton has requested that the Council consider financial support for the Porterville City Firefighters Association’s upcoming “Porterville Firehouse Chili Cook-Off”, scheduled for Saturday, September 1, 2012, in Centennial Plaza.

RECOMMENDATION: Councilmember Shelton makes the motion that the City Council authorize the scheduling on the September 4th Council Agenda the consideration of financial support for the Porterville City Firefighters Association’s “Porterville Firehouse Chili Cook-Off.”

ATTACHMENT: Event Flyer
Porterville's Firehouse Chili Cook-Off
Benefiting Children's Hospital of Central California and the Porterville Firefighters Local 2169

SEPTEMBER 1, 2012  TIME:  10-2pm
MAIN ST. PORTERVILLE

FOOD BOOTHs  BUSINESS & CRAFT BOOTHs  BEER GARDEN  KID ZONE
LIVE MUSIC

ANTIQUE FIRE TRUCK SHOW

ENTERTAINMENT

Megan Arial  Branded Heart

SPONSORS

CONTACT CODY CLEM (559) 788-8674

like us on facebook
PUBLIC HEARING

SUBJECT: CONDITIONAL USE PERMIT 2012-007 TO ALLOW FOR A 60-FOOT HIGH COMMUNICATIONS TOWER AT 1809 SOUTH NEWCOMB STREET FOR SOUTHERN CALIFORNIA GAS COMPANY

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The applicant, Southern California Gas Company, requests a conditional use permit (CUP) to construct a 60-foot high telecommunications tower at 1809 South Newcomb Street. The proposed antenna will serve as an integral part of the Gas Company’s operations. A CUP is required for all non-camouflaged telecommunication towers.

Staff finds that the proposal set forth is in conformance with the Development Ordinance as related to telecommunication facilities in Section 306. The attached staff report details the specifics of the proposal and detailed findings.

RECOMMENDATION: That the City Council adopt the Draft Resolution approving Conditional Use Permit 2012-007, subject to conditions of approval.

ATTACHMENTS:
1. Full Staff Report
2. Site Plan, locator map, tower layout and elevation plan
3. Draft Resolution approving Conditional Use Permit 2012-007
CITY COUNCIL AGENDA: AUGUST 21, 2012

DETAILED STAFF REPORT

SUBJECT: CONDITIONAL USE PERMIT 2012-007 TO ALLOW FOR A 60-FOOT HIGH COMMUNICATIONS TOWER AT 1809 SOUTH NEWCOMB STREET FOR SOUTHERN CALIFORNIA GAS COMPANY

APPLICANT: Southern California Gas Co.  AGENT: Palmerin Construction
PO Box 3249 Terminal Annex  25827 Jefferson Avenue
Los Angeles, CA 90051  Murrieta, CA 92562

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: Southern California Gas Company (a Sempra Energy utility) is the local natural gas provider in Tulare County. In its provision of services, Southern California Gas Company must maintain communication with other regional centers, such as in Bakersfield, Visalia, and Fresno. The proposed telecommunication tower is designed to accommodate this need at their existing location at 1809 South Newcomb, south of Scranton Avenue, near the airport. The company proposes to construct a ground-mounted 60 ft. high telecommunications tower on the northern portion of their site in an IA (Airport Industrial) Zone.

SPECIFIC REQUEST: To construct this non-camouflaged-type tower, a conditional use permit is necessary, pursuant to Section 306.03 (a)(3) of the Development Ordinance.

GENERAL PLAN AND ZONING: The General Plan designates the site as Industrial Park Use. The subject site is zoned Airport Industrial (IA).

SURROUNDING ZONING AND LAND USE:

North: (IA) Airport Industrial Zone – Industrial Park Land Use
South: (IA) Airport Industrial Zone – Industrial Park Land Use
East: (IP) Industrial Park Zone – Industrial Park Land Use
West: (IA) Airport Industrial Zone – Industrial Park Land Use

PROJECT DETAILS: The applicant requested a Conditional Use Permit to allow for the construction of a non-camouflaged monopole type communications tower, in lieu of a camouflaged tower, as required by the Porterville Development Ordinance. The overall site is developed with one building and a parking lot. The applicant proposes to construct the 60 ft. high monopole type telecommunication facility in the northern portion of the fenced site. This is an optimal location for the tower because it does not conflict with normal operations of the site and it is located adjacent to an existing building that can house the necessary appurtenant facilities for the tower.

STAFF ANALYSIS: Chapter 306 of the Development Ordinance provides provisions and guidance for development of Telecommunication Facilities. The monopole design submitted by the applicant meets the minimum application requirements as set forth in Section 306.04, as well as the general...
development requirements set forth in Section 306.06.

The lack of existing trees and other tall structures in the area negates the possibility to construct a camouflaged facility at this location. Initially proposed are three (3) dishes, each six (6) feet in diameter mounted tight against the tower. Due to the proximity to the Porterville Airport, the applicant was required to contact the Federal Aviation Administration (FAA) to confirm that no hazards to air navigation would result from the proposed project. According to the FAA letter (Aeronautical Study No. 2012-AWP-518-OE), the proposed structure “does not exceed obstruction standards and would not be a hazard to air navigation provided [the FAA is notified] within five days after the construction reaches its greatest height.” The letter went on to say, “based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory Circular 70/7460-1 K Change 2.” Consistent with Section 306.06 of the Development Ordinance, no marking or lighting is included as a project component.

ENVIRONMENTAL: The project is exempt from Environmental Review under CEQA Guidelines Section 15301 Class 11 (Accessory Structures).

DATE FILED FOR PROJECT REVIEW COMMITTEE PROCESSING: April 18, 2012

DATE ACCEPTED AS COMPLETE: July 23, 2012
RESOLUTION NO. __________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF CONDITIONAL USE PERMIT 2012-007 TO ALLOW THE CONSTRUCTION OF A 60 FOOT HIGH TELECOMMUNICATIONS TOWER FOR SOUTHERN CALIFORNIA GAS COMPANY LOCATED AT 1809 SOUTH NEWCOMB STREET

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of August 7, 2012, conducted a public hearing to consider a request by Southern California Gas Company to construct a 60 foot high telecommunications tower at the existing building at 1809 South Newcomb Street, south of Scranton Avenue, near the Porterville Airport as identified in Exhibit "A" for improved communications between regional facilities; and

WHEREAS: The applicant requested a Conditional Use Permit to allow for the construction of a non-camouflaged monopole type communications tower, in lieu of a camouflaged tower, as required by the Porterville Development Ordinance; and

WHEREAS: The City Council made the following findings for the Conditional Use Permit per Section 605.04:

1. 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.

   The local community relies heavily on technology, wireless communication, and smart infrastructure. The proposed project provides the opportunity for improving these services and meeting the following General Plan expectations and guiding policies:

   • General Plan 1.1 (pg 2) – “Support sustainable development…development that meets the needs of the present without compromising the ability of future generations to meet their own needs.”

   • General Plan 1.1 (pg 3) – “Plan in a manner that improves the quality of life for the whole community and meets future land needs based on the projected population and job growth.”

   • LU-G-3 – “Promote sustainability in the design and development of public and private development projects.”

   • ED-G-2 – “Retain, improve, and promote existing businesses in Porterville…”
2. 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:

The Industrial Park General Plan land use designation and corresponding Airport Industrial (IA) zone district where the project would be located is consistent with the primary use at the project site: the existing utility company substation. Installation of the proposed monopole telecommunication facility is accessory to this use, and would provide a technologically superior means for the Porterville office to communicate with other like facilities in the region.

A Conditional Use Permit is required due to the non-camouflage design of the tower. The lack of existing trees and other tall structures in the area negates the possibility of constructing a camouflaged facility at this location. The industrial nature of the surrounding area and its distance from residential areas lessens the requirement for a camouflaged facility at this location.

WHEREAS: The City Council made the following findings with respect to a request for a Telecommunication Facility per Section 306.07:

1. The proposed telecommunication facility will comply with all applicable State and Federal standards and requirements.

   According to the information submitted by the applicant, the facility will comply with applicable Federal and State standards and requirements. A valid FCC license will be issued by the applicable regulating authority following completion of the construction of the tower.

2. The proposed telecommunication facility will conform with the specific purposes of this chapter and any special standards applicable to the proposed facility.

The antenna structure as proposed conforms to the standards of this code as follows:

- Since the antenna is not camouflaged, the use is permitted with a conditional use permit (306.03(a)3).

- The tower shall meet or exceed current standards and regulations of the FCC, the FAA and other applicable agencies (306.03(b)).

- A City of Porterville building permit will be required before construction of the tower is allowed (306.03(c)).
- The height of the tower is less than 100 feet (306.06(a)).

- The tower and auxiliary equipment cabinets on the site are setback at least five feet from the adjacent property line and are not located in the front yard setback (306.06(b) & 306.06(c)7).

- The tower is of monopole design (306.06 (c)3).

3. 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:

No other like facility exists within a mile of the project area.

4. 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:

(a) 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.

Not Applicable

(b) The proposed telecommunication facility provides an important link in the applicant's service area build-out and is necessary to provide personal wireless services to City residents.

Not Applicable

(c) 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.

Not Applicable

(d) The Zoning Administrator may waive or modify requirements of this chapter upon finding that strict compliance would result in noncompliance with applicable Federal or State law.

Not Applicable
NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve the aforementioned conditional use permit, subject to the following conditions:

1. The Conditional Use Permit shall become null and void if not undertaken and actively and continuously pursued within two (2) years.

2. The telecommunication facility shall provide space and make available co-location opportunities to future service providers on the proposed tower and not require approval by the City Council.

3. Due to the fact that the facility is not proposed to be camouflaged or screened, all mounted equipment and panel antennas shall be mounted closely to the tower.

4. The tower must remain a minimum of five (5) ft. from any property line.

5. The applicant shall comply with the Porterville Development Ordinance, specifically Sections 306.04 (Minimum Application Requirements) and 306.06 (General Development Requirements).

6. The tower shall not be artificially lighted unless required by the FAA or other applicable authority. If required, two (2) sets of energy calculations shall be submitted with the building permit.

7. For security and restricted access purposes, the proposed 17’ x 17’ area shall be secured and screened with a 6’ tall fence. Ground mounted equipment shall be screened behind the fence.

8. A permanent sign, approximately 16”x 32” shall be placed on the gate of the fence surrounding the facility with appropriate information to contact the operator to facilitate emergency services.

9. The development of the proposed antenna and related improvements, including landscaping, shall conform to the plans attached as Exhibit A.

10. All comments provided by the Project Review Committee shall be addressed and adhered to.

11. The project shall comply with all applicable codes, including payment of fees as required.

PASSED, APPROVED, AND ADOPTED this ___ day of August 2012.

Virginia R. Gurrola, Mayor

ATTEST:________________________________________
John D. Lollis, City Clerk
SUBJECT: SECOND READING – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER 21, DEVELOPMENT ORDINANCE – SERIES 100, 200, 600 AND 700 OF THE PORTERVILLE MUNICIPAL CODE

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT/CITY CLERK DIVISION

COMMENT: Ordinance 1791, an Ordinance of the City Council of the City of Porterville amending Chapter 21, Development Ordinance – Series 100, 200, 600 and 700 of the Porterville Municipal Code was given first reading on July 31, 2012, and was printed.

City Council action included an amendment to Section 201.04(c)(3) of the proposed Development Ordinance. The requested amendments are illustrated in Attachment No. 1, for Council affirmation; and the language has been incorporated into Exhibit ‘A’ of the draft ordinance.

RECOMMENDATION: That the Council give Second Reading to Ordinance No. 1791, as amended, waive further reading, and adopt said Ordinance.

ATTACHMENT: 1) Section 201.04(c)(3) with Amendments
2) Ordinance No. 1791
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 covered front porch with a minimum dimension of four (4) feet and a minimum size of thirty-two (32) square 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(e)(1)b.2. Parkland and Open Space; except that common open space is not located on the lot served, but serves multiple lots. The requirement for common open space may be waived subject to the following conditions:

a. The design accommodates five hundred (500) square feet of private open space on each individual lot,

b. the minimum dimension of the private open space is ten (10) feet, and

c. the subdivision is located within ¼ mile of a park, school, or other available open space.
ORDINANCE NO. 1791

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AMENDING CHAPTER 21, DEVELOPMENT ORDINANCE – SERIES 100, 200, 600 AND
700 OF THE PORTERVILLE MUNICIPAL CODE

WHEREAS: On March 4, 2008, the City Council of the City of Porterville adopted
a comprehensive General Plan Update and Land Use Diagram that included a vision, goals,
policies and land use designations to guide development within the City of Porterville’s
Planning Area through the year 2030; and

WHEREAS: On May 4, 2010, the City Council adopted the Porterville Development Ordinance, which replaced Chapter 21 “Subdivisions” and Appendix A
“Zoning”; and

WHEREAS: The Development Ordinance is the key policy tool that implements
the General Plan; and

WHEREAS: Staff has determined that changes to the current Development
Ordinance (Chapter 21 of the Municipal Code) are necessary and appropriate, and such
amendments may assist in creating a positive impact on the development community of the
City as a whole; and

WHEREAS: The amendments to the Development Ordinance have been reviewed
by the Porterville Development Ordinance Committee and found to be appropriate for the
community; and

WHEREAS: The amended Series have been reviewed by the City Attorney and
found to be in conformance with Federal, State and local laws; and

WHEREAS: It has been determined that Series 100, 200, 600 and 700 should be
amended as described herein in advance of other changes that are being made to the
remainder of the Development Ordinance; and

WHEREAS: A public hearing was held before the City Council on July 31, 2012,
pursuant to the Planning and Zoning Law of the State of California and the Municipal Code
of the City; and

WHEREAS: The Porterville Development Ordinance is an implementation measure of the
policies, goals and objectives of the Porterville 2030 General Plan. The Environmental
Coordinator made a determination on the basis of substantial evidence that the addendum
to the Porterville General Plan Final Environmental Impact Report that was prepared for
the adoption of the Development Ordinance is appropriate in addressing the environmental
circumstances of the proposed amendments; therefore, no Subsequent or Supplemental EIR
as described in Sections 15162 and 15163 of the CEQA Guidelines would be required.
NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does hereby amend Series 100, 200, 600 and 700 of Chapter 21 of the Porterville Municipal Code, as attached hereto as Exhibit A, and fully incorporated herein by reference.

This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

PASSED, APPROVED AND ADOPTED this 21st day of August, 2012.

__________________________
Virginia R. Gurrola, Mayor

ATTEST:

John D. Lollis, City Clerk

By: _______________________
    Patrice Hildreth, Chief Deputy City Clerk
Series 100: 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**

The City Council shall adopt, by resolution, policies that detail the transitional implementation of this Ordinance for previously approved projects and projects in progress. All other projects must comply with this Ordinance.

**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>
</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 Environs</td>
</tr>
<tr>
<td>FP</td>
<td>Floodplain</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 Community Development Department. 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. If 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 unsubdivided 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.
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.
Porterville Development Ordinance

(i) The singular number includes the plural, and the plural, the singular.

(j) Words used in the masculine gender include the feminine and the feminine the masculine.

(k) 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
103.02  General Provisions
103.03  Fractions
103.04  Measuring Distances
103.05  Measuring Height
103.06  Measuring Lot Width and Depth
103.07  Determining Average Slope
103.08  Determining Floor Area
103.09  Determining Floor Area Ratio
103.10  Determining Lot Coverage
103.11  Determining Lot Frontage
103.12  Determining Setbacks (Yards)
103.13  Measuring Signs

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](image)

### 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. 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 from the future right-of-way rather than 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.
Chapter 200  Agriculture/Rural/Conservation Districts

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.
- “M” designates use classifications that are permitted after review and approval of a Minor 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 200.02: LAND USE REGULATIONS—AGRICULTURE/RURAL/CONSERVATION DISTRICTS

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>AC</th>
<th>RR</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential Uses</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single Family Dwelling</td>
<td>See subclassifications below</td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Detached</em></td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Family Day Care Home</td>
<td>See subclassifications below</td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Small</em></td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td><em>Large</em></td>
<td>P</td>
<td>P</td>
<td>Section 301.07 Family Day Care Home, Large</td>
</tr>
<tr>
<td>Group Residential</td>
<td>-</td>
<td>P(1)</td>
<td></td>
</tr>
<tr>
<td>Residential Care Facilities, Limited</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td><strong>Public and Semi-Public Uses</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Religious Facilities</td>
<td>-</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td><strong>Commercial Uses</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Animal Care, Sales and Services</td>
<td>See subclassifications below</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kennels</td>
<td>M</td>
<td>M</td>
<td></td>
</tr>
<tr>
<td>Veterinary Services, Large</td>
<td>C</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td><strong>Transportation, Communication, and Utilities Uses</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Communication Facilities</td>
<td>See subclassifications below</td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Antenna and Transmission Towers, camouflage facilities</em></td>
<td>P</td>
<td>P</td>
<td>Chapter 306 Telecommunication Facilities</td>
</tr>
<tr>
<td><em>Antenna and Transmission Towers, non-camouflage facilities</em></td>
<td>M</td>
<td>M</td>
<td>Chapter 306 Telecommunication Facilities</td>
</tr>
<tr>
<td>Utilities, Minor</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td><strong>Agricultural and Extractive Uses</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Animal Raising</td>
<td>P</td>
<td>P(2)</td>
<td></td>
</tr>
<tr>
<td>Crop Cultivation, Commercial</td>
<td>P</td>
<td>P</td>
<td>Section 301.21 Crop Cultivation; Section 301.22 Sale of Agricultural Crops</td>
</tr>
</tbody>
</table>
TABLE 200.02: LAND USE REGULATIONS—AGRICULTURE/RURAL/CONSERVATION DISTRICTS

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>AC</th>
<th>RR</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crop Cultivation, Non-commercial</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Mining and Quarrying</td>
<td>C(3)</td>
<td>-</td>
<td></td>
</tr>
</tbody>
</table>

**Other Applicable Types**

- **Accessory Uses and Structures**: P P [Section 301.01 Accessory Uses and Structures]
- **Animal Keeping**: P P [Section 301.04 Animal Keeping]
- **Caretaker Unit**: P(4) -
- **Home Occupations**: P P [Section 301.09 Home Occupations]
- **Second Dwelling Unit**: P P [Section 301.16 Second Dwelling Units]
- **Nonconforming Use**: Chapter 308 Nonconforming Uses, Structures, and Lots
- **Temporary Use**: Section 301.19 Temporary Uses

**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.
4. For agricultural employees, when located on farms or ranches containing more 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 200.03: DEVELOPMENT STANDARDS—AGRICULTURAL/RURAL/CONSERVATION DISTRICTS

<table>
<thead>
<tr>
<th>Standard</th>
<th>AC</th>
<th>RR</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area (acres)</td>
<td>40</td>
<td>2.5</td>
<td>Section 200.03(a)</td>
</tr>
<tr>
<td>Minimum Lot Width (ft)</td>
<td>120</td>
<td>120</td>
<td>Section 200.03(a)</td>
</tr>
<tr>
<td>Minimum Lot Depth (ft)</td>
<td>120</td>
<td>120</td>
<td>Section 200.03(a)</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>Maximum Density (dwelling units/net acre)</td>
<td>.02</td>
<td>.25</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Building Form and Location</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Height (ft)</td>
<td>35</td>
<td>35</td>
</tr>
<tr>
<td>Minimum Yards (ft)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Front</strong></td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td><strong>Interior Side</strong></td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td><strong>Street Side</strong></td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td><strong>Rear</strong></td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>Maximum Building Coverage (% of lot)</td>
<td>5</td>
<td>10</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

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:

**RS-1 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 net 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.

**RS-2 Low Density Residential.** To provide areas for attached or detached single family homes with a maximum residential density of 7.5 units per net 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.

**RM-1 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 net 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.

**RM-2 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 net 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.

**RM-3 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 net 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.
- “M” designates use classifications that are permitted after review and approval of a Minor
  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>Residential Uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single Family Dwelling</td>
<td>See subclassifications below</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Attached</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></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><strong>Detached</strong></td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td><strong>Multi-Family Residential</strong></td>
<td>-</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td><strong>Family Day Care Home</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>See subclassifications below</td>
</tr>
<tr>
<td><strong>Small</strong></td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td><strong>Large</strong></td>
<td>P(1)</td>
<td>P(1)</td>
<td>C(2)</td>
<td>C(2)</td>
<td>C(2)</td>
<td>Section 301.07 Family Day Care Home, Large</td>
</tr>
<tr>
<td><strong>Group Residential</strong></td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td><strong>Mobile Home Parks</strong></td>
<td>-</td>
<td>-</td>
<td>C(2)</td>
<td>C(2)</td>
<td>C(2)</td>
<td>Section 301.10 Manufactured Homes; Section 301.11 Mobile Home Parks</td>
</tr>
<tr>
<td><strong>Residential Care Facilities, Limited</strong></td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
</tbody>
</table>

### Public and Semi-Public Uses

<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></th>
</tr>
</thead>
<tbody>
<tr>
<td>Clubs and Lodges</td>
<td>-</td>
<td>-</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>Section 301.03 Alcoholic Beverage Sales</td>
</tr>
<tr>
<td>Community Centers</td>
<td>-</td>
<td>-</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td></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>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>
</tr>
<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>
</tr>
<tr>
<td>Schools, Public or Private</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Social Service Facilities</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>C</td>
<td>Section 301.18 Social Service Facilities</td>
</tr>
</tbody>
</table>

### Commercial Uses

Eating, Drinking, and Smoking Establishments: See subclassifications below

<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></th>
</tr>
</thead>
<tbody>
<tr>
<td>Coffee Shops/Cafes</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>M(3)</td>
<td>Section 300.08 Outdoor Seating</td>
</tr>
<tr>
<td>Restaurants</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>C(3)</td>
<td>Section 300.08 Outdoor Seating; Section 301.03 Alcoholic Beverage Sales</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>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>Crop Cultivation, Commercial</td>
<td>M</td>
<td>M</td>
<td>M</td>
<td>M</td>
<td>M</td>
<td>Section 301.21 Crop Cultivation 301.22; Sale of Agricultural Crops</td>
</tr>
<tr>
<td>Crop Cultivation, Non-Commercial</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</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 301.03 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></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Chapter 308 Nonconforming Uses, Structures, and Lots</td>
</tr>
<tr>
<td>Temporary Use</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Section 301.19 Temporary Uses</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 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.

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>90</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/net 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 201.03(a); Section 300.06 Heights and Height Exceptions</td>
</tr>
<tr>
<td>Residence (front)</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>Section 201.03(b); Section 300.01 Building Projections into Yards</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 201.03(c), (d), and (f); Section 300.01 Building Projections into Yards</td>
</tr>
<tr>
<td>Street Side</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>Section 201.03(e); Section 300.01 Building Projections into Yards</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>Rear</td>
<td>10</td>
<td>5</td>
<td>5</td>
<td>10</td>
<td>10</td>
<td>Section 201.03(f); Section 300.01 Building Projections into Yards</td>
</tr>
<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>Section 201.03(g)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Additional Standards</th>
<th>n/a</th>
<th>n/a</th>
<th>n/a</th>
<th>200</th>
<th>75</th>
<th>50</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.
(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.
(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.

(e) **Street Side Yard - Reversed Corner Lots.** Reversed corner lots shall have a minimum street side yard width of twelve (12) feet. 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) **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 for a two car garage home, or seventy (70) percent for more than a two car garage. Maximum of three (3) garage doors may face a street.
   
   b. Where garage doors face the interior of the lot (i.e. a side loading garage) the face of the door shall be setback at least twenty-five (25) feet from the side lot line. The front setback for such a garage is no less than fifteen (15) feet.
   
   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.
(2) **Architectural Articulation.** On all facades that face a street, at least two architectural articulations are required, such as window trim, window recesses, shutters, window boxes, bay windows, cornices, changes in material (i.e. stone veneer), larger than normal porch, decorative garage windows, or two other projections or recesses in a pattern that creates architectural interest across the length of the face as determined by the Zoning Administrator.

(3) **Width.** All residential structures shall have a minimum width of twenty (20) feet.

(4) **Two-story Dwellings.** Two-story dwellings shall include windows on the façade facing the 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 with 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 (excluding alleys), 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 ($y \leq 30\% \times x$)
(2) **Building Entrances.**

a. **Orientation.** All units located along public rights-of-way must have the primary entrance facing the 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 enhanced 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 shall 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. All such projects 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 covered front porch with a minimum dimension of four (4) feet and a minimum size of thirty-two (32) square 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 and the common open space is not located on the lot served, but serves multiples lots. The requirement for common open space may be waived subject to the following conditions:

a. The design accommodates five hundred (500) square feet of private open space on each individual lot,

b. the minimum dimension of the private open space is ten (10) feet, and

c. the subdivision is located within 1/4 mile of a park, school, or other available open space.
(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 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.
<table>
<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>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential Use Classifications</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single Family Dwelling</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>See subclassifications below</td>
</tr>
<tr>
<td>Attached</td>
<td>P(1)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Multi-family Residential</td>
<td>P(1)</td>
<td>P(2)</td>
<td>-</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>P(1)</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Family Day Care Home</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>See subclassifications below</td>
</tr>
<tr>
<td>Small</td>
<td>P</td>
<td>P</td>
<td>-</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Large</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Section 301.07 Family Day Care Home, Large</td>
</tr>
<tr>
<td>Group Residential</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential Care Facilities, Limited</td>
<td>P</td>
<td>P</td>
<td>-</td>
<td>P(3)</td>
<td>P</td>
<td>P</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Single Room Occupancy Hotels</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>C(1)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Section 301.17 Single Room Occupancy Hotels</td>
</tr>
<tr>
<td><strong>Public and Semi-Public Use Classifications</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clubs and Lodges</td>
<td>C(4)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>-</td>
<td>-</td>
<td>P(5)</td>
<td>P</td>
<td>-</td>
<td>Section 301.03 Alcoholic Beverage Sales</td>
</tr>
<tr>
<td>Colleges and Trade Schools, Public or Private</td>
<td>C(5)</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>-</td>
<td>-</td>
<td>C</td>
<td>C</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Community Center</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>C</td>
<td>C</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>P</td>
</tr>
<tr>
<td>Cultural Institutions</td>
<td>C(5)</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>-</td>
<td>-</td>
<td>P</td>
<td>C</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Day Care Centers</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>P</td>
<td>-</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Elderly and Long Term Care</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>-</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Government Offices</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>P</td>
<td>-</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Instructional Services</td>
<td>P(5)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>-</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>P</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>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
</tbody>
</table>
### TABLE 202.02: LAND USE REGULATIONS – DOWNTOWN DISTRICTS

<table>
<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>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Religious Facilities</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Residential Care Facilities, General</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>C</td>
<td>C</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Section 301.15 Residential Care Facilities, General</td>
</tr>
<tr>
<td>Schools, Public or Private</td>
<td>P(4)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Social Service Facilities</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Section 301.18 Social Service Facilities</td>
</tr>
</tbody>
</table>

#### Commercial Use Classifications

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal Care, Sales, and Services</td>
<td></td>
</tr>
<tr>
<td>Kennels</td>
<td></td>
</tr>
<tr>
<td>Pet Stores</td>
<td></td>
</tr>
<tr>
<td>Veterinary Services, Small</td>
<td></td>
</tr>
<tr>
<td>Artists’ Studios</td>
<td></td>
</tr>
<tr>
<td>Automobile/Vehicle Sales and Services</td>
<td></td>
</tr>
<tr>
<td>Automobile/Vehicle Rentals.</td>
<td></td>
</tr>
<tr>
<td>Automobile/Vehicle Sales and Leasing.</td>
<td></td>
</tr>
<tr>
<td>Automobile/Vehicle Service and Repair, Major.</td>
<td></td>
</tr>
<tr>
<td>Automobile/Vehicle Service and Repair, Minor.</td>
<td></td>
</tr>
</tbody>
</table>

**Notes:**
- See subclassifications below
- P: Permitted
- M: Maximum
- C(7): Conditional
- Section references refer to specific sections of the ordinance.
### TABLE 202.02: LAND USE REGULATIONS – DOWNTOWN DISTRICTS

<table>
<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>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Automobile/Vehicle Service and Repair, Washing.</strong></td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>C</td>
<td>-</td>
<td>-</td>
<td>Section 301.06 Auto Service Stations and Car Washing</td>
</tr>
<tr>
<td><strong>Service Station</strong></td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>C</td>
<td>-</td>
<td>-</td>
<td>Section 301.06 Auto Service Stations and Car Washing</td>
</tr>
<tr>
<td>Banks and Financial Institutions</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>See subclassifications below</td>
</tr>
<tr>
<td><strong>Banks and Credit Unions</strong></td>
<td>P(8)</td>
<td>P(8)</td>
<td>P</td>
<td>P(8)</td>
<td>-</td>
<td>-</td>
<td>P(8)</td>
<td>P</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Building Materials and Services</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Business Services</td>
<td>P(10)</td>
<td>P(10)</td>
<td>P(10)</td>
<td>P(10)</td>
<td>-</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Commercial Entertainment and Recreation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>See subclassifications below</td>
</tr>
<tr>
<td><strong>Cinema/Theaters</strong></td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>C</td>
<td>-</td>
<td>Section 301.03 Alcoholic Beverage Sales</td>
</tr>
<tr>
<td><strong>Downtown Entertainment</strong></td>
<td>-</td>
<td>-</td>
<td>C</td>
<td>C</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>C</td>
<td>C</td>
<td>Section 301.03 Alcoholic Beverage Sales</td>
</tr>
<tr>
<td><strong>Small-scale</strong></td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>C</td>
<td>-</td>
<td>Section 301.03 Alcoholic Beverage Sales</td>
</tr>
<tr>
<td>Eating, Drinking, and Smoking Establishments</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>See subclassifications below</td>
</tr>
<tr>
<td><strong>Bars/Night Clubs/Lounges</strong></td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>C</td>
<td>-</td>
<td>Section 300.08 Outdoor Seating; Section 301.03 Alcoholic Beverage Sales</td>
</tr>
<tr>
<td><strong>Coffee Shops/Cafes</strong></td>
<td>P(8)</td>
<td>P(8)</td>
<td>P(8)</td>
<td>P(8)</td>
<td>-</td>
<td>-</td>
<td>P(8)</td>
<td>P(8)</td>
<td>P(8, 13)</td>
<td>Section 300.08 Outdoor Seating; Section 301.03 Alcoholic Beverage Sales</td>
</tr>
<tr>
<td><strong>Restaurants</strong></td>
<td>P(8)</td>
<td>P(8)</td>
<td>P(8)</td>
<td>P(8)</td>
<td>-</td>
<td>-</td>
<td>P(8)</td>
<td>P(8)</td>
<td>P(8, 13)</td>
<td>Section 300.08 Outdoor Seating; Section 301.03 Alcoholic Beverage Sales</td>
</tr>
<tr>
<td>Use Classification</td>
<td>DR-N</td>
<td>DR-S</td>
<td>DR-D</td>
<td>D-MX</td>
<td>DRM-2</td>
<td>DRM-3</td>
<td>D-PO</td>
<td>D-GC</td>
<td>D-PS</td>
<td>Additional Regulations</td>
</tr>
<tr>
<td>-----------------------------------------</td>
<td>------</td>
<td>------</td>
<td>------</td>
<td>------</td>
<td>-------</td>
<td>-------</td>
<td>------</td>
<td>------</td>
<td>------</td>
<td>-----------------------------------------</td>
</tr>
<tr>
<td>Tobacco Bars</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>C</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Food and Beverage Retail Sales, less than 5,000 square feet</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>P(11)</td>
<td>P</td>
<td>Section 301.02 Alcoholic Beverage Sales</td>
</tr>
<tr>
<td>Food and Beverage Retail Sales, more than 5,000 to 50,000 square feet</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Section 301.02 Alcoholic Beverage Sales</td>
</tr>
<tr>
<td>Hotels and Motels</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>C</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Maintenance and Repair Services less than 1,500 square feet</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>P(12)</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Medical Facilities</td>
<td>See subclassifications below</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Medical Clinic</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>-</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Professional/Medical</td>
<td>P(13)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>-</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Nurseries and Garden Centers</td>
<td>-</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>P</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Offices</td>
<td>See subclassifications below</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Offices</td>
<td>P(13)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>-</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Walk-In Clientele</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>-</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Parking, Public or Private</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>-</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Personal Services</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>-</td>
<td>-</td>
<td>P(11)</td>
<td>P</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Retail Sales, less than 50,000 square feet</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>-</td>
<td>-</td>
<td>P(11)</td>
<td>P</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Retail Sales, more than 50,000 square feet</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>C</td>
<td>-</td>
<td></td>
</tr>
</tbody>
</table>
### TABLE 202.02: LAND USE REGULATIONS – DOWNTOWN DISTRICTS

<table>
<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>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Industrial Use Classifications</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Handicraft/Custom Manufacturing</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>P</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Industry, Limited</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>C</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td><strong>Recycling Facilities</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reverse Vending Machine</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>C</td>
<td>Section 301.14 Recycling Facilities</td>
</tr>
<tr>
<td>Recycling Collection Facility</td>
<td>-</td>
<td>C</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>C</td>
<td>C</td>
<td>Section 301.14 Recycling Facilities</td>
</tr>
<tr>
<td><strong>Transportation, Communication, and Utilities Use Classifications</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Chapter 306 Telecommunication Facilities</td>
</tr>
<tr>
<td>Antenna and Transmission Towers, camouflage facilities</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>-</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>Chapter 306 Telecommunication Facilities</td>
</tr>
<tr>
<td>Antenna and Transmission Towers, non-camouflage facilities</td>
<td>C(14)</td>
<td>C(14)</td>
<td>C(14)</td>
<td>C(14)</td>
<td>-</td>
<td>-</td>
<td>C(14)</td>
<td>C(14)</td>
<td>C(14)</td>
<td>Chapter 306 Telecommunication Facilities</td>
</tr>
<tr>
<td>Broadcasting Facility</td>
<td>-</td>
<td>M</td>
<td>M</td>
<td>M</td>
<td>-</td>
<td>-</td>
<td>M</td>
<td>-</td>
<td>-</td>
<td>Chapter 306 Telecommunication Facilities</td>
</tr>
<tr>
<td>Call Center</td>
<td>-</td>
<td>-</td>
<td>P(6)</td>
<td>P(6)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>P(5)</td>
<td>P(5)</td>
<td>-</td>
</tr>
<tr>
<td>Recording Studio</td>
<td>-</td>
<td>-</td>
<td>P(6)</td>
<td>P(6)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>P(5)</td>
<td>P(5)</td>
<td>-</td>
</tr>
<tr>
<td>Transportation Passenger Terminals</td>
<td>P(15)</td>
<td>P(15)</td>
<td>P(15)</td>
<td>P(15)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Utilities, Minor</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
</tbody>
</table>
### TABLE 202.02: LAND USE REGULATIONS – DOWNTOWN DISTRICTS

<table>
<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>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory Uses and Structures</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</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>Home Occupations</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</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>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>Section 301.16 Second Dwelling Unit</td>
</tr>
<tr>
<td>Nonconforming Use</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Chapter 308 Nonconforming Uses, Structures, and Lots</td>
</tr>
<tr>
<td>Temporary Use</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Section 301.21 Temporary Uses</td>
</tr>
</tbody>
</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.
6. Provided that such use shall be completely enclosed in a building of soundproof construction.
7. Limited to uses conducted wholly within a building enclosed on all sides including the display, storage, repair, and reconditioning of vehicles.
8. Drive-through facilities are prohibited.
9. Bulk storage of sand, gravel, or cement is not allowed.
10. Wholesale services are not allowed.
11. Permitted only as accessory to a primary use.
12. No outdoor operations or outdoor storage are allowed.
13. 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.
14. Shall not be located within 300 feet of any R district.
15. 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.
This page intentionally left blank.
<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>
</tr>
</thead>
<tbody>
<tr>
<td>Lot, Density, and Block Standards</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum Lot Area (sq ft)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>6,000</td>
<td>6,000</td>
<td>6,000</td>
<td>6,000</td>
<td>6,000</td>
<td></td>
</tr>
<tr>
<td>Minimum Lot Width (ft)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>60</td>
<td>60</td>
<td>60</td>
<td>60</td>
<td>60</td>
<td></td>
</tr>
<tr>
<td>Minimum Lot Depth (ft)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>75</td>
<td>75</td>
<td>75</td>
<td>75</td>
<td>75</td>
<td></td>
</tr>
<tr>
<td>Minimum Density (dwelling units/acre)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>15</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Maximum Density (dwelling units/net acre)</td>
<td></td>
<td></td>
<td></td>
<td>41.0</td>
<td>16.5</td>
<td>33.0</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Section 202.04(b)</td>
</tr>
<tr>
<td>Dimension: 500; 600 with mid-block pedestrian way</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Maximum Block Length</td>
</tr>
<tr>
<td>Building Form, Location, and Street Design</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<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>
<td>Section 300.06 Heights and Height Exceptions</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum Height (ft)</td>
<td>Main St: 28</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Minimum Yards (ft)</td>
<td>See subclassifications below</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front (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</td>
<td>Residential: 15</td>
<td>10 min; 20 max D St: 15</td>
<td>0; 10 on Main St or ground floor residential</td>
<td>20</td>
<td>15</td>
<td>15 min; 25 max</td>
<td>10</td>
<td>20</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Section 202.04(i) Building Projections; • Unless otherwise stated, shall be landscaped in accord with Chapter 303 Landscaping.</td>
</tr>
</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>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Interior Side</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>• Commercial: 0</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<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>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1-2 stories: 5</td>
<td>10</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>3 or more stories: 10</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Street Side or Rear on a Street Frontage</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>• Section 202.04(i) Building Projections; and</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>• Unless otherwise stated, shall be landscaped in accord with Chapter 303 Landscaping</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>10</td>
<td>10</td>
<td></td>
<td>15</td>
<td>10</td>
<td>20</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0; 10 if on Main St and for ground floor residential</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1-2 stories: 5</td>
<td>10</td>
<td>10</td>
<td></td>
<td>15</td>
<td>10</td>
<td>20</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>3 or more stories: 10</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Rear, not on a Street Frontage</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>• Section 202.04(i) Building Projections; and</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>• Unless otherwise stated, shall be landscaped in accord with Chapter 303 Landscaping</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum Floor Area Ratio, all uses</td>
<td>3.0</td>
<td>3.0</td>
<td>3.0</td>
<td>3.0</td>
<td>-</td>
<td>-</td>
<td></td>
<td>.50</td>
<td>1.0</td>
<td>.25(a)</td>
</tr>
<tr>
<td>Maximum Building Coverage (% of lot)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>50</td>
<td>60</td>
<td></td>
<td>-</td>
<td>-</td>
<td>50</td>
</tr>
<tr>
<td>Minimum Percent of Building at Setback Line</td>
<td>-</td>
<td>50 (b)</td>
<td>50 (b)</td>
<td>50 (b)</td>
<td>-</td>
<td>-</td>
<td></td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Parking</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>• One, unless more are required by the City for public services</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Section 202.04(d) Parking</td>
</tr>
<tr>
<td>Maximum Curb Cut per Lot or Street Frontage</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></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum Curb Cut Width (ft)</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>10</td>
<td>20</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>Standard</td>
<td>DR-N</td>
<td>DR-S</td>
<td>DR-D</td>
<td>D-MX</td>
<td>DRM-2</td>
<td>DRM-3</td>
<td>D-PO</td>
<td>D-GC</td>
<td>D-PS</td>
<td>Additional Standards</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>------</td>
<td>------</td>
<td>------</td>
<td>------</td>
<td>-------</td>
<td>-------</td>
<td>------</td>
<td>------</td>
<td>------</td>
<td>---------------------</td>
</tr>
<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>5</td>
<td>10</td>
<td>5</td>
<td>10</td>
</tr>
<tr>
<td>Setback of Parking from Buildings</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>5, 10 may be occupied by a pedestrian walkway paved with tile, stone, brick, concrete, or comparable material.</td>
<td>5, 10 may be occupied by a pedestrian walkway with tile, stone, brick, concrete, or comparable material.</td>
<td>5</td>
<td>10</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Open Space and Landscaping**

<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>
</tr>
</thead>
<tbody>
<tr>
<td>Usable Open Space (sq ft per residential unit)</td>
<td>75</td>
<td>75</td>
<td>-</td>
<td>100</td>
<td>150, 50 of which shall be private</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Section 202.04(e) Open Space</td>
</tr>
</tbody>
</table>

**Additional Standards**

<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>
</tr>
</thead>
<tbody>
<tr>
<td>Supplemental Regulations Apply</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Section 202.04 Supplemental Regulations</td>
</tr>
</tbody>
</table>
Additional Development Regulations:

(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**

(h) **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 or like material 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.
(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.

(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 nine (9) 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 ability for visual surveillance 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.
This page intentionally left blank.
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.

“M” designates use classifications that are permitted after review and approval of a Minor 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 203.02: LAND USE REGULATIONS—COMMERCIAL DISTRICTS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Use Classifications</strong></td>
</tr>
<tr>
<td>-------------------------</td>
</tr>
<tr>
<td><strong>Residential Uses</strong></td>
</tr>
<tr>
<td>Multi-Family Residential</td>
</tr>
<tr>
<td>Family Day Care Home</td>
</tr>
<tr>
<td>Small</td>
</tr>
<tr>
<td>Large</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>Clubs and Lodges</td>
</tr>
<tr>
<td>Colleges and Trade Schools, Public or Private</td>
</tr>
<tr>
<td>Community Centers</td>
</tr>
<tr>
<td>Cultural Institutions</td>
</tr>
<tr>
<td>Day Care Centers</td>
</tr>
<tr>
<td>Instructional Services</td>
</tr>
<tr>
<td>Park and Recreation Facilities, Public</td>
</tr>
</tbody>
</table>
### 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>Religious Facilities</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Residential Care Facilities, General</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>C</td>
<td>Section 301.15 Residential Care Facilities, General</td>
</tr>
<tr>
<td>Social Service Facilities</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>Section 301.18 Social Service Facilities</td>
</tr>
<tr>
<td><strong>Commercial Uses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Animal Care, Sales and Services</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>See subclassifications below</td>
</tr>
<tr>
<td><em>Kennels</em></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>M(4)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pet Stores</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>M(4)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>M(4)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>M(4)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Veterinary Services, Small</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Artists’ Studios</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Automobile/Vehicle Sales and Services</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>See subclassifications below</td>
</tr>
<tr>
<td><em>Automobile/Vehicle Rentals</em></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>See subclassifications below</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Automobile/Vehicle Sales and Leasing</em></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>See subclassifications below</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Automobile/Vehicle Repair, Major</em></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>See subclassifications below</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Automobile/Vehicle Service and Repair, Minor</em></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>See subclassifications below</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Automobile/Vehicle Washing</em></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>See subclassifications below</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Large Vehicle and Equipment Sales, Service and Rental</em></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>See subclassifications below</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Service Station</em></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C(3)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Banks and Financial Institutions</td>
<td>P(5)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>Bank and Credit Unions</td>
</tr>
<tr>
<td><em>Banks and Credit Unions</em></td>
<td>P(5)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td><em>Check Cashing Businesses</em></td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td><em>Building Materials and Services</em></td>
<td>P(6)</td>
<td>P</td>
<td>P(6)</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td><em>Business Services</em></td>
<td>P(3,7)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
</tbody>
</table>
### 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>Commercial Entertainment and Recreation</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>See subclassifications below</td>
</tr>
<tr>
<td>Cinema/Theaters</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Section 301.03 Alcoholic Beverage Sales</td>
</tr>
<tr>
<td>Large-scale</td>
<td>-</td>
<td>-</td>
<td>C(8)</td>
<td>-</td>
<td>Section 301.03 Alcoholic Beverage Sales</td>
</tr>
<tr>
<td>Small-scale</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>Section 301.03 Alcoholic Beverage Sales</td>
</tr>
<tr>
<td>Eating, Drinking, and Smoking Establishments</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>See subclassifications below</td>
</tr>
<tr>
<td>Bars/Night Clubs/Lounges</td>
<td></td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>Section 300.08 Outdoor Seating; Section 301.03 Alcoholic Beverage Sales</td>
</tr>
<tr>
<td>Coffee Shops/Cafes</td>
<td>P(5)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>Section 300.08 Outdoor Seating</td>
</tr>
<tr>
<td>Restaurants, less than 3,000 square feet</td>
<td>P(5)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>Section 300.08 Outdoor Seating; Section 301.03 Alcoholic Beverage Sales</td>
</tr>
<tr>
<td>Restaurants, greater than 3,000 square feet</td>
<td>C(5)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>Section 300.08 Outdoor Seating; Section 301.03 Alcoholic Beverage Sales</td>
</tr>
<tr>
<td>Tobacco Bars</td>
<td>-</td>
<td>M</td>
<td>M</td>
<td>M</td>
<td></td>
</tr>
<tr>
<td>Food and Beverage Retail Sales</td>
<td>P(9)</td>
<td>P</td>
<td>P</td>
<td>P(9)</td>
<td>Section 301.03 Alcoholic Beverage Sales</td>
</tr>
<tr>
<td>Funeral Parlors and Mortuaries</td>
<td>-</td>
<td>C</td>
<td>P</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Hotels and Motels</td>
<td>-</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Light Fleet Based Services</td>
<td>-</td>
<td>-</td>
<td>P</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Maintenance and Repair Services</td>
<td>P(10)</td>
<td>P(10)</td>
<td>P</td>
<td>P(10)</td>
<td></td>
</tr>
<tr>
<td>Medical Facilities</td>
<td>-</td>
<td>P(12)</td>
<td>P</td>
<td>P(12)</td>
<td></td>
</tr>
<tr>
<td>Medical Clinic</td>
<td>-</td>
<td>P(12)</td>
<td>P</td>
<td>P(12)</td>
<td></td>
</tr>
<tr>
<td>Professional/Medical</td>
<td>-</td>
<td>P(12)</td>
<td>P</td>
<td>P(12)</td>
<td></td>
</tr>
<tr>
<td>Nurseries and Garden Centers</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Offices</td>
<td>-</td>
<td>P(13)</td>
<td>P</td>
<td>P(13)</td>
<td></td>
</tr>
<tr>
<td>Parking, Public or Private</td>
<td>P(14)</td>
<td>P</td>
<td>P</td>
<td>P(14)</td>
<td></td>
</tr>
</tbody>
</table>

- P: Permitted
- C: Conditional
- M: Medium Density
- C(8): Large-scale Conditional
- P(9): Permitted with Alcoholic Beverage Sales
- P(10): Permitted with Outdoor Seating
- P(11): Permitted with C(12)
- P(12): Permitted with Walk-In Clientele
- P(13): Permitted with C(14)
- P(14): Permitted with P(15)
### 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>Personal Services</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Retail Sales</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Less than 50,000 square feet</em></td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td><em>50,000 square feet or more</em></td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>-</td>
<td>Section 300.09 Outdoor Storage</td>
</tr>
<tr>
<td>Swap Meet</td>
<td>-</td>
<td>C</td>
<td>C</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Wholesaling and Distribution</td>
<td>-</td>
<td>-</td>
<td>P</td>
<td>-</td>
<td></td>
</tr>
</tbody>
</table>

**Industrial Uses**

<table>
<thead>
<tr>
<th>Use Classifications</th>
<th>CN</th>
<th>CR</th>
<th>CG</th>
<th>CMX</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction and Material Yards</td>
<td>-</td>
<td>-</td>
<td>C</td>
<td>-</td>
</tr>
<tr>
<td>Handicraft/Custom Manufacturing</td>
<td>-</td>
<td>P(15)</td>
<td>P</td>
<td>-</td>
</tr>
<tr>
<td>Industry, Limited</td>
<td>-</td>
<td>-</td>
<td>P</td>
<td>-</td>
</tr>
<tr>
<td>Recycling Facilities</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Reverse Vending Machine</em></td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td><em>Recycling Collection Facility</em></td>
<td>-</td>
<td>C</td>
<td>P</td>
<td>-</td>
</tr>
<tr>
<td><em>Recycling Processing Facility</em></td>
<td>-</td>
<td>-</td>
<td>C</td>
<td>-</td>
</tr>
<tr>
<td>Warehousing and Storage</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Chemical, Mineral, and Explosives Storage</em></td>
<td>-</td>
<td>-</td>
<td>C</td>
<td>-</td>
</tr>
<tr>
<td><em>Indoor Warehousing and Storage</em></td>
<td>-</td>
<td>-</td>
<td>P</td>
<td>-</td>
</tr>
<tr>
<td><em>Personal Storage</em></td>
<td>-</td>
<td>C</td>
<td>P</td>
<td>C</td>
</tr>
</tbody>
</table>

**Transportation, Communication, and Utilities Uses**

<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>Antenna and Transmission Towers, camouflage facilities</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>Chapter 306 Telecommunication Facilities</td>
</tr>
<tr>
<td>Broadcasting Facility</td>
<td>-</td>
<td>M</td>
<td>M</td>
<td></td>
<td>Chapter 306 Telecommunication Facilities</td>
</tr>
</tbody>
</table>
## 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>Call Center</td>
<td>-</td>
<td>P(3)</td>
<td>P</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Recording Studio</td>
<td>-</td>
<td>P(4)</td>
<td>P(4)</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Freight/Truck Terminals and Warehouses</td>
<td>-</td>
<td>-</td>
<td>C</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Transportation Passenger Terminals</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Utilities, Minor</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
</tbody>
</table>

### Agricultural and Extractive Uses

<table>
<thead>
<tr>
<th>Use Classifications</th>
<th>Requirements</th>
<th>Additional Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crop Cultivation, Commercial</td>
<td>M, M, M, M</td>
<td>Section 301.21 Crop Cultivation; 301.22 Sale of Agricultural Crops</td>
</tr>
</tbody>
</table>

### Other Applicable Types

<table>
<thead>
<tr>
<th>Use Classifications</th>
<th>Requirements</th>
<th>Additional Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory Uses and Structures</td>
<td>P, P, P, P</td>
<td>Section 301.01 Accessory Uses and Structures</td>
</tr>
<tr>
<td>Animal Keeping</td>
<td>-</td>
<td>Section 301.04 Animal Keeping</td>
</tr>
<tr>
<td>Caretaker Unit</td>
<td>- P(18), P(18), P(18)</td>
<td>Section 301.09 Home Occupations</td>
</tr>
<tr>
<td>Home Occupations</td>
<td>-</td>
<td>Section 301.09 Home Occupations</td>
</tr>
<tr>
<td>Nonconforming Use</td>
<td>Chapter 308 Nonconforming Uses, Structures, and Lots</td>
<td></td>
</tr>
<tr>
<td>Temporary Use</td>
<td>Section 301.19 Temporary Uses</td>
<td></td>
</tr>
</tbody>
</table>

### Specific Limitations:

1. Multi-family Residential are permitted in conjunction with allowable non-residential uses.
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. Drive-through facilities are prohibited.
6. Bulk storage of sand, gravel or cement is not allowed.
7. Wholesale services are not allowed.
8. Campgrounds are prohibited.
9. Limited to establishments with a gross floor area less than 50,000 square feet.
10. Outdoor work and outdoor storage is prohibited.
11. General offices shall not be located on the ground floor.
12. Minor 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.
13. Limited to establishments with a gross floor area less than 1,500 square feet.
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>14. Limited to parking areas for exclusive use of occupants, employees and patrons of the uses, buildings, stores, and businesses located in that zone.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15. Limited to establishments with a gross floor area less than 2,000 square feet.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>16. Prohibited within 300 feet of any R district.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17. Limited to radio or television studios.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>18. Limited to one dwelling for a caretaker or watchman and his immediate family, necessary and incidental to a use located in such zone.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></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>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lot and Density Standards</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</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>
<td>Section 203.03(a)</td>
</tr>
<tr>
<td>Minimum Lot Width (ft)</td>
<td>60</td>
<td>60</td>
<td>60</td>
<td>60</td>
<td>Section 203.03(a)</td>
</tr>
<tr>
<td>Minimum Lot Depth (ft)</td>
<td>75</td>
<td>75</td>
<td>75</td>
<td>75</td>
<td>Section 203.03(a)</td>
</tr>
<tr>
<td>Maximum Density (units/net acre)</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>30.0</td>
<td>Section 203.04(b) Mixed Use Standards</td>
</tr>
<tr>
<td>Minimum Area per Unit (sq ft)</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>800</td>
<td></td>
</tr>
<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>35</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>Section 203.03(b); Section 300.06 Heights and Height Exceptions</td>
</tr>
<tr>
<td>Minimum Yards (ft)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Section 300.16 Visibility at Driveways and Intersections</td>
</tr>
<tr>
<td>Front</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5 min, 10 max</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>Section 300.01 Building Projections into Yards</td>
</tr>
<tr>
<td><strong>Interior Side</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>Section 203.03(c); Section 300.01 Building Projections into Yards</td>
</tr>
<tr>
<td><strong>Street Side</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5 min, 10 max</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>Section 300.01 Building Projections into Yards</td>
</tr>
<tr>
<td>Rear</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>Section 203.03(c); Section 300.01 Building Projections into Yards</td>
</tr>
</tbody>
</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>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Floor Area Ratio</td>
<td>.30</td>
<td>.35</td>
<td>.40</td>
<td>2.0</td>
<td></td>
</tr>
<tr>
<td>Percent of Building at Setback or Property Line</td>
<td>70</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td></td>
</tr>
</tbody>
</table>

Additional 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.
(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) **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.

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. **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.

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.

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 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.
(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](image)

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

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.
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.
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, personal storage (mini-storage), distribution centers, research and development, wholesale, and office space with limited customer access. This district also allows for other uses, such as commercial recreation, 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.

“M” designates use classifications that are permitted after review and approval of a Minor 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>PO</th>
<th>IP</th>
<th>IG</th>
<th>IA</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public and Semi-Public Uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Colleges and Trade Schools, Public or</td>
<td>P</td>
<td>C</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Private</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Correctional Facility</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Cultural Institutions</td>
<td>P</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Day Care Centers</td>
<td>P</td>
<td>P(1)</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Elderly and Long-term Care</td>
<td>P</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Section 301.15 Residential Care Facilities, General</td>
</tr>
<tr>
<td>Instructional Services</td>
<td>P</td>
<td>P</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Residential Care Facilities, General</td>
<td>C</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Schools, Public or Private</td>
<td>P</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Commercial Uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Aircraft Sales, Services, and Storage</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Use Classification</td>
<td>PO</td>
<td>IP</td>
<td>IG</td>
<td>IA</td>
<td>Additional Regulations</td>
</tr>
<tr>
<td>-----------------------------------------------</td>
<td>----</td>
<td>----</td>
<td>----</td>
<td>----</td>
<td>------------------------------------------------------------</td>
</tr>
<tr>
<td>Animal Care, Sales and Services</td>
<td></td>
<td>M</td>
<td>M</td>
<td></td>
<td>See subclassifications below</td>
</tr>
<tr>
<td><strong>Kennels</strong></td>
<td>-</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Veterinary Services</strong></td>
<td>-</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Automobile/Vehicle Sales and Services</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>See subclassifications below</td>
</tr>
<tr>
<td><strong>Automobile/Vehicle Repair, Major.</strong></td>
<td>-</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Automobile/Vehicle Service and Repair, Minor.</strong></td>
<td>-</td>
<td>P</td>
<td>P</td>
<td></td>
<td>Section 301.05 Automobile/Vehicle Service and Repair</td>
</tr>
<tr>
<td><strong>Automobile/Vehicle Washing</strong></td>
<td>-</td>
<td>C</td>
<td></td>
<td></td>
<td>Section 301.05 Auto Service Stations and Car Washing</td>
</tr>
<tr>
<td><strong>Large Vehicle and Equipment Sales, Service, and Rental</strong></td>
<td>-</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Service Station</strong></td>
<td>-</td>
<td>C</td>
<td>C</td>
<td></td>
<td>Section 301.06 Auto Service Stations and Car Washing</td>
</tr>
<tr>
<td><strong>Towing and Impound.</strong></td>
<td>-</td>
<td>C</td>
<td>P</td>
<td></td>
<td>Section 300.09 Outdoor Storage</td>
</tr>
<tr>
<td>Banks and Financial Institutions</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>See subclassifications below</td>
</tr>
<tr>
<td><strong>Banks and Credit Unions</strong></td>
<td>P</td>
<td></td>
<td>P(1)</td>
<td>P(1)</td>
<td></td>
</tr>
<tr>
<td><strong>Check Cashing Businesses</strong></td>
<td></td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Building Materials and Services</strong></td>
<td>-</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Business Services</strong></td>
<td>P</td>
<td>P(1)</td>
<td>P(1)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial Entertainment &amp; Recreation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>See subclassifications below</td>
</tr>
<tr>
<td><strong>Large-Scale</strong></td>
<td>-</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>Section 301.03 Alcoholic Beverage Sales</td>
</tr>
<tr>
<td><strong>Small Scale</strong></td>
<td>-</td>
<td>C</td>
<td></td>
<td></td>
<td>Section 301.03 Alcoholic Beverage Sales</td>
</tr>
<tr>
<td>Eating, Drinking, and Smoking Establishments</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>See subclassifications below</td>
</tr>
<tr>
<td>Use Classification</td>
<td>PO</td>
<td>IP</td>
<td>IG</td>
<td>IA</td>
<td>Additional Regulations</td>
</tr>
<tr>
<td>-----------------------------------</td>
<td>----</td>
<td>-----</td>
<td>-----</td>
<td>-----</td>
<td>-----------------------------------------------------------</td>
</tr>
<tr>
<td>Coffee Shops/Cafes</td>
<td>P(2)</td>
<td>P(1)</td>
<td>P(1)</td>
<td>P</td>
<td>Section 300.08 Outdoor Seating</td>
</tr>
<tr>
<td>Restaurants</td>
<td>P(2)</td>
<td>P(1)</td>
<td>P(1)</td>
<td>P</td>
<td>Section 300.08 Outdoor Seating; Section 301.03 Alcoholic Beverage Sales</td>
</tr>
<tr>
<td>Food and Beverage Retail Sales</td>
<td>P(2)</td>
<td>P(1)</td>
<td>P(1)</td>
<td>-</td>
<td>Section 301.03 Alcoholic Beverage Sales</td>
</tr>
<tr>
<td>Funeral Parlors and Mortuaries</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Hotels and Motels</td>
<td>-</td>
<td>C</td>
<td>C</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Light Fleet Based Services</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Maintenance and Repair Services</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Medical Facilities</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>See subclassifications below</td>
</tr>
<tr>
<td>Hospital</td>
<td>P</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Medical Clinic</td>
<td>P</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Professional/Medical</td>
<td>P</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Offices</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>See subclassifications below</td>
</tr>
<tr>
<td>General Offices</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Walk-In Clientele</td>
<td>P</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Parking, Public or Private</td>
<td>P(4)</td>
<td>P</td>
<td>P</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Personal Services</td>
<td>P(2)</td>
<td>P(1)</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Retail Sales</td>
<td>P(2)</td>
<td>P(2)</td>
<td>P(2)</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Salvage and Wrecking</td>
<td>-</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>Section 300.09 Outdoor Storage</td>
</tr>
<tr>
<td>Salvage and Wrecking conducted wholly within a building</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>Section 300.09 Outdoor Storage</td>
</tr>
<tr>
<td>Sexually Oriented Business</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>-</td>
<td>Section 301.02 Adult Oriented Business</td>
</tr>
<tr>
<td>Wholesaling and Distribution</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Industrial Uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Construction and Material Yards</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>-</td>
<td>Section 300.09 Outdoor Storage</td>
</tr>
<tr>
<td>Handicraft/Custom Manufacturing</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
</tbody>
</table>
# TABLE 204.02: LAND USE REGULATIONS—EMPLOYMENT DISTRICTS

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>PO</th>
<th>IP</th>
<th>IG</th>
<th>IA</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industry, General</td>
<td></td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Alcohol Manufacture</td>
<td>-</td>
<td>C(4)</td>
<td>C</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Hazardous Waste Management Facilities</td>
<td>-</td>
<td>C(6)</td>
<td>C</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Manufacture, processing, or treatment of materials which may be obnoxious, offensive or hazardous to health and safety of persons and property</td>
<td>-</td>
<td>-</td>
<td>C</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Industry, Limited</td>
<td></td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Recycling Facilities</td>
<td>See subclassifications below</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recycling Collection Facility</td>
<td>-</td>
<td>-</td>
<td>P</td>
<td>-</td>
<td>Section 301.14 Recycling Facilities</td>
</tr>
<tr>
<td>Recycling Processing Facility</td>
<td>-</td>
<td>-</td>
<td>P</td>
<td>-</td>
<td>Section 301.14 Recycling Facilities</td>
</tr>
<tr>
<td>Warehousing and Storage</td>
<td>See subclassifications below</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chemical, Mineral, and Explosives Storage</td>
<td>-</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Indoor Warehousing and Storage</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Personal Storage</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>Section 301.13 Personal Storage</td>
</tr>
<tr>
<td>Transportation, Communication, and Utilities Uses</td>
<td>See subclassifications below</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Antenna and Transmission Towers, camouflage facilities</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>Chapter 306 Telecommunication Facilities</td>
</tr>
<tr>
<td>Broadcasting Facility</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>Chapter 306 Telecommunication Facility</td>
</tr>
<tr>
<td>Call Center</td>
<td>P(2)</td>
<td>P</td>
<td>P</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Freight/Truck Terminals and Warehouses</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Heliports</td>
<td>-</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Use Classification</td>
<td>PO</td>
<td>IP</td>
<td>IG</td>
<td>IA</td>
<td>Additional Regulations</td>
</tr>
<tr>
<td>----------------------------------------</td>
<td>----</td>
<td>----</td>
<td>----</td>
<td>----</td>
<td>--------------------------------------------</td>
</tr>
<tr>
<td>Transportation Passenger Terminals</td>
<td></td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Utilities, Major</td>
<td></td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Solid Waste Collection, Treatment, and Disposal</td>
<td></td>
<td></td>
<td>P</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Utilities, Minor</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
</tbody>
</table>

### Agriculture and Extractive Uses

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>PO</th>
<th>IP</th>
<th>IG</th>
<th>IA</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crop Cultivation, Commercial</td>
<td>M</td>
<td>P</td>
<td>P</td>
<td>M</td>
<td>Section 301.21 Crop Cultivation</td>
</tr>
<tr>
<td>Crop Cultivation, Non-commercial</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Mining &amp; Quarrying</td>
<td>-</td>
<td>-</td>
<td>C(6)</td>
<td>-</td>
<td></td>
</tr>
</tbody>
</table>

### Other Applicable Types

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>PO</th>
<th>IP</th>
<th>IG</th>
<th>IA</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory Uses and Structures</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>Additional Uses</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>P(9)</td>
<td></td>
</tr>
<tr>
<td>Caretaker Unit</td>
<td>-</td>
<td>P(8)</td>
<td>P(8)</td>
<td>-</td>
<td></td>
</tr>
</tbody>
</table>

### Nonconforming Use

Chapter 308 Nonconforming Uses, Structures, and Lots

### Temporary Use

Section 301.21 Temporary Uses

### Specific Limitations:

1. Permitted only as an accessory use that supports industrial uses, business and office parks, and corporate offices.
2. 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.
3. Limited to parking areas for exclusive use of occupants, employees and patrons of the uses, buildings, stores, and businesses located in that zone.
4. Alcohol manufacture must be located more than 500 feet from the nearest residential, or commercial zoning designation as shown on the Official Zoning Map.
5. On-site hazardous waste management facilities must be accessory and incidental to a primary use.
6. In areas designated as Mineral Resource Zones in the General Plan
7. Prohibited within 300 feet of any R district.
8. For agricultural employees, when located on farms or ranches containing more than 10 acres.
9. 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>
</tr>
</thead>
<tbody>
<tr>
<td>Lot and Density Standards</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum Lot Area (sq ft)</td>
<td>6,000</td>
<td>20,000</td>
<td>10,000</td>
<td>10,000</td>
<td>Section 204.03(a)</td>
</tr>
<tr>
<td>Minimum Lot Width (ft)</td>
<td>60</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>Section 204.03(a)</td>
</tr>
<tr>
<td>Minimum Lot Depth (ft)</td>
<td>75</td>
<td>100</td>
<td>75</td>
<td>75</td>
<td>Section 204.03(a)</td>
</tr>
<tr>
<td>Building Form and Location</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum Height (ft)</td>
<td>50</td>
<td>75</td>
<td>75</td>
<td>35</td>
<td>Section 204.03(b); Section 300.06 Heights and Height Exceptions; Chapter 500 Airport Environs</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 204.03(c); Section 300.01 Building Projections into Yards</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 204.03(d); Section 300.01 Building Projections into Yards</td>
</tr>
<tr>
<td>Rear</td>
<td>0</td>
<td>10</td>
<td>0</td>
<td>10</td>
<td>Section 204.03(b) and (c); Section 300.01 Building Projections into Yards</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. The Zoning Administrator may approve a modification to this standard where existing development patterns make it infeasible to provide a landscaped area thirty (30) feet deep.

(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

(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

Parking behind building

Building

Sidewalk
Street
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.

“M” designates use classifications that are permitted after review and approval of a Minor 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>PS</th>
<th>REC</th>
<th>PK</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Public and Semi-Public Use Classifications</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Airport</td>
<td>P</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Cemeteries</td>
<td>C</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Clubs and Lodges</td>
<td>-</td>
<td>P(1)</td>
<td>P(1)</td>
<td></td>
</tr>
<tr>
<td>College and Trade Schools, Public or Private</td>
<td>P</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Community Center</td>
<td>P</td>
<td>-</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Correctional Facility</td>
<td>P</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Cultural Institutions</td>
<td>P</td>
<td>-</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Government Offices</td>
<td>P</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Instructional Services</td>
<td>P</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Park and Recreation Facilities, Public</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Public Safety Facilities</td>
<td>P</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Religious Facilities</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Schools, Public or Private</td>
<td>P</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td><strong>Commercial Use Classifications</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Aircraft Sales, Services, and Storage</td>
<td>P(2)</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Commercial Entertainment and Recreation</td>
<td>See subclassifications below</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Large-scale</strong></td>
<td>P</td>
<td>C</td>
<td>P</td>
<td>Section 301.03 Alcoholic Beverage Sales</td>
</tr>
<tr>
<td><strong>Small-scale</strong></td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>Section 301.03 Alcoholic Beverage Sales</td>
</tr>
<tr>
<td>Eating, Drinking, and Smoking Establishments</td>
<td>P(3)</td>
<td>P(1)</td>
<td>P(1)</td>
<td></td>
</tr>
<tr>
<td><strong>Coffee Shops/Cafes</strong></td>
<td>P(3)</td>
<td>P(1)</td>
<td>P(1)</td>
<td>Section 300.08 Outdoor Seating</td>
</tr>
</tbody>
</table>
### TABLE 205.02: LAND USE REGULATIONS—PUBLIC AND OPEN SPACE DISTRICTS

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>PS</th>
<th>REC</th>
<th>PK</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Restaurants</td>
<td>P(3)</td>
<td>-</td>
<td>-</td>
<td>Section 300.08 Outdoor Seating; Section 301.03 Alcoholic Beverage Sales</td>
</tr>
</tbody>
</table>

**Medical Facilities**
See subclassification below

**Hospital**

**Recycling Facilities**
See subclassifications below

**Recycling Collection Facility**

**Recycling Processing Facility**

**Retail Sales**
See subclassification below

**Swap Meet**

**Transportation, Communication, and Utilities Use Classifications**

<table>
<thead>
<tr>
<th>Telecommunication Facilities</th>
<th>PS</th>
<th>REC</th>
<th>PK</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Antenna and Transmission Towers, camouflage facilities</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>Chapter 306 Telecommunication Facilities</td>
</tr>
<tr>
<td>Antenna and Transmission Towers, non-camouflage facilities</td>
<td>M(4)</td>
<td>M(4)</td>
<td>M(4)</td>
<td>Chapter 306 Telecommunication Facilities</td>
</tr>
<tr>
<td>Heliports</td>
<td>P(5)</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Utilities, Major</td>
<td>C</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Solid Waste Collection, Treatment, and Disposal</td>
<td>P</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Utilities, Minor</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
</tbody>
</table>

**Agricultural and Extractive Uses**

| Crop Cultivation, Commercial | M   | M   | M   | Section 301.21 Crop Cultivation               |

**Other Applicable Types**

<table>
<thead>
<tr>
<th>Accessory Uses and Structures</th>
<th>P</th>
<th>P</th>
<th>P</th>
<th>Section 301.01 Accessory Uses and Structures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nonconforming Use</td>
<td></td>
<td></td>
<td></td>
<td>Chapter 308 Nonconforming Uses, Structures, and Lots</td>
</tr>
<tr>
<td>Temporary Use</td>
<td></td>
<td></td>
<td></td>
<td>Section 301.19 Temporary Uses</td>
</tr>
</tbody>
</table>
### 205.02 Land Use Regulations—Public and Open Space Districts

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>PS</th>
<th>REC</th>
<th>PK</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>REC</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>PK</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Specific Limitations:**

1. Limited to facilities associated with park and recreational facilities.
2. Limited to facilities associated with an airport.
3. Limited to cafes and restaurants accessory to cultural institutions.
4. Prohibited within 300 feet of any R district.
5. Permitted only as accessory to a hospital or public airport.

### 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>
<th>Additional Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lot and Density Standards</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum Lot Area (sq ft)</td>
<td>87,120 (2 acres)</td>
<td>10,000</td>
<td>10,000</td>
<td></td>
</tr>
<tr>
<td>Minimum Lot Width (ft)</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>Minimum Lot Depth (ft)</td>
<td>100</td>
<td>75</td>
<td>75</td>
<td></td>
</tr>
<tr>
<td><strong>Building Form and Location</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>20</td>
<td>0</td>
<td>0</td>
<td>Section 300.01 Building Projections into Yards</td>
</tr>
<tr>
<td>Interior Side</td>
<td>10</td>
<td>0</td>
<td>0</td>
<td>Section 300.01 Building Projections into Yards</td>
</tr>
<tr>
<td>Street Side</td>
<td>10</td>
<td>0</td>
<td>0</td>
<td>Section 300.01 Building Projections into Yards</td>
</tr>
<tr>
<td>Rear</td>
<td>10</td>
<td>0</td>
<td>0</td>
<td>Section 300.01 Building Projections into Yards</td>
</tr>
<tr>
<td>Maximum Floor Area Ratio</td>
<td>.25(b)</td>
<td>.10</td>
<td>.10</td>
<td></td>
</tr>
</tbody>
</table>
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.

(b) **Determining FAR.** When determining FAR in the PS District, medical laboratories, operating rooms, meeting rooms, conference facilities, cafeteria facilities, and recreational facilities are excluded from floor area.
This page intentionally left blank
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.** 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.

(4) **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 Development 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.** Culs-de-sac 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. Culs-de-sac 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 at 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.
This page intentionally left blank
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”.

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.

(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.
This page intentionally left blank.
Series 600: Administration and Permits

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 607, Amendments to General Plan;

(b) Initiate, consider and adopt, reject or modify amendments to the text of this Ordinance pursuant to the provisions of Chapter 608, 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 604, Conditional Use Permits and Chapter 606, Variances;

(d) Approve, conditionally approve, or deny major subdivisions pursuant to the provisions of Chapter 401;

(e) Hear and decide appeals from decisions of the Zoning Administrator on Temporary Use Permits, minor modifications of approved Conditional Use Permits, administrative approvals, environmental review, and any other permits that can be
appealed pursuant to the provisions of Chapter 612, 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 612, Appeals and other applicable requirements;

(g) Enter into development agreements with property owners pursuant to the provisions of Chapter 609, 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 or amend Conditional Use Permits pursuant to the provisions of Chapter 613, 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 applications reviewed by the Project Review and Parcel Map Committees;

(d) On behalf of the City execute Indemnification and Cost Recovery Agreement for projects requiring discretionary permits and/or those evaluated under the provisions of CEQA and NEPA.

(e) 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;

(f) Hear and decide applications for adjustments pursuant to provisions of Chapter 610, Adjustments;

(g) Make determinations of zoning conformance pursuant to Chapter 602, Zoning Conformance Review;
(h) 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 611, Environmental Review;

(i) Negotiate the components and provisions of development agreements for recommendation to the City Council;

(j) Issue administrative regulations for the submission and review of applications;

(k) Administratively approve or deny a use or occupancy where authority to do so is provided for in this Ordinance;

(l) Make determinations of uncertainty of Boundaries on the Official Zoning Map pursuant to Official Zoning Map and District Boundaries, Chapter 101.02(b);

(m) Determine whether a legally approved permit has lapsed due to lack of implementation or an extension as provided for in Expiration and Extension, 601.08 (a) and (b); and

(n) Act as the Environmental Coordinator in administering the provisions of the California Environmental Quality Act.

600.04 Project Review Committee
The Project Review Committee consists of the Zoning Administrator, City Planner, City Engineer, Chief Building Official, 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) Multi-Family Residential developments of four (4) or more units or consisting of two (2) or more structures;

(c) A change in occupancy 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 as defined in Chapter 402, Minor Subdivisions, unless other related discretionary permits require approval by the City Council. In this case, the Parcel Map Committee actions will be in the form of a recommendation to the City Council. 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 611, 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.
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  Scope of Approvals
601.07  Effective Dates
601.08  Expiration and Extension
601.09  Modification of Approvals; Changed Plans
601.10  Revocation of Approvals
601.11  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, material samples and other items necessary to describe existing conditions and the proposed project. The Zoning Administrator may require sufficient information 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. 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 by City Council resolution.

(4) **Indemnification and Cost Recovery Agreement.** Applicants shall submit an executed indemnification agreement which indemnifies and holds the City harmless from any action in connection with the project being reviewed and commits to cost recovery relating to an appeal as well as all court costs relating to legal challenges. Costs associated with implementing mitigation monitoring shall be included in the agreement.

a. Failure or refusal by any or all of the Applicant(s) to enter into the Indemnification and Cost Recovery Agreement in favor of the City of Porterville, in a form provided by the Community Development Department, Planning Division, shall result in and be deemed an abandonment of the application and application approval, and all rights accrued to the Applicant(s) to proceed under the City’s actions in such regard shall be deemed immediately revoked, and the City will be entitled to seek all remedies available to it under law, including, but not limited to, breach of contract and/or enforcement of any code violations.

(c) **Payment and Waiver 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.

(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.

### 601.03 Project Review Committee

Project Review Committee (PRC) 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 Project Review.** Review is required for the following projects:

(1) All new commercial or industrial structures and additions of five hundred (500) square feet or more;
Series 600: Administration and Permits

(2) Multi-Family developments of four (4) or more units or consisting of two (2) or more structures;

(3) A change in occupancy 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, mixed use projects, zoning changes, general plan amendments, subdivisions, and annexations.

(b) **Payment of Fee.** No application will be accepted for PRC 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 tentative subdivisions, the preliminary map shall be in compliance with Chapter 401, Major and Minor Subdivisions.

(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 project 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. If an application requires the submittal of an application(s) for discretionary permit approval, the application will not be deemed complete until such time as a completed application and fees are submitted for the discretionary review.

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.** Applications requiring multiple approvals, permits, adjustments, or entitlements under this Ordinance shall be heard and acted upon at the same time. Those items requiring public notification shall be notified together.

(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, the Zoning Administrator 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; and

(3) 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, the Zoning Administrator 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 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;

(3) The identity of the hearing body;

(4) The names of the applicant and the owner of the property that is the subject of the application;

(5) The location 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 where 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.

(f) **Continuance of Public Hearing.** The body conducting the public hearing may by motion continue the public hearing, even in the absence of a quorum, to a fixed date, time and place, and no further notice shall be required as prescribed by law.

**601.06 Scope of Approvals**

(a) **Scope.** An 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 indicating the proposed structure or manner of operation submitted with an application or submitted during the approval process or by minute order shall be deemed conditions of approval. Any approval may be subject to requirements that the permittee guarantees, warranties or insures 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.

**601.07 Effective Dates**

A final decision on an application for any Zoning Administrator approval is subject to appeal and shall not become effective until after the expiration of the ten (10) day appeal period following the date of action. No building permit or business license shall be issued until the eleventh (11th) day following the date of the action.
601.08 Expiration and Extension

(a) **Expiration.** The City Council, in the granting of any permit, or the Zoning Administrator, in the granting of any application, 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 City Council 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 before the permit expires.

601.09 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 Zoning Administrator.

601.10 Revocation of Approvals

Any permit granted under this chapter may be revoked or modified 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 or modification proceedings.
(b) **Public Notice.** The Zoning Administrator 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 or modification of a Conditional Use Permit or Variance shall be conducted in the same manner as for Conditional Use Permits pursuant to Chapter 604, 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.

### 601.11 Appeals

All final decisions of the Zoning Administrator may be appealed to the City Council pursuant to Chapter 612, Appeals.
This page intentionally left blank.
Chapter 602  Zoning Conformance Review

Sections:

602.01  Purpose
602.02  Applicability
602.03  Procedures
602.04  Request for Other Zoning Administrator 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.

(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 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  Hillside Development Permit

Sections:

603.01  Purpose
603.02  Applicability
603.03  Decision-Making Authority
603.04  Procedures
603.05  Appeals, Expiration and Extensions

603.01  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.

603.02  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.

603.03 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 individually. In this case, the application shall be processed as a Hillside Development Permit.

603.04 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 Conditional 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. The application for a Hillside Development Permit should be processed concurrently with the appropriate environmental document.

(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, a public hearing shall be held 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 act on a project with a complete application within thirty (30) days of the date the application is received.

603.05 **Appeals, Expiration and Extensions**

(a) **Appeals.**

(1) Administrative Hillside Development Permits. The decision by the Zoning Administrator is subject to the appeal provisions of Chapter 612, 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.
This page intentionally left blank
Chapter 604  Conditional Use Permits

Sections:

604.01  Purpose
604.02  Applicability
604.03  Procedures
604.04  Required Findings
604.05  Conditions of Approval
604.06  Decision; Expiration and Extensions; Modifications

604.01  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.

604.02  Applicability

Conditional Use Permit approval is required for uses or developments specifically identified in the Series 200, Base Districts, and Series 500, Overlay Districts, of this Ordinance or any other section of this Ordinance which requires a Conditional Use Permit. Some conditional uses that have been identified by the City Council to require less staff review time are titled “Minor Conditional Use Permits”, and such uses are identified in Series 200, Base Districts. Minor Conditional Use Permits shall conform to all applicable criteria required of Conditional Use Permits.

604.03  Procedures

(a)  Application. Written applications for Conditional Use Permits shall be filed with the Community Development Department in accordance with Chapter 601, Common Procedures.

(b)  Public Hearing. Within 30 days after determining that an application is complete, the Zoning Administrator shall schedule a public hearing before the City Council. Notice shall be provided in compliance with the requirements in Chapter 601, Common Procedures.

604.04  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.
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

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, the Development Ordinance and with any other applicable plan adopted by the City Council.

604.05  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 achieve the findings for a Conditional Use Permit identified in Section 604.04.

604.06  Decision; Expiration and Extensions; Modifications

(a)  Decision. The decision of the Council shall be final. The Zoning Administrator 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 605  Temporary Use Permits

Sections:
605.01  Purpose
605.02  Applicability
605.03  Procedures
605.04  Required Findings
605.05  Conditions of Approval

605.01  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.

605.02  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.

605.03  Procedures
(a)  **Application.** Any person may apply to the Zoning Administrator for approval of a temporary use not less than thirty (30) 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.

605.04  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.

605.05 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 605.04 above.
Chapter 606  Variances

Sections:

606.01  Purpose
606.02  Procedures
606.03  Required Findings
606.04  Use Variances Prohibited
606.05  Conditions of Approval
606.06  Decision; Expiration and Extensions; Modifications

606.01  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.

606.02  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 supporting the proposed variance.

(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.

606.03  Required Findings
A Variance shall only be granted if the City Council makes all of the following findings:

(a)  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;

(b)  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;

(c)  Special circumstances applicable to the property were or are not self-imposed by the property owner; 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 detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or the public welfare in general.
606.04 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.

606.05 Conditions of Approval

(a) 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.

606.06 Decision; Expiration and Extensions; Modifications

(a) Decision. The decision of the Council shall be final. The Zoning Administrator 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 607  Amendments to General Plan

Sections:

607.01  Purpose
607.02  Applicability
607.03  Initiation of Amendment
607.04  Application Requirements
607.05  Review of Application and Determinations by Zoning Administrator
607.06  Public Hearing Scheduling
607.07  City Council Hearing and Action

607.01  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.

607.02  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.

607.03  Initiation of Amendment
An amendment may be initiated by the City Council or by application of any interested person.

607.04  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. Related applications to be processed concurrently unless the Zoning Administrator shall otherwise 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 the approval of any associated discretionary permit shall not be 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.

607.05 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.

607.06 Public Hearing Scheduling

The Zoning Administrator 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.

607.07 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.
Chapter 608 Amendments to Zoning Map and Text

Sections:
608.01 Purpose
608.02 Applicability
608.03 Initiation of Amendment
608.04 Application Requirements
608.05 Review of Application and Determinations by Zoning Administrator
608.06 City Council Hearing and Action

608.01 Purpose
This chapter provides procedures by which changes may be made to the text of this Ordinance and to the Zoning Map. 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.

608.02 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.

608.03 Initiation of Amendment
An amendment may be initiated by the City Council or by application of any interested person.

608.04 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. Related applications to be processed concurrently unless the Zoning Administrator shall otherwise 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 the approval of any associated discretionary permits shall not be subject to the time limits specified in State Law for processing such applications until the Council approves the zoning amendment.
608.05 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.

608.06 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.
Chapter 609  Development Agreements

Sections:

609.01  Purpose
609.02  Objective
609.03  Requirements
609.04  Contents
609.05  Application
609.06  Hearings and Notice
609.07  Report and Findings
609.08  Action of City Council
609.09  Initiation of Amendment or Cancellation
609.10  Recordation
609.11  Review

609.01  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.

609.02  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.

609.03  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.

609.04  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.

**609.05 Application**

An application for a development agreement shall be made to the Zoning Administrator 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.

**609.06 Hearings and Notice**

Upon receipt of a development agreement application, the Zoning Administrator shall initiate and notice the public hearing pursuant to the provisions of Chapter 601, Common Procedures.

**609.07 Report and Findings**

The Zoning Administrator 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.

**609.08 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.

**609.09 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.

609.10 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.

609.11 Review

(a) The Zoning Administrator 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 609.09, Initiation of Amendment or Cancellation
This page intentionally left blank
Chapter 610 Adjustments

Sections:
610.01 Purpose and Applicability
610.02 Procedures
610.03 Required Findings

610.01 Purpose and Applicability
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. 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.

610.02 Procedures

(a) **Application.** An application for relief shall be filed with the Zoning Administrator in accordance with Chapter 601, Common Procedures. The application shall state in writing the nature of the adjustment requested and explain why the findings necessary to grant the exception are satisfied. The applicant shall also submit plans delineating the requested adjustment.

(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.

610.03 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.
Chapter 611  Environmental Review

Sections:

611.01  Purpose
611.02  Procedures
611.03  Mitigation Monitoring and Reporting Program
611.04  Prepration of Environmental Documents by Consultants

611.01  Purpose

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.

611.02  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.

(c)  **Preparation and Processing Environmental Documents.** A determination of the appropriate level of environmental review by the Zoning Administrator shall trigger the preparation of an environmental document in compliance with the most current regulations and guidelines of the Environmental Quality Act, whether it be exempt from CEQA, require Negative Declaration, Mitigated Negative Declaration or an Environmental Impact Report. Further, in concert with the requirements of an applicable Federal agency(s), the Zoning Administrator will cause to have prepared the appropriate NEPA environmental documentation.

(d)  **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 for discretionary permits. 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 611, Appeals.

(e) **Initial Study.** If the proposed project is subject to CEQA and is not exempt from environmental review, an Initial Study shall be prepared in compliance with CEQA and Local CEQA Guidelines.

(f) **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 or mitigation measures have been incorporated 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 may not be mitigated, and an EIR will be required.

(g) **Environmental Determination.** If the Zoning Administrator has determined that the 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.

(h) **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.

### 611.03 Mitigation Monitoring and Reporting Program

(a) **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 in conjunction with certification of a Final EIR and compliance with CEQA.

(b) **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.
(c) **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.

**611.04 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. 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.
This page intentionally left blank
Chapter 612  Appeals

Sections:

612.01  Purpose
612.02  Rights of Appeal
612.03  Time Limits
612.04  Procedures
612.05  Standards of Review

612.01  Purpose
This chapter establishes uniform procedures for appeals of final decisions by the Zoning Administrator or Parcel Map Committee.

612.02  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.

612.03  Time Limits
Unless otherwise specified in State or federal law, all appeals shall be filed with the City Clerk 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.

612.04  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 City Clerk 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 30 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.

(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 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.

(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 decision. 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.

**612.05 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 613  Enforcement

Sections:
613.01  Purpose
613.02  Enforcement Responsibilities
613.03  Public Nuisance Defined
613.04  Penalties
613.05  Remedies

613.01  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.

613.02  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
(1)  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 601.10, Revocation of Approvals, and the abatement of nuisances as defined in this chapter.

(2)  Shall prior to issuance of building permits, ascertain that plans presented with the building permit application conform to those approved subject to the requirements of this Ordinance.

(3)  Shall enforce all provisions of this Ordinance pertaining to the use, erection, construction, recreation, conversion, alteration, or addition to any building or structure and condition of approval of Use Permits, Variances, nuisance abatements, or other discretionary approvals. The Zoning Administrator 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.

(b)  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 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.

613.03 Public Nuisance Defined

Any use, event, building or structure that violates any provision of this Ordinance or any other City, State, or federal regulation, Ordinance, or statute shall be deemed a public nuisance.

613.04 Violations and Penalties

(a) Any person, firm, or corporation violating any provision of this Ordinance is subject to any and all applicable provisions of this Code, including but not limited to the General Penalty provisions specified at Municipal Code Section 1-9.

(b) 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. These procedures are in addition to other applicable remedies established in the Municipal Code.

(c) Notwithstanding the applicable fines specific in Chapter 2, Article XIV, any nuisance associated with a use allowed by a discretionary permit (i.e. Conditional Use Permit, etc.) as set forth in this code, may be subject to an administrative fine as follows:

1. First offense: Not more than $500
2. Second offense: Not more than $2,500
3. Third offense: Not more than $5,000

613.05 Remedies

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 Zoning Administrator shall submit the item to the Code Compliance Officer for recourse outlined in the Porterville Municipal Code who may impose any remedy available at law or in equity.
Chapter 700  List of Terms and Definitions

Sections:

700.01  List of Terms
700.02  Definitions

700.01  List of Terms

Abutting or Adjoining  ARC Districts
Accessory Building 
Accessory Structure (Agriculture/Rural/Conservation
Adjacent  Districts)
Accessory Use  Area, Gross
Acre, Gross  Balcony
Acre, Net  Base District
Adjacent  Bedroom
Affordable Housing Terms  Bicycle Parking, Long-term
Additional Incentive  Bicycle Parking, Short-term
Affordable Rent  Block
Density Bonus  Building
Density Bonus Units  Blockface
Economically Feasible  Building
Housing Cost  Front
Lower Income Household  Height
Maximum Residential Density  Development
Moderate Income Household  City
Senior Citizen  City Council
Senior Citizen Housing  City Engineer
Target Unit  Code Enforcement Officer
Very Low Income Household  Commercial Vehicle
Development
Aggrieved Person  Compatible
Alley  Condition of Use
Alteration  Conditionally Permitted
Americans with Disabilities Act (ADA)  Construction
Household Pet
Livestock
Series 700: General Terms

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
Porch
Pre-existing
Project
Public Works Director
Qualified Applicant
R District (Residential District)
Recreational Vehicle
Redevelopment Agency
Rescission
Right-of-Way
Sexually Oriented Business Terms (see Section 301.02, Adult Oriented Businesses)
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.

**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 stature, 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.

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, copilots, 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.

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.


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.

**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 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 or landings. *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**

**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 twenty (20) 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 developable 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 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 reasonably 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.

Porch. A roofed structure, usually open at the sides, projecting from the face of a building and used to protect the entrance.

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 Department.

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).

Sexually Oriented Business Terms. See Section 301.02, Adult Oriented Businesses.

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.** Building frontage shall be considered the wall of a building that faces and is roughly parallel with a public street, excluding an alley.

**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.

**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 301.21, 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 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.
This page intentionally left blank.
Chapter 701 Use Classifications

Sections:

701.01 Purpose and Applicability
701.02 Land 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 Land Use Classifications

**Aircraft Sales, Services, and Storage.** Uses related to the rental, sales and leasing, storage, repair, and washing of aircraft.

**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.

**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, Small.* 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.

*Veterinary Services, Large.* Medical care for large animals which generally includes agricultural animals, on a commercial basis. This classification allows twenty-four
(24) hour accommodation of animals receiving medical or grooming services.

**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.

**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, and transmission shops, 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, wheel and brake shops, auto glass services, tire sales and installation, muffler shops and upholstery 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.

**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.

**Construction and Material Yards.** Storage of construction materials or equipment on a site other than a construction site.

**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.

* **Downtown Entertainment.** This classification includes facilities such as amusement and theme parks, amphitheaters, facilities with more than ten thousand (10,000) square feet in building area, including fitness centers, gymnasiums, handball, racquetball, ice or roller skating rinks, swimming or wave pools, miniature golf courses, bowling alleys, or archery or indoor shooting ranges. This classification may include restaurants, snack bars, and other 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.

**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.

**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.

**Broadcasting Facility.** Includes radio or television stations. Transmission towers must comply with Series 301.20 Telecommunication Facilities.

**Call Centers.** Includes customer support, direct sales, order processing, customer service, surveys, research, credit management, help desk, reservations, billing and accounting, sales and telemarketing. These services are either provided internally by the company for its own use or provided externally by an outsourcing agency which provide these services for several companies.

**Recording Studio.** Facility for sound recording which can consist of a studio or live room and control room, where sound is recorded and manipulated.

**Correctional Facility.** A building such as a jail or prison used for the confinement of persons held while awaiting trial or for the confinement of persons convicted of offenses.

**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)

**Crop Cultivation, Commercial.** Results in quantities of crops greater than what could be reasonably consumed in personal use and/or crops that are produced with the intent to sell commercially.

**Crop Cultivation, Non-commercial.** Includes orchards and flower and vegetable gardens for personal use.

**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.

**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.

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.

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 school-age 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 cared for.

3. The licensee notifies each parent that the facility is caring for two (2) additional school-age 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.

**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.

**Freight/Truck Terminals and Warehouses.** Facilities for local or worldwide freight, courier, local messenger, and postal services by truck or rail.

**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.

**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).

**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.
**Handicraft/Custom Manufacturing.** Manufacture of crafts, art, sculpture, stained glass, jewelry, apparel, and similar items using hand tools and small mechanical devices.

**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.

**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.

**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; 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.

**Instructional Services.** Establishments that offer specialized programs in personal growth and development such as music, vocal, fitness and dancing instruction.

**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).

Medical Facilities. These classifications exclude veterinaries and animal hospitals (see Animal Care, Sales, and Services) and medical marijuana dispensaries.

- **Hospitals.** State-licensed facilities providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons.

- **Medical Clinic.** This classification includes facilities medical groups, inpatient or outpatient treatment, including substance-abuse programs as well as training, research, and administrative services for patients and employees.

- **Professional/Medical.** This classification is for the single practitioner; to include offices where medical and dental services are provided by physicians, dentists, chiropractors, optometrists, and similar medical professionals.

Mining and Quarrying. The extraction of nonmetallic minerals, including dredging and sand and gravel pit operations. This classification includes surface mining operations.

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.

Multi-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.

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).

- **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.

**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.

**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.

**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.

**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.** A 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.

**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. 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.

**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 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.

**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.

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.

Sexually 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. Includes Sexually Oriented Businesses defined in Section 301.02(b), Definitions.

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.”

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.

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.
**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.

**Utilities, Renewable Energy Facility.** Facilities including solar, wind or other facility utilizing renewable energy.

**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.

- **Personal Storage.** Facilities offering storage for individual use, including mini-warehouses and mini-storage.

**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.
This page intentionally left blank
SUBJECT: APPROVAL OF AMENDMENT TWO TO THE TULARE COUNTY ASSOCIATION OF GOVERNMENTS JOINT POWERS AGREEMENT

SOURCE: Public Works Department - Engineering Division

COMMENT: City Council reviewed this staff report during the August 7, 2012, meeting and requested staff to bring it back on this date. The Tulare County Association of Governments (TCAG) operates under a Joint Powers Agreement (JPA) among the eight incorporated cities and the County of Tulare. The initial JPA was approved in 1971, and has had updates and amendments from time to time.

Recent actions of the TCAG Board and legislative changes have triggered the need for amendments to the TCAG Joint Powers Agreement. There are two parts to Amendment Two as described below:

**Regional Transportation Impact Fee**

On December 5, 2011, the TCAG Board authorized TCAG staff to plan, program, and implement the County of Tulare’s Transportation Impact Fee (TIF) Program subject to Tulare County Board of Supervisor’s (BOS) support. On January 10, 2012, the BOS approved TCAG assuming responsibility for the preparation and implementation of the Regional TIF Program. While TCAG can currently conduct planning studies, a JPA amendment is required to allow TCAG to implement and manage the TIF Program.

To clarify that each member agency also has the right to implement a local TIF Program, the following language is included in the proposed JPA Amendment:

"This power is not exclusive delegation of authority and the member agencies of the Association reserve the right to retain and establish mitigation fee programs under this Act."

**Central California Railroad Authority**

SB 325 (Central California Railroad Authority Act) creates an authority to ensure railroad service continues on existing short rail lines in San Joaquin Valley counties if the Surface Transportation Board authorizes the abandonment or discontinuance of service on those lines, or in the event of the bankruptcy or sale of existing short line railroad operations in the San Joaquin Valley counties that are a part of the rail authority.

Dir 8/6 Appropriated/Funded x/KA CM J  
Item No. 12
Communities heavily reliant on short haul rail services stand to lose access to goods movement and shipping services if an alternative is not developed to ensure dependable rail service for the San Joaquin Valley counties. SB 325 was signed by the governor on September 6, 2011. In order for TCAG to join the Central California Railroad Authority, an amendment to the TCAG JPA is required.

Once the Cities and County have approved and passed the appropriate resolution, TCAG will circulate a “master” agreement for each City and the County to sign. This process will insure that each agency has a document with original signatures.

RECOMMENDATION: That the City Council:

1. Review the full breadth of Amendment Two to the “Tulare County Association of Governments Joint Powers Agreement”;

2. If approved, authorize the Mayor to execute the attached “Tulare County Association of Governments Joint Powers Agreement” resolution; and

3. If approved, authorize the Mayor to execute the Master Agreement when said Master Agreement is made available to the City for signature.

ATTACHMENT: TCAG Joint Powers Agreement - Amendment Two Joint Powers Agreement Resolution
AMENDMENT TWO TO THE
TULARE COUNTY ASSOCIATION OF GOVERNMENTS
JOINT POWER AGREEMENT

THIS AGREEMENT, dated for convenience as of this ______ day of __________, 2012, by
and between the COUNTY OF TULARE, hereinafter referred to as the “County,” and the CITIES OF
DINUBA, EXETER, FARMERSVILLE, LINDSAY, PORTERVILLE, TULARE, VISALIA, and
WOODLAKE, or so many of said Cities as have executed this Agreement, hereinafter collectively
referred to as the “Cities”;

WITNESSETH:

WHEREAS, the Tulare County Association of Governments, hereinafter referred to as the
“Association,” will be a separate entity from the County, and

WHEREAS, as of the 4th day of May, 1971, the County and the Cities executed an Agreement
(Tulare County Agreement No. 6460) which established the Association, and set forth the powers and
duties of the Association; and

WHEREAS, the Joint Powers Agreement may be amended from time to time; and

WHEREAS, the Association incorporated subsequent amendments to the original Agreement
entered into on the 4th day of May, 1971 and make changes to the Agreement to reflect current
practices and terminology on the 15th day of June, 2010 (Tulare County Agreement No. 24583); and

WHEREAS, the Association desires to amend said Agreement to authorize the Association to
prepare the Tulare County Regional Traffic Impact Fee Program, establish a Traffic Development
Impact Fee, and cause collection of said fees; and
WHEREAS, the Association desires to amend said Agreement to implement Cal. Gov. Code §93300 et seq., to enter into and carry out the terms and conditions of the Central California Railroad Authority, hereby amend said Agreement.

NOW, THEREFORE, BE IT AGREED as follows:

(1) Paragraph (2) of said Agreement is hereby amended by adding thereto subparagraph (r) to read as follows:

(r) To prepare a Tulare County Regional Traffic Impact Fee Program, establish a Traffic Development Impact Fee, and cause collection of said fees pursuant to Cal. Gov. Code §66000 et. seq. (Mitigation Fee Act) as amended from time to time. This power is not exclusive delegation of authority and the member agencies of the Association reserve the right to retain an establish mitigation fee programs under this Act.

(2) Paragraph (2) of said Agreement is hereby further amended by adding thereto subparagraph (s) to read as follows:

(s) To implement Cal. Gov. Code §93300 et seq., (Central California Railroad Authority Act), create and join the Central California Railroad Authority and exercise the authority set out in the Central California Railroad Authority Act as it pertains to the purposes of this Act.

(3) Except as expressly provided herein, all other terms and conditions of the Joint Powers Agreement and the Amendments thereto shall remain in full force and effect.

(4) The County and Cities hereby agree that this Amendment Agreement may be executed in counterparts, each of which shall be deemed an original but all of which shall constitute the same Agreement. Notwithstanding the foregoing, the Parties hereby agree that duplicate originals shall be executed so each party may retain a fully executed counterpart of this Amendment Agreement.
IN WITNESS WHEREOF, the parties hereto have caused this Amendment Agreement to be executed as of the day and year first above written pursuant to resolutions of the governing bodies of the respective parties, duly adopted, authorizing such execution.

ATTEST: Jean M. Rousseau
County Administrative Officer
Clerk, Board of Supervisors

By ________________________________
Deputy

By ________________________________
Chairman, Board of Supervisors

ATTEST:

By ________________________________
City Clerk

CITY OF DINUBA

By ________________________________
Mayor

CITY OF EXETER

ATTEST:

By ________________________________
City Clerk

CITY OF FARMERSVILLE

By ________________________________
Mayor

CITY OF LINDSAY

By ________________________________

Page 3 of 4

Joint Powers Agreement - Tulare County Association of Governments
RESOLUTION NO. ______

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
APPROVING AMENDMENT TWO TO THE TULARE COUNTY ASSOCIATION OF
GOVERNMENTS JOINT POWERS AGREEMENT AND AUTHORIZING THE CITY
MANAGER TO EXECUTE SAID AMENDMENT

WHEREAS, the Tulare County Association of Governments (TCAG) operates
under a Joint Powers Agreement among the eight incorporated Cities and County of
Tulare; and

WHEREAS, on December 5, 2011, the TCAG Board authorized TCAG staff to
plan, program and implement a Tulare County Regional Traffic Impact Fee Program;
and

WHEREAS, an amendment to the TCAG Joint Powers Agreement is necessary
for TCAG to have the authority to undertake the implementation and management of a
Regional Transportation Impact Fee Program; and

WHEREAS, Senate Bill 325 created the Central California Railroad Authority to
protect and preserve railroad service on existing short rail lines in San Joaquin Valley
counties; and

WHEREAS, TCAG desires to join the Central California Railroad Authority, but
cannot do so under the current Joint Powers Agreement; and

WHEREAS, Amendment Two to the TCAG Joint Powers Agreement makes
provisions for TCAG to join the Central California Railroad Authority.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of
Porterville approves Amendment Two to the TCAG Joint Powers Agreement, subject
only to minor conforming or clarifying changes acceptable to the City Manager and City
Attorney.

PASSED, APPROVED AND ADOPTED this 21st day of August, 2012.

ATTEST:
John D. Lollis, City Clerk

Virignia R. Gurrola, Mayor

By: Patrice Hildreth, Chief Deputy City Clerk
COUNCIL AGENDA: August 21, 2012

SUBJECT: RESPONSE TO GRAND JURY REPORT – MEASURE H

SOURCE: City Manager

COMMENT: Based upon a citizen’s complaint received, the 2011-2012 Grand Jury reviewed the City’s Measure H, and recently issued their report of findings, conclusion, and recommendations (attached). The report was delivered to the City Manager’s Office on June 25, 2012. Pursuant to law (CPC § 933(c)), a written response to the report is required to be filed by the City Council by no later than September 25, 2012.

The combined response of the City Council and the City Manager is attached for consideration and approval.

RECOMMENDATION: That the Council:

1. Consider the draft “Response to the Grand Jury” letter regarding the 2011-2012 Report on Measure H; and

2. Authorize the Mayor and the City Manager to sign the Response letter.

ATTACHMENT: 1. Draft Response Letter
2. Grand Jury Report

Item No. 13
August 21, 2012

David Serpa, Foreman
Tulare County Grand Jury
5963 South Mooney Boulevard
Visalia, California 93277

Dear Foreman Serpa:

The City of Porterville and the City Manager’s Office is in receipt of the Tulare County Grand Jury Report related to your review of the City’s “Measure H”. Please accept this correspondence as the required response on behalf of both the City Council and the City Manager to the Report.

In response to Finding #1 of the Report, that “the measure did not provide for a ‘Sunset Clause’ or a date for ending the tax,” the City AGREES with the finding.

In response to Finding #2 of the Report, that “the measure provides for up to 15% of the funds to be used for ‘Literacy Programs,’” the City AGREES with the finding. Pursuant to the adopting Ordinance the voters approved with the measure, “the use of no more than 15% of the revenue generated from the special tax” may be used for the “restoration and maintenance of literacy programs due to the established connection between illiteracy and crime.”

In response to Finding #3 of the Report, that “the measure provides that the Public Safety Expenditure plan may be amended by a majority vote of the City Council,” the City AGREES with the finding.

In response to Finding #4 of the Report, that “a new Fire Station was the only capital expense outlined in the ballot measure,” the City AGREES with the finding, though it should be noted that the ballot contained an Impartial Analysis provided by the City Attorney, which stated that the measure “proposes to raise revenue for the purpose of funding police, fire and public safety facilities,” and the adopting Ordinance the voters approved with the measure identified among the specific purposes of Measure H the funding of public safety facilities, including both police and/or fire.
In response to Finding #6 of the Report, that “the City has reimbursed Measure H for items that were determined not to be in the scope of the expenditures authorized,” the City AGREES with the finding, which includes $28,989.24 for expenses related to planning activities for a new library in the 2009-2010 Fiscal Year, and $3,736.19 for expenses of a Kinder Program in the 2010-2011 Fiscal Year.

In response to Finding #7 of the Report, that “the City Council should have provided a better description of the goals of the measure to allow voters better understanding”, the City AGREES with the finding that the ballot question wording could have been improved. California Election Code 13247 limits ballot measure questions to seventy-five (75) words and can only be a summary or highlights of the measure. Recognizing the limitations of the ballot measure question and information provided to voters, the City Council authorized the City Attorney to provide an Impartial Analysis to be contained in the ballot, which more broadly explained the goals and objectives of the measure.

In response to Recommendation #1 of the Report, that “Literacy Programs' needs a more specific definition,” the City has already IMPLEMENTED the recommendation, the City Council having directed the City’s Library & Literacy Commission to submit a definition of “Literacy” to be used in consideration of appropriation of Measure H funds in support of Literacy. The definition of “Literacy” submitted by the Commission, and approved by the Council on October 4, 2011, is as follows: Literacy is the ability to identify, understand, interpret, create, communicate, compute and use printed, written, and various formats of materials associated with varying contexts. This definition of “Literacy” was then presented and accepted by the Oversight Committee.

In response to Recommendation #2 of the Report, that “the ‘Public Safety Expenditure Plan’ should be approved by the Oversight Committee,” the City has already IMPLEMENTED the recommendation, with the proposed Measure H budget reviewed by the Oversight Committee both before and after the City Council’s consideration and adoption.

In response to Recommendation #4 of the Report, that “the City Council justify the funding of a ‘Public Safety Station’ instead of the Fire Station authorized by Measure H,”
the City has IMPLEMENTED the recommendation in this response. The City recognizes the ballot measure question specifically identified the building of a “Fire Station”, though the Impartial Analysis provided by the City Attorney included in the ballot, as well as the adopting Ordinance the voters approved with the measure, both identified among the specific purposes of Measure H the funding of public safety facilities, including both police and/or fire. By similar comparison, the ballot measure question does not mention the use of funds for Literacy purposes, however, the Impartial Analysis provided by the City Attorney included in the ballot, as well as the adopting Ordinance the voters approved with the measure, both identify the potential use of funds for the restoration and maintenance of Literacy programs. The “Public Safety Station” currently under design is primarily a “Fire Station,” both in consideration of the square footage devoted to fire operations, as well as the personnel expected to serve at the facility. Given the planned Station’s location on the Highway 190 corridor and close proximity to Highway 65, as well the large commercial and industrial developments in the area of the Station, it was the City’s determination that including a police component to the Station would both increase efficiency of services (i.e. response times), as well as be more fiscally responsible than building a separate police facility (acquisition of land, cost of infrastructure, etc.), especially considering the measure explicitly authorized the funding of new public safety facilities, including both police and/or fire.

In response to Recommendation #5 of the Report, that “the City Council should provide a ballot measure description for future measures that accurately describes the intent especially regarding capital expense,” the City intends to IMPLEMENT the recommendation. While there is no measure currently being considered by the City or so anticipated, the City will endeavor to fully inform the voters should a future measure be considered.

Thank you for your time and consideration in the acceptance of this letter of response.

Sincerely,

Virginia R. Gurrola          John D. Lollis
Mayor                        City Manager

Cc:    Honorable Judge Lloyd L. Hicks
       Tulare County Board of Supervisors
ACKNOWLEDGEMENT OF RECEIPT OF TULARE COUNTY GRAND JURY REPORT

Report Name: Porterville Measure "H"

Respondent: Porterville City Council

Address: 350 N. D. St, Porterville, CA 93257

ACKNOWLEDGEMENT

Person Receiving Report: LEONA WAGGLE

Signature

Person Delivering Report: [Signature]

Date of Delivering Report: 6-25-2012 Time of Delivery 12:00 PM

INSTRUCTIONS

1. California Penal Code § 933.05(f) instructs that this report be delivered to the respondent at least two days before it is released to the public. The contents of this report cannot be made public until: June 30, 2012.

2. You are required to file your response as follows: PUBLIC AGENCY 90 days; ELECTIVE OFFICER or AGENCY HEADS 60 days.

3. Please refer to California Penal Code § 933.05(a) which describes the form of your response to each finding contained in the report and California Penal Code § 933.05(b) which describes the form of your response to each recommendation of the report.

4. Send your response to each of the following:

The Honorable Judge Lloyd L. Hicks
County Civic Center, Rm 303
221 S. Mooney Blvd
Visalia, CA 93291

Tulare County Grand Jury
5963 S. Mooney Blvd.
Visalia, CA 93277

Tulare County Board of Supervisor
2800 W. Burrel Ave.
Visalia, CA 93291

Lino Moran, Foreman 2011-2012 Tulare County Grand Jury

(See Reversefor Provisions of California Penal Code ~ 933.05)
California Penal Code Section 933.05

(a) For purposes of subdivision

(b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

(1) The respondent agrees with the finding.

(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

(1) The recommendation has been implemented, with a summary regarding the implemented action.

(2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.

(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

(c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decisionmaking authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

(d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.

(e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.

(f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.
INSTRUCTIONS FOR THE COMPLETION OF RESPONSE TO REPORT OF THE GRAND JURY

FINDINGS: For each finding state whether you AGREE, DISAGREE, or PARTIALLY AGREE and briefly explain the reason.

If you are unable to agree, disagree or partially agree briefly state the reason for being unable to do so.

RECOMMENDATIONS: For each recommendation, state whether it will or has been IMPLEMENTED, NOT IMPLEMENTED or REQUIRES STUDY, and briefly state the reason.

If you are unable to state “implement”, “not implemented”, or “requires further study” briefly state the reason for being unable to do so.

RESPONSE DUE DATE: Your response must be submitted before the due date indicated as set forth in the ACKNOWLEDGEMENT OF RECEIPT document.

California Penal Code § 933.05 requires a response to be filed to the report of the grand jury. Failure to comply may result in court mandated sanctions.
PORTERVILLE MEASURE “H”

BACKGROUND

The City of Porterville held a general election on November 8, 2005. Measure “H” was on the ballot. This measure was to authorize a special sales tax of one-half cent to fund police, fire, and emergency response for public safety.

Included in Measure “H” was a requirement for a citizen’s oversight committee to be established that would provide independent annual performance and financial audits. The measure required a two-thirds majority of votes to pass.

The measure was approved by the voters and implemented by the City of Porterville.

REASON FOR INVESTIGATION

The 2011-2012 Grand Jury (Grand Jury) received a citizen’s complaint alleging that the City of Porterville spent Measure “H” funds on items not authorized in the ballot measure. The complainant cited several expenditures that were considered beyond those authorized by the measure.

PROCEDURES FOLLOWED

1. Complainant was interviewed.

2. Relevant witnesses were interviewed.

3. Relevant documents were reviewed.

FINDINGS

1. The measure did not provide for a “Sunset Clause” or a date for ending the tax.

2. The measure provides for up to 15% of the funds to be used for “Literacy Programs.”

3. The measure provides that the Public Safety Expenditure plan may be amended by a majority vote of the City Council.

4. The measure provides that the Oversight Committee members be appointed by the City Council.

5. A new Fire Station was the only capital expense outlined in the ballot measure.

6. The City has reimbursed Measure “H” for items that were determined not to be in the scope of the expenditures authorized.

7. The City Council should have provided a better description of the goals of the measure to allow voters better understanding.
CONCLUSION

1. Based on these findings, the Grand Jury feels that the ballot measure did not provide the public with an accurate description of the provisions in Measure “H.”

RECOMMENDATIONS

1. “Literacy Programs” needs a more specific definition.

2. The “Public Safety Expenditure Plan” should be approved by the Oversight Committee.

3. Large expenditures should have prior review by the Oversight Committee.

4. The City Council justify the funding of a “Public Safety Station” instead of the Fire Station authorized by Measure “H.”

5. The City Council should provide a ballot measure description for future measures that accurately describes the intent especially regarding capital expense.

REQUIRED RESPONSES

Porterville City Council
Porterville City Manager
CONSIDERATION OF PURCHASING POLICY OF LITERACY MATERIALS INVOLVING MEASURE H FUNDS

SOURCE: City Manager

COMMENT: As part of the ratification of the 2012-2013 City budget at its meeting on August 7th, the City Council suspended the adopted appropriation for Books/Materials from the Measure H fund to consider the merits of establishing a policy involving the purchase of literacy materials. Specifically, the Council's discussion focused on the use and responsibilities of both General and Measure H Funds for the purchase of literacy materials.

For the Council's information and reference, staff has provided an attachment that provides historical budget information relative to both General and Measure H Funds in overall support of the Library, as well as expenditures of each Fund for literacy materials.

RECOMMENDATION: That the Council provide appropriate direction.

ATTACHMENT: Historical Budget Summary Tables
**Table #1**

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>General Budget</th>
<th>General Actual</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001/02</td>
<td>$573,051</td>
<td>$524,375</td>
</tr>
<tr>
<td>2002/03</td>
<td>$591,879</td>
<td>$551,926</td>
</tr>
<tr>
<td>2003/04</td>
<td>$602,627</td>
<td>$578,609</td>
</tr>
<tr>
<td>2004/05</td>
<td>$592,785</td>
<td>$570,525</td>
</tr>
<tr>
<td>2005/06</td>
<td>$586,490</td>
<td>$559,098</td>
</tr>
</tbody>
</table>

**Table #2**

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>General Budget</th>
<th>General Actual</th>
<th>Measure H Budget</th>
<th>Measure H Actual</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006/07</td>
<td>$586,548</td>
<td>$531,122</td>
<td>$170,000</td>
<td>$144,697</td>
</tr>
<tr>
<td>2007/08</td>
<td>$613,254</td>
<td>$568,636</td>
<td>$230,000</td>
<td>$220,388</td>
</tr>
<tr>
<td>2008/09</td>
<td>$615,425</td>
<td>$598,174</td>
<td>$427,500</td>
<td>$339,810</td>
</tr>
<tr>
<td>2009/10</td>
<td>$634,159</td>
<td>$624,355</td>
<td>$382,500</td>
<td>$347,946</td>
</tr>
<tr>
<td>2010/11</td>
<td>$648,213</td>
<td>$544,853</td>
<td>$363,838</td>
<td>$306,429</td>
</tr>
<tr>
<td>2011/12</td>
<td>$649,187</td>
<td>$611,335*</td>
<td>$375,000</td>
<td>$375,714*</td>
</tr>
<tr>
<td>2012/13</td>
<td>$650,299</td>
<td>-</td>
<td>$413,000</td>
<td>-</td>
</tr>
</tbody>
</table>

**Budget - Library Books**

**Table #3**

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>General Budget</th>
<th>General Actual</th>
<th>Measure H Budget</th>
<th>Measure H Actual</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001/02</td>
<td>$61,714</td>
<td>$55,024</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>2002/03</td>
<td>$63,105</td>
<td>$82,819</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>2003/04</td>
<td>$73,080</td>
<td>$70,711</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>2004/05</td>
<td>$39,000</td>
<td>$58,382</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>2005/06</td>
<td>$31,440</td>
<td>$40,200</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>2006/07</td>
<td>$31,789</td>
<td>$43,954</td>
<td>$17,500</td>
<td>$24,571</td>
</tr>
<tr>
<td>2007/08</td>
<td>$32,500</td>
<td>$22,821</td>
<td>$44,000</td>
<td>$45,450</td>
</tr>
<tr>
<td>2008/09</td>
<td>$0</td>
<td>$66</td>
<td>$194,156</td>
<td>$127,443</td>
</tr>
<tr>
<td>2009/10</td>
<td>$14,500</td>
<td>$17,918</td>
<td>$90,000</td>
<td>$97,383</td>
</tr>
<tr>
<td>2010/11</td>
<td>$20,000</td>
<td>$38,575</td>
<td>$90,000</td>
<td>$60,786</td>
</tr>
<tr>
<td>2011/12</td>
<td>$26,585</td>
<td>$21,093*</td>
<td>$80,000</td>
<td>$73,756*</td>
</tr>
<tr>
<td>2012/13</td>
<td>$26,000</td>
<td>-</td>
<td>$90,000</td>
<td>-</td>
</tr>
</tbody>
</table>

*Estimates
SUBJECT: CONSIDERATION OF CITY COUNCIL’S PROCEDURAL HANDBOOK

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT/CITY CLERK DIVISION

COMMENT: With the seating of the new City Council, it is appropriate for the Council to consider its Procedural Handbook for ratification or potential amendments that the new Council may desire. A copy of the Handbook is therefore herein provided for the Council’s review.

RECOMMENDATION: That the City Council consider its Procedural Handbook, and direct staff accordingly.

ATTACHMENT: City Council Procedural Handbook
# TABLE OF CONTENTS

## I. PREAMBLE

### MEETINGS OF COUNCIL
- Regular Meetings 5
- Adjourned Meetings/Study Sessions 5
- Special Meetings 6
- Order of Business 6
- Consent Items 7

## III. MEETING PROCEDURES
- Presiding Officer 8
- Quorum 8
- Discussion Rules 8

## IV. COUNCIL REQUESTS FROM THE PUBLIC
- Response to Letters from the Public 10
- Referrals to Council Agenda 10
- Telephone Calls 11
- Personal Meetings 11
- Personal Correspondence 12

## V. COUNCIL MEMBER REQUESTS TO STAFF
- General Information 13
- Research 13
- Items for Inclusion in Council Agenda 13

## VI. COUNCIL AGENDA
- Preparation 15
- Deadlines 15
- Delivery 15

## VII. THE BROWN ACT

## VIII. TRAVEL, MEETINGS & EXPENSES
- Requests for Reservations 17
- Travel and Expense Form 18
- Receipts 18
- Eligibility 18

---

City Council Procedural Handbook

Adopted July 19, 2011

Page 2 of 24
IX. CONFLICT OF INTEREST
   A. City Council Members’ Filing Requirements  19
   B. Other Agencies  21
   C. Redevelopment Agency Filing Requirements  21
   D. City of Porterville Conflict of Interest Code  21

X. GENERAL ITEMS
   A. Different Hats  22
   B. Compensation  22
   C. Issuance of Laptop Computers to Council Members  22
   D. Directions to Support Staff  22
   E. City Attorney  23
   F. Annual City Manager/City Attorney Evaluations  23
   G. Response to President/Governor Directives  23

APPENDICES
   A. Annual City Manager/City Attorney Evaluation Forms
      (to be attached upon completion and adoption)
   B. Laptop Computer and Cell Phone Policy
      (to be attached upon completion and adoption)
   C. Email Retention Policy
      (to be attached upon completion and adoption)
PREAMBLE

The residents and businesses of the City of Porterville are entitled to have fair, ethical, and accountable local government. Such a government requires that:

- Public Officials comply with both the letter and spirit of the laws and policies affecting operations of the government;
- Public Officials be independent, impartial, and fair in their judgment and actions;
- Public office be used for the public good, not for personal gain; and
- Deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

No part of this Handbook shall be interpreted so as to violate any federal or state law; a Council Member’s Oath of Office; a Council Member’s moral or ethical responsibilities; or the exercise of a Council Member’s individual rights afforded him/her by the U.S. Constitution.

To this end, the City Council of the City of Porterville hereby approves of and affirms the above to encourage public confidence in the integrity of local government and its operations. (Minute Order 21-070511, July 5, 2011.)

City Council Procedural Handbook

Adopted July 19, 2011
II. MEETINGS OF COUNCIL

The Council shall provide by ordinance the time and place of holding regular meetings and the manner in which special meetings may be called. Public interest and convenience shall be primary consideration when decisions are made as to time, location and frequency.

Except as otherwise provided by law, all meetings of the Council shall be open to the public.

A. REGULAR MEETINGS

1. Regular meetings shall be held the first and third Tuesday of each month beginning at 5:30 p.m. Closed Session Items shall be considered at 5:30 p.m., with open session to commence at 6:30 p.m. In the event that a regular meeting of the Council shall fall on a legal holiday, that regular meeting shall be held at the same place and time on the next succeeding working day, or as determined by Council. (Ordinance 1766, approved August 17, 2010.)

2. Regular meetings shall be held in the Council Chambers, 291 North Main Street, in the City of Porterville.

3. Regular meeting open sessions shall be between the hours of 6:30 p.m. and 9:45 p.m. The Council Meetings shall adjourn no later than 9:45 p.m. unless otherwise approved by a majority vote of the Council Members present. Following the mid-meeting break (around 9:00 p.m.) the Mayor, with assistance from the City Manager, will review the balance of the agenda with Council to discuss how it can be handled in the allowed time. If it is necessary to continue any items, it will be announced at that time. (Ordinance 1766, approved August 17, 2010.)

B. ADJOURNED MEETINGS/STUDY SESSIONS (Open to the public)

1. The purpose of these meetings shall be for informal discussions between staff, advisory bodies or consultants and the City Council regarding specific programs, projects or policies. If noticed, formal action may be taken at such a meeting.

2. Adjourned Meetings/Study Sessions will be held at a time and place convenient to Council and advantageous for public participation.

City Council Procedural Handbook

Adopted July 19, 2011

Page 5 of 24
3. Participation of the public shall be at the discretion of the Presiding Officer, upon consensus of the Council.

C. SPECIAL MEETINGS

1. Special meetings may be called by the Mayor or three members of the City Council. (GC ' 54956) Written notice of each special meeting must be given not less than twenty-four (24) hours before such meeting to each member of the City Council not joining the call.

2. Written notice must be given to the City Council and to the media 24 hours prior to each meeting. (GC ' 54956)

3. A supplemental telephone call shall be made if necessary to notify each Council Member.

4. No business other than that announced shall be discussed.

5. Any special meeting held at a place other than City Hall shall be open to the public. Notice requirements of the Brown Act shall be complied with for any such meetings; regular minutes shall be taken by the City Clerk and shall be available for public inspection.

D. ORDER OF BUSINESS:

Call to Order
Roll Call
Oral Communications
Closed Session(s)
Reconvene at 6:30 p.m.
Closed Session Report
Pledge of Allegiance
Invocation
Presentations/Proclamations
Reports (AB1234 Reports, Committee/Commission/Board Reports; Subcommittee Reports; Information Items and Reports)
Oral Communications
Consent Calendar
Approval of Minutes
Claims Against the City
Payment of Bills
Payments on Public Works Projects
Authorization to Purchase
Authorization to Call for Bids

City Council Procedural Handbook

Adopted July 19, 2011
Award of Bids
Acceptance of Projects
Acceptance of Dedications/Property
Approval of Final Tract Maps
Annexations
Requests for City Services
Reports
Other Routine Matters
Public Hearings
Second Reading of Ordinances
Scheduled Matters
Oral Communications (on any matter of interest)
Council Comments
Adjournment
(Pursuant to Resolution 101-2010, approved August 17, 2010.)

E. CONSENT ITEMS

Consent items are the first items on the open session portion of the agenda (items that are routine, have been discussed before, relate to implementation of approved budget items, or to City operations or item to be later set for public hearing).
III. MEETING PROCEDURES

A. PRESIDING OFFICER

1. The Mayor is the Presiding Officer and acts as Chair at Council meetings.

2. In the absence or incapacity of the Mayor, the Vice Mayor as Mayor Pro Tempore will serve as Presiding Officer. In the absence of both the Mayor and Vice Mayor, the Council Members present shall select one of their number to serve as Presiding Officer for that meeting. (Amended pursuant to M.O. 08-071911, July 19, 2011.)

3. Seating arrangement of the Council:

   Seating arrangements shall be at Council discretion with preference being given to health conditions, seniority, individual Council Member preferences, and the Mayor’s preference, in that order. (Amended pursuant to M.O. 08-071911, July 19, 2011.)

4. Signing of City Documents:

   The Mayor, unless unavailable, shall sign all ordinances, resolutions, contracts and other documents which have been adopted by the City Council and require an official signature; except when the City Manager, or his or her designee, has been authorized by Council action to sign documents. In the event the Mayor is unavailable, the Vice Mayor may sign the required documents. (Amended pursuant to M.O. 08-071911, July 19, 2011.)

B. QUORUM

   A majority of the Council Members shall constitute a quorum for the transaction of business. (Charter)

C. DISCUSSION RULES

1. Obtaining the floor:

   a. A member of the City Council, staff, or public shall first address the Presiding Officer and gain recognition.

City Council Procedural Handbook

Adopted July 19, 2011
b. Comments and questions shall be limited to the issue before Council except when members of the public are addressing the Council under Oral Communications.

c. Council shall have the opportunity for discussion on the item prior to requiring a motion and a second. (Minute Order 18-050311, approved May 3, 2011.)

d. Cross-exchange between Council Members, staff or public shall be avoided.

e. Any citizen may arise and address the City Council on any business especially concerning them or affecting their interests during Oral Communications, but preference will be given to those who have first presented matters in the form of a written communication or who have personally notified the presiding officer of their desire to speak.

f. Any member or other person using profane, vulgar, loud or boisterous language at any meeting, or otherwise interrupting the proceedings, who refuses to be seated or keep quiet when ordered to do so by the Mayor or Mayor Pro Tem of the City Council, shall be guilty of a misdemeanor. It shall be the duty of the Chief of Police, upon order of the presiding officer, to eject any such member or person from the council room. (Ordinance 1537)

2. Questions to staff:

A Council Member shall, after recognition by the Presiding Officer, address questions to duly designated staff members through the City Manager.

3. Interruptions:

a. Once recognized, a Council Member shall not be interrupted while speaking except to make a point of order or personal privilege.

b. If a Council Member is called to order while speaking, the individual shall cease speaking until the question of order is determined.

c. Upon being recognized by the Presiding Officer, members of staff shall hold the floor until completion of their remarks or until recognition is withdrawn by the Presiding Officer.
IV. COUNCIL REQUESTS FROM THE PUBLIC

A. Response to Letters from the Public

Periodically Council Members receive letters requesting their response. If a Council Member wishes to answer the letter, the matter can be handled in either of three ways:

1. The Council Member can give the letter to the City Manager's Secretary along with direction on how they wish their response to be worded. The City Manager's staff will then prepare the letter on City Council stationery and forward it to the appropriate Council Member for approval and signature. Copies of both letters are kept on file in the City Manager's Office, and copies are available upon request.

2. If the letter requires specific information or details only available from another City Department, the City Manager may refer the letter to the appropriate Department Head for response by them or their designee. Copies of the letters will then be forwarded to the City Manager's Office for filing.

3. If the Council Member wishes to answer their own correspondence, City stationery is available upon request from the City Manager's secretary. Copies of all such letters on City Letterhead shall be provided to all other Council members, and the letter shall include a provision clearly defining that the correspondence represents the views and/or feelings of the specific Council member signing the letter. If the Council Member wishes to have a copy of the letters in their file, they should submit a copy to the City Manager's staff for filing.

If a Council Member receives an informational item and wants a copy to be given to the other Council Members and the City Manager or other Directors, the item should be given to the City Manager's staff and copies will be made and sent out.

B. Referrals to Council agenda

Periodically Council Members receive correspondence or verbal requests for items to be acted upon, or considered, by the City Council. If a Council Member wishes to respond to the request, the matter should be referred to the City Manager. The request can then be handled as follows:
1. The Council Member may request the City Manager to place the item on the Council agenda as a written communication (however, the request must be stated on the agenda face sheet for Council to be able to act on it at the meeting); or

2. Upon research, the request may be determined to be a violation of City, State or Federal law, policy, or previous Council determination, in which case an appropriate response as to why the matter can not be heard will be provided to the requesting party.

Correspondence requesting that an item be acted upon, or considered, by the City Council, which is received directly by the City Manager, is handled in either of two ways:

1. The City Manager shall place any routine and/or legitimate written request under written communications*, or have a staff report prepared if time permits, for the next City Council agenda; or

2. The City Manager shall place any request which has already been acted upon by Council, cannot legally be accomplished, or which has a potential for litigation, in an Administrative Memorandum.

C. Telephone Calls

Citizens attempting to communicate with the City Council often call the offices at City Hall. Such calls are referred to the City Manager's Office. The City Manager's staff will take a message and refer it to the appropriate Council Member, or give the caller the telephone number of the City Council Member so they may call them directly, according to instructions given by the Council Member [see X-D (3)].

D. Personal Meetings

Council Members who wish to meet with their constituents may use various rooms at City Hall. The Council Member should call the City Manager's Secretary as soon as they know a room is needed so that it can be reserved for their use. No more than two Council Members may attend a meeting to discuss City matters without the meeting becoming a public meeting and therefore falling under the requirements of the Brown Act Open Meeting Laws.
E. Personal Correspondence

Council Members who wish to send their own correspondence using City stationery shall include a provision clearly defining that the correspondence represents the views and/or feelings of the specific Council member signing the letter. Copies of all such letters on City Letterhead shall be provided to all other Council members. Letterhead stationary is available upon request from the City Manager's secretary, and if the Council Member wishes to have a copy of their letter in their file, they should submit a copy to the City Manager=s staff for filing.
V. COUNCIL MEMBER REQUESTS TO STAFF

A. General Information

All City Council Member requests for information or documents shall be referred through the City Manager. Any Department Head who receives a direct request from a Council Member shall submit the request, including the name of the requesting Council Member, to the City Manager.

B. Research

All City Council Member requests for information or documents which require extensive research, in the opinion of the City Manager, shall be referred through the City Manager to the Council for direction. The City Manager will discuss the matter with the appropriate department and relay the approximate time table for completion to the City Council for discussion and action at the next available meeting of the City Council. If the request is approved by the Council, upon completion of the research, the information or documents will be forwarded to the City Council Members by the City Manager. (Amended pursuant to M.O. 08-071911, July 19, 2011.)

C. Items for inclusion in Council Agenda

The City Manager shall compile the agenda for each meeting and shall include as agenda items, business in the normal course of City affairs, including but not limited to staff proposals to improve services, support the economy and land use, and enhance the efficiency and effectiveness of the City organization, items relating to current, past, and proposed City contracts, leases, franchises, agreements and similar documents, and matters affecting future or proposed City equipment and property, items relating to City employees, agents and contractors, and such other matters as are defined in this handbook or otherwise directed by the City Council.

All City Council Member requests for an item to be placed on the Council agenda should be referred to the City Manager. Pursuant to Minute Order No. 11-022096, such request shall be submitted prior to Monday noon of the week before the Council meeting in order to be placed on the next regularly scheduled meeting.

The City Manager shall place any Council Member request for an agenda item on the next available agenda as a Consent Calendar item for Council approval to be included
as a Scheduled Matter on the next available agenda. This does not prevent any Council Member from moving to place an item on the next available agenda during Other Matters of the current agenda. (Amended pursuant to M.O. 08-071911, July 19, 2011.)
VI. COUNCIL AGENDA

A. Preparation:

Each Department Head submits agenda items regarding their Department to the City Manager for approval. Upon the City Manager's approval, the items are returned to the appropriate department for copying and collation.

The City Council meeting agendas are prepared on the Thursday prior to the Tuesday meeting. Any questions regarding whether items have been scheduled for consideration at a particular meeting may be directed to the Chief Deputy City Clerk and/or Deputy City Clerk.

B. Deadlines:

The deadlines for the agenda are the Monday preceding the Thursday preparation day. Public hearing items, scheduled matter items, Consent calendar items, and written communications must be submitted by the Monday deadline. The deadline for a Council member request for any item shall be Monday noon preceding the Thursday preparation day.

C. Delivery:

Agendas will be delivered to Council on the Thursday prior to the Tuesday meeting. The agenda shall include a complete copy of the agenda on compact disc suitable for loading on a laptop computer, with provisions for annotating materials with the use of a suitable Acrobat Reader. No items, or additional materials, shall be delivered after the initial delivery to Council on Thursday, except in the instance of a designated emergency item.

Council agendas shall be delivered to the Council Member's home or business, as requested. If no one is available to receive the agenda, the agenda shall be left in an area designated by the Council Member, unless other arrangements have been previously made with the City Clerk=s staff. [See X(D)(1)(2).]

The agendas for staff, public and the news media are available after Council receives their agendas, usually on Friday.
VII. THE RALPH M. BROWN ACT

The Ralph M. Brown Act (California Government Code ' 54950 et seq.) governs meetings conducted by local legislative bodies such as city councils, boards of supervisors, special districts, and school boards. The Act represents the State Legislature's determination of how the balance should be struck between the public access to meetings of multi-member public bodies on one hand, and the need for confidential candor, debate, and information gathering on the other.

The Act contains specific exceptions from the open meeting requirements where government has a demonstrated need for confidentiality. Where matters are not subject to a closed meeting exception, the Act has been interpreted to mean that all of the deliberative processes by legislative bodies, including discussion, debate and the acquisition of information, be open and available for public scrutiny.

Meetings are defined as any gathering of a quorum of a legislative body (which includes newly elected but unsworn members of the body) to discuss or transact business under the body's jurisdiction and serial meetings are prohibited. Exemptions are individual contacts between board members and others which do not constitute serial meetings, attendance at conferences and meetings which are open to the public so long as legislative bodies do not discuss amongst themselves business of a specific nature under the body's jurisdiction, and attendance at social or ceremonial events where no business of the body is discussed.

The Act requires that notices of regular meetings must be posted at least seventy-two (72) hours prior to the meeting, and twenty-four (24) hour notice must be provided to members of the legislative body and media outlets for special meetings.

A user's guide to the Ralph M. Brown Act is provided to Council Members for their information. If a Council Member has a specific question which does not seem to be covered in the guide, the Council Member should contact the City Attorney for a legal opinion.
VIII. TRAVEL, MEETINGS AND EXPENSES

This policy would satisfy the requirements of California Government Code §§ 53232.2 and 53233.3 in the event such requirements could be constitutionally applied to charter cities.

The City Manager, or his staff, will notify the City Council Members about any League of California Cities' Conferences, Redevelopment Conferences, Committee meetings, and/or local meetings that may be of interest to the Council. If a Council Member is interested in attending any such meeting, the following procedures should be followed:

A. Requests for Reservations:

1. The date(s) of the conference or meeting;

2. If the Council Member will be accompanied by anyone else, i.e. spouse, child;

3. Any personal preferences for hotel reservations, such as smoking or non-smoking, king or double beds, etc.; and

4. Whether special travel arrangements need to be made, i.e. airplane tickets, ride-sharing, etc.

A disbursement will then be prepared and the payment for the conference or meeting will be forwarded, and, if applicable, the hotel will be contacted to make the appropriate reservations. When making hotel reservations to attend a conference or meeting, a request for a room sales tax waiver shall be made on behalf of the applicable Council member. If a prior room reservation request is not made, the Council member shall request a room sales tax waiver prior to payment for a room.

For lodging in connection with a conference, lodging expenses must not exceed the group rate published by the conference sponsor for the meeting in question, if such rates are available at the time of booking. If the group rate is not available, government rates must be used when available. Lodging rates that are equal or less than the government rates are presumed to be reasonable and allowed per this policy. In the event that government rates are not available at a given time or in a given area, lodging rates that do not exceed the IRS per diem rates for a given area are presumed reasonable and hence allowed.
B. Travel and Expense Form:

A Travel and Expense Form will then be prepared for the Council Member which indicates the following:

1. The amount of money to be issued to the traveler as per diem*; and
2. Mileage expense* (if a personal vehicle is used for travel and cost is paid in advance).

* Amount set in Administrative Policy Manual Sec. II-E-1, Travel & Conference Expenses. In regard to the per diem amount, if payments for expenses are made in advance pursuant to the specified per diem amounts, the disbursement shall not be considered to be reimbursable expense under AB 1234.

The Council Member will then be issued a packet of materials several days prior to the meeting which contains the following:

1. A check for per diem and mileage;
2. Confirmation notification and informational materials regarding the conference;
3. Confirmation notification for any hotel reservations; and
4. A City credit card to pay for the room charges at the end of the meeting.

C. Receipts:

The Council Member shall then bring the receipt for the hotel charges to the City Manager's staff upon his/her return, together with the credit card, and any refund due the City. The Council Member shall sign the original Travel and Expense Form at that time, which shall then be filed with the Finance Department for final processing.

If a refund is due the Council Member, a check will be issued by the Finance Department and then distributed to the Council Member.

D. Eligibility:

The City shall pay for any Council Member to attend any meetings or conferences of their choice. When accompanied by a spouse or child, the Council Member shall pay for expenses incurred above that which would otherwise have been paid for the Council Member. Any charge placed on a City credit card for someone other than a Council Member shall also be considered a refund due the City, payable within 10 days of the receipt of the charges.
IX. CONFLICT OF INTEREST

A. City Council Members Filing Requirements

City Council Members are under the provisions of the Political Reform Act (Gov. Code, § 81000 et seq. known as "the Act") as enforced by the Fair Political Practices Commission. The Act applies to campaign contributions requirements, as well as matters of conflict of interest while in office.

1. Disclosure of Economic Interests:

City Council Members must file assuming office and leaving office statements, as well as annual statements while in office. The statements basically require the disclosure of the following information:

- Investments or interests in real property and its fair market value;
- Income, and the name and address of each source of income aggregating five hundred dollars ($500) or more, or fifty ($50) or more if a gift, and a general description of the business activity, if any of each source;
- Interests in real property held by a business entity or trust;
- Loans, and its annual interest rate and the security, if any, given for the loan;

2. Disqualification of Participation (Conflict of Interest):

A Council Member shall not make, participate in making, or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest. This might include decisions which affect property within up to 500 feet of the subject property in which the Council Member has an interest.

A financial interest in a decision, within the meaning of Section 87100 of the Act, is if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the Council Member or:

- A member of his or her immediate family;
• A business entity in which the Council Member has a direct or indirect investment worth $2000 or more;

• Any real property in which the Council Member has a direct or indirect interest worth $2,000 or more;

• Any source of income, other than gifts or commercial lending institutes loans, aggregating $500 or more received or promised to the City Council Member within twelve months prior to the time when the decision is made;

• Any business entity in which the City Council Member is a director, partner, trustee, employee, or holds any position of management;

• Any donor, or any intermediary or agent for a donor, or a gift or gifts aggregating $420 or more in value provided to, received by, or promised to the City Council Member within 12 months prior to the time when the decision is made.

Indirect investment or interest means any investments or interest owned by the spouse or dependent child of a City Council Member, by an agent on behalf of a Council Member, or by a business entity or trust in which the Council Member, the Council Member's agents, spouse, and dependent children own directly, indirectly, or beneficially a 10% interest or greater.

Section 87100 of the Act does not prevent any Council Member from making or participating in the making of a governmental decision to the extent his participation is legally required for the action or decision to be made. The fact that a Council Member's vote is needed to break a tie does not make his participation legally required for purposes of this section.

Pursuant to Section 87105 of the Act, a public official who holds an office specified in Section 87200 who has a financial interest in a decision within the meaning of Section 87100 shall, upon identifying a conflict of interest or a potential conflict of interest and immediately prior to the consideration of the matter, do all of the following:

a. Publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.
b. Recuse himself or herself from discussing and voting on the matter, or otherwise acting in violation of Section 87100.

c. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters.

d. Notwithstanding paragraph (3), a public official may speak on the issue during the time that the general public speaks on the issue.

B. Other Agencies:

Whenever a Council Member is required to file a Statement of Economic Interest for an outside agency, the Deputy City Clerk will provide the correct form, and using the Statement of Economic Interest Form 700 filed in the City Clerk's Office for the City of Porterville, prepare a duplicate statement for signature, and forward the appropriate form to the requesting agency.

C. Redevelopment Agency Filing Requirements:

Upon assuming office, a City Council Member will also serve as a Redevelopment Agency Member. As an Agency Member, they must file a Conflict of Interest statement for the Porterville Redevelopment Project area. After assuming office, an Agency Member may not acquire any property within the Redevelopment Project area. If prior interests exist within the Project area, the Agency Member must disqualify themselves from any action taken which would constitute a benefit to them.

D. City of Porterville Conflict of Interest Code:

Certain designated City employees are also required to file conflict of interest forms under the provisions of the Political Reform Act Code, ‘87100-87500 et seq. The City of Porterville Conflict of Interest Code was adopted by the City Council and is reviewed biennially to make sure it is kept current.

If Council Members have a question on whether an interest they have is sufficient for disqualification, they should contact the Fair Political Practices Commission at (866) 275-3772, or http://www.fppc.ca.gov, for a ruling or opinion.
X. GENERAL ITEMS

A. Different Hats

Members of the City Council also serve as the governing bodies for the following local agencies:

1. Redevelopment Agency
2. Industrial Development Authority
3. Public Financing Authority
4. Public Improvement Corporation
5. Planning Commission
6. Conflicts and Disclosure Monitor Agency

B. Compensation

As stated in the City Charter, Section 9, City Council Members shall receive $20 per Council meeting, $25 per Council meeting for the Mayor, with a maximum of seven paid Council meetings per month.

Redevelopment Agency Members shall receive $30 per Redevelopment meeting.

Council Members receive no benefits other than the amounts per meeting stated above.

C. Issuance of Laptop Computers to Council Members

A Wireless Communications Policy for the laptop computers is being developed as set forth in Minute Order 14-090605. [See Appendix B]

D. Direction to Support Staff:

Upon assuming office, Council Members should notify the City Manager's staff regarding the following items:

1. Where to deliver Council agendas and Administrative Reports and Memorandums, i.e. home or business.

2. Where to leave Council agendas if the business is closed and/or if no one is home, i.e. City Manager=s Office Council mail box, front porch, back door, etc.
3. How to direct citizens who wish to speak to Council Members, i.e. take a message, give out home telephone numbers, give out business telephone numbers, etc.

E. City Attorney

The City Attorney is the legal advisor of the City Council, and all other City officials. The City Attorney shall prosecute all violations of City ordinances and shall draft all contracts and other legal documents and instruments, required by the Council or the City Manager. The City Attorney shall perform such other legal services as the Council may direct and shall attend all meetings of the Council unless excused therefrom by three members or by the Mayor.

The types of questions referred to the City Attorney are as follows:

1. Generally whether a conflict of interest exists for a Council Member and whether they should abstain from voting on a specific matter.

   Please note: Any advice received from the City Attorney relating to Conflicts of Interests is informal only and not binding; the Council Member must seek and obtain a formal written opinion from the FPPC in order to be afforded any statutory immunities.

2. Whether an issue has a legal standing, and what type of action would be appropriate.

3. Legal recommendations for matters of litigation.

F. Annual City Manager/City Attorney Evaluations

The City Council shall provide for annual evaluations for the City Manager and the City Attorney. A standardized evaluation form shall be used which shall address the areas of importance as set forth by the City Council. Said evaluation form shall be included as Appendix A.

G. Response to President/Governor Directives

Directives issued by the President of the United States and/or Governor of the State of California shall not be considered a mandatory directive to the City of Porterville except as authorized and/or approved by the City Council. The one exception to this rule is that flags on City buildings shall be flown at half mast upon orders by the President, Governor and/or Mayor, or by majority approval of the City Council.
APPENDICES

A. Annual City Manager/City Attorney Evaluation Forms
B. Laptop Computer and Cell Phone Policy (to be attached upon adoption)
C. Email Retention Policy (to be attached upon adoption)
# CITY ATTORNEY PERFORMANCE EVALUATION
CITY OF PORTERVILLE
(January 1 – December 31, 20__)  

## A. Providing Information

<table>
<thead>
<tr>
<th></th>
<th>WEAK</th>
<th>STRONG</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Does the City Attorney keep you informed, in a timely manner, of the legal issues affecting the City?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>2. Does the City Attorney demonstrate initiative and resourcefulness in identifying legal problems, and advising and recommending resolutions?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>3. Do reports/memoranda from the City Attorney provide adequate information and analysis to help you make sound decisions?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>4. Do the legal solutions that are developed appropriately address the issues to be resolved?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>5. Does the City Attorney follow up promptly on Council requests for information or action without having to be reminded?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
</tbody>
</table>

Average score

## B. Providing Advice

<table>
<thead>
<tr>
<th></th>
<th>WEAK</th>
<th>STRONG</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Does the City Attorney have adequate knowledge of municipal legal affairs?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>2. Does he/she exercise good judgment?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>3. Do you feel that the City Attorney considers alternatives before making recommendations?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>4. Does the City Attorney plan ahead, anticipate needs and recognize potential legal problems?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>5. How do you feel about the quality of analysis that accompanies recommendations?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
</tbody>
</table>

Average score
### C. Getting the Job Done

<table>
<thead>
<tr>
<th>Question</th>
<th>WEAK</th>
<th>STRONG</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Do you have the feeling that things the Council decides or directs get done?</td>
<td>1</td>
<td>2  3</td>
</tr>
<tr>
<td>2. Does the City Attorney pay sufficient attention to detail to avoid error or things “slipping through the cracks”?</td>
<td>1</td>
<td>2  3</td>
</tr>
<tr>
<td>3. Does the City Attorney put in sufficient time and effort to perform to your expectations?</td>
<td>1</td>
<td>2  3</td>
</tr>
<tr>
<td>4. Does the City Attorney have a good sense of priorities in the way he/she spends his/her time on the job?</td>
<td>1</td>
<td>2  3</td>
</tr>
<tr>
<td>5. Is the City Attorney able to analyze problems or issues and identify causes, reasons, and implications?</td>
<td>1</td>
<td>2  3</td>
</tr>
<tr>
<td>6. Does the City Attorney perform well under pressure?</td>
<td>1</td>
<td>2  3</td>
</tr>
<tr>
<td>7. When work is delegated to staff/deputy attorneys, is the project/issue handled appropriately?</td>
<td>1</td>
<td>2  3</td>
</tr>
</tbody>
</table>

**Average score**

### EXTERNAL RELATIONS

<table>
<thead>
<tr>
<th>Question</th>
<th>WEAK</th>
<th>STRONG</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Does the City Attorney generally make a positive impression on citizens and is he/she respected in Porterville?</td>
<td>1</td>
<td>2  3</td>
</tr>
<tr>
<td>2. Is he/she effective in handling disputes or complaints involving citizens?</td>
<td>1</td>
<td>2  3</td>
</tr>
<tr>
<td>3. Does the City Attorney have appropriate visibility or identity in the community?</td>
<td>1</td>
<td>2  3</td>
</tr>
<tr>
<td>4. Does the City Attorney think and act in a manner reflecting an attitude that client (Council, staff, or citizens) perceptions and satisfactions are key?</td>
<td>1</td>
<td>2  3</td>
</tr>
</tbody>
</table>

**Average score**
<table>
<thead>
<tr>
<th>B. Intergovernmental Relations</th>
<th>WEAK</th>
<th>STRONG</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Is the City Attorney effective representing the City's interests in dealing with other agencies?</td>
<td>1</td>
<td>2 3 4 5</td>
</tr>
</tbody>
</table>

Average score

**PERSONAL CHARACTERISTICS**

<table>
<thead>
<tr>
<th>A. Personality</th>
<th>WEAK</th>
<th>STRONG</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Is the City Attorney's personality suited to effective performance of his/her duties?</td>
<td>1</td>
<td>2 3 4 5</td>
</tr>
</tbody>
</table>

Average score

<table>
<thead>
<tr>
<th>B. Communications</th>
<th>WEAK</th>
<th>STRONG</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Is the City Attorney easy to talk to?</td>
<td>1</td>
<td>2 3 4 5</td>
</tr>
<tr>
<td>2. Do you feel he/she is a good listener?</td>
<td>1</td>
<td>2 3 4 5</td>
</tr>
<tr>
<td>3. Are communications thoughtful, clear, and to the point?</td>
<td>1</td>
<td>2 3 4 5</td>
</tr>
<tr>
<td>4. Does the City Attorney show sensitivity to the concerns of others?</td>
<td>1</td>
<td>2 3 4 5</td>
</tr>
</tbody>
</table>

Average score

<table>
<thead>
<tr>
<th>C. Management Style</th>
<th>WEAK</th>
<th>STRONG</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Does the City Attorney demonstrate interest and enthusiasm in performing his/her duties?</td>
<td>1</td>
<td>2 3 4 5</td>
</tr>
<tr>
<td>2. Does the City Attorney show initiative and creativity in dealing with issues, problems, and unusual situations?</td>
<td>1</td>
<td>2 3 4 5</td>
</tr>
<tr>
<td>3. Is the City Attorney honest and ethical?</td>
<td>1</td>
<td>2 3 4 5</td>
</tr>
<tr>
<td>4. Does the City Attorney work well under pressure?</td>
<td>1</td>
<td>2 3 4 5</td>
</tr>
<tr>
<td>Question</td>
<td>Score Options</td>
<td></td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
<td>---------------</td>
<td></td>
</tr>
<tr>
<td>5. Is the City Attorney able to change his/her approach to fit new situations?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>6. Can the City Attorney consistently put aside personal views and implement Council policy and direction?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
</tbody>
</table>

Average score

**ACHIEVEMENTS**

List the top three achievements or strong points of the City Attorney for the past twelve (12) months:

1. 

2. 

3. 

**FUTURE DEVELOPMENT**

List three performance objectives for the City Attorney that you feel are the most important targets for this year:

1. 

2. 

3.
<table>
<thead>
<tr>
<th>OVERALL RATING</th>
<th>WEAK</th>
<th>STRONG</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1</td>
<td>2</td>
</tr>
</tbody>
</table>

Date:

Ronald L. Irish, Mayor

Cameron Hamilton, Vice Mayor

Brian Ward, Council Member

Pete V. McCracken, Council Member

Greg Shelton, Council Member
### A. Providing Information

<table>
<thead>
<tr>
<th></th>
<th>WEAK</th>
<th>STRONG</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Does the City Manager keep you informed, in a timely manner, of the things you want to know about?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>2. Do you feel that you receive information on an equal basis with other Council members?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>3. Do reports provide adequate information and analysis to help you make sound decisions?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>4. Are agenda items and supporting documents appropriate and brought to Council in sufficient time for deliberations?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>5. Does the City Manager regularly consult with the Council before setting the agenda to determine appropriate topics and timing?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>6. Does the City Manager follow up promptly on Council requests for information or action without having to be reminded?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>7. Are Council packets relatively free of errors and omissions?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
</tbody>
</table>

Average score
### B. Providing Advice

<table>
<thead>
<tr>
<th>1. Does the City Manager have adequate knowledge of municipal affairs?</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Does he exercise good judgment?</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>3. Do you feel that the City Manager considers alternatives before making recommendations?</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>4. Does the City Manager plan ahead, anticipate needs and recognize potential problems?</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>5. How do you feel about the quality of analysis that accompanies recommendations?</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>6. Does he have a good sense of timing in bringing issues to the Council for action?</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

**Average score**

### INTERNAL ADMINISTRATION

| A. Financial Management | 1. Are you comfortable with the City Manager's approach to budget preparation and review? | 1 | 2 | 3 | 4 | 5 |
|---|---|---|---|---|---|
| 2. Is the City Manager effective in controlling costs through economical utilization of manpower, materials, and equipment? | 1 | 2 | 3 | 4 | 5 |
| 3. Does the City Manager have sufficient knowledge of financial matters? | 1 | 2 | 3 | 4 | 5 |
| 4. Does the City Manager provide you with sufficient information on the financial status of the City government? | 1 | 2 | 3 | 4 | 5 |
| 5. Is the budget submitted on time? | 1 | 2 | 3 | 4 | 5 |

**Average score**
<table>
<thead>
<tr>
<th>B. Personnel Management</th>
<th>WEAK</th>
<th>STRONG</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Is the City Manager successful in guiding people so that they work together as a team</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>2. Is the City Manager effective in selection and placing personnel?</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>3. Does the City Manager develop and motivate personnel so that they are increasingly effective in performing their duties?</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>4. Is the City Manager willing to face up to disciplinary problems and take action when warranted?</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>5. Is the City Manager effective in promoting positive employer-employee relations?</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>6. Does the City Manager respond to Council suggestions on employee training, work priorities and productivity? Are the decisions explained to Council?</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>7. Is the City Manager effective on assuring that staff makes a positive impression on citizens?</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>8. Does the City Manager ensure that every City employee receives a written annual performance review?</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Average score</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>C. Getting the Job Done</td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>------------------------</td>
<td>--</td>
</tr>
<tr>
<td></td>
<td></td>
<td>WEAK</td>
</tr>
<tr>
<td>1.</td>
<td>Do you have the feeling that things the Council decides or directs get done?</td>
<td>1 2 3 4 5</td>
</tr>
<tr>
<td>2.</td>
<td>Does the City Manager organize or assign work so that it is performed efficiently and effectively?</td>
<td>1 2 3 4 5</td>
</tr>
<tr>
<td>3.</td>
<td>Does the City Manager pay sufficient attention to detail to avoid error or things “slipping through the cracks”?</td>
<td>1 2 3 4 5</td>
</tr>
<tr>
<td>4.</td>
<td>Does the City Manager put in sufficient time and effort to perform to your expectations?</td>
<td>1 2 3 4 5</td>
</tr>
<tr>
<td>5.</td>
<td>Does the City Manager have a good sense of priorities in the way he spends his time on the job?</td>
<td>1 2 3 4 5</td>
</tr>
<tr>
<td>6.</td>
<td>Is the City Manager able to analyze problems or issues and identify causes, reasons, and implications?</td>
<td>1 2 3 4 5</td>
</tr>
<tr>
<td>7.</td>
<td>Does the City Manager develop and carry out short- and long-term action plans?</td>
<td>1 2 3 4 5</td>
</tr>
</tbody>
</table>

Average score
## EXTERNAL RELATIONS

<table>
<thead>
<tr>
<th>A. Citizen Relations</th>
<th>WEAK</th>
<th>STRONG</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Does the City Manager generally make a positive impression on citizens and is he respected in Porterville?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>2. Is he effective in handling disputes or complaints involving citizens?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>3. Does the City Manager have appropriate visibility or identity in the community?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>4. Does the City Manager represent Council positions and policies accurately and effectively?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>5. Does the City Manager give sufficient credit to Council?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>6. Does the City Manager think and act in a manner reflecting an attitude that client (Council, staff, or citizens) perceptions and satisfactions are key?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
</tbody>
</table>

Average score

<table>
<thead>
<tr>
<th>B. Intergovernmental Relations</th>
<th>WEAK</th>
<th>STRONG</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Is the City Manager effective representing the City's interests in dealing with other agencies?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>2. Does the City Manager participate in enough intergovernmental activity to have an impact on behalf of the City?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
</tbody>
</table>

Average score
## PERSONAL CHARACTERISTICS

<table>
<thead>
<tr>
<th>A. Personality</th>
<th>WEAK</th>
<th>STRONG</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Is the City Manager's personality suited to effective performance of his duties?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
</tbody>
</table>

Average score

<table>
<thead>
<tr>
<th>B. Communications</th>
<th>WEAK</th>
<th>STRONG</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Is the City Manager easy to talk to?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>2. Do you feel he is a good listener?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>3. Are communications thoughtful, clear, and to the point?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>4. Does the City Manager show sensitivity to the concerns of others?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
</tbody>
</table>

Average score

<table>
<thead>
<tr>
<th>C. Management Style</th>
<th>WEAK</th>
<th>STRONG</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Does the City Manager demonstrate interest and enthusiasm in performing his duties?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>2. Does he have sufficient leadership characteristics to command respect and good performance from employees?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>3. Does the City Manager show initiative and creativity in dealing with issues, problems, and unusual situations?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>4. Is the City Manager open to new ideas and suggestions for change?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>5. Does the City Manager create an atmosphere in which employees can enjoy working for the City?</td>
<td>1 2 3 4 5</td>
<td></td>
</tr>
<tr>
<td>Question</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>6. Is the City Manager honest and ethical?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Does the City Manager work well under pressure?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. Is the City Manager able to change his approach to fit new situations?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9. Can the City Manager consistently put aside personal views and implement Council policy and direction?</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Average score**

**ACHIEVEMENTS**

List the top three achievements or strong points of the City Manager for the past twelve (12) months:

1.  
2.  
3.  

**FUTURE DEVELOPMENT**

List three performance objectives for the City Manager that you feel are the most important targets for this year:

1.  
2.  
3.  

Page 7 of 8
<table>
<thead>
<tr>
<th>OVERALL RATING</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
</table>

Date: 

Ronald L. Irish, Mayor

Cameron Hamilton, Vice Mayor

Pete V. McCracken, Council Member

Brian Ward, Council Member

Greg Shelton, Council Member
SCHEDULED MATTER

SUBJECT: COUNCIL REQUESTED ITEM – RESOLUTION OF SUPPORT FOR COMPREHENSIVE CEQA REFORM

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: At the City Council meeting of August 7, 2012, Councilmember Brian Ward requested that the Council consider drafting and adopting a resolution of support for reforms of the California Environmental Quality Act (CEQA). The Council approved that request, and the attached resolution was drafted as a result.

The California Environmental Quality Act is a statute that requires state and local agencies to identify the potentially significant environmental impacts of their actions and to avoid or mitigate those impacts, if feasible. Enacted in 1970, CEQA applies to all discretionary actions taken by a public agency, as well as actions funded in whole or in part by a public agency. Actions that meet these criteria are defined as “projects” pursuant to CEQA.

In addition to establishing thresholds of mitigation and standards for environmental review, a core component to CEQA is the involvement of the public at large in the project approval process. Public notices, public hearings, and a statutory comment period are all required prior to a discretionary approval. CEQA also allows private parties with legal standing to sue the approving agency when a project has potential negative environmental impacts. Unfortunately, the noble intent of this segment of the law has been increasingly abused since CEQA’s inception, to the point that many projects are held up in litigation despite having duly considered potential environmental impacts. As a result, a variety of recent laws have attempted to bypass standard CEQA processes by creating individual statutory exemptions for specific projects.

Councilmember Ward has recommended that the City of Porterville City Council consider adopting a resolution of support for comprehensive CEQA reform, limiting frivolous lawsuits.

RECOMMENDATION: That the City Council approve the draft resolution expressing the City’s support of CEQA reform, and authorize staff to send copies of the resolution to local representatives of the California Senate and the California Assembly.

ATTACHMENT: Draft Resolution

DD [ ] APPROPRIATED/FUNDED  x LA CM [ ] ITEM NO. 16
RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
IN SUPPORT OF CEQA REFORM

WHEREAS: The California Environmental Quality Act (CEQA) is a statute that
requires state and local agencies to identify the potentially significant environmental impacts
of their actions and to avoid or mitigate those impacts, if feasible; and,

WHEREAS: The City of Porterville, as a public agency, must comply with CEQA
when approving or funding an action; and,

WHEREAS: It is the opinion of the City Council of the City of Porterville that
CEQA is used by some parties to permanently or temporarily halt projects, not on the
grounds of environmental concerns, but due to the current language within CEQA that
provides a low threshold for legal review; and,

WHEREAS: The potential economic impact of halted projects has negative physical
and economic impacts on this community and beyond.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of
Porterville does hereby support efforts of our legislature to amend the current language of the
California Environmental Quality Act to maintain environmental protections while reducing
the potential for frivolous lawsuits.

PASSED, APPROVED AND ADOPTED this ___ day of August, 2012.

By: __________________________
Virginia R. Gurrola, Mayor

ATTEST:

John D. Lollis, City Clerk

By: __________________________
Patrice Hildreth, Chief Deputy City Clerk

ATTACHMENT
ITEM NO. 1