



AGENDA

PLANNING COMMISSION

155 W. DURIAN, COALINGA, CA 93210

TUESDAY SEPTEMBER 10, 2019

The Mission of the City of Coalinga is to provide for the preservation of the community character by delivering quality, responsive City services, in an efficient and cost-effective manner, and to develop, encourage, and promote a diversified economic base in order to ensure the future financial stability of the City for its citizens.

CALL MEETING TO ORDER (6:00 PM)

Pledge of Allegiance

CHANGES TO THE AGENDA

ROLL CALL

Commissioners:

Chairman Sailer
Vice Chairman Jacobs
Commissioner Helmar
Commissioner Garza
Commissioner Pruitt

Staff:

Sean Brewer, Community Development Director
Marissa Trejo, City Manager

PUBLIC COMMENTS

Under Government Code 54954.3 members of the audience may address the Commission on any item of interest to the public or on any agenda item before or during the Commission's consideration of the item. State law prohibits the Planning Commission from acting on non-agenda items.

INFORMATION/CONSENT CALENDAR

PUBLIC HEARINGS

1. Planning Commission Consideration and Recommendation to the City Council

Approval of a City Initiated Zoning Text Amendment (No. ZTA 19-03) Amending
the Commercial Cannabis Regulations Related to 24-hour Onsite Security

DISCUSSION AND/OR POTENTIAL ACTION ITEMS

1. Consideration of a one (1) year project approval extension request from ATC
Design Group for Site Plan Review Application 18-02 for the Elm Ave Family
Dollar Development Project
2. Coalinga Planning and Zoning Code 5-Year Review Update (on-going)

DEPARTMENT REPORTS

COMMUNICATIONS

1. Staff Announcements
2. Commissioner Announcements
3. Chairman Announcements

ADJOURN



Staff Report- Chairman and Planning Commission

Subject: Planning Commission Consideration and Recommendation to the City Council Approval of a City Initiated Zoning Text Amendment (No. ZTA 19-03) Amending the Commercial Cannabis Regulations Related to 24-hour Onsite Security

Meeting Date September 10, 2019

Project Location: City of Coalinga

Applicant: City of Coalinga

Owner:

Prepared By: Sean Brewer, Community Development Director

I. RECOMMENDATION:

Staff is recommending that the Planning Commission adopt Resolution No. 019P-009 recommending to the City Council approval of a City initiated zoning text amendment (No. ZTA 19-03) amending the Commercial Cannabis Regulations Related to 24-hour Onsite Security.

II. BACKGROUND:

The Zoning Map and the Zoning Ordinance text may be substantially amended in two (2) ways, in accord with the procedure prescribed in this article: (1) Reclassification of the zoning applicable to a specific property, designating a change from one district to another district, commonly called "rezoning", (2) Changes in the permitted uses or regulations on property within particular zones or citywide, commonly called "text amendments".

Article 1 of Chapter 5 of the coalinga planning and zoning code establishes local regulations applicable to commercial cannabis operations as may be permitted under the California Medicinal and Adult-Use Cannabis Regulation and Safety Act (SB 94), approved by the Governor on June 27, 2017 or subsequently enacted State law pertaining to the same.

Section 9-5.128(d)(18)(j) requires all commercial cultivation, manufacturing, testing, and distribution facilities to have twenty-four-hour (24) security patrols by a recognized security company licensed by the California Department of Consumer Affairs or otherwise acceptable to the Police Chief. The Police Chief desires to amend section 9-5.128(d)(18)(j) of the planning and zoning code to amend the requirement for 24-hour security patrols to patrols during business hours in an effort to reduce costs associated with operating a cannabis facility in the City of Coalinga.

III. PROPOSAL AND ANALYSIS:

The Police Chief has identified that there is no significant need for the additional security after business hours as the Police Department has full access to the security camera feeds in and around the cannabis facilities and if an alarm is received by dispatch they will have the ability to pull up the camera's and see what is happening and respond accordingly. In addition to security cameras and accessibility, cannabis facilities have had very limited calls for service during the course of their operations and balancing the cost effectiveness and impact on security the Police Chief is comfortable amending the requirement from 24-hours to during business hours. The State of California does not require 24-hour security patrol at licensed cannabis facilities within its regulations and statutes.

A copy of the draft ordinance is attached for the Planning Commissions review and consideration.

General Plan/Zoning Consistency: The proposed zoning text amendment is consistent with the general plan policies and implementation measures including zoning consistency for commercial cannabis operations. The intent of the Coalinga Commercial Cannabis regulations were to implement state law as it relates to regulating commercial cannabis and cannabis products. The change in the security regulations would not be contrary to state law.

Public Notification: On August 29, 2019 public hearing notices were posted at multiple public locations and emailed to local paper.

Environmental Determination: This text amendment has been reviewed in accordance with CEQA and staff has determined that this ordinance change would not have a detrimental effect on the health, safety and welfare of the community and fall under Section 15061(b)(3) - General Rule Exemption.

IV. FISCAL IMPACT:

There shall be no anticipated fiscal impact to the City.

V. REASONS FOR RECOMMENDATION:

The following standard findings must be made for each Zoning Ordinance amendment:

1. The proposed Zoning Ordinance amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
2. The proposed Zoning Ordinance amendment is consistent and compatible with the goals, policies, and actions of the General Plan, and the other applicable provisions of the Zoning Ordinance.
3. If applicable, the site is physically suitable (including, but not limited to access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested zoning designations and anticipated land uses/developments.
4. The proposed Zoning Ordinance amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act.

ATTACHMENTS:

Description

- ❑ Resolution No. 019P-009
- ❑ Draft Ordinance 834 Text Amendment - Cannabis Security

RESOLUTION 019P-009

A RESOLUTION OF THE CITY OF COALINGA PLANNING COMMISSION RECOMMENDING APPROVAL OF A ZONING TEXT AMENDMENT TO AMEND THE PLANNING AND ZONING CODE AMENDING THE 24-HOUR SECURITY REQUIREMENT FOR COMMERCIAL CANNABIS FACILITIES

WHEREAS, Article 1 of Chapter 5 of the Coalinga Planning and Zoning code establishes local regulations applicable to commercial cannabis operations as may be permitted under the California Medicinal and Adult-Use Cannabis Regulation and Safety Act (SB 94), approved by the Governor on June 27, 2017 or subsequently enacted State law pertaining to the same; and

WHEREAS, section 9-5.128(d)(18)(j) requires all commercial cultivation, manufacturing, testing, and distribution facilities to have twenty-four-hour (24) security patrols by a recognized security company licensed by the California Department of Consumer Affairs or otherwise acceptable to the Police Chief; and

WHEREAS, the City desires to amend section 9-5.128(d)(18)(j) of the planning and zoning code to amend the requirement for 24-hour security patrols to patrols during business hours in an effort to reduce costs associated with operating a cannabis facility in the City of Coalinga; and

WHEREAS, the Police Chief has identified that there is no need for the additional security after business hours as the Police Department has full access to the security camera feeds in and around the cannabis facilities and if an alarm is received by dispatch they will have the ability to pull up the camera's and see what is happening and respond accordingly, and;

WHEREAS, the State of California does not require 24-hour security patrol at licensed cannabis facilities within its regulations and statutes; and

WHEREAS, a Notice of Public Hearing was provided to the Coalinga Press, posted at City Hall, Police Department bulletin board, Fire Department Bulletin Board, Coalinga District Library, and Chamber of Commerce on August 29, 2019, and;

WHEREAS, the Planning Commission held the noticed Public Hearing on August 27, 2019 to take testimony with regard to the proposed Zoning Text Amendment; and

WHEREAS, the Planning Commission completed its review of the proposed Zoning Text Amendment and details in the Staff Report and has considered the testimony received during the public hearing process, and;

WHEREAS, the Planning Commission has made the following findings based on the Zoning Text Amendment proposal:

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

- The proposed Zoning Ordinance amendment is consistent and compatible with the goals, policies, and actions of the General Plan, and the other applicable provisions of the Zoning Ordinance.
- If applicable, the site is physically suitable (including, but not limited to access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested zoning designations and anticipated land uses/developments.
- The proposed Zoning Ordinance amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act.

NOW THEREFORE BE IT RESOLVED, that the Planning Commission recommends approval to the City Council adoption of a draft ordinance (Exhibit "A") to amend the planning and zoning code related to amending the 24-hour security patrol requirements for cannabis facilities.

PASSED AND ADOPTED, by the City of Coalinga Planning Commission at a regular meeting held on the 10th day of September 2019.

AYES:

NOES:

ABSTAIN:

ABSENT:

Planning Commission Chairman/Vice Chairman

ATTEST:

City Clerk/Deputy City Clerk

Exhibit "A"

Draft Ordinance

ORDINANCE NO. 834

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COALINGA, CALIFORNIA AMENDING COALINGA MUNICIPAL CODE SECTION 9-5-128(D)(18)(J) RELATED TO COMMERCIAL CANNABIS FACILITY SECURITY REQUIREMENTS.

WHEREAS, Article 1 of Chapter 5 of the Coalinga Planning and Zoning code establishes local regulations applicable to commercial cannabis operations as may be permitted under the California Medicinal and Adult-Use Cannabis Regulation and Safety Act (SB 94), approved by the Governor on June 27, 2017 or subsequently enacted State law pertaining to the same; and

WHEREAS, Section 9-5.128(d)(18)(j) requires all commercial cultivation, manufacturing, testing, and distribution facilities to have twenty-four-hour (24) security patrols by a recognized security company licensed by the California Department of Consumer Affairs or otherwise acceptable to the Police Chief; and

WHEREAS, the City desires to amend section 9-5.128(d)(18)(j) of the planning and zoning code to amend the requirement for 24-hour security patrols to only require patrols during business hours in an effort to reduce costs associated with operating a cannabis facility in the City of Coalinga; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COALINGA DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds that all the facts, findings, and conclusions set forth above in this Ordinance are true and correct.

SECTION 2. The City Council hereby amends Section 9-5.128(d)(18)(j) to Article 1 of Chapter 5 in Title 9 of the Coalinga Municipal Code to read as follows:

J. ~~Twenty-four-hour~~ Security patrols during business hours by a recognized security company licensed by the California Department of Consumer Affairs or otherwise acceptable to the Police Chief.

SECTION 3. Severability Clause:
Should any section, clause, or provision of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole, or parts thereof, other than the part so declared to be invalid.

SECTION 4. Effective Date:
This Ordinance shall take effect 30 days after its passage and adoption pursuant to California Government Code Section 36937 and shall supersede any conflicting provision of any City of Coalinga ordinance.

SECTION 5. Certification:
The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published or posted according to law.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2019.

Ron Lander, Mayor

ATTEST:

Shannon Jensen, City Clerk

APPROVED AS TO FORM:

Mario U. Zamora, City Attorney

DRAFT



Staff Report- Chairman and Planning Commission

Subject: Consideration of a one (1) year project approval extension request from ATC Design Group for Site Plan Review Application 18-02 for the Elm Ave Family Dollar Development Project

Meeting Date September 10, 2019

Project Location: Proposed Family Dollar (SE Corner of 5th Street and Elm Ave/SR33), Coalinga, CA 93210

Applicant: ATC Design Group, 1282 Pacific Oaks Place, Suite C, Escondido, CA 92029

Owner: Nevada New Building, LLC, 7570 Norman Rockwell Lane, Suite 140, Las Vegas 89143

Prepared By: Sean Brewer, Community Development Director

I. RECOMMENDATION:

Approval of a one (1) year extension for Site Plan Review 18-02 approved by the City of Coalinga Planning Commission on August 4, 2018.

II. BACKGROUND:

On August 14, 2018, the City of Coalinga Planning Commission approved a Site Plan Review Application for the development of a new Family Dollar retail facility to be located on the SE Corner of Elm Ave and 5th Street.

In accordance with Condition of Approval #1, the approved site plan shall become void in the event that less than fifty (50) percent of the site, or an approved phased development, has not occurred within twelve (12) months after the approval of the site plan.

The applicant is requesting a one (1) year extension of their site plan review. In addition to the extension, the applicant wanted to share some minor elevation changes to enhance the curb appeal of the development as attached.

III. PROPOSAL AND ANALYSIS:

Family Dollar has been working to finalize drawings and prepare this project for construction. They are currently finalizing their grading permit submittal which is currently under review with the City Engineer and will be submitting for the shell (Building Permit) shortly. Additionally, they have also started the encroachment process with Caltrans for their offsite improvements. Their construction start date is dependent on construction permit approval.

In addition to the extension request, Family Dollar wanted to share some additional exterior elevation changes with the addition of faux glazed windows with black reflective features. An example of these elevations have been attached for the commissions review.

IV. FISCAL IMPACT:

None determined at this time.

V. REASONS FOR RECOMMENDATION:

The project is continuing to move forward with grading plans approved, building plans are being developed and allowing the approvals to null and void would just require resubmittal of a site plan where the same project scope and design would be submitted delaying project completion.

ATTACHMENTS:

Description

- ☐ Letter Requesting Extension - Family Dollar
- ☐ Updated Elevation (Color)



ATC DESIGN GROUP

ARCHITECTS



ENGINEERS



SURVEYORS

To: Sean Brewer
Community Development Director
Public Works and Utilities Director (I)
City of Coalinga
Phone: (559) 935-1533 Ext. 143
sbrewer@coalinga.com

From: Lerik Silva
ATC Design Group
1282 Pacific Oaks Place, Suite C
Escondido, CA. 92029

08.22.19

Subject: **Extension request of No. 018P-006 approved Family Dollar Store project**

Sean,

Please accept this letter as our official request for extension of approved (Site Plan Application # 18-02). There were some logistics setbacks and wanted to make sure that We had a comprehensive project package submitted to you for construction permitting (Grading & Building).

We are currently finalizing our Grading permit submittal review with the City engineer (Dan Jauregui) and will be submitting for the Shell (Building Permit) shortly. Additional we have also started the encroachment process with Caltrans.

Our construction start date is dependent on construction permit approval. The general contractor is on standby. As soon as we get approval, they will start construction.

Sincerely,

Lerik Silva

Project Manager

ATC DESIGN GROUP

ARCHITECTS-ENGINEERS-SURVEYORS

1282 Pacific Oaks Pl Ste, C

Escondido, CA 92029

Direct Line: 760.294.7402

Mobile: 858.229.5987

1282 Pacific Oaks Place, Suite C, Escondido, CA 92029 P: 760-738-8800 F: 760-738-8232

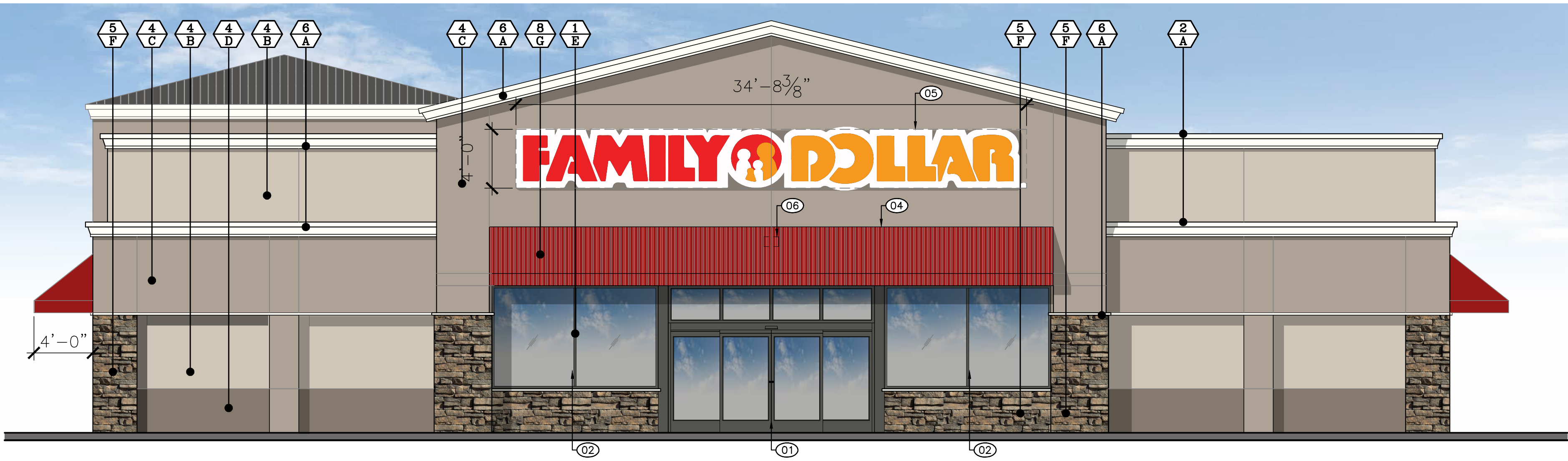
DATE: 8/20/2019 - FILE NAME: P:\17-3749 FDS - Coalinga, CA\Architecture\02_Planning\3749-05-A4.0.dwg

28'-0"
T.O. ROOF

20'-4"
T.O. PARAPET

10'-0"
T.O. STOREFRONT

0'-0"
FINISHED FLOOR



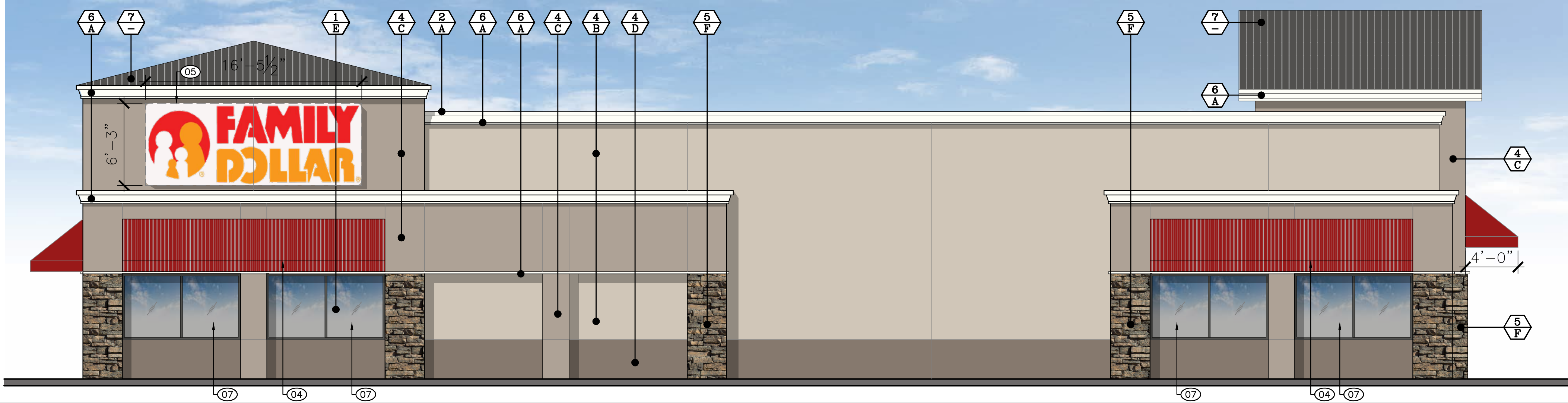
01 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

25'-8"
T.O. PARAPET

20'-4"
T.O. PARAPET

14'-4"
A.F.F.

0'-0"
FINISHED FLOOR



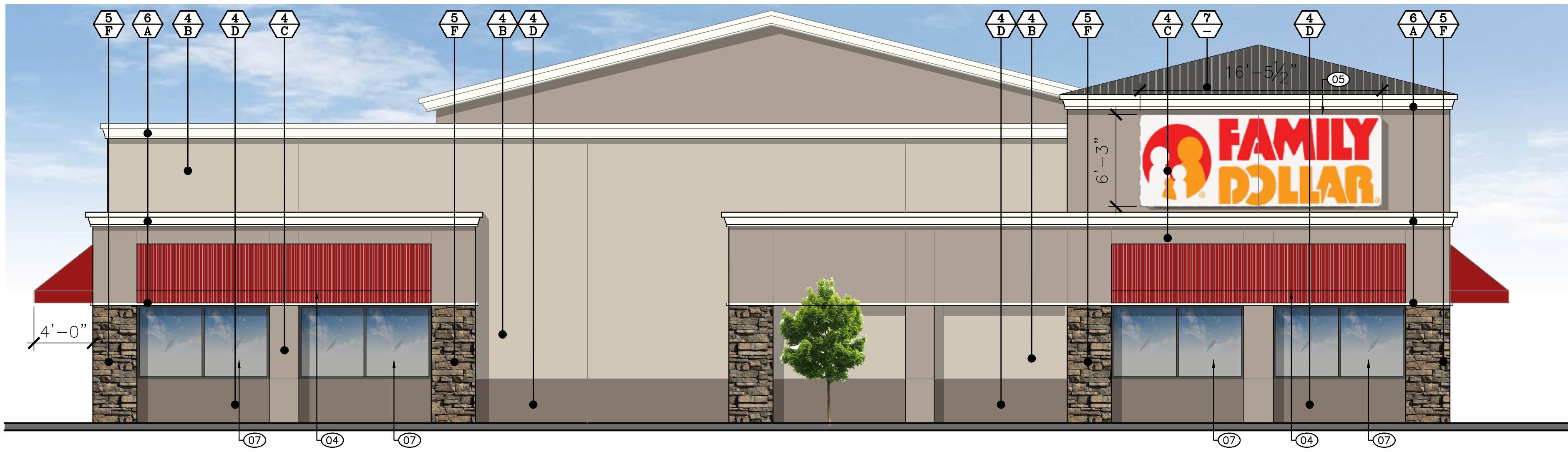
02 WEST ELEVATION
SCALE: 1/8" = 1'-0"

25'-8"
T.O. PARAPET

20'-4"
T.O. PARAPET

14'-4"
A.F.F.

0'-0"
FINISHED FLOOR



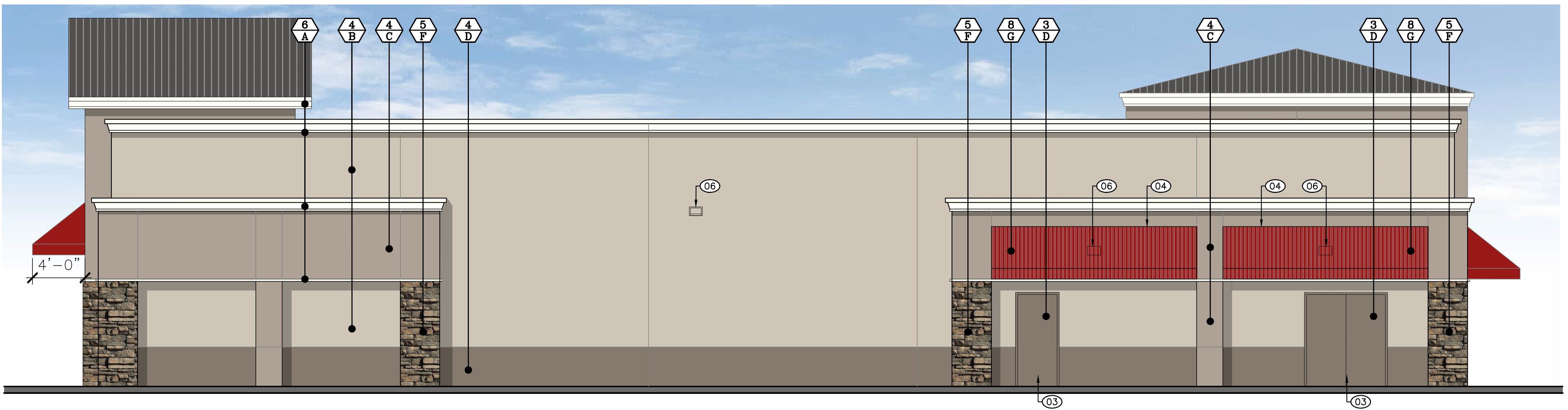
03 NORTH ELEVATION
SCALE: 1/8" = 1'-0"

28'-0"
T.O. ROOF

20'-4"
T.O. PARAPET

14'-4"
A.F.F.

0'-0"
FINISHED FLOOR



04 EAST ELEVATION
SCALE: 1/8" = 1'-0"

EXTERIOR ELEVATION KEYNOTES

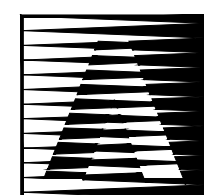
REV #	#	EXTERIOR ELEVATION KEYNOTES
	01	(N) ALUMINUM STOREFRONT ENTRY
	02	(N) STOREFRONT GLAZING SYSTEM
	03	(N) EXTERIOR DOOR
	04	(N) METAL AWNING ON METAL FRAME
	05	(N) INTERNALLY ILLUMINATED SIGNAGE, PROVIDED UNDER SEPARATE PERMIT
	06	LOCATION OF EXTERIOR WALL PACK LIGHTING
	07	FAUX WINDOW VISION PANELS

EXTERIOR FINISH SCHEDULE

MATERIALS
1 ALUMINUM STOREFRONT
2 METAL PARAPET COPING
3 (N) HOLLOW METAL DOOR
4 3-COAT PLASTER SYSTEM
5 STONE VENEER
6 EIFS CORNICE/TRIM WITH EXTERIOR CEMENT PLASTER FINISH
7 METAL PANEL ROOFING (COLOR: CHARCOAL OR EQUIVALENT)
8 METAL AWNING

FINISH COLOR

A	PAINT: SHERWIN-WILLIAMS SW7007 "CEILING BRIGHT WHITE"
B	PAINT: SHERWIN-WILLIAMS SW7036 "ACCESSIBLE BEIGE"
C	PAINT: SHERWIN-WILLIAMS SW7031 "MEGA GREIGE"
D	PAINT: SHERWIN-WILLIAMS SW7025 "BACKDROP"
E	CLEAR ANODIZED ALUMINUM
F	EL DORADO STONE: MOUNTAIN LEDGE PANELS "WHISKEY CREEK"
G	BY TRIVANTAGE, PRODUCT: NITE-LITE 2603 COLOR: RED



ATC DESIGN GROUP
ARCHITECTS • ENGINEERS • SURVEYORS
1282 PACIFIC OAKS PLACE, SUITE C, ESCONDIDO, CA 92029
PHONE: (760) 738-8800 FAX: (760) 738-8232

CLIENT:
NEVADA NEW BUILDING, LLC
7570 Norman Rockwell Lane, Suite 140
Las Vegas, NV 89143

PROJECT:
COALINGA
SWC ELM AVE. & 5TH ST.
COALINGA, CA. 93210

PRELIMINARY
NOT FOR
CONSTRUCTION

REVISIONS:					
REV	REVISION	DATE	REV	REVISION	DATE

SHEET DESCRIPTION:
EXTERIOR ELEVATIONS

SHEET NUMBER:
A4.0



Staff Report- Chairman and Planning Commission

Subject: Coalinga Planning and Zoning Code 5-Year Review Update (on-going)
Meeting Date September 10, 2019
Project Location:
Applicant:
Owner:
Prepared By: Sean Brewer, Community Development Director

I. RECOMMENDATION:

Planning Commission review, discussion and direction to staff regarding the five (5) year update to the Coalinga Planning and Zoning Code.

II. BACKGROUND:

The City of Coalinga prepared a comprehensive zoning code update in 2014. It has been five (5) years since the adoption Ordinance No. 776 which updated Title 9 of the Coalinga Municipal Code related to Planning and Zoning. Staff feels that it is appropriate to review the planning and zoning code periodically to ensure that it is accomplishing what the City intended related to development through its zoning regulations.

This is a continuing discussion by the Planning Commission to review the Planning and Zoning Code. Sections under discussion for the meeting will be identified under the proposal and analysis section of this report.

III. PROPOSAL AND ANALYSIS:

The following sections are expected to be reviewed and discussed by the Planning Commission at this meeting.

Chapter 1, Article 2 - Definitions

Chapter 2, Article 3 - Commercial and Mixed Use Districts

IV. FISCAL IMPACT:

None determined at this time.

V. REASONS FOR RECOMMENDATION:

ATTACHMENTS:

Description

- ▣ Commercial and Mixed Use Districts

Article 3. - Commercial and Mixed-Use Districts

Sec. 9-2.301. - Purpose.

- (a) The specific purposes of the "Commercial" Districts are to:
 - (1) Provide for a full range of commercial uses.
 - (2) Strengthen the city's economic base and provide employment opportunities for residents of the city.
 - (3) Ensure the provision of services and facilities needed to accommodate planned population densities.
 - (4) Identify appropriate standards for new development.
- (b) Additional purposes of each "Commercial" District:
 - (1) *(CG) General Commercial.* To encourage areas of concentrated retail, generally located adjacent to major streets, such as Elm Avenue at Polk Street. The CG designation permits food, drug, clothing and other retail uses and services including small restaurants, laundry outlets among other services. Hotels, motels, and medical and professional offices are allowed in CG areas, subject to zoning provisions.
 - (2) *(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.
 - (3) *(CS) Service Commercial.* To provide areas for retail and service uses that usually requires a single-purpose trip to visit one commercial establishment. Repair facilities, building materials, industrial suppliers, auto and accessory dealers, light manufacturing/ distributing, and wholesale and/or retail outlets are allowed in this designation.
 - (4) *(MX) Mixed-Use.* To provide areas for either horizontal or vertical mixed-use development consisting of commercial, service, office, and residential uses. Commercial uses are primarily retail or office in nature. All uses allowed in the Commercial General (CG) and Commercial Service (CS) designations are generally allowed in the MX designation. The Community Development Director may determine that Mixed-Use residential/commercial development may be subject to the Planned Development Combining Designation (P-D) zoning requirements in Chapter 3, Article 5. Residential uses on a given parcel shall not exceed fifteen (15) dwelling units/gross acre.

([Ord. No. 776](#), § 1(Exh. A), eff. 9-5-2014)

Sec. 9-2.302. - Land use regulations.

- (a) Table 2.5 below prescribes the land use regulations for "Commercial" Districts. The regulations for each district are established by letter designations as follows:
 - (1) "Yes" designates permitted uses.
 - (2) "CUP" designates use classifications that are permitted after review and approval of a Conditional Use Permit by the Planning Commission.
 - (3) "(#)" numbers in parentheses refer to specific limitations listed at the end of the table.
 - (4) "No" designates uses that are not permitted.
- (b) Land use classifications are defined in Chapter 1, Article 2 "Definitions" of this title. In cases where a proposed specific land use or activity is not defined, an application shall be made to the Community Development Director, and the Planning Commission shall approve or deny the assignment of the

proposed 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 chapter.

Table 2.5: Land Use Regulations - Commercial Districts					
Use Classifications	CG	CR	CS	MX	Additional Regulations
Residential Uses					
Multiple Residences	No	No	No	Yes	Residential uses are allowed as a secondary use to a primary commercial use in the MX District. See Section 9-2.30(c) of this article for residential standards in the MX District.
Group Home	See subclassifications below				
Six or fewer residents				Yes	
Seven or more residents				CUP	
Residential Care Facilities, Limited	No	No	No	Yes	
Single Room Occupancy Facilities	CUP	No	No	No	
Transitional and Supportive Housing	No	No	No	Yes	Residential uses are allowed as a secondary use to a primary commercial use in the MX District. See Section 9-2.30(c) of this article for residential standards in the MX District. See Section 9-5.127, Transitional and Supportive Housing
Public and Semi-Public Uses					
Clubs and Lodges	No	No	Yes	Yes	Section 9-5.103, Alcoholic Beverage Sales
Colleges and Trade Schools, Public or Private	No	No	CUP	CUP	
Community Centers	Yes	No	No	Yes	

Cultural Institutions	CUP	No	CUP	CUP	
Family Day Care Homes	Yes	No	No	Yes	
Hospitals and Clinics	Yes	No	CUP	Yes	(CG, MX) Limited to establishments with a gross floor area of 5,000 square feet or less.
Instructional Services	Yes	No	Yes	Yes	
Park and Recreation Facilities, Public	Yes	Yes	Yes	Yes	
Religious Facilities	CUP	CUP	CUP	CUP	
Residential Care Facilities, General	Yes	No	No	Yes	Section 9-5.120, Residential Care Facilities
Schools, Public or Private	NO	NO	NO	CUP	(MX) Provided that such use shall be at least 1,800 feet from any MBL or MBH Zoning Designation.
Emergency Shelters	Yes	No	Yes	Yes	Section 9-5.109, Emergency Shelters
Commercial Uses					
Adult-oriented Businesses	No	No	No	No	
Aircraft Sales, Services, Storage	No	No	No	No	
Animal Care, Sales and Services	See subclassifications below.				
Kennels	CUP	No	CUP	CUP	(CG,CS) Provided that such use shall be completely enclosed in a building of soundproof construction.
Pet Stores	CUP	No	CUP	CUP	
Veterinary Services	CUP	No	CUP	CUP	(CG,CS) Provided that such use shall be

					completely enclosed in a building of soundproof construction.
Artists' Studios	Yes	No	Yes	Yes	
Automobile/Vehicle Sales and Services	See subclassifications below.				
Automobile/Vehicle Rentals	No	Yes	Yes	No	
Automobile/Vehicle Sales and Leasing	No	CUP	Yes	No	
Automobile/Vehicle Repair, Major	No	No	CUP	No	Section 9-5.106, Automobile/Vehicle Service and Repair, Major and Minor
Automobile/Vehicle Repair, Minor	No	Yes	Yes	No	Section 9-5.106, Automobile/Vehicle Service and Repair, Major and Minor
Automobile/Vehicle Washing	No	CUP	CUP	No	Section 9-5.107, Auto Service Stations and Car Washing
Large Vehicle and Equipment Sales, Service and Rental	No	No	CUP (1)	No	See footnotes
Service Station	CUP	CUP	CUP	CUP	Section 9-5.107, Auto Service Stations and Car Washing. (CG) Limited to establishments with a gross floor area of 5,000 square feet or less.
Banks and Financial Institutions	See subclassifications below.				
Banks and Credit Unions	Yes(2)	Yes	Yes	Yes	See footnotes
Check Cashing Businesses	Yes (2)	Yes (2)	Yes (2)	Yes (2)	See footnotes

Building Materials and Services	No	Yes	CUP	CUP	(CR, CS, MX) Bulk storage of sand, gravel or cement is not allowed.
Business Services	Yes	Yes	Yes	Yes	(CG,MX) Limited to establishments with a gross floor area of 5,000 square feet or less. Wholesale services are not allowed.
Commercial Entertainment and Recreation	See subclassifications below				
Large-scale Cinema Theaters (over 300 seats)	Yes	Yes	Yes	No	(CS)Drive-ins and outdoor movie theaters are prohibited.
Small-scale Cinema Theaters (300 seats and under)	No	Yes	Yes	CUP	
Eating and Drinking Establishments	See subclassifications below				
Bars/Night Clubs/Lounges	CUP	CUP	CUP	CUP	Section 9-5.103, Alcoholic Beverage Sales
Coffee Shops/Cafes	Yes	Yes	Yes	Yes	(CG) Drive-through facilities are prohibited.
Restaurants, equal to or less than 3,000 square feet	Yes	Yes	Yes	Yes	Section 9-5.103, Alcoholic Beverage Sales. (CG) Drive-through facilities are prohibited.
Restaurants, greater than 3,000 square feet	CUP	Yes	Yes	Yes	Section 9-5.103, Alcoholic Beverage Sales (CG) Drive-through facilities are prohibited.
Food and Beverage Retail Sales	Yes	Yes	Yes	Yes	Section 9-5.103, Alcoholic Beverage Sales. (CG) Limited to establishments with a gross floor area less than 40,000 square feet. (MX) General offices shall not be located on the ground floor if located in a building of two or more stories.
Funeral Parlors and Mortuaries	Yes	No	Yes	No	

Hotels and Motels	CUP	Yes	CUP	CUP	
Light Fleet Based Services	No	No	Yes	No	
Maintenance and Repair Services	Yes	Yes	Yes	Yes	Limited to establishments with a gross floor area less than 1,500 square feet. Outdoor work and outdoor storage is prohibited.
Nurseries and Garden Centers	Yes	Yes	Yes	Yes	
Offices	See subclassifications below				
General Offices	Yes	CUP	Yes (3)	Yes	(CG)General offices shall not be located on the ground floor if located in a building of two or more stories.
Walk-In Clientele	Yes	CUP	Yes (3)	Yes	(CG, MX) Limited to establishments with a gross floor area less than 1,500 square feet.
Parking, Public or Private	Yes	Yes	Yes	Yes	(CG, MX) Limited to parking areas for exclusive use of occupants, employees and patrons of the uses, buildings, stores, and businesses located in that zone.
Personal Services	Yes	Yes	Yes	Yes	
Retail Sales	See subclassifications below				
Less than 10,000 square feet per business	Yes	Yes	Yes	Yes	
10,000 to 50,000 square feet per business	CUP	Yes	Yes	CUP	
More than 50,000 square feet per business	No	CUP	CUP	No	
Retail Sales, Cannabis	CUP (4)	NO	CUP (4)	NO	Section 9-5.129, Cannabis Retail Facilities

Smoking Establishments	See subclassifications below.				
Tobacco Bars	CUP	CUP	CUP	CUP	Shall not be located within 300 feet of any Residential district, any educational, religious, or cultural institution.
Swap Meets	No	CUP	CUP	No	Section 9-5.124, Swap Meets
Wholesaling and Distribution	No	No	Yes	No	
Industrial Uses					
Construction and Material Yards	No	No	CUP	No	Section 9-4.208, Outdoor Storage
Freight/Truck Terminals and Warehouses	No	No	CUP	No	
Handicraft/Custom Manufacturing	No	Yes	Yes	No	(CR) Limited to establishments with a gross floor area less than 2,000 square feet.
Industry, Limited	No	No	Yes	No	
Recycling Facilities	See subclassifications below.				
Reverse Vending Machine	Yes	Yes	Yes	Yes	
Recycling Collection Facility	No	No	CUP	No	Section 9-5.119, Recycling Facilities
Recycling Processing Facility	No	No	No	No	Section 9-5.119, Recycling Facilities
Unattended Collection Boxes	CUP	CUP	CUP	CUP	Section 9-5.119, Recycling Facilities
Warehousing and Storage	See subclassifications below.				
Chemical, Mineral, and Explosives Storage	No	CUP	CUP	No	(CR) Limited to liquefied petroleum gas storage and sale when incidental to a permitted use.

Indoor Warehousing and Storage	No	No	Yes	No	
Outdoor Storage	No	No	CUP	No	Section 9-4.208, Outdoor Storage. (CS) Outdoor storage shall be incidental to a primary use, limited to 6,000 square feet and completely screened from public view by a six-foot high solid fence.
Personal Storage	No	No	CUP	No	Section 9-5.118, Personal Storage Facilities
Telecommunication Facilities	See subclassifications below.				
Modifications to existing Antenna and Transmission Facilities	Yes	Yes	Yes	Yes	Section 9-5.125, Telecommunication Facilities
New Antenna and Transmission Facilities	CUP	CUP	CUP	CUP	Section 9-5.125, Telecommunication Facilities
Facilities within Buildings	No	No	Yes	Yes	Section 9-5.125, Telecommunication Facilities. (CS, MX) Limited to radio and television studios.
Transportation Passenger Terminals	No	Yes	Yes	No	
Utilities, Major	No	No	No	No	
Utilities, Minor	Yes	Yes	Yes	Yes	
Other Applicable Types					
Accessory Uses and Structures	Yes	Yes	Yes	Yes	Section 9-5.101, Accessory Uses and Structures
Animal Keeping	No	No	No	Yes	Section 9-5.103, Animal Keeping
Caretaker Unit	No	Yes	Yes	No	(CR, CS) Limited to one dwelling for a caretaker or watchman and his or her immediate family, necessary and incidental to a use located in

					such zone.
Home Occupations	No	No	No	Yes	Section 9-5.113, Home Occupations
Nonconforming Use	Chapter 6, Article 2, Nonconforming Uses, Structures, and Lots				
Temporary Uses	See subclassifications below				
Seasonal Outdoor Sales from three to seven days (21)	Temporary Use Permits required		Section 9-5.126, Temporary Uses		
Long Term Special Events and Sales lasting eight days to three months					
All other types of temporary uses					
<p>Specific Limitations:</p> <p>1. Equipment service areas shall be screened by a solid wall eight (8) feet in height, or a dense landscaping screen, having a minimum depth of five (5) feet and a minimum height of six (6) feet within five (5) years of planting.</p> <p>2. Limited to establishments with a gross floor area less than 2,500 square feet, located on a collector or higher classification street, and at least 1,000 linear feet from any other check cashing business.</p> <p>3. Offices are permitted only as an accessory to a primary commercial use. Conditional Use Permit approval is required for office, business, or professional uses greater than 5,000 square feet in size per lot or integrated commercial development.</p> <p>4. Microbusinesses are not allowed in any commercial zones.</p>					

([Ord. No. 776](#), § 1(Exh. A), eff. 9-5-2014; [Ord. No. 798, § 1, eff. 2-4-2017](#); [Ord. No. 802](#), § 2, eff. 4-14-2018; [Ord. No. 804](#), § 3, eff. 2-3-2018)

Sec. 9-2.303. - Development regulations.

- (a) *Base development regulations.* Table 2.6 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 chapter, while individual letters refer to subsections that directly follow the table.

Table 2.6: Development Regulations - Commercial Districts

Standard	CG	CR	CS	MX	Additional Standards
Lot and Density Standards					
Minimum Lot Area (s.f.)	6,000 s.f.	5,000 s.f.	5,000 s.f.	5,000 s.f.	
Minimum Lot Width (ft.)	60 ft.	60 ft.	60 ft.	60 ft.	Section 2. Exceptions to Minimum Lot Size, Width, and Depth
Minimum Lot Depth (ft.)	75 ft.	75 ft.	75 ft.	75 ft.	Section 2. Exceptions to Minimum Lot Size, Width, and Depth
Maximum Residential Density (units/gross acre)	n/a	n/a	n/a	15.0 units/acre	Section 3. Mixed-Use Standards, Chapter 6, Article 13, Density Bonus
Building Form and Location					
Minimum Yards					
Front (ft.)	0 ft.	0 ft.	0 ft.	0 ft.	Section 9-4.201, Building Projections into Yards
Interior Side (ft.)	0 ft.	0 ft.	0 ft.	0 ft.	Section 9-4.201, Building Projections into Yards; and (c)
Street Side (ft.)	0 ft.	0 ft.	0 ft.	0 ft.	Section 9-4.201, Building Projections into Yards
Rear (ft.)	0 ft.	0 ft.	0 ft.	0 ft.	Section 9-4.201, Building Projections into Yards; and (c)
Maximum Height (ft.)	50 ft.	50 ft.	50 ft.	50 ft.	Section 9-4.205, Heights and Height Exceptions; and (b)
Additional Standards					

Useable Open Space (sq. ft. per residential unit)	n/a	n/a	n/a	150 s.f. per unit	Section 9-2.303(c), Mixed-Use Standards
---	-----	-----	-----	-------------------	---

(b) *Additional development standards.*

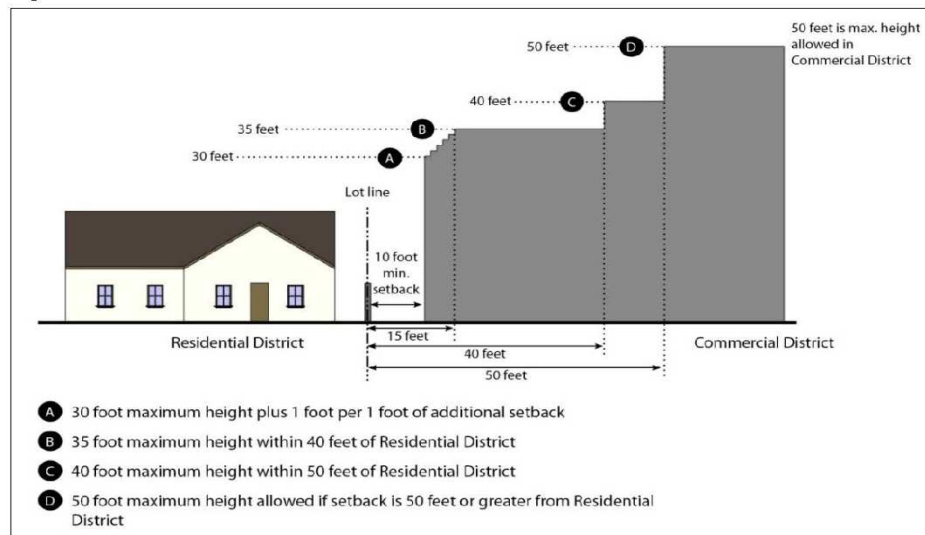
(1) *Exceptions to minimum lot size, width, and depth.* An exception to the minimum lot size, width and depth may be allowed with a Conditional Use Permit if a Master Plan for the site is submitted concurrently with the subdivision application. The plan shall indicate proposed land uses, building footprints, 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 title.

(2) *Transitional standards.* Where a site is adjacent to a Residential district, the following standards apply:

a. *Height.*

1. The maximum height within forty (40) feet of a Residential district boundary is thirty-five (35) feet. The maximum height within fifty (50) feet of a Residential district boundary is forty (40) feet.
2. Buildings exceeding thirty (30) feet in height must be set back or stepped back one foot from the required interior side and rear setback lines for every foot of height above thirty (30) feet.

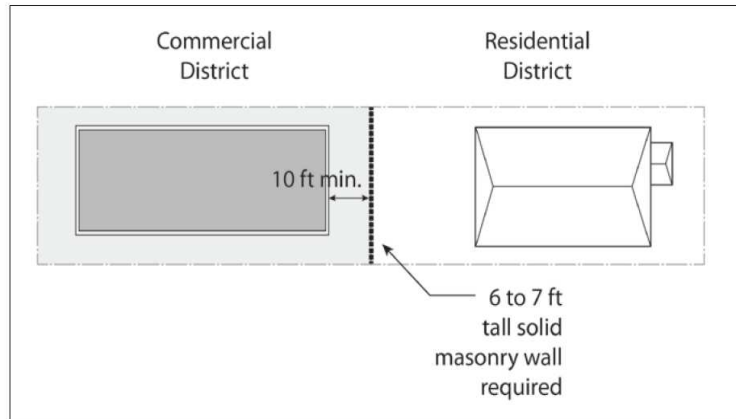
Figure 2.6



b. *Fences and yards.* Where a parcel in a commercial district is adjacent to a residential district, a solid masonry wall not less than six (6) feet nor more than seven (7) feet in height shall be erected along such property line, as follows:

1. Where the district boundary is at a rear lot line that is not on a right-of-way line, the wall shall be on that line.

Figure 2.7



2. Where the district boundary is on a side lot line that is not on a right-of-way line, the required wall shall be on, or parallel with, such side lot line. Such wall shall be reduced in height to three (3) feet when next to the required front yard of the adjacent residential district.

Figure 2.8

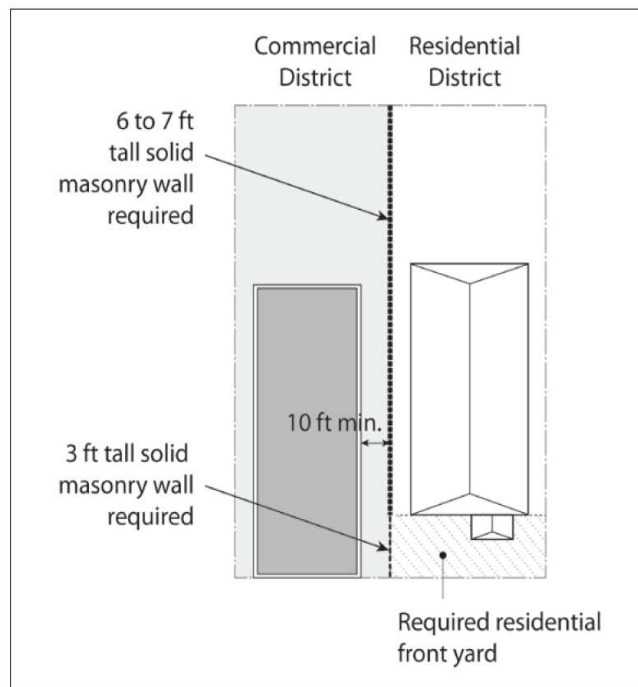
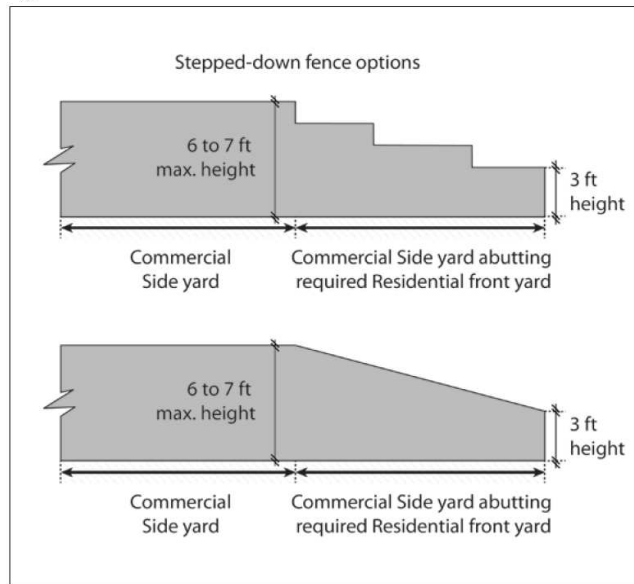
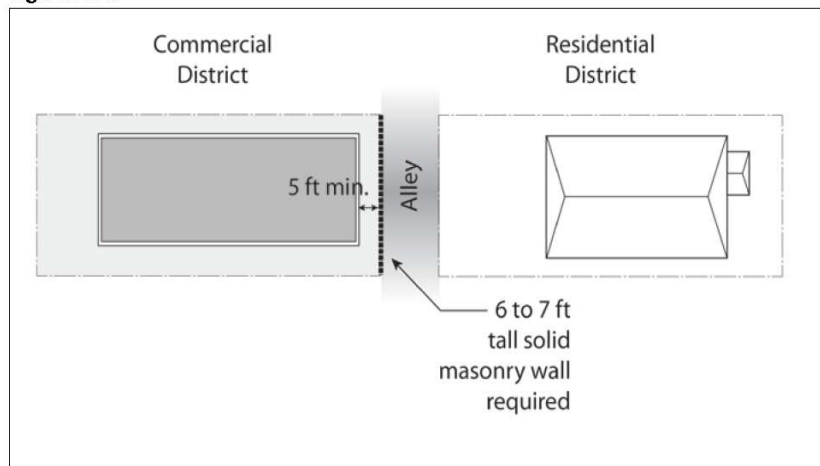


Figure 2.9



3. If the district boundary is an alley, the wall shall be along the length of the commercial property line against the alley. No driveway openings into the alley are allowed.

Figure 2.10

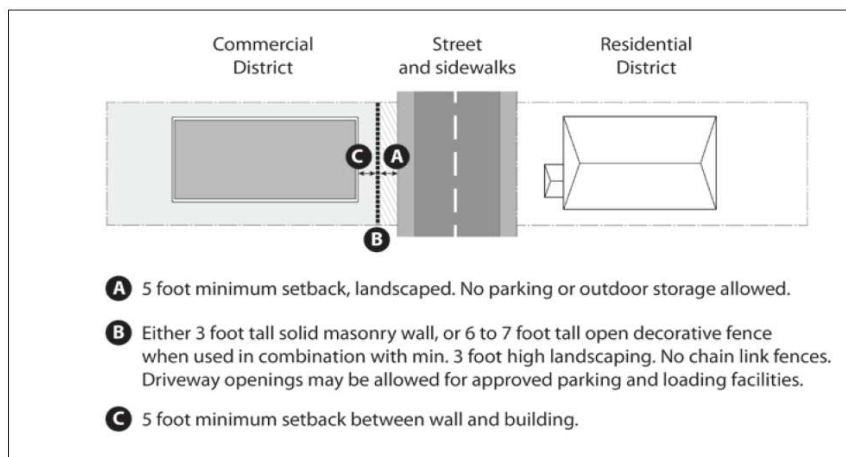


4. Exception: If the district boundary is a street, any wall constructed along such street in the Commercial District shall be set back from the property line a distance of five (5) feet. Such walls may include solid masonry walls of three (3) feet in height, or open decorative fences between six (6) and seven (7) feet in height provided that landscaping of minimum three (3) feet height is in place at the start of operations. Chain link fences are not allowed. The space between the wall and the property line shall be landscaped and maintained, and no parking and outdoor storage shall be allowed. Driveway openings may be allowed into the street for approved parking and loading facilities. Structures shall be set back at least an additional five (5) feet from the wall. Outdoor storage is allowed within the setback between the wall and the structure, provided that it is screened from public view.
- (3) *Pedestrian access between adjacent commercial developments.* If a commercial property shares a property line with another commercial property, pedestrian access shall be provided at

the shared property line, to allow for increased walkability and connectivity between commercial properties.

- (4) *Increased yard for commercial properties adjacent to Residential Districts.* If a commercial property shares a property line with a Residential district, there shall be minimum yard setback of ten (10) feet on the commercial property from the shared property line. If a commercial property is across an alley or street from a Residential district, there shall be an additional minimum yard setback of five (5) feet for any structure on the commercial property, measured from the required wall set back from the subject property line.
- (5) *Increased yard for certain institutional uses.* Any building erected or used for a school, government, or other institutional use mentioned elsewhere in this title, shall be located at least fifteen (15) feet from a Residential 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.

Figure 2.11



- (6) *Downtown design guidelines.* Development in commercial properties that are within the Downtown Overlay District are also subject to the Downtown Overlay District and Downtown Design Guidelines.
- (7) *Pedestrian connections.* Pedestrian ways five (5) feet or more in width may be required:
 - a. To connect all buildings on the site to one another, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.
 - b. Through the middle of blocks that are more than 600 feet in length;
 - c. To connect cul-de-sac or dead-end streets;
 - d. To provide access to other community facilities such as shopping centers; and/or
 - e. To provide access to trails or bikeways shown in the General Plan.
 - f. All outdoor walkways shall be illuminated in accordance with the requirements of Section 9-4.206, Lighting and Illumination, of this title.
 - g. All sidewalks shall conform to the requirements of Title 7, Chapter 2, Sidewalks, Crosswalks, Curbs, Gutters and Driveways, of the Municipal Code. Street trees shall be provided per the requirements of Title 7, Chapter 3, Trees and Shrubs, of the Municipal Code.
 - h. 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

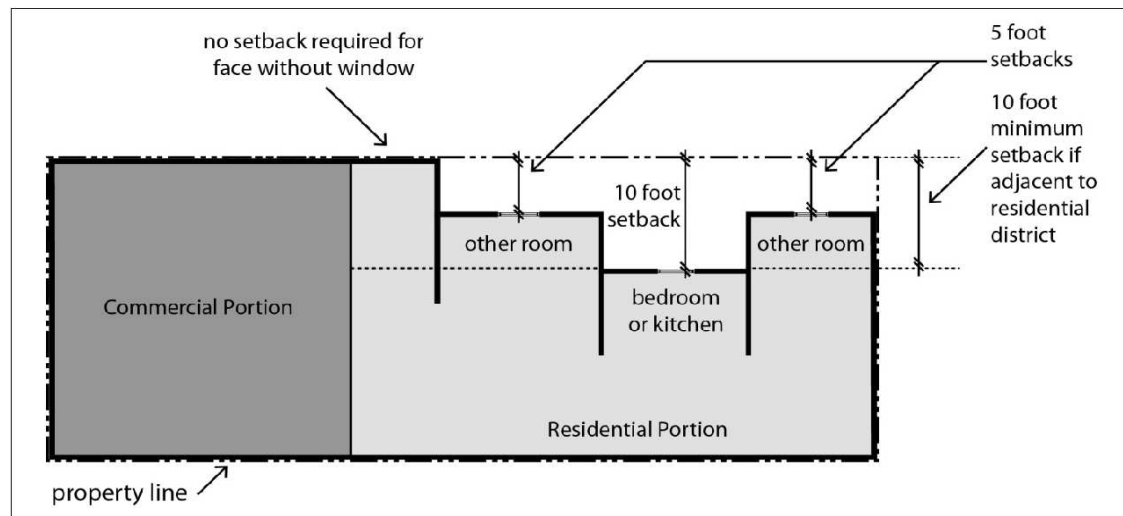
different paving material, or another method. Where a required walkway is parallel and adjacent to an auto travel lane, it shall be raised or separated from the auto travel lane by a raised curb at least four (4) inches high, bollards, or other physical barrier.

(c) *Mixed-Use standards.* In the Mixed-Use district, residential uses may be permitted if all of the following conditions are met:

- (1) *Residential uses ancillary.* Residential land uses are required to be ancillary to a primary commercial use on the subject site(s). Residential-only developments are prohibited in the Mixed-Use district.
- (2) *Area of residential land uses.* The combined area of all ground floor residential land uses, which includes residential buildings and residential-only parking areas, shall occupy less than fifty (50) percent of the site's total land area.
- (3) *Location of residential units.* Residential units are permitted at the side, rear and/or above the commercial uses.
- (4) *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.
- (5) *Pedestrian connections.* Pedestrian ways five (5) feet or more in width may be required:
 - a. To connect all buildings on the site to one another, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.
 - b. Through the middle of blocks that are more than 600 feet in length;
 - c. To connect cul-de-sac or dead-end streets;
 - d. To provide access to playgrounds, parks, schools, shopping centers, or similar community facilities; and/or
 - e. To provide access to trails or bikeways shown in the General Plan.
 - f. All outdoor walkways shall be illuminated in accordance with the requirements of Section 9-4.206, Lighting and Illumination, of this title.
 - g. All sidewalks shall conform to the requirements of Title 7, Chapter 2, Sidewalks, Crosswalks, Curbs, Gutters and Driveways, of the Municipal Code. Street trees shall be provided per the requirements of Title 7, Chapter 3, Trees and Shrubs, of the Municipal Code.
 - h. 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 another 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.
- (6) *Usable open space.* A minimum of 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.
- (7) *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 to the residential portion of the building(s). In any case in which an interior yard is also adjacent to a Residential district boundary, 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.

Figure 2.12



([Ord. No. 776](#), § 1(Exh. A), eff. 9-5-2014)