

Minutes
CITY COUNCIL/SUCCESSOR
AGENCY/PUBLIC FINANCE AUTHORITY
MEETING AGENDA
December 18 2013

1. CALL TO ORDER

Mayor Lander called the meeting to order at 6:05 PM.

Council Members Present: Garcia, Ramsey, Lander (Oxborrow, Keough Absent)

Planning Commissioners Present: Sailer, Hill, Jorgens, Papietro, Stoppenbrink

Others present: City Manager Rene Ramirez, City Clerk Wanda Earls

City Manager Ramirez said a major issue has occurred with our server. The City has been down and unable to conduct regular business because the server needs to be replaced. Fiscal impact is approximately \$32,000, with \$23,700 related to the General Fund operations. The non-General Fund operations will be charge based on the information provided. The departments of police, water, fire, city yard, finance, administration, HR, Council and Claremont require necessary software and hardware replacements.

*Motion to Add Emergency Item recommending the appropriation of \$32,000 to replace the City's main server and necessary software/hardware Made by Council Member Garcia, Seconded by Council Member Ramsey. Motion **Approved** by a Roll-call 3/0 Vote: Garcia, Ramsey, Lander (Oxborrow, Keough Absent)*

*Motion to Expend Approximately \$32,000 from the General Capital Fund 140 for the replacement of the City's Main Server and Necessary Software and Hardware Made by Council Member Garcia, Seconded by Council Member Ramsey. Motion **Approved** by a Roll-call 3/0 Vote: Garcia, Ramsey, Lander (Oxborrow, Keough Absent)*

2. AWARDS, PRESENTATIONS, APPOINTMENTS AND PROCLAMATIONS (NONE)

3. CITIZEN COMMENTS

4. PUBLIC HEARINGS (NONE)

5. CONSENT CALENDAR (NONE)

6. ORDINANCE PRESENTATION, DISCUSSION AND POTENTIAL ACTION ITEMS

1. Discussion of Zoning Ordinance Update

Sean Brewer, Assistant Community Development Director

Assistant Community Development Director Sean Brewer:

Staff is seeking Council comments and direction regarding the working draft of the Zoning Code Update which the Planning Commission, staff and the City's Consultant's (M-Group) have been preparing and discussing.

Staff understands there is a lot of information to review and we will attempt to get through as much of the next chapters as possible and if a subsequent workshop is needed we will plan to schedule another to

complete discussions prior to the release of an official public review draft.

Geoff O Bradley, AICP, Principal, Metropolitan Planning Group stated the reason for making this presentation is so everybody is on the same page. A PowerPoint presentation was given on the following:

Chapter 1 - Introduction

Chapter 2 - Base Zoning Districts

Chapter 3 - Special Districts and Overlays

Chapter 4 - Additional Use and Development Regulations

Chapter 5 - Standards for Specific Uses and Activities

Chapter 6 - Code Administration

Chapter 7 - Subdivisions

Chapter 8 - Floodplain Management

The goal is to insure that everybody is on the same page

Assistant Community Development Director Sean Brewer asked for questions on the following:

Chapter 1 - no questions

Chapter 2 - City Manager Ramirez asked for Sean to explain modern code.

Mr. Brewer explained that the Code is very old and no longer applies to present day. Tools are built into the Code.

A question is will staff be able to handle some decisions at administrative level?

Mayor Lander asked if there have been many changes from present code in reference to building codes.

City Manager Ramirez said the new code is simplified.

Mr. Brewer stated that in reference to Chapter 2, there are mixed use designations around town.

There was general discussion between Mr. Brewer, Council and MGroup on mixed use properties such as commercial on the bottom floor and living quarters on the top floor or commercial in front of building and residence in the back of building.

Mayor Lander said he would like to see the central core be the downtown area.

Vice Chairman Papietro said it is up to staff to promote the mixed use concept.

Mayor Lander asked it be made crystal clear in the Code as to commercial being on the ground floor and residence on the top floor.

Chapter 3 described 3-6 different overlay districts. Downtown area is a square on the map. It was discussed that downtown needs more Signage.

Areas in floodplain are Patricia and Roosevelt.

Mayor Lander said there are two Gateway areas; one is okay and one is not.

Chapter 3 - Special Districts and Overlays -no questions

Chapter 4 - Development Standards and Signage:

Commissioner Hill asked in reference to massive light shown - where does it fall in the Code?

Mr. Brewer indicated that Chapter 4 takes in the aspects of a development project to include landscaping, lighting and screening and groups them into a single go-to section under Development Standards.

Commissioner Hill asked about holiday lighting.

Mr. Brewer explained there is no specific code for holiday lighting. It is considered spill over lighting and if it is too bright, it could be classified as a general public nuisance.

Vice Chairman Papietro said if it were in the Code it would have to be enforced.

Mayor Lander said to let it lay until something happens.

Mr. Brewer said the sign ordinance warrants additional discussion due to First Amendment rights and free speech issues.

There was general discussion regarding signs and future enforcement.

Mr. Brewer said he is trying to find small town parking requirements.

Mayor Lander asked if anyone has been behind TACO Bell on Elm. The odor is substantial.

City Manager Ramirez said the Health Department used to inspect restaurants, etc. The odor is attributed to the grease traps.

Council Member Ramsey asked about grandfathering existing signs.

Council Member Garcia said portable signs should be advertising the opening of a business, etc.

There was continued discussion on "Signs":

Flashing and moving signs

Temporary Signs

Freedom of Speech Issues

Maximum number of signs

Measurement of signs

Double-faced and multi-faced signs

Material used for signs

Standards for gas station signs

Abandoned signs

Spotlight signs

Subdivision signs -new homes -24 months

Master Sign Program - Walgreen's

Commissioner Hill asked if the Code will be enforced. Will it be enforced by citation?

Mr. Brewer indicated the sign ordinance will be enforced when complete and approved. He is going to send out notifications to the businesses so they are aware of what is expected of them.

Chapter 5:

Commissioner Hill asked about swap meets. Is there flexibility as to location?

Mr. Brewer said it comes under temporary uses likes fairs, garage sales and carnivals.

Car lots and auto sales appear to be long term special events.

Mayor Lander said meeting was very good.

Mr. Brewer said he had some last minutes comments:

Driveways are an issue

Parking slab must have 5' set back. Code was confusing.

There are public utility easements.

There are some adjoining neighbors where a continuous driveway or adjoining driveways are present. Continuous concrete could be a problem because of utility easements and drainage problems..

Council Member Ramsey wants to see photographs of adjoining driveways.

Council Member Garcia said the Council can then discuss the issue.

Mr. Brewer said we should be ready to go for the public review after the first of the year, hopefully, January 2014. He will bring back to Council suggested changes on dual driveways. He will highlight changes for tonight. He will present to Planning and Council.

Mayor Lander said thank you to Planning Commissioners. He is aware of the huge amount of work you have done. It is highly appreciated. Also, staff continues to do a good job.

Enjoy your Holidays.

City Manager Ramirez announced the City will close at noon on Monday and be closed on Christmas Eve and Christmas Day.

7. ANNOUNCEMENTS

8. FUTURE AGENDA ITEMS

9. CLOSED SESSION (NONE)

10. ADJOURNMENT

Mayor Lander adjourned the meeting at 6:58 PM, PST.

Ron Lander, Mayor

City Clerk/Deputy Clerk

Date



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INTRODUCTION

Purpose and Intent

Definitions

Zoning Map & Zoning Districts

ARTICLE 1 PURPOSE AND INTENT

A. Objectives of the Zoning Ordinance

1. This Zoning Ordinance has been adopted to protect and promote the public health, safety and general welfare of the community and to implement policies contained in the Coalinga General Plan and any Specific Plans adopted pursuant to the General Plan. More specifically, the Zoning Ordinance is intended to:
 - a. Provide a precise guide to the physical development of the City in accord with the goals and policies expressed in the General Plan.
 - b. Promote the economic stability of existing land uses that are consistent with the development policies of the General Plan and protect them from intrusions by inharmonious or harmful land uses.
 - c. Ensure the provision of adequate open space for light, air and fire safety.
 - d. Reduce the risk of injury or exposure to hazards for people and property.
 - e. Permit the development of office, commercial, industrial, and related land uses that are consistent with the General Plan in order to strengthen the City's economic base.
 - f. Require the provision of adequate off-street parking facilities.
 - g. Improve the design and aesthetic quality of new construction.
 - h. Provide for the gradual elimination of land uses and structures that are inconsistent with the policies of the General Plan and which may adversely affect other property or uses.
 - i. Establish a consistent, thorough and timely public review process to ensure conformity with the provisions of this Title.
 - j. Promote a positive business climate by establishing consistent and logical land use regulations and requirements, permitting existing and prospective business establishments to understand such requirements.
 - k. Provide protection from excessive, unnecessary and unreasonable noise for all residents from any and all sources within the community.
 - l. Control the adverse effect of noise on the community.
 - m. Promote the construction of housing within Coalinga that is affordable to all economic segments of the population, including households of low and very low incomes.
 - n. Encourage affordable housing construction throughout the community, rather than concentrated within specific areas or neighborhoods.
 - o. Protect the visual character of the city and the health and safety of its residents.
 - p. Encourage the use of renewable energy in private and public buildings, for housing, commercial or business uses.
 - q. Set sustainable planning and building standards to achieve a greater quality of life for citizens, become less reliant on fossil fuels, and to reduce sources of pollution.

B. Guiding Principles

1. The General Plan is guided by the following principles:



- a. **Protect City Center:** Protect and enhance the Downtown as the City's commercial, civic, cultural and recreational center while acknowledging its historical qualities.
 - b. **Encourage Job Growth:** Encourage the expansion of existing businesses and actively seek to attract industries and businesses that create jobs and generate revenue for the City.
 - c. **Support Redevelopment:** Support new residential and commercial infill development on vacant land within the established City core and encourage re-use or redevelopment of underutilized parcels.
 - d. **Maintain City Control:** Maintain City control of land within, and adjacent to, the City's Sphere of Influence (SOI) through long range planning efforts to expand the SOI and oppose urban scale development outside the City limits.
 - e. **Support Educational, Medical and Airport Facilities:** Encourage, support and expand high quality educational, medical and airport facilities needed to meet the needs of the City's expanding resident and tourist population.
 - f. **Provide Housing Type Diversity:** Provide a diversity of housing types and lot sizes within the City to enable citizens from a wide range of economic levels and age groups to live within its boundaries.
 - g. **Accommodate Growth:** Provide an adequate land supply within the Sphere of Influence to accommodate a build-out population of 19,103 by the year 2020.
 - h. **Protect Future Urbanization Areas:** Identify Future Urban Areas outside the SOI that are anticipated for urbanization beyond the 2020 time frame of the current General Plan.
 - i. **Promote Smart Growth Objectives:** Establish sustainable development guidelines that encourage compact neighborhood design which offers a mix of uses within close proximity.
2. **Sustainability.** The Zoning Ordinance is also in line with the 12 Smart Growth Principles of the San Joaquin Valley Blueprint, a regional planning process to promote integrated planning for land use, infrastructure, and the environment. The Blueprint is a joint initiative of the San Joaquin Valley Council of Governments, representing the region's eight Counties including Fresno County, the San Joaquin Valley Air Pollution Control District, and the Great Valley Center.
- a. Create a range of housing opportunities and choices;
 - b. Create walkable neighborhoods;
 - c. Encourage community and stakeholder collaboration;
 - d. Foster distinctive, attractive communities with a strong sense of place;
 - e. Make development decisions predictable, fair, and cost-effective;
 - f. Mix land uses;
 - g. Preserve open space, farmland, natural beauty, and critical environmental areas;
 - h. Provide a variety of transportation choices;
 - i. Strengthen and direct development towards existing communities;
 - j. Take advantage of compact building design;
 - k. Enhance the economic vitality of the region; and
 - l. Support actions that encourage environmental resource management.

C. Nature of the Zoning Ordinance



1. The Zoning Ordinance consists of a separate Zoning Map designating certain Zoning Districts on real property and a set of regulations known as the Zoning Ordinance. The Zoning Ordinance establishes regulations, requirements and standards including but not limited to: controlling the uses of land, the density of population, the uses and locations of structures, the height and bulk of structures, open spaces surrounding buildings, the areas and dimensions of lot areas and building sites, the location, size, and illumination of signs, and requiring the provision of usable open space, screening and landscaping, off-street parking and loading facilities.

D. Interpretation

1. In the interpretation and application, the provisions of this Title shall be held to be minimum requirements. No provision of this Title is intended to abrogate, repeal, annul, impair or interfere with any existing ordinance of the City of Coalinga, except as is specifically repealed herein, provided that where this ordinance imposes a greater restriction on the use of land or structures or the height or bulk of structures, or requires greater open space about structures, or greater dimensions, than is imposed or required by an existing ordinance, this Title shall control.
2. All words in the present tense shall include the future tense. All words in the singular number shall include the plural number, and all words used in the plural number shall include the singular number, unless the natural construction of the wording indicates otherwise.
3. The word "shall" is mandatory.
4. The word "City" shall mean the City of Coalinga, Fresno County, California. The words "City Council" shall mean the City Council of the City of Coalinga. The words "Planning Commission" shall mean the Planning Commission duly appointed by the City Council. The words "City Clerk" shall mean the City Clerk of the City of Coalinga, the word "Community Development Director" shall mean the Community Development Director of the City of Coalinga. "City staff" shall mean Community Development Department staff unless otherwise specified.
5. If a particular land use is not listed as either a permitted or conditional use in the land use table for any of the Zoning Districts listed in this Title, it is to be considered a use that is not allowed in that district, unless it is determined to be allowed under the provisions of Chapter 6, Article 3, Determination of Unspecified Uses.
6. The Community Development Director shall have the authority to interpret the meaning of the Zoning Ordinance in the event of uncertainty, pursuant to Chapter 6, Article 1.B, Interpretation by Community Development Director.
7. This Title is not intended to abrogate, annul, impair, interfere with any deed restriction, covenant, easement, or other agreement between parties, provided that where this Title imposes a greater restriction on the use of land or structures or the height or bulk of structures, or requires greater open spaces about structures or greater dimensions of sites than is imposed or required by deed restriction, covenant, easement or other agreement, this Title shall control.

E. Zoning Districts

1. Zoning Districts enable the implementation of the goals and policies of the General Plan by dedicating land to particular uses and regulating the construction and use of buildings and structures, consistent with the General Plan.
2. Overlay Districts are designed to complement Zoning Districts when necessary to address specific uses and orient development to better fulfill the goals of the General Plan, notably to address historic and environmental preservation, economic development, as well as safety and welfare of the population.



3. The following Zoning Districts are hereby established:

TABLE 1: ZONING DISTRICTS			
General Plan Land Uses	Zoning Districts	Zoning Code Abbr.	Dwelling Units/Acre
BASE DISTRICTS			
Agriculture/Rural/ Conservation Districts	Agriculture	AG	Max 1 du/20 ac
	Open Space/Conservation	OS	
Residential Districts	Residential Ranchette	RR	0 – 0.1 du/ac
	Residential Estate	RE	>0.1 – 2 du/ac
	Residential Single Family	RSF	>2 – 5 du/ac
	Residential Traditional Neighborhood	RT	Max 5 du/ac
	Residential Medium Density	RMD	Max 15 du/ac
	Residential High Density	RHD	Max 25 du/ac
Commercial and Mixed Use Districts	General Commercial	CG	
	Retail Centers	CR	
	Service Commercial	CS	
	Mixed-Use	MX	Max 15 du/ac
Industrial Districts	Light Manufacturing/Business	MBL	
	Heavy Manufacturing/Business	MBH	
Public and Open Space Districts	Public Facilities	PF	
	Recreation	REC	
SPECIAL / OVERLAY DISTRICTS			
Special Districts/Overlays	Planned Development Overlay	- PD	
	Downtown District Overlay	- D	
	Flood Hazard Overlay	- FH	
	Gateway Overlay	- GW	
	Master Plan Overlay	- MP	
	Resource Extraction Overlay	- RSE	
	Habitat Conservation Plan Overlay	- HCP	

F. District Boundaries

1. Wherever any uncertainty exists as to the boundary of a district as shown on the Zoning Map, the following regulations shall control:
 - a. Where a boundary line is indicated as following a street, alley, or watercourse, it shall be construed as following the centerline thereof.
 - b. Where a boundary line follows or coincides approximately with a lot line or a property ownership line, it shall be construed as following the lot line or property ownership line.
 - c. Where a boundary line is not indicated as following a street or alley and does not follow or coincide approximately with a lot line or property ownership line, the boundary line shall be determined by the use of the scale designated on the Zoning Map.
 - d. Where further uncertainty exists, the Planning Commission, upon written application or on its own motion, shall determine the location of the boundary line in question, giving due consideration to the location indicated on the Zoning Map and the objectives of the Zoning



Ordinance set forth in the District regulations.

G. Conformity Required

1. No site or structure shall be used or designated for use for any purpose or in any manner other than in conformity with the regulations for the district in which the site or structure is located.
2. No structure shall be erected and no existing structure or use shall be moved, altered, or enlarged except in conformity with the regulations for the district in which the structure or use is located.
3. No yard space provided in compliance with the regulations for the district in which it is located shall be deemed to provide a yard space for any other structure, and no yard or usable open space on one site shall be deemed to provide a yard or usable open space for a structure on any other site.
4. No yard, court, or usable open space shall be used, encroached upon, or reduced in any manner except in conformity with the regulations for the district in which the yard, court, or open space is located, unless a variance is obtained pursuant to Chapter 6, Article 7, Variances.
5. No lot held in one ownership at the time of the adoption of this Title or at any time thereafter shall be reduced in any manner below the minimum area, frontage, width, or depth prescribed for the Zoning District in which the lot is located, unless a Variance is obtained pursuant to Chapter 6, Article 7, Variances.

H. Compliance with CEQA and California Planning & Zoning Laws

1. The administration of this Title is subject to the requirements of the planning and zoning laws of the State of California and the California Environmental Quality Act, including applicable regulations found in the California Code of Regulations, and procedures established by resolution of the City Council.



ARTICLE 2 DEFINITIONS

Abandoned. A use that has ceased or a structure that has been vacated for a time period as specified in this Title. 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.

Accessory Building. See *Building, Accessory*.

Accessory Dwelling Unit. See *Second Dwelling Unit*.

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. Contiguous, having a common border, boundary, or lot line. Lots or parcels of land that touch at corners only shall not be deemed adjacent. Includes properties directly across an alley.

Adjoining. See “adjacent”.

Adult-Oriented Business. An establishment or concern that, as a regular and substantial course of conduct, offers, sells or distributes adult-oriented merchandise, or that offers to its patrons materials, products, merchandise, services, entertainment or performances that have sexual arousal, sexual gratification, and/or sexual stimulation as their dominant theme, or are characterized by an emphasis on specified sexual activities or specified anatomical areas and are not customarily open to the general public because they exclude minors by virtue of their age. This classification does not include any establishment offering professional services conducted, operated, or supervised by medical practitioners, physical therapists, nurses, chiropractors, psychologists, 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. See Chapter 5, Article 1.B, Adult-Oriented Businesses.

Affordable housing. Residential units for rent or sale which are intended for or restricted to households of very low, low and moderate income as defined by Sections 50079.5, 50093 and 50105 of the Health and Safety Code.

Agriculture. The art, science or practice of cultivating the ground, harvesting the crops, rearing and management of livestock, tillage, husbandry, farming, horticulture, and forestry.

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.

Aircraft Sales, Services and Storage. Uses related to the rental, sales, manufacturing, maintenance, repair and storage of aircraft.

Alley. A public or private vehicular way typically providing a secondary means of access to adjoining property, and not meant to provide a through traffic route, the longitudinal boundaries of which are defined by property lines or easements.



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.

Americans with Disabilities Act (ADA). United States Public Law 101-336, 104 Stat. 327 (July 26, 1990), codified at 42 U.S.C. Section 12101 et seq.

Ancillary. Accompanying, auxiliary.

Animal Keeping. The raising of animals as an accessory use to a primary residential use. See Chapter 5, Article 1.D, Animal Keeping.

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. It includes the raising of livestock, poultry and fish.

Animal-Related Terms.

Animal Husbandry. The care and breeding of domestic farm animals such as cattle, hogs, sheep and horses.

Household Pet. Any domesticated 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, bird, rodent (including a rabbit), fish, reptile or turtle, to the extent allowed by California Law.

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.

Livestock. Any domestic animals such as cattle, horses, donkeys, mules, burros, sheep, hogs, or goats. Includes fish.

Pet Stores. Retail sales of animals and/or services, including grooming, for animals on a commercial basis. This classification excludes dog walking and similar pet care services not carried out at a fixed location, and excludes pet supply stores that do not sell animals or provide on-site animal services.

Veterinary Services. Medical care for small animals on a commercial basis. This classification allows twenty-four (24) hour accommodation of animals receiving medical or grooming services but does not include kennels.

Apartment. A multiple residence with three or more units, in which residential units are rented for a month or longer. See also *Residence, multiple*.

Area, Gross. The horizontal area within the boundaries of a lot or site including any area for future streets, parks, and other dedications.

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.

Assembly plant. A plant with an arrangement of machines, tools and workers assembled in a particular sequence along a direct line or route.

Authority. The appropriate person, official, or body designated to hear, grant, deny, modify, condition, revoke permits required by the Coalinga Zoning Ordinance.

Automobile/Vehicle Sales and Services.

Automobile/Vehicle Rentals. Rental of automobiles, including storage and incidental maintenance.



Automobile/Vehicle Sales and Leasing. Sales or leasing of automobiles, boats, motorcycles, trucks, and motor homes, including storage and incidental maintenance.

Automobile/Vehicle Repair, Major. Repair of automobiles, trucks, motorcycles, motor homes, boats and recreational vehicles, including the sale, installation, and servicing of related equipment and parts, generally on an overnight basis. This classification includes auto repair shops, body and fender shops, transmission shops, wheel and brake shops, auto glass services, and tire sales and installation, but excludes vehicle dismantling or salvaging and tire retreading or recapping.

Automobile/Vehicle Service and Repair, Minor. The service and repair of automobiles, light-duty trucks, boats, and motorcycles, including the sale, installation, and servicing of related equipment and parts. This classification includes quick-service oil, tune-up and brake and muffler shops where repairs are made or service provided in enclosed bays and no vehicles are stored overnight. This classification excludes establishments providing engine repair, body and fender work, vehicle painting, or towing. It also excludes repair of heavy trucks or construction vehicles.

Automobile/Vehicle Washing. Washing, waxing, or cleaning of automobiles or similar light vehicles, including self-serve washing facilities.

Large Vehicle and Equipment Sales, Service and Rental. Sales, servicing, rental, fueling, and washing of large trucks, trailers, tractors, and other equipment used for construction, agricultural, or landscape gardening activities. Includes large vehicle operation training facilities. Sales of new or used automobiles or trucks are excluded from this classification.

Service Station. Establishments primarily engaged in retailing automotive fuels or retailing these fuels in combination with activities, such as providing repair services; selling automotive oils, replacement parts, and accessories; and/or providing food services.

Towing and Impound. Establishments primarily engaged in towing light or heavy motor vehicles, both local and long distance. These establishments may provide incidental services, such as vehicle storage and emergency road repair services. (For automobile/dismantling, see Salvage Yards)

Balcony. A platform that projects from the wall of a building thirty (30) inches or more above grade.

Bakery. A shop where baked goods are made and/or sold.

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 1789.31. 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.

Bar. A commercial establishment at which alcoholic beverages are prepared and served for on-site consumption.

Base District. A Zoning District that includes use, height, bulk, space, and development standards for the regulation of development in a particular area.

Bed and Breakfast. A residence or commercial building with six or fewer rooms, serving meals to registered guests for accommodation of travelers staying fewer than 30 days.



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. All property fronting upon one side of a street, between intersecting and intercepting streets, or between a street and a railroad right-of-way, waterway, dead-end street or unsubdivided land.

Blockface. All property between two (2) intersections that fronts upon a street or is adjacent to a public right-of-way.

Boardinghouse. A residence where lodging or meals are provided to persons renting rooms for a month or longer.

Building. Any structure enclosed by a roof and by walls on three or more sides, and having a fixed location upon the ground.

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 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).

Building, Accessory. A subordinate building, the use of which is incidental to that of the main building on the same lot.

Building, Main. The building in which the principal use on a lot is conducted.

Building Official. The Building Official is the City Manager or his or her designee. The Building Official is under general administrative direction, to manage and coordinate the activities of the building and inspection functions of the City; to assume responsibility for implementing City activities related to setting and ensuring compliance with building standards including plan check, inspection and zoning matters. Work may be conducted by the Building Official or his or her division staff.

Business. A commercial use involving the purchase, sale or other transaction involving the handling or disposition of any article, service, substance or commodity for livelihood or profit; or the management of offices, structures and premises; or the maintenance and use of recreational or amusement enterprises; or the maintenance and use of offices and facilities by professions and trades rendering service.

Business Office. A building or part of a building in which one or more persons are employed primarily in the administration, management, or conducting of a business, sometimes incidental to other business activities.

Business Services. Establishments that primarily provide goods and services to other businesses on a fee or contract basis, including printing and copying, blueprint services, computer services, data processing, accounting



and bookkeeping, 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.

Café. See *Eating and Drinking Establishments*.

California Environmental Quality Act (CEQA). State law, pursuant to California Public Resources Code Section 21000 et. seq. or any successor statute, that requires public agencies to document and consider the environmental effects of a proposed action before a decision.

Card Room. An establishment where legal gambling is conducted.

Caretaker. A person, living on-site, who is the owner, manager or any employee with responsibility for security, care of people, animals, equipment or other conditions on the property.

Caretaker Residence. A living unit provided for an on-site caretaker.

Carport. An accessory structure that is roofed but permanently open on at least two (2) sides and maintained for the storage of motor vehicles.

Car Wash. An establishment with mechanical facilities for washing motor vehicles including self service operations.

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.

Cinema/Theaters. Facilities for indoor display of films, motion pictures, or dramatic, musical, or live performances. This classification may include incidental food and beverage services to patrons.

Large-scale. This classification includes large outdoor facilities such as amusement and theme parks, casinos, sports stadiums and arenas, racetracks, amphitheatres, drive-in theaters, driving ranges, golf courses, and facilities with more than ten thousand (10,000) square feet in building area, including fitness centers, gymnasiums, handball, racquetball, or large tennis club facilities; ice or roller skating rinks; swimming or wave pools; miniature golf courses; bowling alleys; archery or indoor shooting ranges; riding stables; campgrounds; or stables. 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.

City. The City of Coalinga, California.

City Council. The City Council of the City of Coalinga.

City Engineer. The City Engineer of the City of Coalinga.

Clubs and Lodges. Meeting, recreational, or social facilities of a private or nonprofit organization or association primarily for use by members or guests. This classification includes union halls and social clubs.

Cocktail Lounge. A bar or area serving primarily alcoholic beverages, within a restaurant.

Code Enforcement Officer. A Code Enforcement Officer is defined under Section 2-4.113 of the City of Coalinga Municipal Code.

Coffee Shop. See *Eating and Drinking Establishment*.

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.

Commercial Entertainment and Recreation. Provision of participant or spectator entertainment to the general public.

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. See Section 4-4.801 to 4-4.807 of the City of Coalinga Municipal Code.

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.

Community Development Director. The Community Development Director is the City Manager or his or her designee. The Community Development Director is under general administrative direction, to plan, direct, manage, and oversee the planning functions of the City; to assume responsibility for the enforcement of zoning, subdivision, and land use laws, ordinances, and regulations in accordance with the general plan; to provide consultation on planning issues to the City Council, Planning Commission, and other boards and advisory committees; and to do related work as required. Work may be conducted by the Community Development Director and his or her department staff.

Condominium. An estate in real property consisting of an undivided interest in common in a portion of a parcel of real property, together with a separate interest in space in a residential or commercial building, such as an apartment or an office building. A condominium may include in addition a separate interest in other portions of such real property. Condominium, also refers to townhouses, cooperative housing, and similar residential developments.

Compatible. That which is harmonious with and will not adversely affect surrounding buildings and/or uses.

Condition of Use. A development standard determined to be necessary to permit the harmonious classification of a use as listed in a district and therefore a prerequisite to place, or for application to place, such use as classified.

Conditionally Permitted. Permitted subject to approval of a Conditional Use Permit or Site Plan Review.

Construction. Construction, erection, enlargement, alteration, conversion or movement of any building, structures, or land together with any scientific surveys associated therewith.

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

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 Fresno, California.

Courtyard. An open, unoccupied space, unobstructed to the sky, other than a yard, on the same lot with a building or group of buildings and which is bounded on three or more sides by such building or buildings.

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, vineyards and ancillary wineries and distilleries.

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.

Day Care, Commercial. A facility that regularly provides care, protection, and supervision for any number of persons as a principal business use of the site.

Day Care, Institutional. A facility that regularly provides care, protection, and supervision for any number of persons, and is operated in conjunction with and on the same site as a public or private school, church or other institutional use which is permitted and established in the district.

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.

Family Day Care: Small. A facility or home that for compensation regularly provides care, protection and supervision for six (6) or fewer children, not necessarily related to the caregiver in the caregiver's own home for periods of less than 24 hours per day, while the parents or guardians are absent. Children under the age of ten (10) years who reside at the home shall be included when counting the number of children taken care of in the house (Health and Safety Code Section 1596.78(c)). See Chapter 5, Article 1.I, Family Day Care Homes.

Family Day Care: Large. A facility or home that for compensation regularly provides care, protection and supervision for up to twelve (12) children, not necessarily related to the caregiver in the caregiver's own home for periods of less than 24 hours per day, while the parents or guardians are absent. Children under the age of 10 years who reside at the home shall be included when counting the number of children taken care of in the house (Health and Safety Code Section 1596.78(b)). See Chapter 5, Article 1.I, Family Day Care Homes.

Deck. A platform, either freestanding or attached to a building, that is supported by pillars or posts. See also *Balcony*.

Delicatessen. A shop that sells and/or serves cooked or prepared foods ready for eating.

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.

Density Bonus. An increase in the total number of dwelling units allowed per acre, potentially above and beyond that allowed by the Coalinga General Plan for the given district.

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 Coalinga and a developer(s) that delineates the terms and conditions agreed upon by two (2) or more parties.

Developmentally Disabled Rehabilitation Facility. See *Residential care facility*.

Disabled-Inoperative Vehicle. Any vehicle unable to run under its own power, unlicensed, or determined to be unsafe to operate. See Sections 5-1.01 to 5-1.15 of the City of Coalinga Municipal Code.



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. A vehicular access within private property leading from a public or private street to the principal structure, residence, garage, carport or parking area See Chapter 4, Article 3, Off Street Parking and Loading for requirements.

Dwelling Unit. A room or suite of rooms including one (1) and only one (1) kitchen, and designed or occupied as separate living quarters for one (1) family. See also *Family*.

Easement. A portion of land created by grant or agreement for specific purpose; an easement is the right, privilege or interest which one (1) party has in the land of another.

Eating and Drinking Establishments. Businesses primarily engaged in serving prepared food and beverages 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/Cafés. Establishments that serve nonalcoholic beverages, such as coffee, tea, 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).

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.

Electric Vehicle Charging Station. A public or private parking space served by a battery charging station equipment with the primary purpose of transferring electric energy by conductive or inductive means to a battery or other energy storage device in an electric vehicle. An electric vehicle charging station is considered an accessory use and accessory structure on any property and shall conform to their respective requirements. A site with electric vehicle charging stations as a primary use shall be subject to the same requirements as a gas station, including signage requirements.

Charging Levels. *The standardized indications of electrical force or voltage at which an electric vehicle's battery is recharged.*

Level-1: slow charging at 0 through 120 volts.

Level-2: medium charging at over 120 to 240 volts.

Level-3 or higher: fast or rapid charging with over 240 volts.

Emergency. A sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services.

Environmental Impact Report (EIR). An Environmental Impact Report as required under the California Environmental Quality Act, Public Resources Code Section 21000 et. seq.



Facade. The exterior wall of a building exposed to public view or that wall viewed by persons not within the building. The portion of any exterior elevation of a building extending vertically from the grade to the top of a parapet wall or eave, and horizontally across the entire width of the building elevation.

Family. One or more persons occupying a premises and living as a single housekeeping unit or household (as distinguished from a group of transients occupying such premises), including residents of a boardinghouse or group home for persons with common disabilities or handicaps. Members of a "family" need not be related by blood, and shall include all necessary employees of such family.

Farmers' Market. A building, structure or site used to sell fruit and vegetables to the general public, typically on a weekly or occasional basis.

Fence. An artificially-constructed barrier of any material or combination of materials erected to enclose or screen an area of land. An open fence is one that is composed of at least 50 percent open spaces and no more than 50 percent solid materials. This includes wrought iron style or tubular steel fences. Solid fences are those that obstruct the view of objects on either side and may be made of masonry, wood, or other materials.

Feasible. Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

Feed Yard. A tract of land, structure, pen or corral, wherein cattle, horses, sheep, goats and swine are maintained for the purpose of fattening for final shipment to market.

Financial Institution. A bank, trust company, finance company, mortgage company, investment company or similar institution.

Firearms. Includes rifles, shotguns, revolvers, pistols, or any other device designed to be used as a weapon from which a projectile is expelled by the force of any explosion or other form of combustion. The frame, body and/or receiver also constitute firearms. (Certain provisions in the Penal Code also consider firearms to include rockets, rocket propelled projectile launcher, or similar devices containing explosive or incendiary material. See California Penal Code Sections 12001, 12025, and 12031.)

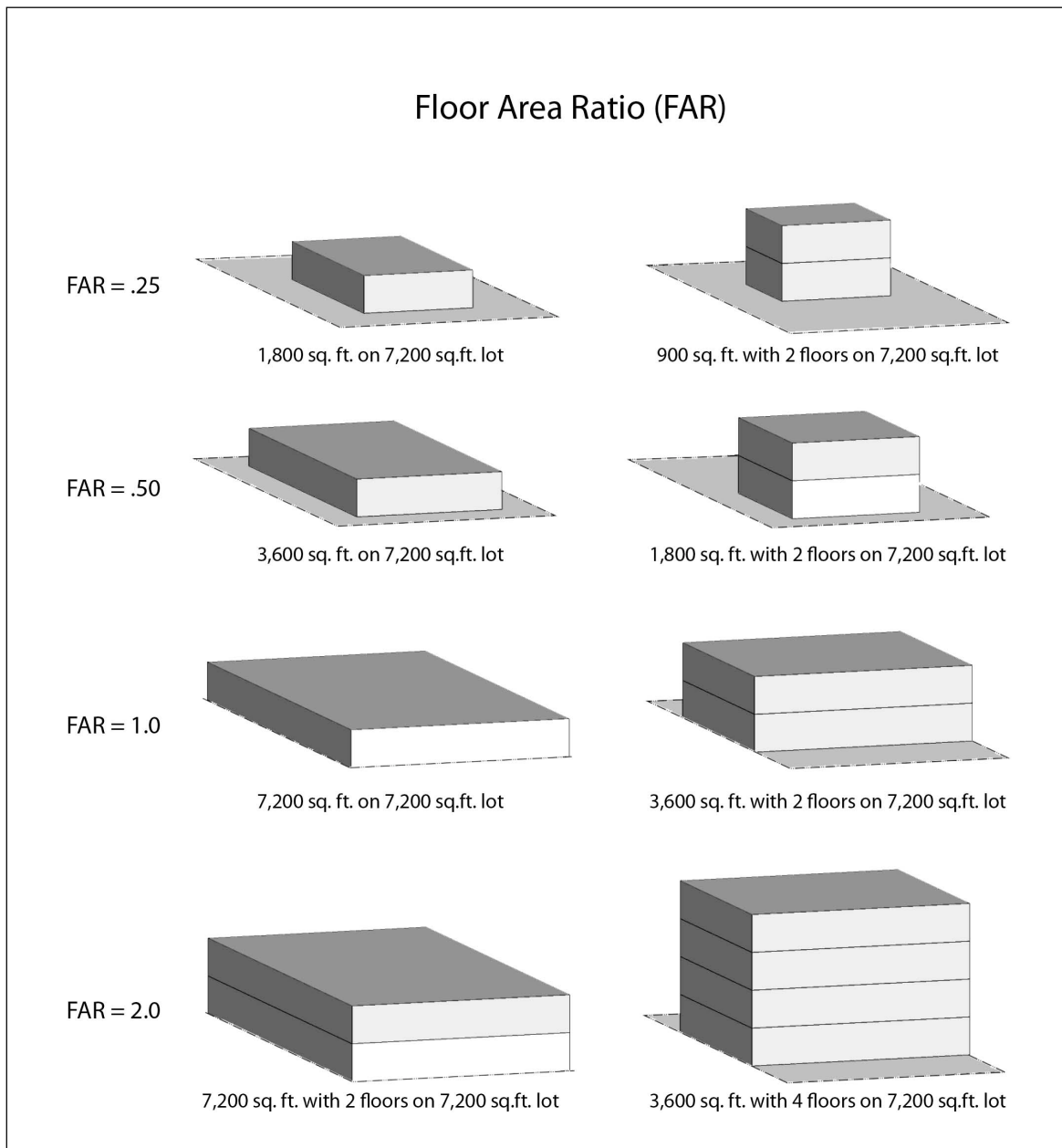
Flea Market. A building or open space area where individual sellers offer goods, new and used for sale to the public.

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.



Figure 1. 1



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.

Food Processing Plant. A facility that combines, processes, packages, and ships food from an enclosed or primarily enclosed warehouse.

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.



Foster Group Home. A household in which orphaned or delinquent children are placed typically by a social-service agency.

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

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.

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.

Garage. A building or portion of a building that is enclosed and roofed and designed for the storage of motor vehicles.

Garage Sale. Sale of secondhand items on private premises occupied for residential purposes. Includes yard sale, rummage sale, patio sale, estate sale, or any other sale offering personal property and similarly conducted on property occupied for residential purposes.

Gas Station. A retail establishment at which vehicles are fueled.

General Plan. The general plan of the City of Coalinga, including all of its elements.

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.

Golf Courses and Country Clubs. Golf courses, and accessory facilities and uses including: clubhouses with bar and restaurant, locker and shower facilities; driving ranges; shops for on-site sales of golfing equipment; and golf cart storage and sales facilities. Please refer to Chapter 5, Article 1.J, Golf Courses and Country Clubs.

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).

Grocery Store. A business primarily for the selling of food products.

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.

Group Home. 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, and Residential Care Facilities.

Guest House. Detached living quarters of a permanent type of construction and without kitchen or cooking facilities, for the use of which no compensation in any form is received or paid.

Guest Room. A room for the overnight accommodation of travelers for which compensation is received.

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

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.

Hazardous Waste Management Facility. A facility that stores, treats, or disposes of refuse designated as hazardous waste(s) by the Hazardous Waste Control Law (Health and Safety Code, Division 20, Chapter 6.5). Hazardous Waste Management Facilities must be permitted or granted authorization to operate from the California Department of Toxic Substances Control.

Health Club. A facility that includes but is not limited to: game courts, exercise equipment, locker rooms, a pool and a sauna.

Heat. Thermal energy of a radioactive, conductive, or convective nature.

Hedge. A row of closely planted shrubs or low growing trees forming a fence or boundary.

Height. The vertical distance from the highest point of any structure to the ground level directly below. See also Chapter 4, Article 2.E, Heights and Height Exceptions.

Highway. A major through street for vehicular travel. "Highway" includes street, connecting regional destinations.

Home Business. See *Home Occupations*.

Home Occupations. Any occupation conducted by a resident, entirely within a dwelling, where the use is clearly incidental and secondary to the residential use of the structure, and does not change the residential character of the neighborhood. See Chapter 5, Article 1.L, Home Occupations.

Hospitals and Clinics. State-licensed facilities providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons. This classification includes facilities for inpatient or outpatient treatment, including substance-abuse programs as well as training, research, and administrative services for patients and employees. This classification excludes veterinaries and animal hospitals (see Animal Care, Sales, and Services) and medical marijuana dispensaries.

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.

Household. A group of persons, which can include the members of 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.

Industry, General. Manufacturing of products from extracted or raw materials or recycled or secondary materials, or bulk storage and handling of such products and materials. This classification includes operations such as biomass energy conversion; food and beverage processing; textile mills; production apparel manufacturing; photographic processing plants; leather and allied product manufacturing; wood product manufacturing; paper manufacturing; chemical manufacturing; plastics and rubber products manufacturing; nonmetallic mineral product manufacturing; primary metal manufacturing; fabricated metal product manufacturing; recycling materials processing facilities in which post-consumer materials are sorted, condensed, baled, or transformed; and automotive, ship, aircraft, and heavy equipment manufacturing.

Industry, Limited. Establishments engaged in light industrial activities taking place primarily within enclosed buildings and producing minimal impacts on nearby properties. This classification includes operations such as manufacturing finished parts or products primarily from previously prepared materials; commercial laundries and dry cleaning plants; mobile home manufacturing; monument works; printing, engraving and publishing; computer and electronic product manufacturing; furniture and related product manufacturing; and industrial services.



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.

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

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.

Intermediate Care Facility. See *Residential care facility*.

Intersection, Street. The area common to two (2) or more intersecting streets.

Junkyard. A lot used for the sale or storage of junk, including scrap metals, salvage or other materials, or for the dismantling or wrecking of automobiles or other vehicles or machinery, whether for sale or storage.

Kitchen. Any room or space within a building intended to be used for the cooking or preparation of food.

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 and prevent 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.

Library. A building containing books and other media for public use.



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).

Liquor. Alcoholic beverages including but not limited to: all types of beer, wine, and distilled spirits or fruit juices containing at least one half of one percent or more of alcohol by volume.

Lighting Terms.

Foot-candle. A quantitative unit of measure for luminance. One (1) foot-candle is equal to the amount of light generated by one (1) candle shining on one (1) square foot surface located one (1) foot away. Equal to one (1) lumen uniformly distributed over an area of one (1) square foot.

Light Fixture. The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirrors, and a refractor or lens.

Light Fixture Cutoff. Light fixtures are classified as full cutoff, cutoff, semi-cutoff, or non-cutoff according to the most recent adopted criteria of the Illuminating Engineering Society of North America (IESNA). The four (4) IESNA classifications are defined as follows (IESNA 2000):

Full Cutoff. The luminous intensity (in candelas) at or above an angle of ninety degrees (90°) above nadir is zero (0), and the luminous intensity (in candelas) at or above a vertical angle of eighty degrees (80°) above nadir does not numerically exceed ten (10) percent of the luminous flux (in lumens) of the lamp or lamps in the luminaire.

Cutoff. The luminous intensity (in candelas) at or above an angle of ninety degrees (90°) above nadir does not numerically exceed two and one-half (2.5) percent of the luminous flux (in lumens) of the lamp or lamps in the luminary, and the luminous intensity (in candelas) at or above a vertical angle of eighty degrees (80°) above nadir does not numerically exceed ten (10) percent of the luminous flux (in lumens) of the lamp or lamps in the luminary.

Semi-Cutoff. The luminous intensity (in candelas) at or above an angle of ninety degrees (90°) above nadir does not numerically exceed five (5) percent of the luminous flux (in lumens) of the lamp or lamps in the luminary, and the luminous intensity (in candelas) at or above a vertical angle of eighty degrees (80°) above nadir does not numerically exceed twenty (20) percent of the luminous flux (in lumens) of the lamp or lamps in the luminary.

Non-Cutoff. There is no candela limitation in the zone above maximum candela.

Shielded Fixture. Outdoor light fixtures shielded or constructed so that light rays emitted by the lamp are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted.

Live/Work Unit. A building specifically designed to accommodate both a residence and the business activity of the resident in a single ownership or rental unit.

Lodge. A facility used by an association of persons, whether incorporated or not, united by some common interest, meeting periodically for cooperation or conviviality. See also *Club*.

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. A lot constitutes a legal entity for purposes of transfer of title, except



public easements or rights-of-way.

Lot Area. The total area circumscribed by the boundaries of a lot, excluding any street rights-of-way.

Lot Coverage. The portion of a lot that is covered by structures, including principal and accessory buildings, garages, carports, and roofed porches, but not including unenclosed and unroofed decks, landings, patios, or balconies. See also Chapter 4, Article 1.B, Determining Lot Area and Coverage.

Lot Depth. The average distance between the front and rear lot lines, measured at a right angle to the front lot line. See also Chapter 4, Article 1.D, Measuring Lot Width and Depth.

Lot Frontage. See *Frontage, Street*.

Lot Line. A property line separating adjoining properties or a property from an adjoining right-of-way.

Lot Line Types.

Front Lot Line. The lot line that is immediately next to 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.

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.

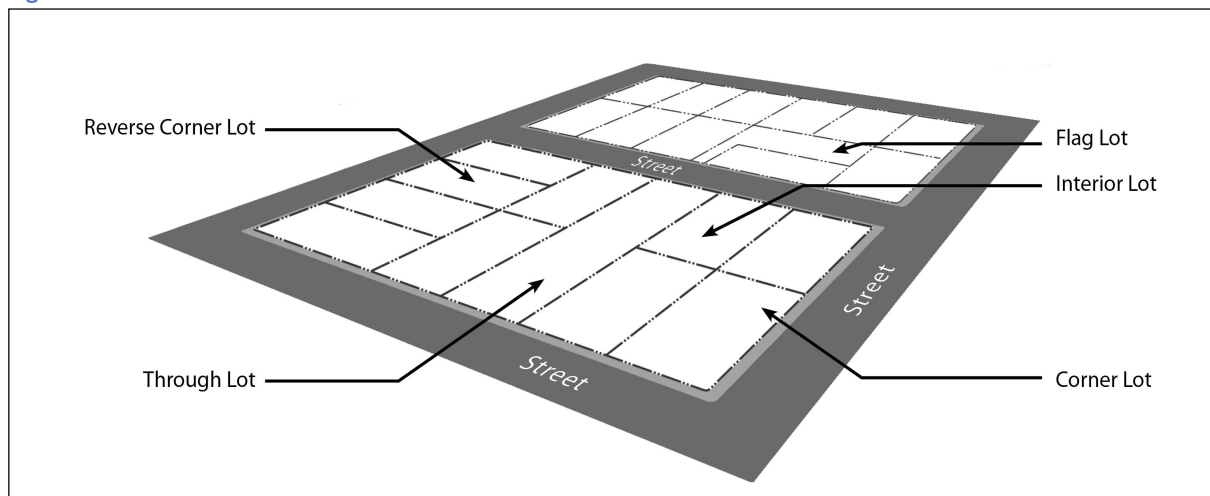
Lot, Reverse Corner. A corner lot, the rear of which abuts the side of another lot, and its side lot line being substantially a continuation of the front lot line of the lot directly to its rear.

Lot, Flag. A lot which has as its primary legal access from the highway through a narrow strip of land not suited for the typical subdivision development standards.

Lot, Interior. A lot or parcel of land other than a corner or flag lot.

Lot, Through. An interior lot having frontage on two (2) parallel or approximately parallel streets.

Figure 1. 2



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 Chapter 4, Article 1.D, Measuring Lot Width and Depth.

Maintenance and Repair of Structures. 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.

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).

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. (42 U.S.C. 5401, et seq.)

Modular Home. See *Manufactured Home*.

Manufacturing Plant. A facility used for making, preparing, treating or finishing goods or substances.

Medical Clinic. A building where two or more members of the medical profession including but not limited to: dentists, chiropractors, osteopaths, and physicians who provide diagnosis and treatment to the general public without overnight accommodations.

Medical Office. A building used by medical professionals including but not limited to: dentists, chiropractors, osteopaths, and physicians.

Medical Marijuana Dispensary. See *Title 5, Chapter 15 of the Coalinga Municipal Code*.

Mini Market. A store selling a small variety of grocery and sundry items, including drinks and prepared food, primarily for convenience shopping.

Mini Storage Facility. A facility for the storage of personal or business property of customers.

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. "Mobile home" 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.

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.

Mobile Vendor. Any person that sells, or causes or allows another, whether as an employee or as an independent contractor leasing or renting equipment, to sell any food, drinks or merchandise on any street, sidewalk, alley, or other public right of way, by means of a stand, wagon, pushcart, handcart, bicycle, motorized cart or other vehicle, or from a basket or other container carried on a person. Mobile vendors must obtain a business license from the City of Coalinga prior to the start of business operations. Mobile



Vendor shall not mean any person operating under a concession agreement or other agreement with the city as a party to the agreement. A mobile vendor is different from a peddler, who visits private residences to sell goods, as defined and regulated in Title 5, Chapter 9 of the Coalinga Municipal Code.

Mobile Vendor Vehicle. A truck, push-cart, bicycle, hand-cart, van, wagon, automobile, car, stand, table, or any other apparatus or device used by mobile vendors to sell their food, drinks or merchandise. Mobile Vendor Vehicle shall not include delivery vehicles used to transport food or drink from a store having a valid food permit to a customer's home or a vehicle transporting food or drink from a wholesale establishment to a retail outlet.)

Motel or Hotel. A building containing guest rooms for the accommodation of travelers staying less than 30 days.

Multiple-Family Residential. Two (2) or more dwelling units on a lot. Types of multiple family dwellings include duplexes, garden apartments, senior housing developments, and multi-story apartment buildings.

Night club. An establishment open in the evening hours for entertainment and dancing that may provide on-site alcohol sales.

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 Lot, Sign, Structure, or Use. A lot, sign, structure, or use that was lawfully established before the effective date of the Zoning Ordinance or any amendment thereto, but does not conform to the present regulations or requirements of the Zoning Ordinance. A nonconforming building or use is deemed illegal if it did not lawfully exist on the effective date of applicable sections of the Zoning Ordinance.

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 Zoning Ordinance.

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 packaged form only. This classification includes wholesale and retail nurseries offering plants for sale.

Nursing Home. See *Residential care facility*.

Occupancy, Change In. A discontinuance of an existing use and the substitution of a use of a different kind or class.

Office. A business establishment for rendering of service or administration, but excluding retail sales.

General Offices. Offices of firms or organizations providing professional, executive, management, administrative or design services, such as accounting, architectural, computer software design,



engineering, graphic design, interior design, investment, and legal offices, excluding banks, and savings and loan associations (see Banks and Financial Institutions). This classification also includes offices where medical and dental services are provided by physicians, dentists, chiropractors, optometrists, and similar medical professionals, including medical/dental laboratories within medical office buildings but excluding clinics or independent research laboratory facilities and hospitals (see Hospitals and Clinics) and medical marijuana dispensaries.

Walk-in Office. Offices of firms or organizations providing services to the public that rely on pedestrian activity and constant visits by clients, including real estate offices, landlord-tenant services, credit counseling, and financial tax services.

On-Site Loading Facilities. A site or portion of a site devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives, and landscaped areas.

On-Site. Located on the lot that is the subject of discussion.

Open Space Types.

Private Open Space. Open areas for outdoor living and recreation that are adjacent and directly accessible to a single dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests.

Common Open Space. Areas for outdoor living and recreation that are intended for the use of residents and guests of more than one (1) dwelling unit.

Usable Open Space. Outdoor areas that provide for outdoor living and/or recreation for the use of residents.

Opposite. Across from or across the street from.

Outdoor Storage. The keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours, except for the keeping of building materials reasonable required for construction work on the premises pursuant to a valid and current building permit issued by the City.

Outdoor Seating Area. An area on public space, street, plaza, or on private commercial property not within a building, for dining, drinking, resting or socializing.

Owner. Any person owning property, as shown on the last County equalized assessment roll for property taxes or the lessee, tenant or other person having control or possession of the property.

Park. A publically owned open space providing a wide range of facilities and activities. Larger parks serve the entire city, whereas smaller parks tend to serve nearby neighborhoods.

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, botanical gardens, as well as related food concessions or community centers within the facilities.

Parking Facility. An area used for the temporary parking or storage of motor vehicles which has adequate access to streets by means of driveways, aisles or maneuvering areas; a parking garage. See Chapter 4, Article 3, Off Street Parking and Loading.

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.

Parking Space. A usable space on a lot for the parking of one motor vehicle.

Pay Telephone. A public telephone which requires a pre-payment to use. Often located in public and sheltered by a privacy hood.



Pawn Shop. A shop that lends money in exchange for personal property.

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.

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), laundromats, shoe repair shops, self-service laundries, photocopying and photo finishing services, and travel agencies.

Personal Storage Facility. A facility offering the rental service of rooms, lockers, and/or containers to individuals or organizations for the storage of goods.

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.

Place of Worship. See “Religious Facilities”.

Plan Line. An officially adopted line denoting the future location of the edge of a right-of-way.

Planned Development. An application for development that allows for a diversification of development standards, buildings, structures and open space that promotes unified planning and development with a higher standard of amenities, and subject to the provisions of Chapter 3, Article 5, Planned Development District.

Pre-Existing. In existence prior to the effective date of this Zoning Ordinance or its applicable section.

Preservation of Natural Resources. Preservation of plant and animal life; ecological and scientific study; flood control channels, spreading grounds and settling basins; rivers, streams, lakes and watershed.

Professional Office. A building used primarily for conducting the affairs of non-medical professionals.

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 Title. This term also refers to any action that qualifies as a “project” as defined by the California Environmental Quality Act.

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.

Public Works Director. The Public Works Director is the City Manager or his or her designee, responsible for the operation and maintenance of the City of Coalinga’s public works and utilities.

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.

Reasonable Accommodation. This refers to the Housing Element statute under California Government Code 65583(c)(3) to remove constraints and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities.

Recreational Vehicle. Any travel trailer or other vehicular portable structure without permanent foundation, designed to be towed, hauled, driven, and used as a temporary occupancy for travel or recreational use, including, but not limited to travel trailers (including those which telescope or fold down),



chassis-mounted campers, tent trailers, slide-in campers, converted buses and converted vans, and self-propelled motorhomes. See Section 7-6.102 of the City of Coalinga Municipal Code.

Recycling Facility. A facility for receiving, temporarily storing, transferring and/or processing materials for recycling, reuse, or final disposal. A certified recycling facility or certified processor means a recycling facility certified by the California Beverage Container Recycling and Litter Reduction Act. A recycling facility does not include storage containers or processing activity located on the premises of a residential, commercial or manufacturing use and used solely for the recycling of material generated by that residential property, business or manufacturer. This use type does not include waste transfer facilities that operate as materials recovery, recycling, and solid waste transfer operations and are classified as utilities.

Reverse Vending Machine. An automated mechanical device that accepts, sorts and processes recyclable materials and issues a cash refund or a redeemable credit slip.

Recycling Collection Facility. An incidental use that serves as a neighborhood drop off point for the temporary storage of recyclable materials but where the processing and sorting of such items is not conducted on-site.

Recycling Processing Facility. Facilities that receive, sort, store and/or process recyclable materials.

Recreation Areas. Parks, playgrounds and related buildings; pedestrian, equestrian and bike and other trails.

Redevelopment Agency. See City of Coalinga Successor Agency.

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 residential homes, and private schools for primary or secondary education (which also may be available for temporary use by the general public or civic, cultural, or educational organizations).

Rescission. The City's unilateral unmaking of an approval for a legally sufficient reason, such as applicant's material breach of a condition.

Residence. A building or portion thereof designed and used exclusively for long-term residential occupancy, including single houses, duplexes, triplexes, live-work studios, apartments, and condominiums, but not including hotels, motels, or boardinghouses.

Residence, Single Family. A building containing not more than one kitchen, designed for household; a detached house.

Residence, Duplex. A building containing not more than two kitchens designed and/or used to house two independent households, each with a private entrance.

Residence, Triplex. A building containing not more than three kitchens designed and/or used to house three independent households, each with a private entrance.

Residence, Multiple. A building or portion thereof, used and designed as a residence for four or more independent households, with each unit containing its own kitchen and accessed separately from the other units, although a common hallway may be used for access within the building.

Residential Care Facilities. 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, or seven (7) or more 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. State law requires that such facilities for six or fewer persons to be permitted by right in districts where single-family dwelling units are permitted. Living accommodations are share living quarters with or without separate kitchen or bathroom facilities for each room or unit.

This classification includes facilities for intermediate health care, developmentally disabled care, care of chronically ill individuals, and the care of persons in need of personal services, therapy, supervised drug detoxification treatment or assistance essential for sustaining the activities of daily living or for the protection of



the individual with only limited medical care not involving a physician residing on the premises, and with no surgery or other similar activities such as are customarily provided in hospitals. Such uses shall include facilities defined by Health and Safety Code Section 1267.8 and any premises licensed as a “long-term health care facility,” as that term is defined in Welfare and Institutions Code Section 1418. These facilities can be operated for profit as well as 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 Rehabilitation Facility. See *Residential Care Facility*.

Rest Home. See *Residential Care Facilities*.

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, auction houses, and businesses retailing the following goods: books, newspapers, 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 (firearms are not permitted), 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 stores. This classification excludes medical marijuana dispensaries.

Right-of-Way. A strip of land acquired by reservation, dedication, covered under 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.

Salvaging 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.

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.

Senior Housing Unit. Residential units limited to occupants 55 years of age or more (as defined by Civil Code 51.3).

Second Dwelling Unit. A secondary residence constructed on a lot or parcel of land containing an existing, primary single-family residence. The Second Dwelling Unit may be either attached to or detached from the existing residence, and provides complete and independent living facilities, including permanent provisions for living, sleeping, eating, cooking and sanitation. See Chapter 5, 1.T, Second Dwelling Units.

Setback. The area between a property line and a building or structure, which must be kept clear or open. See also Chapter 4, Article 1.A, Measuring Distances, and Measuring Setbacks. For permitted projections into required setbacks, see Chapter 4, Article 2.A, Building Projections into Yards. See also *Yard*.

Setback Line. A line established by this title to govern the placement of buildings or structures with respect to lot lines, streets or alleys.

Sidewalk. A paved, surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

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. See Chapter 5, Article 1.M, Manufactured Homes.

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 with six or more guest rooms without kitchen facilities in individual rooms, or kitchen facilities for the exclusive use of guests or renters, and which are also the primary residences of the guests or renters. This use type is distinct from a Hotel or Motel, which is a commercial use.

Sign. Every sign, display board, poster, picture, wall graphic, graphic decorative display, map, banner, pennant, balloon, insignia, emblem or other device, with or without lettering, which is intended to advertise or attract the attention of the public, including but not limited to clocks, barber poles and similar devices. Publicly visible signs and graphics that are less than one-half square foot in area, or so small as to be unreadable or unrecognizable by persons with normal eyesight from a distance of more than 20 feet, shall not be considered signs so long as they do not collectively exceed 10 square feet in area on a given property.

Sign, Election. Any sign that is designed, used or intended to induce voters to either pass or defeat a measure appearing on the ballot of any election, or to either elect or defeat a candidate for nomination or election to any public office in any election.

Sign, Feather. Any sign in the shape of a feather, including feather and teardrop flags, beachwings, swooper signs, and blade signs, whether freestanding or mounted to any surface.

Sign, Freestanding. Any sign erected on one or more poles or posts or similar uprights which is not a part of any building or structure, other than a structure supporting the sign.

Sign, Projecting. Any sign, other than a wall sign, which is suspended from or supported by a building or wall and which projects outward there from; also any sign suspended under a marquee, awning, porch, walkway covering, or similar covering structure adjacent to a building.

Sign, Roof. Any sign erected upon or over the roof or parapet of any building, including the roof of any porch, walkway covering, or similar covering structure, and supported by or connected to the roof or parapet.

Sign, Temporary. A sign consisting of any material and intended to be displayed for a short period of time, in no event to exceed thirty days.

Sign Twirler. Also known as sign spinner, sign walker, sign waver, or human billboard. A person who applies an advertisement on his or her person, including holding, wearing, or applying a sign in any form on the human body. This also includes spinning, dancing, and wearing costumes with the sign, in order to attract attention.

Sign, Wall. Any sign applied to or mounted on the wall or vertical surface of a building or structure, or to the vertical surface of a marquee, awning, porch, walkway covering, or similar covering structure adjacent to a building or structure, in an essentially flat position, with the face of the sign parallel to the plane of the wall or vertical surface, including window signs.

Sign, Window. Any sign, other than a temporary sign, which is painted on, attached to, or placed or hung adjacent to, either the inside or the outside of a door or window; it does not apply to or include any display of merchandise, products or materials appurtenant to the business conducted on the premises which is not attached or placed adjacent to a window, or to any noncommercial display or exhibit designed to be seen through a window.



Site. A lot, or group of contiguous lots, that is proposed for development in accordance with the provisions of this Title and is in a single ownership or under unified control.

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.

Solar Farms, or Solar photovoltaic power plants. Includes utility-scale solar energy projects selling power to a utility, with ground-mounted photovoltaic panels, and has a capacity of two megawatts or more.

Solar Power Generating Equipment and Facilities. Includes Solar panels, or solar generating photovoltaic panels at a size and scale suitable for commercial, industrial, and residential buildings. Solar Farms, or Solar photovoltaic power plants, include utility-scale solar energy projects selling power to a utility, with ground-mounted photovoltaic panels, and has a capacity of one megawatt or more.

Specialty Food Store. A retail store specializing in a specific type or class of foods such as a candy store, gourmet food store or a meat market.

Specialty Retail Store. A retail store specializing in a specific type of merchandise such as imported jewelry or clothing.

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 thoroughfare which affords the principal means of access to adjacent property, including avenue, place, way, drive, lane, boulevard, road, and any other thoroughfare except an alley or street as defined in this section.

Street Line. The boundary between a street right-of-way and property.

Structural Alteration. Any change of the supporting members of a building, such as bearing walls, columns, beams or girders, floor joists, ceiling joists, roof rafters, or structural connectors.

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.

Successor Agency. Beginning on June 29, 2011 the City of Coalinga acts as the Successor Agency to the Redevelopment Agency of the City of Coalinga, pursuant to the provisions of Health and Safety Code section 34177, et seq.



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 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 supermarket or department store retail operations. See Chapter 5, Article 1.X, Swap Meets.

Swimming Pool. A pool, pond, lake, or open tank or basin capable of containing water to a depth greater than one and one-half (1.5) feet at any point, and for the specific purpose of swimming in.

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 Facilities. Please also see Chapter 5, Article 1.Y, Telecommunications 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. Examples of Antennas include 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 Title, 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.

Facilities within Buildings. Includes radio, television, or recording studios; telephone switching centers, and call centers; excludes Antennae and Transmission Towers.

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 Chapter 5, Article 1.Z, 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 Residential Zoning 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.

Theater. A building or part of a building which is used for the commercial showing of films or presentation of live entertainment.

Thrift Shop. A shop operated by a charitable organization which sells donated used merchandise.

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/café, tobacco café/bars, and smoking parlors, but does not include medical marijuana dispensaries.

Townhouse. See *Condominium*.

Trailer Court. See *Mobile home park*.

Transient. When used to define living accommodations, describes such accommodations when customarily used or furnished for a period of forty-eight hours or less but in no event longer than 30 days.

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.

Truck Stop. Any building, premises or land in which or upon which a business, service, or industry involving the maintenance, servicing, storage or repair of commercial vehicles is conducted or rendered including the dispensing of fuel, and the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop also may include overnight accommodations and restaurants primarily for the use of truck drivers.

Truck Terminal. A facility used for the maintenance and short-term storage of trucks, or the loading and exchange of cargo.

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, 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.

Use, Primary. A primary or dominant use established, or proposed to be established, on a lot.

Use, Nonconforming. See *Nonconforming use*.

Utilities. Sewer, gas, electrical, and water systems located and constructed for the purpose of supporting development. Includes major utilities such as plants, stations and facilities for power generation, transfer, materials recovery, treatment of solid waste and wastewater. Also includes minor utilities such as electrical distribution lines, underground water and sewer lines.

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, and underground water and sewer lines.

Variance. Permission to depart from the requirements of this Title. See Chapter 6, Article 7, Variances.

Variety Store. A retail establishment that sells various household items.

Vehicle. A device by which any person or property may be propelled, moved or drawn upon a street, except a device moved by human power or used exclusively upon stationary rails or tracks.

Vehicle Storage. Parking or placing any motor vehicle for a period in excess of three (3) consecutive days, or six (6) days in any calendar year.

Veterinary Hospital or Clinic. A completely enclosed building designed, arranged and intended to be used for the medical treatment and care incidental thereto of animals.

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.

Visitor Accommodations. An establishment offering lodging to travelers. See *Hotels and Motels*.

Weekday. Any day, Monday through Friday, that is not a federal, state, or local holiday.

Wall. A structural device forming a physical barrier or restraining soil, and supported by a continuous foundation. This definition includes both exterior and interior walls.

Warehousing and Storage. Storage and distribution facilities without sales to the public on-site or direct public access.

Chemical, Mineral, and Explosives Storage. Storage of hazardous materials including but not limited to: bottled gas, chemicals, minerals and ores, petroleum or petroleum-based fuels, fireworks, and explosives.

Indoor Warehousing and Storage. The storage of general merchandise or refrigerated goods within enclosed buildings. Establishments in this classification provide facilities to store commercial goods, but do not sell the goods they handle. They may provide a range of services related to the distribution of goods, including labeling, breaking bulk, inventory control and management, order entry and fulfillment, price marking and ticketing, and transportation arrangement. However, they always provide warehousing or storage in addition to any logistics services.

Outdoor Storage. Storage of vehicles or commercial goods in open lots as a primary use.

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

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.

Wireless Communication Tower. A communication tower used for the transmission of digitized wireless transmissions.

Yard. An open space on a lot that is unoccupied and unobstructed from the ground upward, except as otherwise permitted in this Title.

Yard, Front. A yard extending across the entire front of the lot between the side lot lines and



measured from the front line of the lot to the nearest permitted line of the building; provided however, that if any official plan line has been established for the street upon which the lot faces, the front yard measurements shall be taken from such official plan line to the nearest permitted line of the building.

Yard, Rear. A yard extending across the full width of the lot and measured between the rear lot and the nearest line of the main building.

Yard, Side. A yard between the side line of the lot and the nearest line of the building and extending from the front line of the lot to the rear yard. A street side yard shares a property line with a street right-of-way.

Zoning Administrator. The Community Development Director of the City of Coalinga, or his or her designee.

Zoning District. A specifically delineated area or district in the city within which regulations and requirements uniformly govern the use, placement, spacing, and size of land and buildings.





CHAPTER 2 BASE ZONING DISTRICTS

Article 1	Open Space/Conservation and Agriculture Districts
Article 2	Residential Districts
Article 3	Commercial Districts
Article 4	Manufacturing/Business Districts
Article 5	Public Facilities and Recreation Districts



ARTICLE 1 OPEN SPACE/CONSERVATION AND AGRICULTURE DISTRICTS

A. Purpose

1. The specific purpose of the “Open Space/Conservation” and “Agriculture” Districts is to preserve agricultural and resource conservation areas while providing opportunities for rural living.
2. Additional purposes of each District:
 - a. **Open Space/Conservation (OS).** To preserve resource conservation areas for each of the following purposes:
 - (1) To safeguard the health, safety, and welfare of the people by limiting developments in areas where police and fire protection are not possible without excessive costs, and where protection from the following are not possible without excessive costs to the community: floodway or floodplains; fault rupture hazard areas; unstable geologic or soils conditions; hazardous materials; and wildlife corridors or habitat areas.
 - (2) To preserve the natural resources including, but not limited to, areas required for the preservation of plant and animal life, including habitat for fish and wildlife species (either plant or animal or both); areas required for ecologic or other scientific study purposes; areas required for the protection of water quality and water reservoirs or for the protection and enhancement of air quality or for the protection of rivers, streams, creeks, banks of rivers, banks of streams, banks of creeks or watershed lands.
 - (3) Residential uses are generally not allowed in the Open Space/Conservation land use designation. However, if all other economic uses are infeasible then one single-family residence may be allowed, subject to City Council approval. No commercial uses, except equestrian boarding, equestrian training and limited agricultural uses, are allowed within this designation. Passive recreational uses, including bicycle and hiking trails, are highly encouraged.
 - b. **Agriculture (AG).** This designation is designed for intensive agricultural and related uses. It is intended to be an exclusive district for agriculture and for those uses which are a necessary and integral part of the agricultural operation. The district is intended to protect the general welfare of the community from encroachments of nonrelated agricultural uses which by their nature would be injurious to the physical and economic well-being of the agricultural district. Development density is one (1) home per twenty (20) gross acres.

B. Land Use Regulations

1. **Table 2.1** below prescribes the land use regulations for “Agriculture” and “Open Space/Conservation” Districts. The regulations for each district are established by letter designations as follows:
 - a. “Yes” designates permitted uses.
 - b. “CUP” designates use classifications that may be permitted after review and approval of a Conditional Use Permit by the Planning Commission.

- c. “(#)” numbers in parentheses refer to specific limitations listed at the end of the table.
 - d. “No” designates uses that are not permitted.
2. Land use classifications are defined in Chapter 1 Article 2 “Definitions”. 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 Title.

Table 2.1: Land Use Regulations – Open Space/Conservation and Agriculture Districts			
<i>Use Classifications</i>	<i>OS</i>	<i>AG</i>	<i>Additional Notes and Regulations</i>
Residential Uses			
Single Family Dwelling	See subclassifications below		
<i>Detached</i>	CUP	Yes	
Family Day Care Home	See subclassifications below		
<i>Small</i>	No	Yes	
Group Residential	No	Yes	(AG)Limited to housing for farmworkers and farm stays. Limited to no more than six rooms in a dwelling, rented to not more than a total of six persons, and meals are not provided to more than six boarders.
Residential Care Facilities, six persons or less	No	Yes	
Transitional and Supportive Housing	No	Yes	Chapter 5, Article 1.AA, Transitional and Supportive Housing
Public and Semi-Public Uses			
Religious Facilities	No	CUP	
Recreation Areas	CUP	Yes	Recreation areas include parks, playgrounds and related buildings; pedestrian, equestrian and bike and other trails.
Preservation of Natural Resources	Yes	Yes	Preservation of natural resources includes preservation of plant and animal life; ecological and scientific study; flood control channels, spreading grounds and settling basins; rivers, streams, lakes and watershed.
Golf Courses and Country Clubs	CUP	No	
Commercial Uses			
Ancillary Commercial Uses	Yes	Yes	(OS) Ancillary commercial uses in the Open Space District are limited to those

Table 2.1: Land Use Regulations – Open Space/Conservation and Agriculture Districts			
<i>Use Classifications</i>	<i>OS</i>	<i>AG</i>	<i>Additional Notes and Regulations</i>
			related to and under the regulation of park of City, County, State or Federal recreation agencies; equestrian boarding and training. (AG) Ancillary commercial uses in the Agriculture District are limited to those secondary to the primary land use.
Transportation, Communication, and Utilities Uses			
Communication Facilities	See subclassifications below		
<i>New Antenna and Transmission Facilities</i>	CUP	CUP	Chapter 5, Article 1.Y, Telecommunications Facilities
<i>Modifications to existing Antenna and Transmission Facilities</i>	Yes	Yes	
Utilities	CUP	Yes	Utilities shall not cause significant adverse environmental impacts, and may be required to be undergrounded.
Agricultural and Extractive Uses			
Animal Raising for commercial purposes	No	Yes(1)	Chapter 5, Article 1.D, Animal Keeping and Raising
Crop Cultivation	CUP	Yes	
Mushroom Farm	CUP	CUP	
Resource Extraction activities; Mining and Quarrying	CUP	CUP	Only in areas designated as Resource Extraction Overlay in the General Plan, and as outlined in Chapter 3, Article 6.
Other Applicable Types			
Preservation of Natural Resources	Yes	Yes	Only in areas designated as Resource Extraction Overlay in the General Plan, and as outlined in Chapter 3, Article 6.
Accessory Uses and Structures, excluding Second Dwelling Units	CUP	Yes	Chapter 5, Article 1.A, Accessory Uses and Structures
Animal Keeping for domestic purposes (2)	CUP	Yes	Chapter 5, Article 1.D, Animal Keeping and Raising
Caretaker Unit	CUP	Yes	For agricultural employees, when located on farms or ranches containing not less than 10 acres.
Home Occupations	CUP	Yes	Chapter 5, Article 1.L, Home Occupations
Second Dwelling Unit	CUP	Yes	Chapter 5, Article 1.T, Second Dwelling Units

Table 2.1: Land Use Regulations – Open Space/Conservation and Agriculture Districts			
Use Classifications	OS	AG	Additional Notes and Regulations
Solar Farms	No	Yes	Chapter 5, Article 1.W, Solar Power generating facilities
Nonconforming Use	Chapter 6, Article 2, Non-Conforming Uses and Structures		
Temporary Use	Chapter 5, Article 1.Z, Temporary Uses		
Specific Limitations:			
1. Includes the raising of livestock, poultry and fish.			
2. A CUP is required for commercial animal raising within 300 feet of Residential Districts.			

C. Development Regulations

- Base Development Regulations.** Table 2.2 prescribes the development standards for “Agriculture” and “Open Space/Conservation” Districts. Additional regulations are denoted in the right hand column. Section numbers in this column refer to other Sections of this Title, while individual letters refer to subsections that directly follow the table.

Table 2.2: Development Standards – Open Space/Conservation and Agriculture Districts			
Use Classifications	OS	AG	Additional Notes and Regulations
Lot and Density Standards			
Minimum Lot Area (acres)	No requirement	20 acres	Chapter 4, Article 1.D, Measuring Lot Width and Depth
Minimum Lot Width (ft.)	No requirement		
Minimum Lot Depth (ft.)	No requirement		
Maximum Density (dwelling units/ acre)	N/A	1 dwelling unit per 20 acres	
Building Form and Location			
Maximum Height (ft.)	15 ft.	35 ft.	Chapter 4, Article 2.E, Heights and Height Exceptions
Minimum Yards (ft.)			Chapter 4, Article 1.D, Measuring Setbacks Chapter 4, Article 2.A, Building Projections Into Yards
Front	35 ft. from right-of-way or 65 ft. from center of right-of-way, whichever is greater		
Interior Side	20 ft.		
Street Side	35 ft.		
Rear	20 ft.		
Maximum Building Coverage (% of lot)	5%	No requirement	



ARTICLE 2 RESIDENTIAL DISTRICTS

A. Purpose

1. 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 “Residential Ranchette”, “Residential Estate”, “Residential Single Family”, “Residential Medium Density”, and “Residential High Density”.
2. Additional purposes of each “Residential” District:
 - a. **Residential Ranchette (RR).** To provide areas for large-lot developments with a minimum parcel size of ten (10) acres and one single-family residence per lot, with a maximum residential density of 0.1 dwelling units per acre. This designation applies to areas located north of the developed portions of the community along Highway 198/33. Equestrian-oriented developments with public linkages to trail systems are strongly encouraged in this designation.
 - b. **Residential Estate (RE).** To provide areas for large-lot developments containing one single-family residence per lot, with residential densities ranging from over 0.2 to 2.0 dwelling units per acre. This designation applies largely to areas to the east and south of developed portions of the City and is intended to serve as a buffer between higher density urban areas and agricultural lands. Clustering development is encouraged in this land use designation to preserve natural features and/or provide community amenities (including parks and trails).
 - c. **Residential Single Family (RSF).** To provide areas for traditional single-family homes with a residential density ranging from over 2.0 to 5.0 dwelling units per acre. Development requires a full range of urban services and public improvements. Development on large parcels should be in areas with minimal environmental constraints. The use of clustering techniques is encouraged.
 - d. **Residential Traditional Neighborhood (RT).** To accommodate low to medium densities and more varied forms of residential development, including small-lot single-family homes and detached zero lot line developments with a maximum residential density of 5.0 dwelling units per acre. This designation is intended to accommodate development in the compact residential neighborhoods in the historic central areas of the city. The designation can also be applied to newer outlying development to provide for a transition from lower-density residential neighborhoods to medium-density multi-family areas.
 - e. **Residential Medium Density (RMD).** 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 dwelling units per net acre. Common amenities such as pools, landscaping, tot lots,

trails and open space should be included. This district provides for a transition from lower-density residential neighborhoods to higher-density multi-family development and commercial areas.

- f. **Residential High Density (RHD).** This classification is intended to accommodate attached homes, two- to four-plexes, apartment buildings, and condominiums with a maximum residential density 25.0 units per net acre. Common amenities such as pools, landscaping, tot lots, trails and open space should be included.

B. Land Use Regulations

1. **Table 2.3** below prescribes the land use regulations for “Residential” Districts. The regulations for each district are established by letter designations as follows:
 - a. “Yes” designates permitted uses.
 - b. “CUP” designates use classifications that are permitted after review and approval of a Conditional Use Permit by the Planning Commission.
 - c. “(#)” numbers in parentheses refer to specific limitations listed at the end of the table.
 - d. “No” designates uses that are not permitted.
2. Land use classifications are defined in Chapter 1, Article 2 Definitions. In cases where a proposed specific land use or activity is not defined, an application shall be made to the Community Development Department, 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 Title.

Table 2.3: Land Use Regulations – Residential Districts							
Use Classifications	RR	RE	RSF	RT	RMD	RHD	Additional Notes and Regulations
Residential Uses							
Single Family Dwelling	See subclassifications below						
Attached	No	No	No	Yes	Yes	Yes	
Detached	Yes	Yes	Yes	Yes	Yes	Yes	
Multiple Residence	No	No	No	No	Yes	Yes	
Family Day Care Home	See subclassifications below						
Small	Yes	Yes	Yes	Yes	Yes	Yes	
Large	CUP	CUP	CUP	CUP	CUP	CUP	Chapter 5, Article 1.I, Family Day Care Home, Large
Residential Care Facility (six or less	Yes	Yes	Yes	Yes	Yes	Yes	

Table 2.3: Land Use Regulations – Residential Districts							
<i>Use Classifications</i>	<i>RR</i>	<i>RE</i>	<i>RSF</i>	<i>RT</i>	<i>RMD</i>	<i>RHD</i>	<i>Additional Notes and Regulations</i>
persons)							
Residential Care Facilities (seven or more persons)	No	No	No	CUP	CUP	CUP	
Group Home	No	No	No	No	Yes	Yes	
Mobile Home Parks	No	No	CUP	CUP	CUP	CUP	Chapter 5, Article 1.N, Mobile Home Parks. Limited to sites with a minimum gross site area of 10 acres.
Single Room Occupancy Facilities	No	No	No	No	No	CUP	Chapter 5, Article 1.U, Single Room Occupancy Facilities
Transitional and Supportive Housing	Yes	Yes	Yes	Yes	Yes	Yes	Chapter 5, Article 1.AA, Transitional and Supportive Housing
Public and Semi-Public Uses							
Clubs and Lodges	No	No	No	No	No	CUP	Chapter 5, Article 1.C, Alcoholic Beverage Sales
Cultural Institutions	No	No	No	No	CUP	CUP	
Community Center	CUP	CUP	CUP	CUP	Yes	Yes	
Elderly and Long-term Care	No	No	No	No	CUP	Yes	
Hospitals and Clinics	No	No	No	No	C	C	Limited to 2,500 square feet in size.
Park and Recreation Facilities, Public	Yes	Yes	Yes	Yes	Yes	Yes	
Religious Facilities	CUP	CUP	CUP	CUP	CUP	CUP	
Residential Care Facilities, General	No	No	No	CUP	CUP	CUP	Chapter 5, Article 1.S, Residential Care Facilities
Schools, Public or Private	CUP	CUP	CUP	Yes	Yes	Yes	
Social Service Facilities	No	No	No	No	No	CUP	Chapter 5, Article 1.V, Social Service Facilities
Commercial Uses							
Eating, Drinking, and Smoking	See subclassifications below						

Table 2.3: Land Use Regulations – Residential Districts							
Use Classifications	RR	RE	RSF	RT	RMD	RHD	Additional Notes and Regulations
Establishments							
Coffee Shops/Cafes	No	No	No	No	No	CUP(1)	See Footnote
Restaurants	No	No	No	No	No	CUP(1)	Chapter 5, Article 1.C, Alcoholic Beverage Sales
Transportation, Communication, and Utilities Uses							
Telecommunications Facilities	See subclassifications below						
New Antenna and Transmission Facilities	No	No	No	No	CUP	CUP	Chapter 5, Article 1.Y, Telecommunications Facilities
Modifications to existing Antenna and Transmission Facilities	No	No	No	No	Yes	Yes	
Utilities, Minor	Yes	Yes	Yes	Yes	Yes	Yes	
Agricultural and Extractive Uses							
Crop Cultivation	Yes	Yes	Yes	Yes	Yes	Yes	Limited to non-commercial orchards and flower and vegetable gardens.
Other Applicable Types							
Accessory Uses and Structures, excluding Second Dwelling Units	Yes	Yes	Yes	Yes	Yes	Yes	Chapter 5, Article 1.A, Accessory Uses and Structures
Animal Keeping	Yes	Yes	Yes	Yes	Yes	Yes	Chapter 5, Article 1.D, Animal Keeping
Home Occupations	Yes	Yes	Yes	Yes	Yes	Yes	Chapter 5, Article 1.L, Home Occupations
Second Dwelling Unit	Yes	Yes	Yes	Yes	Yes	Yes	Chapter 5, Article 1.T, Second Dwelling Units
Nonconforming Use	Chapter 6, Article 2, Non-Conforming Uses and Structures						
Temporary Use	Chapter 6, Article 6, Temporary Uses						
Specific Limitations:							
1. 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.							

C. Development Regulations

1. **Base Development Regulations.** Table 2.4 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 Chapter, while individual letters refer to subsections that directly follow the table.

Table 2.4: Development Regulations – Residential Districts							
Standard	RR	RE	RSF	RT	RMD	RHD	Additional Notes and Regulations
Lot and Density Standards							
Minimum Lot Area (acres or sq. ft.)	10 acres	10,000 s.f.	6,000 s.f.	4,500 s.f.	4,500 s.f.	7,500 s.f.	Section C.2a, Reduced Minimum Lot Size, Width, and Depth
Minimum Lot Width (ft.)	100 ft.	100 ft.	60 ft.	50 ft.	50 ft.	60 ft.	
Minimum Lot Depth (ft.)	100 ft.	100 ft.	75 ft.	75 ft.	75 ft.	75 ft.	
Maximum Density (units/net acre)	0.10 du/acre	2.0 du/acre	5.0 du/acre	5.0 du/acre	15.0 du/acre	25.0 du/acre	Chapter 6, Article 13, Density Bonus
Building Form and Location							
Maximum Height	2 stories/ 25 ft.	2 stories/ 25 ft.	2 stories/ 25 ft.	2 stories/ 25 ft.	2 ½ stories/ 40 ft.	50 ft.	Chapter 4, Article 2.E, Heights and Height Exceptions
Minimum Yards (ft)							
Residence (front)	20 ft.	20 ft.	20 ft.	15 ft.	15 ft.	15 ft.	Section C.2, Additional Development Regulations, Chapter 4, Article 1, Measurements and Determinations and Chapter 4, Article 2.A, Building Projections Into Yards
Porch (front)	15 ft.	15 ft.	15 ft.	10 ft.	10 ft.	10 ft.	
Garage (front)	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	
Interior Side	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	
Street Side	10 ft.	10 ft.	10 ft.	8 ft.	10 ft.	10 ft.	
Rear	20 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	
Second Dwelling Unit Side	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	Chapter 5, Article 1.T, Second

Table 2.4: Development Regulations – Residential Districts							
Standard	RR	RE	RSF	RT	RMD	RHD	Additional Notes and Regulations
Second Dwelling Unit Rear	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	Dwelling Units
Maximum Building Coverage (% of lot)	n/a	35 %	45 %	50 %	50 %	60 %	
Minimum Courtyard Dimension	n/a	n/a	n/a	20 ft.	20 ft.	20 ft.	
Additional Standards							
Private Open Space (sq. ft. per unit)	n/a	n/a	n/a	100 sq. ft./unit	75 sq. ft./unit	50 sq. ft./unit	Chapter 2, Article 2.C.3.d, Open Space and Pedestrian Connections, and Chapter 2, Article 2.C.3.e, Minimum Courtyard Dimensions
Common Open Space (sq. ft. per unit)	n/a	n/a	n/a	n/a	100 sq. ft./unit	100 sq. ft./unit	

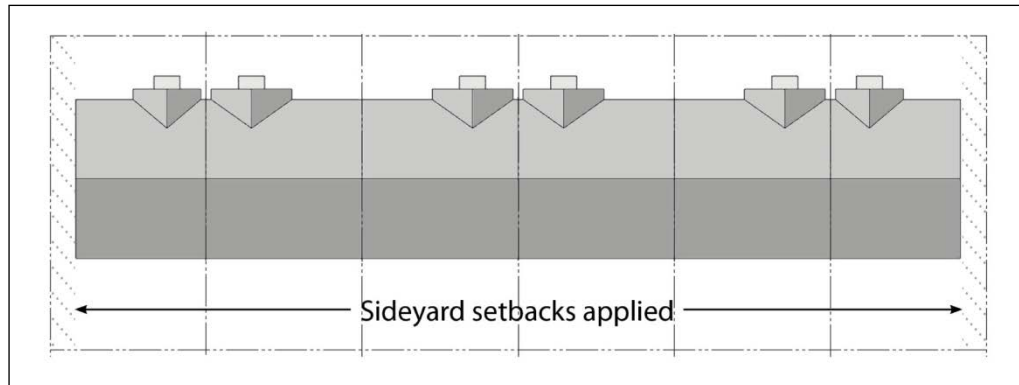
2. Additional Development Regulations

- a. **Reduced Lot Area, Width, and Depth.** Reduced lot area, width, and depth are allowed with cluster developments in all Zoning Districts, provided the overall maximum density does not exceed the standards. Deed restrictions shall be filed on each property to ensure the overall maximum density is not exceeded through future subdivision or development.
 - (1) **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.
 - (2) **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.
- b. **Front Yards or Setbacks.** 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.

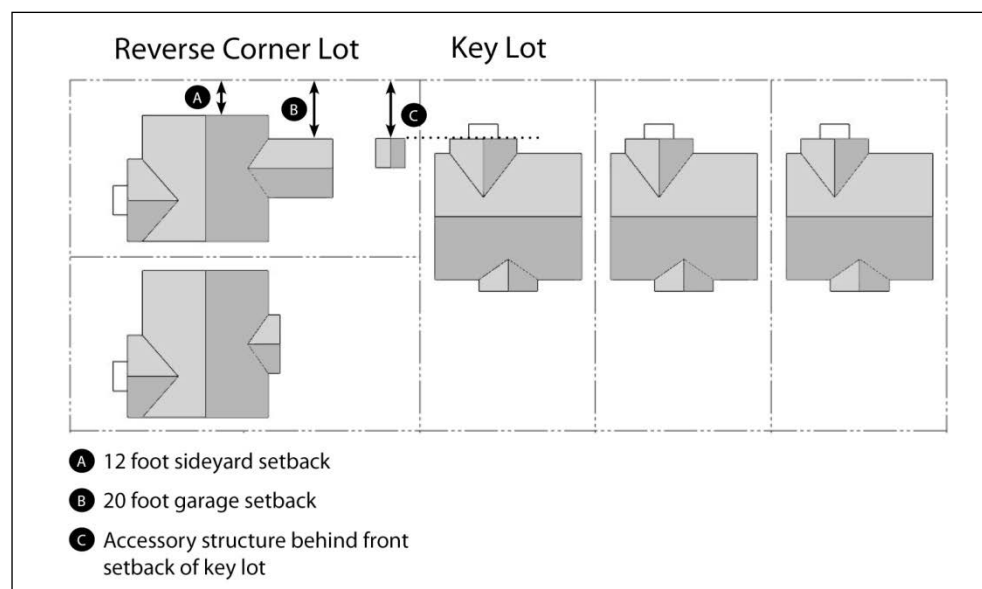
- c. **Existing Structures.** When the existing side yard setback is less than required in this Title, additions to such structures may conform to the existing setback, provided that the addition does not encroach closer to the property line than the existing structure.
- d. **Attached Single-Family Dwellings.** Required setbacks apply to the ends of rows of attached single-family dwellings (examples of attached single-family dwellings include duplexes, triplexes, and townhouses).

Figure 2.1



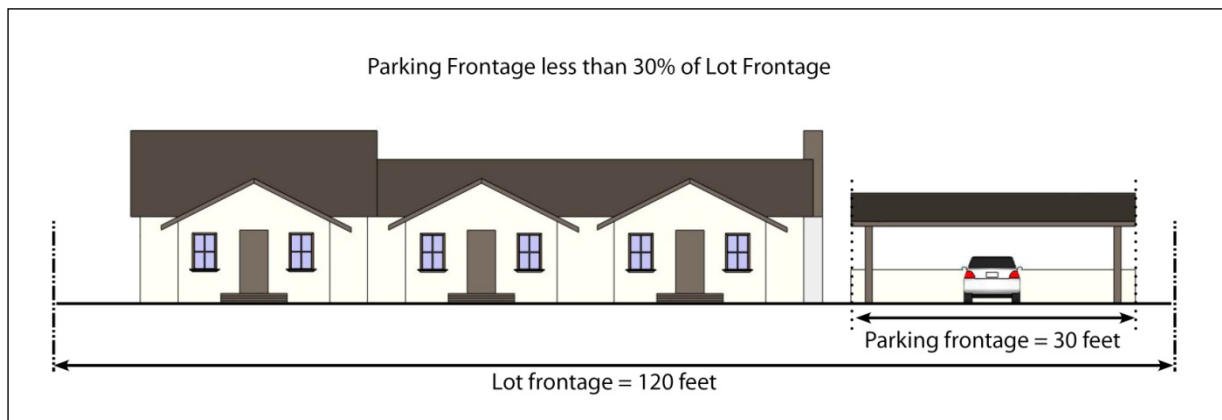
- e. **Street Side Yard - Reversed Corner Lots.** Reversed corner lots shall have a minimum street side yard width of twelve (12) feet or the required front yard requirement of the lot in the rear (key lot), whichever is less. The setback shall be twenty (20) feet for garages accessed from the side street. No accessory structure shall project beyond the extension of the required front yard line of the lot in the rear (key lot).

Figure 2.2



- f. **Increased Yard for Certain Institutional Uses.** Any building erected or used for a school, government, or other institutional use mentioned elsewhere in this Chapter, shall be located at least fifteen (15) feet from any 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 Planning Commission may waive this requirement for accessory buildings to provide reasonable accommodation.
 - g. **Rear Yards.** In RMD and RHD districts, open space with a minimum dimension of ten (10) feet exclusive of setbacks, parking, driveways, or other designated use and is provided other than on the rear one-third of the lot, shall be considered as a credit against this requirement. In multiple-family projects, no vehicle parking facilities or driveways shall be permitted to occur in the required seven hundred fifty (750) square feet. This requirement may be modified with a Conditional Use Permit when the City Council finds that sufficient private open area has been provided with the overall development for the outdoor enjoyment of the development's residents.
- 3. **Residential Multi-Family Development Regulations.** 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.
 - a. **Parking and Garage Frontage Limitation.** The total frontage of parking areas visible from the street, including open parking, carports, and garages, but excluding underground parking and parking located behind buildings, shall not exceed thirty (30) percent of the lot frontage. The Community Development Director 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.

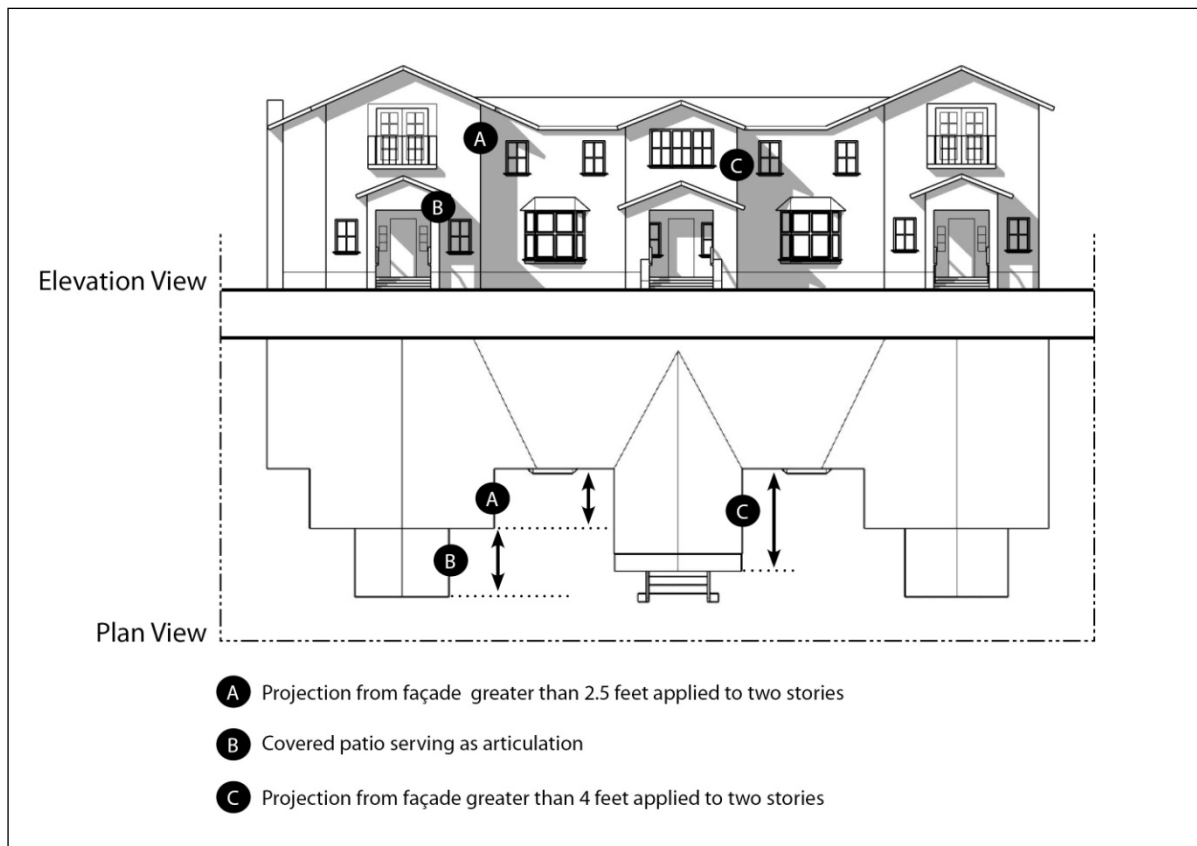
Figure 2.3



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

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

Figure 2.4



- (2) *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.

- (3) *Façade Detailing and Materials.* All visible building façades shall 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 shall incorporate balconies, bay windows, entry porches or other projections and recesses in a pattern that creates architectural interest across the length of the façade.

Figure 2.5



- d. **Open Space and Pedestrian Connections.** 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.

- (1) *Minimum Dimensions.* Open space shall have the following minimum dimensions in order to count towards open space requirements:
 - (a) Open space located on the ground level (e.g., yards, decks, patios): ten (10) feet by ten (10) feet.
 - (b) Open space located above ground level (e.g., balconies): five (5) feet by five (5) feet.
- (2) *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.

- (3) *Accessibility.*
 - (a) Private Open Space. The space shall be accessible to only one (1) residential unit by a doorway to a habitable room or hallway.
 - (b) 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.
- (4) *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 six hundred (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 Chapter 4, Article 2.F, 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.
- e. **Minimum Courtyard Dimensions.** Courtyards surrounded by building walls on three (3) sides shall have a minimum length and width of twenty (20) feet by twenty (20) feet.

ARTICLE 3 COMMERCIAL AND MIXED USE DISTRICTS

A. Purpose

1. 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.
2. Additional purposes of each “Commercial” District:
 - a. **(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.
 - b. **(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.
 - c. **(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.
 - d. **(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 15 dwelling units/gross acre.

B. Land Use Regulations

1. **Table 2.5** below prescribes the land use regulations for “Commercial” Districts. The regulations for each district are established by letter designations as follows:
 - a. “Yes” designates permitted uses.
 - b. “CUP” designates use classifications that are permitted after review and approval of a Conditional Use Permit by the Planning Commission.

- c. “(#)” numbers in parentheses refer to specific limitations listed at the end of the table.
 - d. “No” designates uses that are not permitted.
2. 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					
<i>Use Classifications</i>	<i>CG</i>	<i>CR</i>	<i>CS</i>	<i>MX</i>	<i>Additional Regulations</i>
Residential Uses					
Multiple Residences	No	No	No	Yes	Residential uses are allowed as a use that is secondary to a primary commercial use in the MX District.
Group Residential	No	No	No	Yes	
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 use that is secondary to a primary commercial use in the MX District. See Chapter 5, Article 1.AA, Transitional and Supportive Housing
Public and Semi-Public Uses					
Clubs and Lodges	No	No	Yes	Yes	Chapter 5, Article 1.C, 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	Chapter 5, Article 1.S, Residential Care Facilities

Table 2.5: Land Use Regulations – Commercial Districts					
<i>Use Classifications</i>	<i>CG</i>	<i>CR</i>	<i>CS</i>	<i>MX</i>	<i>Additional Regulations</i>
Social Service Facilities	No	Yes	Yes	Yes	Chapter 5, Article 1.V, Social Service Facilities
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				
<i>Kennels</i>	CUP	No	CUP	CUP	(CG,CS) Provided that such use shall be completely enclosed in a building of soundproof construction.
<i>Pet Stores</i>	CUP	No	CUP	CUP	
<i>Veterinary Services</i>	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				
<i>Automobile/Vehicle Rentals</i>	No	Yes	Yes	No	
<i>Automobile/Vehicle Sales and Leasing</i>	No	CUP	Yes	No	
<i>Automobile/Vehicle Repair, Major</i>	No	No	CUP	No	Chapter 5, Article 1.F, Automobile/Vehicle Service and Repair, Major and Minor
<i>Automobile/Vehicle Repair, Minor</i>	No	Yes	Yes	No	Chapter 5, Article 1.F, Automobile/Vehicle Service and Repair, Major and Minor
<i>Automobile/Vehicle Washing</i>	No	CUP	CUP	No	Chapter 5, Article 1.G, Auto Service Stations and Car Washing
<i>Large Vehicle and Equipment Sales, Service and Rental</i>	No	No	CUP (1)	No	See footnotes
<i>Service Station</i>	CUP	CUP	CUP	CUP	Chapter 5, Article 1.G, 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				

Table 2.5: Land Use Regulations – Commercial Districts					
<i>Use Classifications</i>	<i>CG</i>	<i>CR</i>	<i>CS</i>	<i>MX</i>	<i>Additional Regulations</i>
<i>Banks and Credit Unions</i>	Yes(2)	Yes	Yes	Yes	See footnotes
<i>Check Cashing Businesses</i>	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				
<i>Large-scale Cinema Theaters (over 300 seats)</i>	Yes	Yes	Yes	No	(CS) Drive-ins and outdoor movie theaters are prohibited.
<i>Small-scale Cinema Theaters (300 seats and under)</i>	No	Yes	Yes	CUP	
Eating, Drinking, and Smoking Establishments	See subclassifications below				
<i>Bars/Night Clubs/Lounges</i>	CUP	CUP	CUP	CUP	Chapter 5, Article 1.C, Alcoholic Beverage Sales
<i>Coffee Shops/Cafes</i>	Yes	Yes	Yes	Yes	(CG) Drive-through facilities are prohibited.
<i>Restaurants, equal to or less than 3,000 square feet</i>	Yes	Yes	Yes	Yes	Chapter 5, Article 1.C, Alcoholic Beverage Sales (CG) Drive-through facilities are prohibited.
<i>Restaurants, greater than 3,000 square feet</i>	CUP	Yes	Yes	Yes	Chapter 5, Article 1.C, Alcoholic Beverage Sales (CG) Drive-through facilities are prohibited.
<i>Tobacco Bars</i>	No	CUP	CUP	CUP	Shall not be located within 500 feet of any Residential district, Public Park, or any educational, religious, or cultural institution or within 100 feet of any restaurant or cafe.
Food and Beverage Retail Sales	Yes	Yes	Yes	Yes	Chapter 5, Article 1.C, Alcoholic Beverage Sales (CG) Limited to establishments with a gross floor area less than 40,000 square feet. (MX) General offices shall not

Table 2.5: Land Use Regulations – Commercial Districts					
<i>Use Classifications</i>	<i>CG</i>	<i>CR</i>	<i>CS</i>	<i>MX</i>	<i>Additional Regulations</i>
					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				
<i>General Offices</i>	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.
<i>Walk-In Clientele</i>	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				
<i>Less than 10,000 square feet per business</i>	Yes	Yes	Yes	Yes	
<i>10,000 to 50,000 square feet per business</i>	CUP	Yes	Yes	CUP	
<i>More than 50,000 square feet per business</i>	No	CUP	CUP	No	
Swap Meets	No	CUP	CUP	No	Chapter 5, Article 1.X, Swap Meets
Wholesaling and Distribution	No	No	Yes	No	
Industrial Uses					
Construction and Material Yards	No	No	CUP	No	Chapter 4, Article 2.G, 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

Table 2.5: Land Use Regulations – Commercial Districts					
<i>Use Classifications</i>	<i>CG</i>	<i>CR</i>	<i>CS</i>	<i>MX</i>	<i>Additional Regulations</i>
					than 2,000 square feet.
Industry, Limited	No	No	Yes	No	
Recycling Facilities	See subclassifications below				
<i>Reverse Vending Machine</i>	Yes	Yes	Yes	Yes	
<i>Recycling Collection Facility</i>	No	No	CUP	No	Chapter 5, Article 1.R, Recycling Facilities
<i>Recycling Processing Facility</i>	No	No	No	No	Chapter 5, Article 1.R, Recycling Facilities
Warehousing and Storage	See subclassifications below				
<i>Chemical, Mineral, and Explosives Storage</i>	No	CUP	CUP	No	(CR) Limited to liquefied petroleum gas storage and sale when incidental to a permitted use.
<i>Indoor Warehousing and Storage</i>	No	No	Yes	No	
<i>Outdoor Storage</i>	No	No	CUP	No	Chapter 4, Article 2.G, 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.
<i>Personal Storage</i>	No	No	CUP	No	Chapter 5, Article 1.Q, Personal Storage Facilities
Telecommunication Facilities	See subclassifications below				
<i>Modifications to existing Antenna and Transmission Facilities</i>	Yes	Yes	Yes	Yes	Chapter 5, Article 1.Y, Telecommunication Facilities
<i>New Antenna and Transmission Facilities</i>	CUP	CUP	CUP	CUP	Chapter 5, Article 1.Y, Telecommunication Facilities
<i>Facilities within Buildings</i>	No	No	Yes	Yes	Chapter 5, Article 1.Y, 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					

Table 2.5: Land Use Regulations – Commercial Districts					
Use Classifications	CG	CR	CS	MX	Additional Regulations
Accessory Uses and Structures	Yes	Yes	Yes	Yes	Chapter 5, Article 1.A, Accessory Uses and Structures
Animal Keeping	No	No	No	Yes	Chapter 5, Article 1.D, 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	Chapter 5, Article 1.L, 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			Chapter 5, Article 1.Z Temporary Uses	
Long Term Special Events and Sales lasting eight days to three months					
All other types of temporary uses					
Specific Limitations: 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 feet and a minimum height of six (6) feet within five years of planting. 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. 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.					

C. Development Regulations

- 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					
<i>Standard</i>	<i>CG</i>	<i>CR</i>	<i>CS</i>	<i>MX</i>	<i>Additional Standards</i>
Lot and Density Standards					

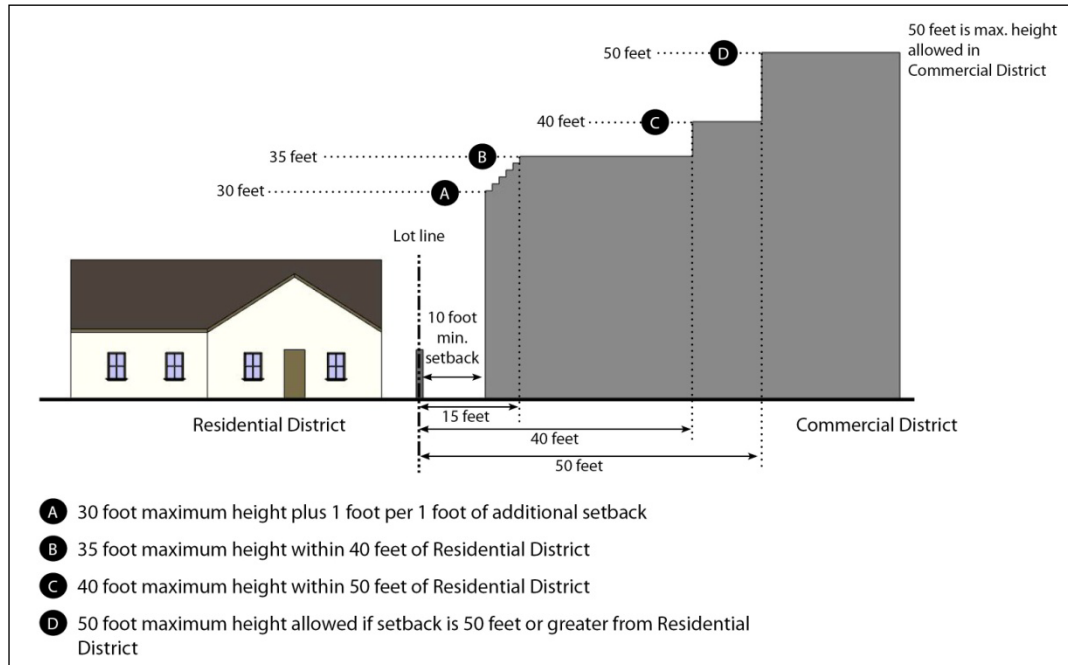
Table 2.6: Development Regulations – Commercial Districts					
Standard	CG	CR	CS	MX	Additional Standards
Minimum Lot Area (s.f.)	6,000 s.f.	5,000 s.f.	5,000 s.f.	5,000 s.f.	
Minimum Lot Width (ft.)	60 ft.	60 ft.	60 ft.	60 ft.	Section 2. Exceptions to Minimum Lot Size, Width, and Depth
Minimum Lot Depth (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					
<i>Front (ft.)</i>	0 ft.	0 ft.	0 ft.	0 ft.	Chapter 4, Article 2.A, Building Projections into Yards
<i>Interior Side (ft.)</i>	0 ft.	0 ft.	0 ft.	0 ft.	Chapter 4, Article 2.A, Building Projections into Yards; and (c)
<i>Street Side (ft.)</i>	0 ft.	0 ft.	0 ft.	0 ft.	Chapter 4, Article 2.A, Building Projections into Yards
<i>Rear (ft.)</i>	0 ft.	0 ft.	0 ft.	0 ft.	Chapter 4, Article 2.A, Building Projections into Yards; and (c)
Maximum Height (ft.)	50 ft.	50 ft.	50 ft.	50 ft.	Chapter 4, Article 2.A, 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	Chapter 2, Article 3.C.3, Mixed Use Standards

2. 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 Title.
- b. **Transitional Standards.** Where a site is adjacent to a Residential district, the following standards apply:
 - (1) *Height.*

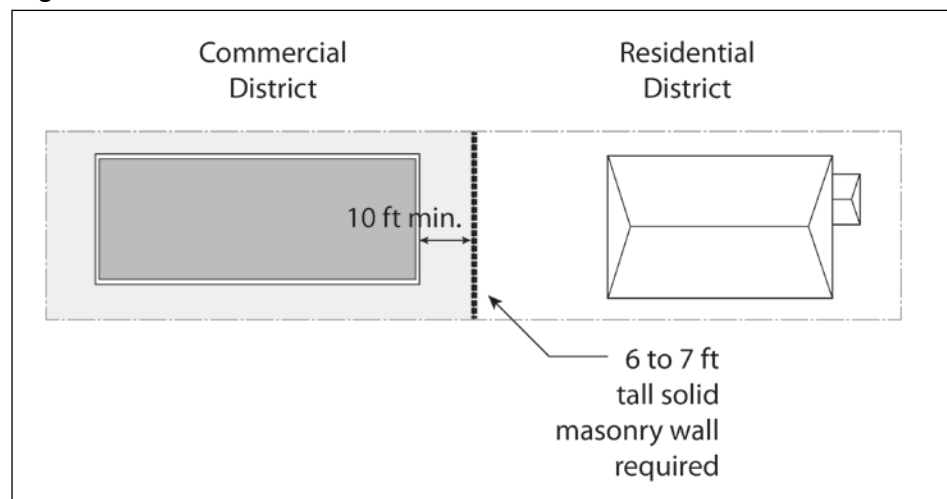
- (a) The maximum height within forty (40) feet of a Residential district boundary is thirty-five (35) feet. The maximum height within fifty (50) feet of a Residential district boundary is forty (40) feet.
- (b) Buildings exceeding thirty (30) feet in height must be set back or stepped back one (1) foot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

Figure 2.6



- (2) *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:
 - (a) 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



- (b) 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

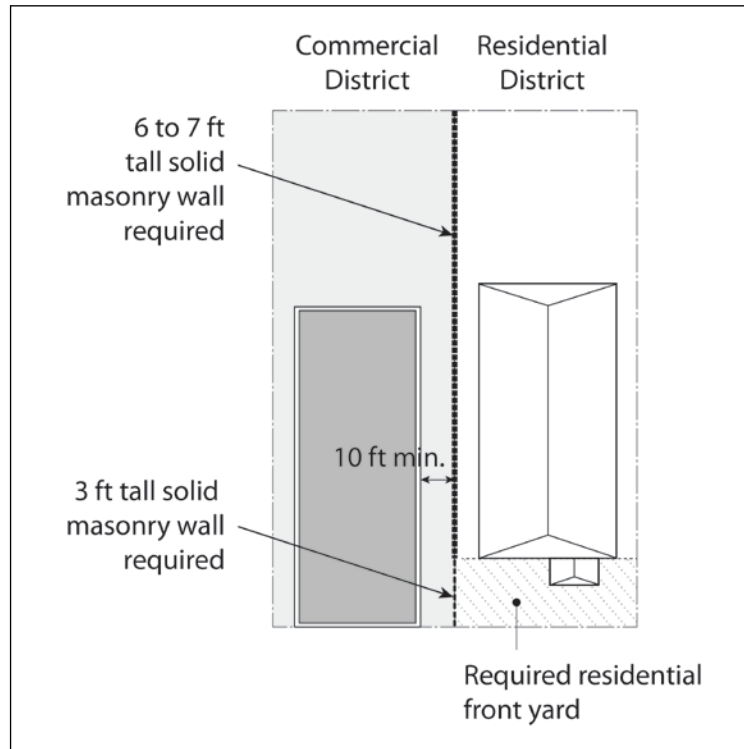
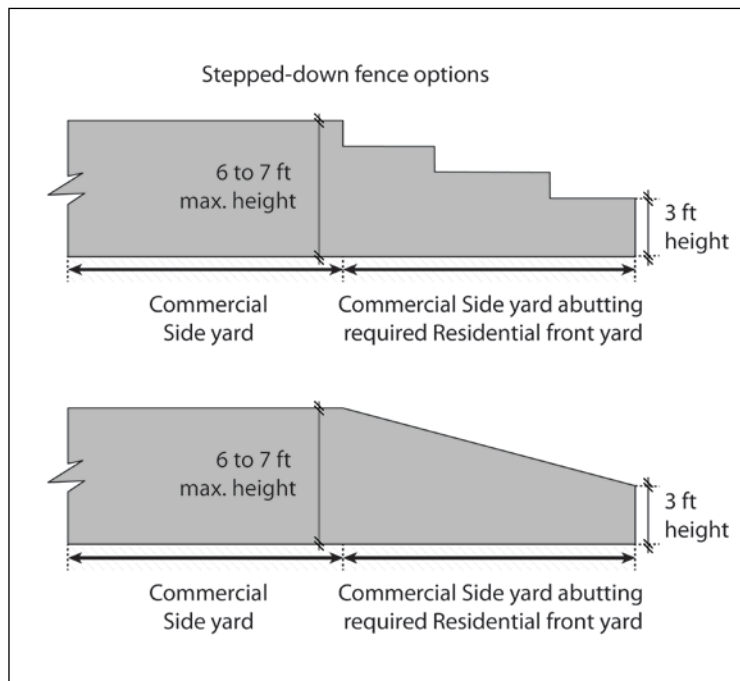
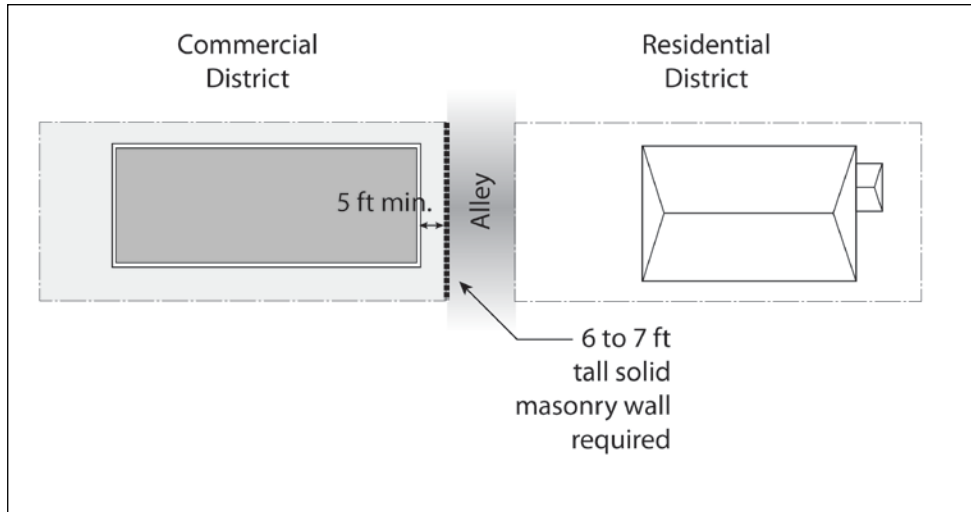


Figure 2.9



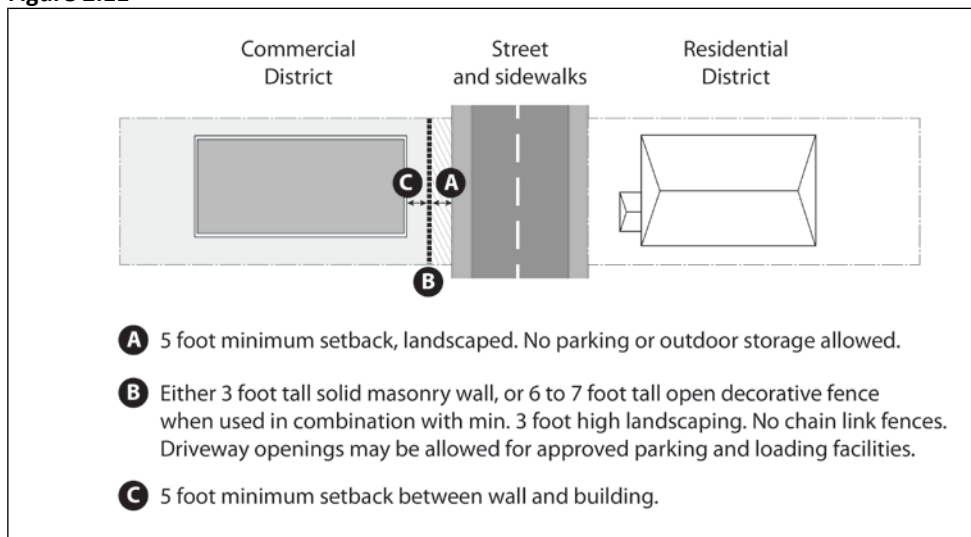
- (c) If the district boundary is an alley, the wall shall be along the length of the commercial property line against the alley. No driveway openings into the alley are allowed.

Figure 2.10



- (d) 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.

Figure 2.11



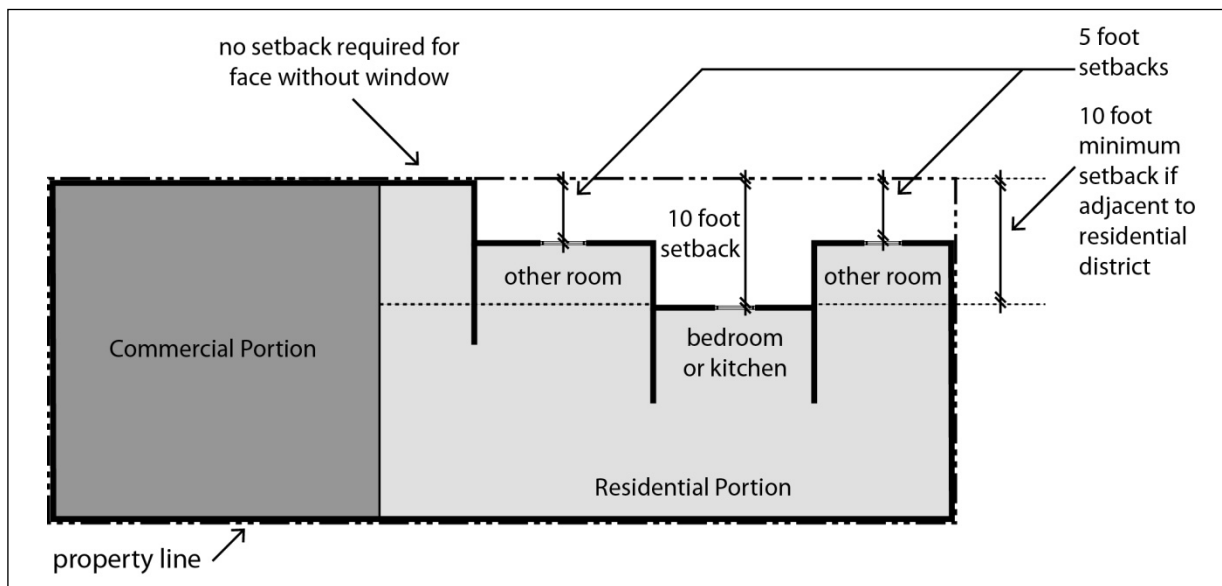
- c. **Pedestrian Access between adjacent commercial developments.** If a Commercial property shares a property line with another Commercial property, pedestrian access shall be provided at the shared property line, to allow for increased walkability and connectivity between commercial properties.
- d. **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.
- e. **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.
- f. **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.
- g. *Pedestrian Connections.* Pedestrian ways five (5) feet or more in width may be required:
 - (1) 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.
 - (2) Through the middle of blocks that are more than six hundred (600) feet in length;
 - (3) To connect cul-de-sac or dead-end streets;
 - (4) To provide access to other community facilities such as shopping centers; and/or
 - (5) To provide access to trails or bikeways shown in the General Plan.
 - (6) All outdoor walkways shall be illuminated in accordance with the requirements of Chapter 4, Article 2.F, Lighting and Illumination, of this Title.
 - (7) 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.
 - (8) 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.

3. **Mixed Use Standards.** In the Mixed Use district, residential uses may be permitted if all of the following conditions are met:
 - a. **Location of Residential Units.** Residential units are permitted at the side, rear and/or above the commercial uses.
 - b. **Residential Building Entry and Orientation Requirements.**
 - (1) 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.
 - (2) 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.
 - c. ***Pedestrian Connections.*** Pedestrian ways five (5) feet or more in width may be required:
 - (1) 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.
 - (2) Through the middle of blocks that are more than six hundred (600) feet in length;
 - (3) To connect cul-de-sac or dead-end streets;
 - (4) To provide access to playgrounds, parks, schools, shopping centers, or similar community facilities; and/or
 - (5) To provide access to trails or bikeways shown in the General Plan.
 - (6) All outdoor walkways shall be illuminated in accordance with the requirements of Chapter 4, Article 2.F, Lighting and Illumination, of this Title.
 - (7) 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.
 - (8) 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.

- d. **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.
- e. **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.
 - (1) Five (5) feet for any wall with windows.
 - (2) Ten (10) feet for any wall with bedroom or kitchen windows.

Figure 2.12



ARTICLE 4 MANUFACTURING/BUSINESS DISTRICTS

A. Purpose

1. The specific purposes of the “Manufacturing/Business” Districts are to:
 - a. Provide for large and small-scale businesses involved in manufacturing, distribution or services.
 - b. Provide appropriate areas of the city where employment uses can locate and operate without significant conflicts with other land uses.
 - c. Strengthen the city’s economic base and provide employment opportunities for residents of the city.
 - d. Ensure the provision of services and facilities needed to accommodate planned population densities.
2. Additional purposes of each “Manufacturing/Business” District:
 - a. **MBL Light Manufacturing/Business.** To provide areas for a mix of light industrial, secondary office, bulk retail, and service uses. This district allows for uses such as, warehouse, mini-storage, research and development, wholesale, bulk retail, and office space with limited customer access. This district also allows for other uses, such as commercial recreation, distribution centers, or other uses that require large, warehouse-style buildings. Small-scale retail and service uses serving local employees and visitors are permitted as secondary uses.
 - b. **MBH Heavy Manufacturing/Business.** To provide areas for businesses which have the 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.

B. Land Use Regulations

1. **Table 2.7** below prescribes the land use regulations for “Commercial” Districts. The regulations for each district are established by letter designations as follows:
 - a. “Yes” designates permitted uses.
 - b. “CUP” designates use classifications that are permitted after review and approval of a Conditional Use Permit by the Planning Commission.
 - c. “(#)” numbers in parentheses refer to specific limitations listed at the end of the table.
 - d. “No” designates uses that are not permitted.
2. 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 2.7: Land Use Regulations – Manufacturing/Business Districts			
<i>Use Classifications</i>	<i>MBL</i>	<i>MBH</i>	<i>Additional Regulations</i>
Public and Semi-Public Uses			
Cultural Institutions	Yes	No	
Day Care Centers	Yes	No	
Elderly and Long-term care	Yes	No	
Hospitals and Clinics	Yes	No	
Instructional Services	Yes	No	
Schools, Public or Private	Yes	No	
Commercial Uses			
Adult Oriented Businesses	Yes(1)	No	Chapter 5, Article 1.B, Adult Oriented Businesses
Aircraft Sales, Services, Storage	No	Yes	
Animal Care, Sales and Services	See subclassifications below		
<i>Kennels</i>	CUP	CUP	
<i>Veterinary Services</i>	Yes	Yes	
Automobile/Vehicle Sales and Services	See subclassifications below		
<i>Automobile/Vehicle Repair, Major</i>	Yes	Yes	Chapter 5, Article 1.F, Automobile/Vehicle Service and Repair, Major and Minor
<i>Automobile/Vehicle Repair, Minor</i>	Yes	Yes	Chapter 5, Article 1.F, Automobile/Vehicle Service and Repair, Major and Minor
<i>Automobile/Vehicle Washing</i>	Yes	Yes	Chapter 5, Article 1.G, Auto Service Stations and Car Washing
<i>Large Vehicle and Equipment Sales, Service and Rental</i>	CUP	Yes	
<i>Towing and Impound</i>	No	Yes	
Banks and Financial Institutions	See subclassifications below		
<i>Banks and Credit Unions</i>	Yes	No	
<i>Check Cashing Businesses</i>	Yes	No	
Building Materials and Services	Yes	Yes	
Business Services	Yes	Yes	Permitted only as an accessory use to a principal manufacturing or business use, and limited to establishments with a gross floor area less

Table 2.7: Land Use Regulations – Manufacturing/Business Districts			
Use Classifications	MBL	MBH	Additional Regulations
			than 5,000 square feet in size.
Eating, Drinking, and Smoking Establishments	See subclassifications below		
<i>Coffee Shops/Cafes</i>	Yes	Yes	Permitted only as an accessory use to a principal manufacturing or business use, and limited to establishments with a gross floor area less than 5,000 square feet in size.
<i>Restaurants</i>	Yes	No	Chapter 5, Article 1.C, Alcoholic Beverage Sales (MBL) Permitted only as an accessory use to a principal manufacturing or business use, and limited to establishments with a gross floor area less than 5,000 square feet in size.
Food and Beverage Retail Sales	Yes	Yes	Chapter 5, Article 1.C, Alcoholic Beverage Sales Permitted only as an accessory use to a principal manufacturing or business use, and limited to establishments with a gross floor area less than 5,000 square feet in size.
Funeral Parlors and Mortuaries	Yes	No	
Light Fleet Based Services	Yes	No	
Maintenance and Repair Services	Yes	Yes	
Offices	Yes	Yes(2)	(MBH) Permitted only as an accessory use to a principal manufacturing or business use, and limited to establishments with a gross floor area less than 5,000 square feet in size.
Parking, Public or Private	Yes	Yes	
Personal Services	Yes	No	
Retail Sales	Yes	Yes	Permitted only as an accessory use to a principal manufacturing or business use, and limited to establishments with a gross floor area less than 5,000 square feet in size.
Swap Meet	CUP	No	Chapter 5, Article 1.X, Swap Meets
Wholesaling and Distribution	Yes	Yes	
Industrial Uses			

Table 2.7: Land Use Regulations – Manufacturing/Business Districts			
Use Classifications	MBL	MBH	Additional Regulations
Construction and Material Yards	Yes	Yes	
Handicraft/Custom Manufacturing	Yes	Yes	
Industry, General	No	Yes	
<i>Alcohol Manufacture</i>	No	CUP	(MBH) Alcohol manufacture must be located more than 500 feet from the nearest residential, or commercial zoning designation as shown on the Official Zoning Map.
<i>Hazardous Waste Management Facilities</i>	No	CUP	(MBH) On-site hazardous waste management facilities must be accessory and incidental to a primary use.
<i>Manufacture, processing, or treatment of materials which may be obnoxious, offensive or hazardous to health and safety of persons and property</i>	No	CUP	
Industry, Limited	Yes	No	
Recycling Facilities	See subclassifications below		
<i>Recycling Collection Facility</i>	Yes	No	Chapter 5, Article 1.R, Recycling Facilities
<i>Recycling Processing Facility</i>	Yes	No	Chapter 5, Article 1.R, Recycling Facilities
<i>Salvaging and Wrecking</i>	Yes	No	
Warehousing and Storage	See subclassifications below		
<i>Chemical, Mineral, and Explosives Storage</i>	CUP	CUP	
<i>Indoor Warehousing and Storage</i>	Yes	Yes	
<i>Outdoor Storage</i>	Yes	Yes	Outdoor storage shall be incidental to a primary use, limited to 6,000 square feet and completely screened from public view by a six (6) foot high solid fence.
<i>Personal Storage</i>	Yes	No	Chapter 5, Article 1.Q, Personal Storage Facilities
Transportation, Communication, and Utilities Uses			
Freight/Truck Terminals and Warehouses	Yes	Yes	
Telecommunication Facilities	See subclassifications below		

Table 2.7: Land Use Regulations – Manufacturing/Business Districts			
Use Classifications	MBL	MBH	Additional Regulations
Modifications to existing Antenna and Transmission Facilities	Yes	Yes	Chapter 5, Article 1.Y, Telecommunication Facilities
New Antenna and Transmission Facilities	CUP	CUP	Chapter 5, Article 1.Y, Telecommunication Facilities
Facilities within Buildings (6)	CUP	CUP	
Transportation Passenger Terminals	Yes	Yes	
Utilities, Major	Yes	Yes	
Solid Waste Collection, Treatment, and Disposal	No	CUP	
Utilities, Minor	Yes	Yes	
Agriculture and Extractive Uses			
Crop Cultivation	Yes	Yes	
Solar Farms	Yes	Yes	Chapter 5, Article 1.W, Solar Power generating facilities
Resource Extraction activities; Mining and Quarrying	CUP	CUP	Only in areas designated as Resource Extraction Overlay in the General Plan (Chapter 3, Article 6, Resource Extraction Overlay District)
Other Applicable Types			
Accessory Uses and Structures	Yes	Yes	Chapter 5, Article 1.A, Accessory Uses and Structures
Caretaker Unit	Yes(2)	Yes(2)	
Nonconforming Use	Chapter 6, Article 2, Nonconforming Uses, Structures, and Lots		
Temporary Use	see subclassifications below		
Seasonal Outdoor Sales from three to seven days (3)	Temporary Use Permits required		Chapter 5, Article 1.Z, Temporary Uses
Long Term Special Events and Sales lasting eight days to three months			
All other Temporary Uses			
Specific Limitations:			
1. Adult-oriented businesses are allowed only along West Elm Avenue, between Lucille Avenue and Firestone Avenue, and must be at least 800 feet from the nearest Residential Zoning District. The subject parcels exclude a 0.42 acre site owned and operated by the City. 2. Limited to one dwelling for a caretaker or watchperson and his or her immediate family, necessary and incidental to a use located in such zone, one dwelling for agricultural employees employed on such property for more than half of each year, when situated on farms or ranches containing not less than 10 acres, and one dwelling for the owner of property used primarily for agricultural purposes located in such zone, when situated on a farm or ranch containing not less than five acres.			

Table 2.7: Land Use Regulations – Manufacturing/Business Districts			
<i>Use Classifications</i>	<i>MBL</i>	<i>MBH</i>	<i>Additional Regulations</i>
3. Seasonal outdoor sales that last for less than three consecutive days do not require permits.			

C. Development Regulations

1. **Base Development Regulations.** Table 2.8 below prescribes the development standards for the Manufacturing/Business 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 2.8: Development Regulations – Manufacturing/Business Districts			
Standard	MBL	MBH	Additional Standards
Lot and Density Standards			
Minimum Lot Area (s.f.)	5,000 s.f.	10,000 s.f.	Section 2. Additional Development Standards
Minimum Lot Width (ft.)	50 ft.	100 ft.	
Minimum Lot Depth (ft.)	75 ft.	75 ft.	
Building Form and Location			
Minimum Yards			
Front (ft.)	0 ft.	0 ft.	Section 2. Additional Development Standards, and Chapter 4, Article 2.A, Building Projections into Yards
Interior Side (ft.)	0 ft.	0 ft.	
Street Side (ft.)	0 ft.	0 ft.	
Rear (ft.)	0 ft.	0 ft.	
Maximum Height	75 ft.	75 ft.	Section 2. Additional Development Standards, and Chapter 4, Article 2.E, Heights and Height Exceptions

2. **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 Title.

b. **Transitional Standards.**

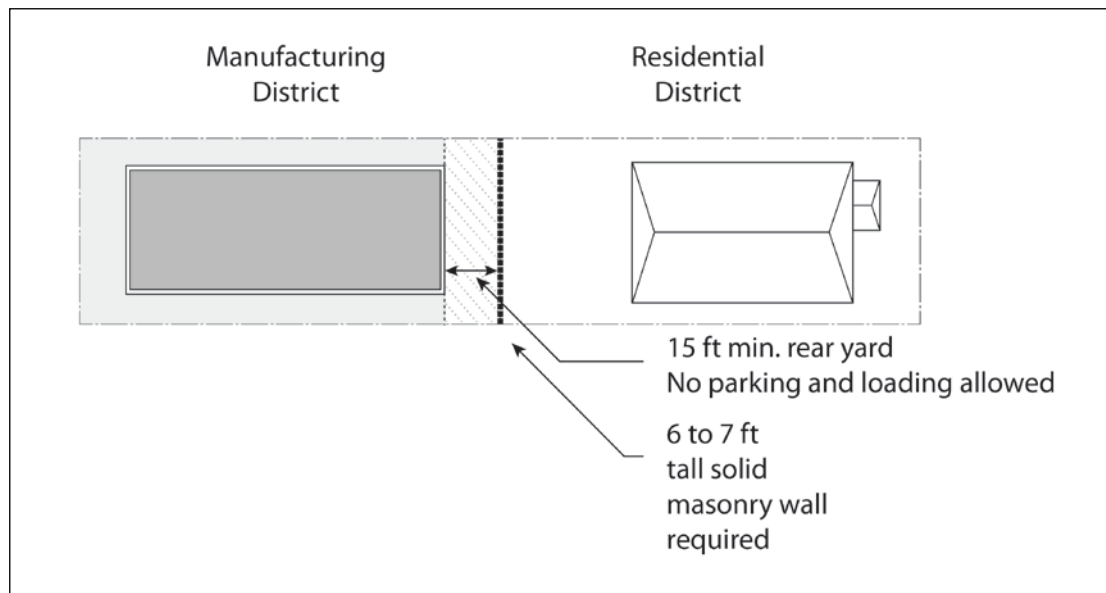
(1) *Height.*

- (a) 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.
- (b) Buildings exceeding thirty-five (35) 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-five (35) feet.

(2) *Fences and Yards.* Where a site in a Manufacturing/Business 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:

- (a) 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. No parking and loading is allowed in the rear yard. Outdoor storage may be allowed within the rear yard, provided that it is screened from public view.

Figure 2.13



- (b) 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. No parking and loading is allowed in the side and front yard adjacent to the Residential district. Outdoor storage may be allowed within the side yard that is adjacent to the Residential district, provided that it is screened from public view.

Figure 2.14

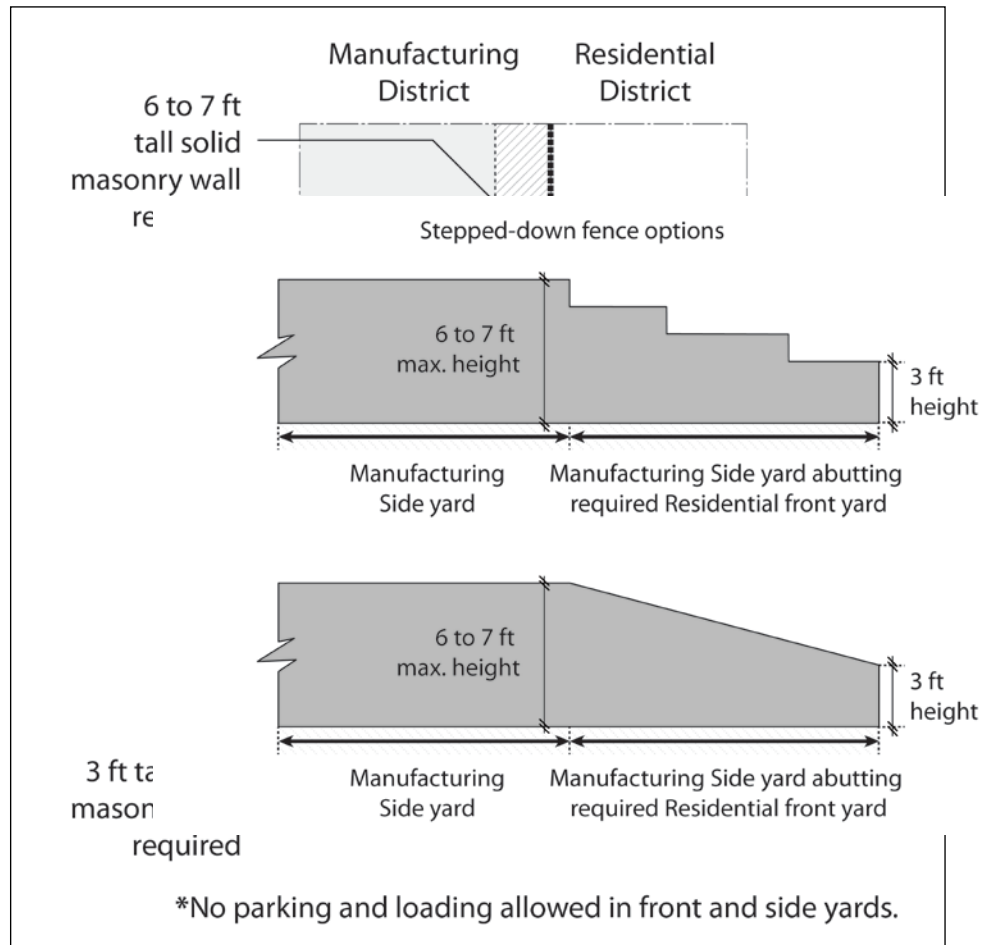
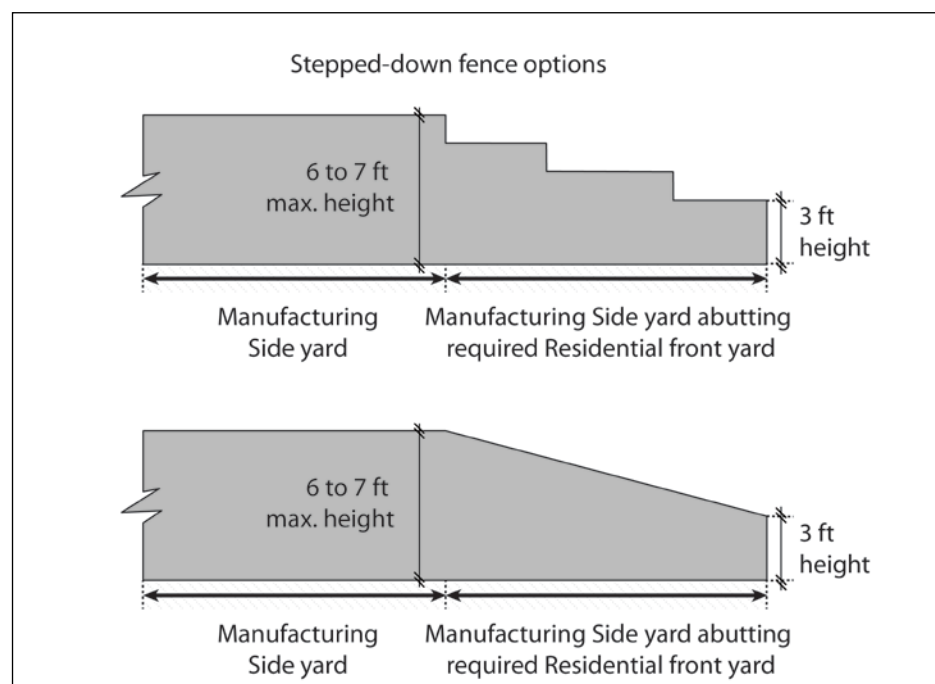
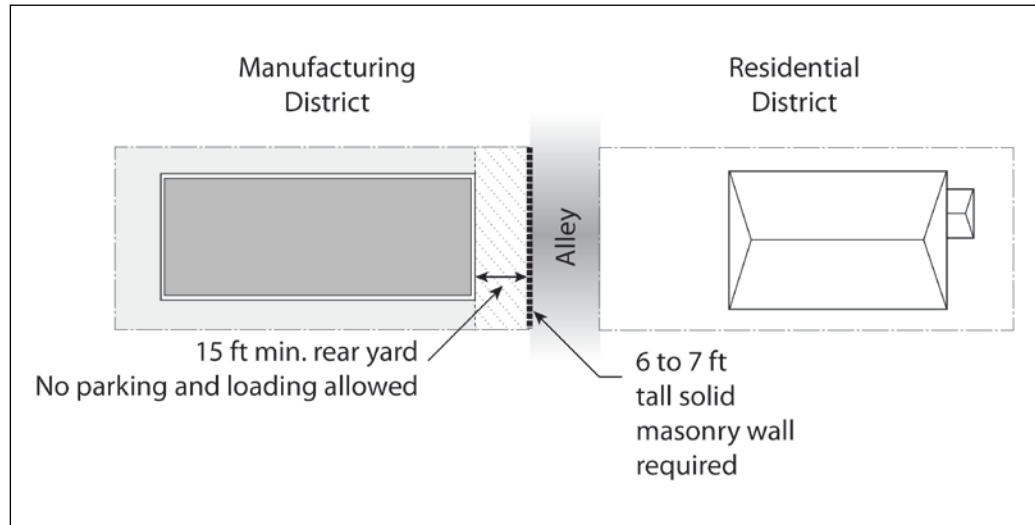


Figure 2.15



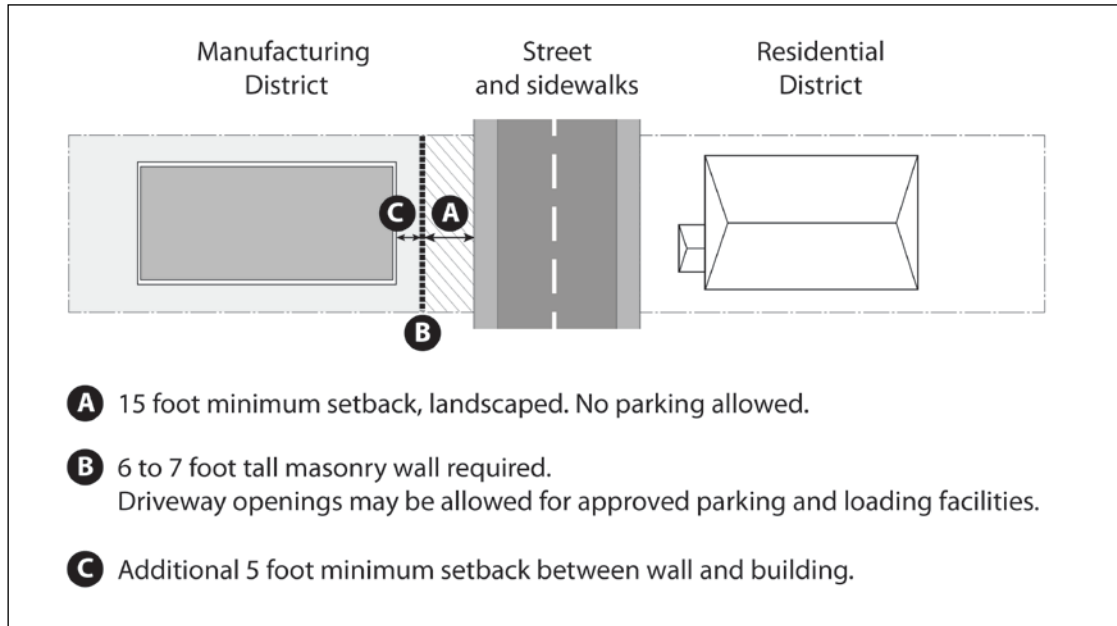
- (c) If the district boundary is an alley, the wall shall be along the length of the commercial property line against the alley. No driveway openings are allowed into the alley. A fifteen (15) foot rear yard setback is required between the building and the property line. No parking and loading is allowed in the rear yard. Outdoor storage may be allowed in the rear yard, provided that it is screened from public view.

Figure 2.16



- (d) Exception: If the district boundary is a street, any wall constructed along such street 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; no parking and no outdoor storage shall be allowed. Outdoor storage may be allowed within the setback, provided that it is screened from public view. 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.

Figure 2.17



- c. **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 Community Development Director may waive this requirement for accessory buildings to provide reasonable accommodation.

D. Supplemental Regulations

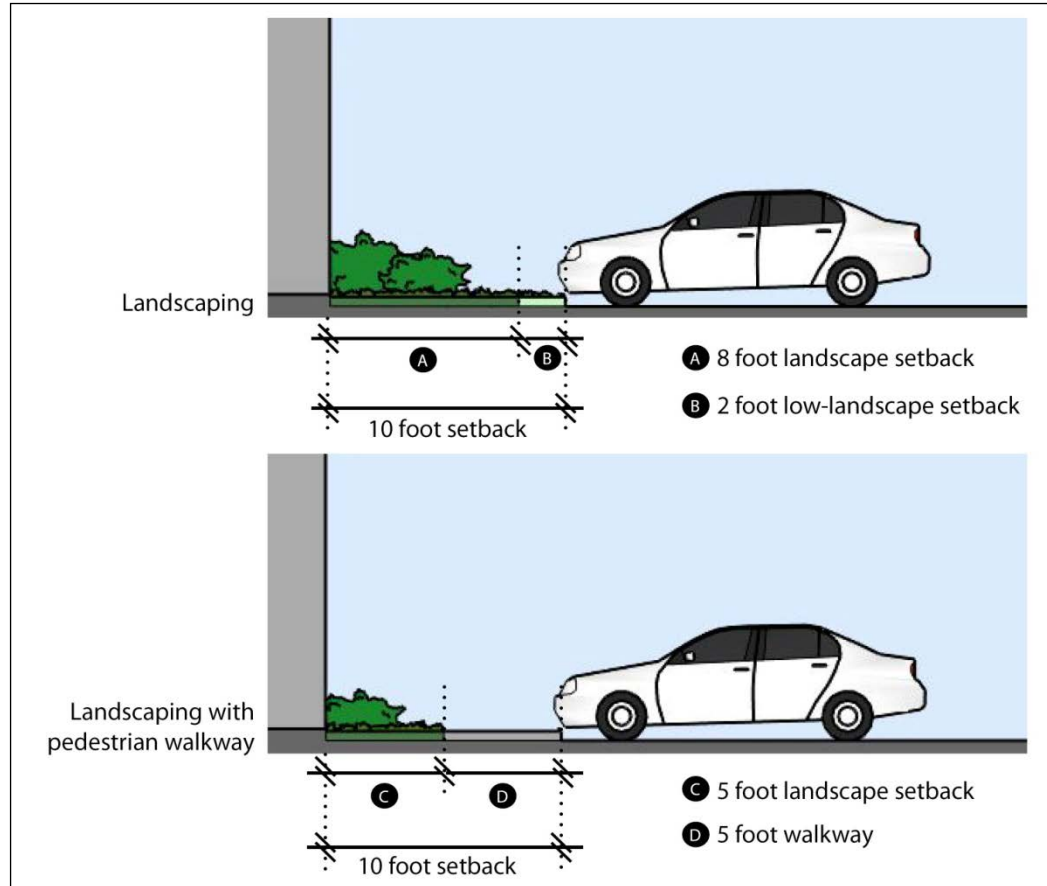
1. Setback and Screening Requirements.

- a. **Setback and Screening from Highways.** Any site in a Manufacturing/Business district that is fully or partially located within two hundred (200) feet of a state highway shall provide a landscaped area at least fifteen (15) 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.
- b. **Parking Setback and Screening from Public Right-of-Way.** The following requirements apply to frontages on arterial or collector streets:
- (1) *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 fifteen (15) 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.
 - (2) *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 Community Development Director, 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 Community Development Director.

- c. **Landscaped Setback of Parking from On-Site Buildings.** In the MBL districts, parking spaces must be set back at least ten (10) 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 2.18



2. **Pedestrian Orientation.** Pedestrian oriented design shall be provided in the MBL district according to the following standards:
- 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.
 - 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.

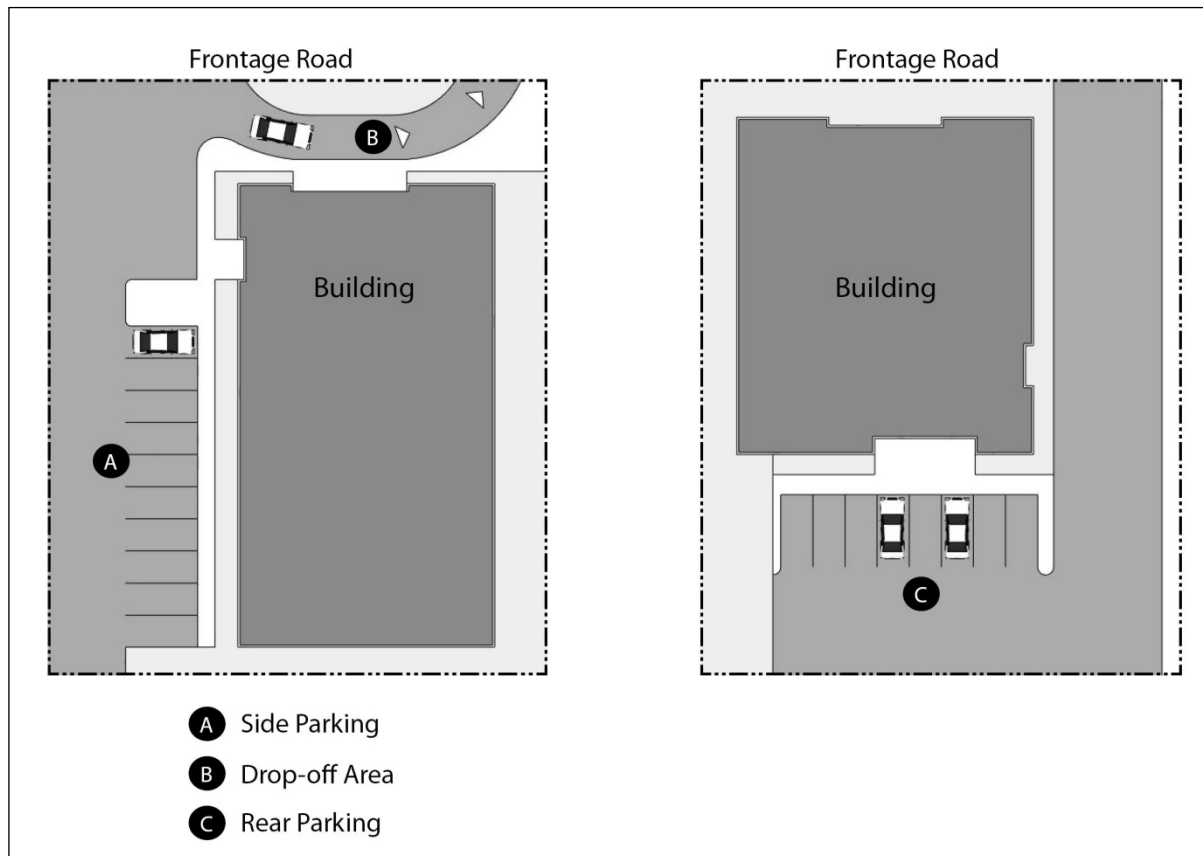
- c. **Entrances.** All ground floor tenant spaces with at least twenty-five (25) feet of frontage facing a public or private street shall have at least one building entrance oriented to the adjacent street. Such an entrance shall open directly to the outside and shall not require a pedestrian to first pass through a garage, parking lot or loading area to gain access.
 - d. **Signage.** Signage shall be integrated with the design of the building and oriented and scaled to the pedestrian, where applicable.
 - e. **Other Pedestrian-Oriented Design Elements.** Other pedestrian-oriented design elements such as street furniture or other seating surfaces on private property and other design amenities scaled to the pedestrian such as awnings, drinking fountains, arcades, colonnades, plazas, non-commercial community bulletin boards, public or private art, and alternative paving materials may be provided in areas of pedestrian access. Compliance may also be demonstrated by pedestrian-oriented design elements that are provided off-site.
3. **Pedestrian Access.** On-site pedestrian circulation and access shall be provided according to the following standards. Pedestrian ways five (5) feet or more in width may be required:
- (1) 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.
 - (2) To a public sidewalk on each street frontage. Such walkway shall be the shortest practical distance between the main entry and sidewalk.
 - (3) To adjoining neighborhood residential and commercial streets. These connections shall be direct, convenient, remain accessible at all times, and not be gated.
 - (4) Through the middle of blocks that are more than six hundred (600) feet in length;
 - (5) To connect cul-de-sac or dead-end streets;
 - (6) To provide access to playgrounds, parks, schools, shopping centers, or similar community facilities; and/or
 - (7) To provide access to trails or bikeways shown in the General Plan.
 - (8) All outdoor walkways shall be illuminated in accordance with the requirements of Chapter 4, Article 2.F, Lighting and Illumination, of this Title.
 - (9) 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.
 - (10) 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.

4. **Driveway Restrictions; Location of Parking.**

- a. **Access.** 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 2.19



ARTICLE 5 PUBLIC FACILITIES AND RECREATION DISTRICTS

A. Purpose

1. The specific purpose of the “Public Facilities” and “Recreation” Districts is to ensure the provision of services and facilities needed to accommodate planned population densities, employment intensities, and traffic regulation.
2. Additional purposes of each District:
 - a. **Public Facilities (PF).** To provide areas for needed public and institutional facilities, including, but not limited to City, County and other government agency properties including post offices, the Civic Center, public schools, public playgrounds and fire stations. Public utility right-of-ways are also included.
 - b. **Recreation (REC).** To provide areas for public and private recreational facilities including but not limited to public parks, golf course and equestrian centers.

B. Land Use Regulations

1. **Table 2.9** below prescribes the land use regulations for the “Public Facilities” and “Recreation” Districts. The regulations for each district are established by letter designations as follows:
 - a. “Yes” designates permitted uses.
 - b. “CUP” designates use classifications that are permitted after review and approval of a Conditional Use Permit by the Planning Commission.
 - c. “(#)” numbers in parentheses refer to specific limitations listed at the end of the table.
 - d. “No” designates uses that are not permitted.
2. Land use classifications are defined in Chapter 1, Article 2 “Definitions” of this Title. In cases where a 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 2.9: Land Use Regulations – Public Facilities and Recreation Districts			
<i>Use Classifications</i>	<i>PF</i>	<i>REC</i>	<i>Additional Notes and Regulations</i>
Public and Semi-Public Uses			
Airport Facilities	Yes	No	
Cemeteries	CUP	No	
Clubs and Lodges	No	Yes	(REC) Limited to facilities associated with park and recreational facilities.

Table 2.9: Land Use Regulations – Public Facilities and Recreation Districts			
<i>Use Classifications</i>	<i>PF</i>	<i>REC</i>	<i>Additional Notes and Regulations</i>
College and Trade Schools, Public or Private	Yes	No	
Community Center	Yes	Yes	
Cultural Institutions	Yes	Yes	
Golf Courses and Country Clubs	Yes	Yes	
Government Offices	Yes	No	
Hospitals and Clinics	Yes	No	
Instructional Services	Yes	No	
Park and Recreation Facilities, Public	Yes	Yes	
Public Safety Facilities	Yes	No	
Schools, Public or Private	Yes	No	
Commercial Uses			
Commercial Entertainment and Recreation uses, ancillary to main land use on property	See subclassifications below		
<i>Large-Scale (any establishment of building footprint over 1,500 square feet)</i>	CUP	CUP	Chapter 5, Article 1.C, Alcoholic Beverage Sales
<i>Small-Scale (any establishment with a building footprint of 1,500 square feet or less)</i>	Yes	Yes	Chapter 5, Article 1.C, Alcoholic Beverage Sales
Eating, Drinking, and Smoking Establishments, ancillary to primary use on property	See subclassifications below		
<i>Coffee Shops/Cafes</i>	Yes	CUP	
<i>Restaurants</i>	Yes	CUP	Chapter 5, Article 1.C, Alcoholic Beverage Sales
Transportation, Communication, and Utilities Uses			
Heliports	Yes	No	(PF) Limited to heliports as an accessory use to a hospital or medical center.
Utilities, Minor	Yes	No	
Telecommunication Facilities	See subclassifications below		
<i>New Antenna and Transmission Facilities</i>	CUP	CUP	Chapter 5, Article 1.Y, Telecommunications Facilities
<i>Modifications to existing Antenna and Transmission Facilities</i>	Yes	Yes	

Table 2.9: Land Use Regulations – Public Facilities and Recreation Districts			
<i>Use Classifications</i>	<i>PF</i>	<i>REC</i>	<i>Additional Notes and Regulations</i>
Other Applicable Types			
Resource Extraction activities; Mining and Quarrying	CUP	CUP	Only in areas designated as Resource Extraction Overlay in the General Plan, and as outlined in Chapter 3, Article 6, Resource Extraction Overlay District
Solar Farms	CUP	No	Chapter 5, Article 1.W, Solar Power generating facilities
Accessory Uses and Structures	Yes	Yes	Chapter 5, Article 1.A, Accessory Uses and Structures
Nonconforming Use	Chapter 6, Article 2, Non-Conforming Uses and Structures		
Temporary Use	Chapter 5, Article 1.Z, Temporary Uses		

C. Development Regulations

1. **Base Development Regulations.** Table 2.10 prescribes the development standards for the “Public Facilities” and “Recreation” 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.

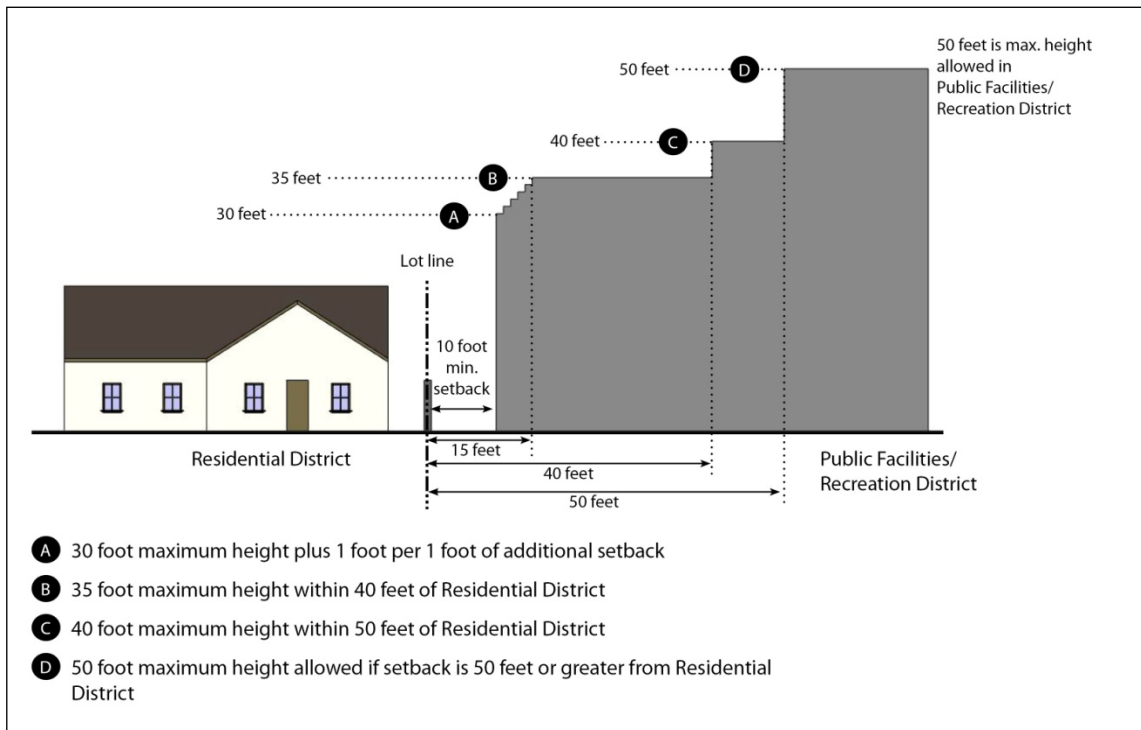
Table 2.10: Development Standards – Public Facilities and Recreation Districts			
<i>Use Classifications</i>	<i>PF</i>	<i>REC</i>	<i>Additional Notes and Regulations</i>
Lot and Density Standards			
Minimum Lot Area (sq. ft.)	0 sq. ft.	0 sq. ft.	
Minimum Lot Width (ft.)	0 ft.	0 ft.	
Minimum Lot Depth (ft.)	0 ft.	0 ft.	
Building Form and Location			
Maximum Height (ft.)	75 ft.	35 ft.	Section 2. Additional Development Regulations, and Chapter 4, Article 2.E, Heights and Height Exceptions
Minimum Yards (ft.)			
<i>Front</i>	20 ft.	0 ft.	Section 2. Additional Development Regulations, and Chapter 4, Article 2.A, Building Projections Into Yards
<i>Interior Side</i>	10 ft.	0 ft.	
<i>Street Side</i>	10 ft.	0 ft.	
<i>Rear</i>	10 ft.	0 ft.	
Maximum Floor Area Ratio	.25	.10	See definition in Chapter 1, Article 2, and Chapter 4, Article 1, Calculating FAR

2. **Additional Development Regulations.**

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

- (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 (1) foot from the required interior side and rear setback lines for every foot of height above thirty (30) feet.

Figure 2.20



b. **Determining FAR.** When determining the FAR of the PF District, medical laboratories, operating rooms, meeting rooms, conference facilities, cafeteria facilities, and recreational facilities are excluded from floor area.

c. **Pedestrian Access.** On-site pedestrian circulation and access shall be provided according to the following standards. Pedestrian ways five (5) feet or more in width may be required:

- (1) 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.
- (2) To a public sidewalk on each street frontage. Such walkway shall be the shortest practical distance between the main entry and sidewalk.

- (3) To adjoining neighborhood residential and commercial streets. These connections shall be direct, convenient, remain accessible at all times, and not be gated.
- (4) Through the middle of blocks that are more than six hundred (600) feet in length;
- (5) To connect cul-de-sac or dead-end streets;
- (6) To provide access to playgrounds, parks, schools, shopping centers, or similar community facilities; and/or
- (7) To provide access to trails or bikeways shown in the General Plan.
- (8) All outdoor walkways shall be illuminated in accordance with the requirements of Chapter 4, Article 2.F, Lighting and Illumination, of this Title.
- (9) 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.
- (10) 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.

Chapter 3 SPECIAL DISTRICTS AND OVERLAYS

- Article 1 Downtown Overlay District**
- Article 2 Flood Hazard Overlay District**
- Article 3 Gateway Overlay District**
- Article 4 Master Plan Overlay District**
- Article 5 Planned Development District**
- Article 6 Resource Extraction Overlay District**



ARTICLE 1 DOWNTOWN OVERLAY DISTRICT

* Red text was taken from Downtown Design Guidelines

A. Purpose

1. The specific purposes of the Downtown Overlay District is to:
 - a. Maintain a thriving historic Downtown that is the symbolic and functional center of the City's business, professional, governmental and social activities, that provides for the needs of residents and tourists.
 - b. Actively encourage expanded commercial and retail shopping opportunities and employment generating uses in the Downtown area.
 - c. Enhance the City's historic Downtown Core by creating an efficient, attractive, and pedestrian-oriented area that reflects the City's historic character, while providing a diverse mix of uses.
 - d. Concentrate business services and public buildings and spaces in a functional and efficient manner, creating an attractive center for retail services and social activities.
 - e. Include specific development parameters to express and maintain the unique characteristics of the Downtown.

B. Applicability

1. **District Boundaries.** The boundaries of the Downtown Overlay District are prescribed as follows:
 - a. **Western boundary:** From the intersection of Sunset Street and Van Ness Street to the intersection of Sunset Street and West Polk Street;
 - b. **Northern boundary:** From the intersection of Van Ness Street and Sunset Street to the intersection of Van Ness Street and East Forest Avenue;
 - c. **Eastern boundary:** From the intersection on Van Ness Street and East Forest Ave, continuing south down East Forest Street and through First Street, West Glenn Avenue, and North Hayes Avenue until the intersection of North Hayes Avenue and East Polk Street;
 - d. **Southern boundary:** From the intersection of East Polk Street and North Hayes Avenue to the intersection of West Polk Street and Sunset Avenue.
2. **Projects subject to these requirements.** Proposed projects within the Downtown Overlay District that are subject to the provisions of this Article include:
 - a. Modifications to and additions of fifty (50) percent or more of existing building square footage;
 - b. Alterations to twenty-five (25) percent or more of the surface area of any existing building face or exterior façade; and
 - c. Other modifications, alterations, additions, or remodels determined to be applicable by the Community Development Director.
3. **Signage**
 - a. All proposed signage projects in the Downtown Overlay District are subject to the provisions of Chapter 4, Article 5, Signs.

C. Regulations



1. **Design Guidelines.** All development shall comply with the Downtown Design Guidelines adopted by City Council Resolution Number 3221. In the event of a conflict between this Article and the Downtown Design Guidelines, the provisions of this Article shall apply.
2. **Street Preservation.** Existing streets in Downtown Overlay District shall be preserved. Public rights-of-way shall not be eliminated or abandoned unless substantial public benefits are provided such as a new plaza or park.
3. **Parking.** Parking shall be provided and maintained according to the general standards of Chapter 4, Article 3, Off Street Parking and Loading, as well as the standards of this Section.
 - a. **Parking Location.** Parking lots may not be located between the street and the building; they must be located behind the building. In the case of corner lots, parking lots must be accessed from the minor road and must be screened from the street with a minimum 10' landscape setback.
 - b. **On-Street Parking.** For properties within the Downtown Overlay District, on-street parking directly adjacent to the property may be counted towards required on-site parking as outlined in Chapter 4, Article 3, Off Street Parking and Loading.
 - c. **Parking Lot Access.**
 - (1) Access to parking lots should be provided from both a street and an alley where possible.
 - (2) Lots shall be designed to prohibit the backing of vehicles into public streets.
 - (3) Commercial parking lot access shall not be provided from a residential street where alternate access is available.
 - (4) Wherever possible, parking entrances shall share curb cuts in order to minimize the overall number of curb cuts.
 - d. **Parking Lot Screening.**
 - (1) Parking lots shall be screened from adjacent streets by a 10' landscape easement containing any of the following:
 - (a) Landscaping, primarily trees and shrubs.
 - (b) A combination of shrubs and berms, not to exceed a 3:1 slope.
 - (c) Low, decorative wall not to exceed thirty (30) inches in height, or twenty-four (24) inches high when combined with landscaping, for the purposes of reducing glare from vehicle headlights.
 - (d) Screening shall not block views between thirty (30) inches in height above sidewalk grade and 6 feet above the sidewalk for security purposes.
 - e. **Parking Lot Walkways and Curbs.**
 - (1) Walkways in or adjacent to the parking lots shall be elevated a minimum of 4 inches and a maximum of 6 inches above the parking lot grade, unless an alternate drainage scheme has been approved by the City Engineer.
 - (2) Planting areas shall be protected by 6 inches curbs.
 - (3) Where walkways must be at grade (such as to accommodate ADA path of travel) the walkway must be differentiated from the paving of the parking lot by contrasting pavement such as pavers or stamped, colored concrete, or by painted stripes.

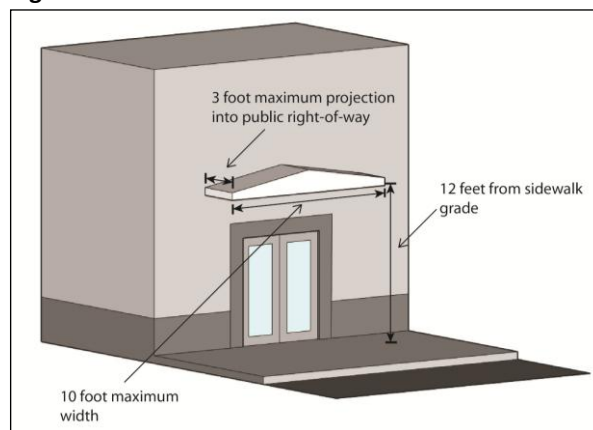


- f. **Residential Parking.**
 - (1) Garages or other enclosed or covered parking facilities for use by residents shall not be a significant visible feature from the public street or from adjacent bikeways, sidewalks or other pedestrian amenities.
 - (2) Residential parking shall be clearly signed and reserved for the residents.
- 4. **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.
 - e. **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.
 - (1) **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.
 - (2) **Minimum Dimensions:** Twelve (12) feet.
 - (3) **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 2.5 to 3.5 feet high.
- 5. **Pedestrian Connections.**
 - a. When new development or remodeling introduces pedestrian use of alleyways, and space allows, shaded walkways shall be provided to form visual and functional connections between businesses or between businesses and the downtown streets.
 - b. Shade structures do not need to provide solid shade, but should clearly define the route between developments and should separate pedestrians from parking lots and alleys.
- 6. **Building Projections.**



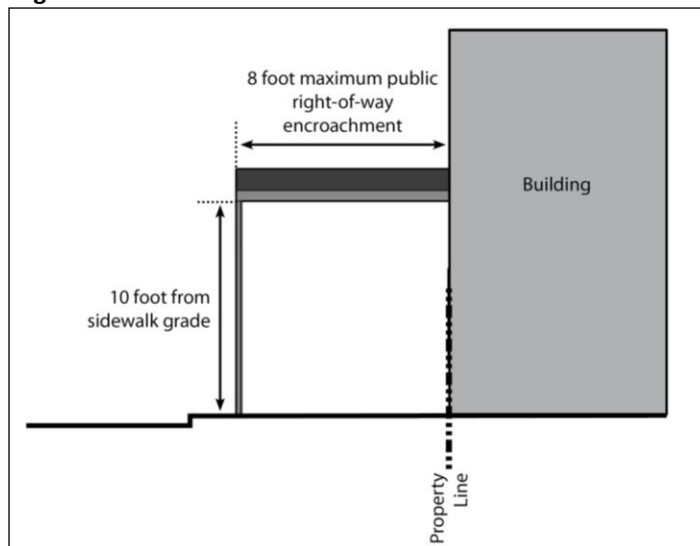
- a. **Front Porches and Building Entrances.** Front porches and building entrance structures may encroach up to ten (10) feet into front and side yards facing the street for up to forty (40) percent of the lot frontage.
- b. **Architectural Projections.** Bay windows, balconies, and other architectural features such as chimneys may project into required yards up to three (3) feet.
- c. **Building Projections into the Public Right-of-Way.** Building projections may encroach into the public right-of-way up to three (3) feet for the purpose of providing shade over the sidewalk, provided they are no closer than twelve (12) feet from sidewalk grade. The maximum width of any projection is ten (10) feet.

Figure 3.1



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

Figure 3.2

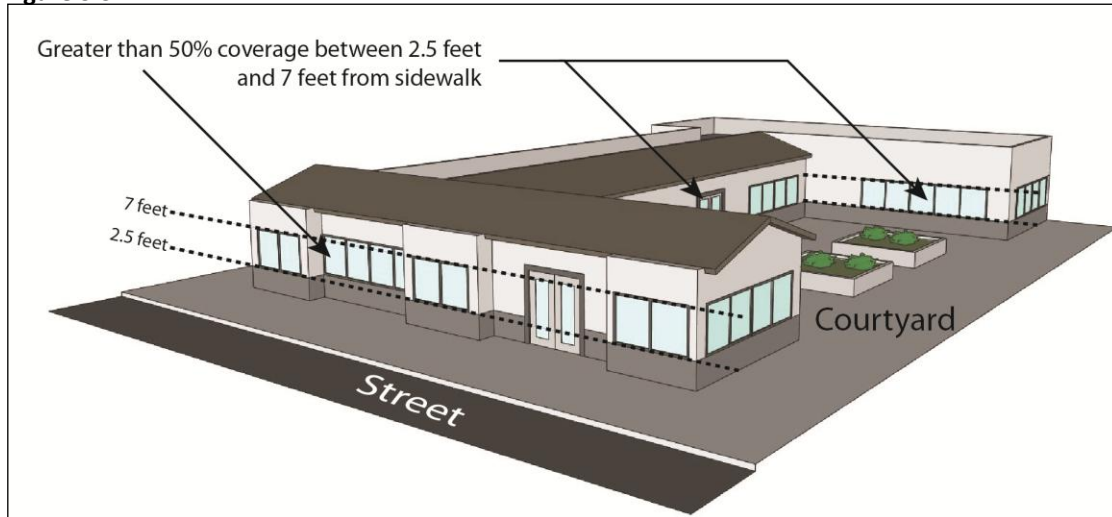


7. **Building Design.**

a. **Commercial Building Design.**

- (1) *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.

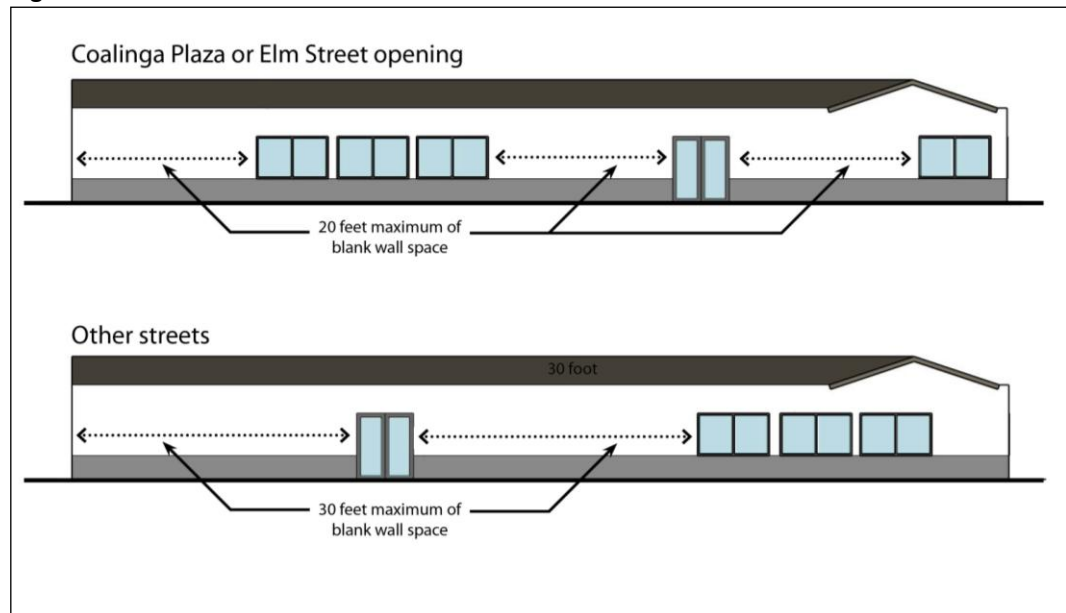
Figure 3.3



- (2) *Limits on Blank Walls.* No wall shall run in a continuous plane for more than twenty (20) feet without an opening on Coalinga Plaza or Elm Street, 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.

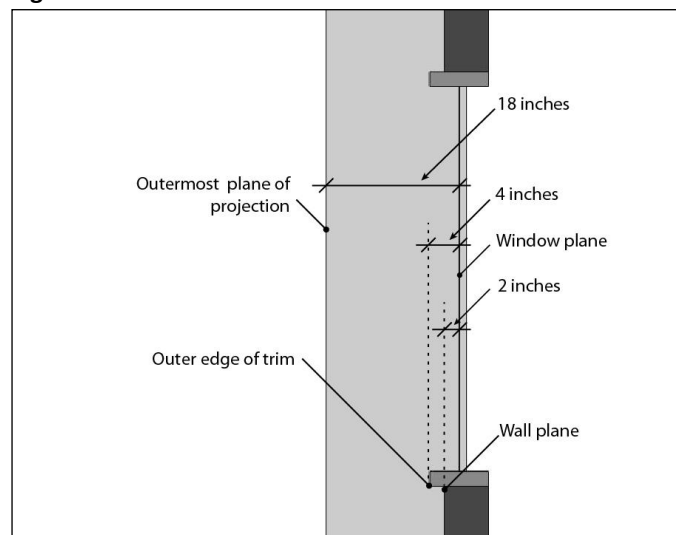


Figure 3.4



- (3) *Wall Plane Articulation.* Windows, doors, columns, and other features shall be recessed or project forward from the wall plane, such that there is a minimum two (2)-inch recess of the window plane from the wall plane, a minimum four (4)-inch projection from the window plane and outer edge of trim, and a total of at least eighteen (18) inches from the window plane to the outermost plane of any projection such as a wall, column, or other articulation feature.

Figure 3.5



- (4) *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.
- (5) *Building Entrances.*
- (a) Buildings shall be oriented to face public streets.

- (b) Building frontages shall be generally parallel to streets, and the primary building entrances shall be located on a public street.
- (c) Building entrances shall be emphasized with special architectural and landscape treatments.
- (d) 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.
- (e) 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.

b. **Residential Building Design.**

- (1) *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.
 - (2) *Residential Building Façade and Entrances.* The following standards apply to residential buildings and mixed-use projects that include residential uses.
 - (a) 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.
 - (b) 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.
 - (c) 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.
 - (d) Entrances. Provide at least one (1) building entrance for every one hundred (100) feet of street frontage.
8. **Mechanical Equipment.** Mechanical equipment, including rooftop mechanical equipment, shall be screened from view to the height of the equipment, and the screening shall be designed as an integral component of the architectural design. The property owner shall be responsible for the maintenance of such screening.
9. **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.
10. **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:
- a. Security doors shall not encroach into the public right-of-way, in either an opened or closed position.
 - b. Lighting shall be provided at all entryways to the building and in any alcoves or other



features of the building, to allow visual surveillance of the building and its public areas.

- c. 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; opaque rolling doors and accordion fold grates are discouraged.
- d. 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.



ARTICLE 2 FLOOD HAZARD OVERLAY

A. Purpose

1. The specific purpose of the Flood Hazard Overlay is to set appropriate development standards to protect the community from the risks to life, property, community and the environment associated with construction in the areas identified as 100-year flood zones by the Federal Emergency Management Agency (FEMA) in the City of Coalinga.

B. Preference for Passive Uses in Flood Hazard Overlay

1. Lands in the Flood Hazard Overlay should remain predominantly free of structures. Consistent with the Land Use Element of the General Plan, development in the Flood Hazard Overlay should be limited to multi-use trails and passive recreational uses.
 - a. The multi-use trails designation applies to walking, biking and equestrian trails.
 - b. Passive recreational uses include open space and recreation activities requiring minimal development and construction, and with minimal impact on the environment. Examples include wildlife observation, canoeing, hiking, and biking.
2. As identified in the 1990 Management Plan for Warthan Creek and Los Gatos Creek referenced in the Open Space and Conservation Element of the General Plan, lands in the Flood Hazard Overlay should be primarily preserved and used as conservation areas and wildlife corridors.

C. Development Regulations in Flood Hazard Overlay

1. A limited amount of development may be allowed in the Flood Hazard Overlay, subject to the requirements of the Chapter 8, Floodplain Management, of this Title.
2. The review of proposed development in the Flood Hazard Overlay should pay specific attention to the prevention of flooding toward properties, roads, and public facilities adjacent to the flood zone.



ARTICLE 3 GATEWAY OVERLAY DISTRICT

A. Purpose

1. The purpose of the Gateway Overlay District is to identify gateways to the City by signaling and easing the transition between the City and the County, and creating a positive first impression of the City.
2. The Gateway Overlay District sets forth design and development standards for public right-of-ways and properties in the Gateway Overlay areas, in order to create harmonious and aesthetically pleasing gateways. Gateways shall reflect and reinforce Coalinga's history and community character.
3. The design and development standards below are intended to:
 - a. Create a sense of place that is consistent with the rural and small-town character of Coalinga;
 - b. Facilitate a welcoming entrance by providing vehicle, bicycle and pedestrian access;
 - c. Create an inviting streetscape that guides visitors into the City of Coalinga, through attractive landscaping and greater attention to building design;
 - d. Require the provision of aesthetically pleasing public and private signage; and

B. Applicability

1. The standards and guidelines detailed in this section apply to the following areas of the City identified as part of the Gateway Overlay in the General Plan:
 - a. The "**Urban Gateway**" to the South of the City, characterized by its proximity to the Downtown Overlay and developed lands:
 - (1) From the intersection of West Elm Avenue (Highway 198) and West Lucille Avenue to the intersection of West Elm Avenue (Highway 198) and Polk Street, approximately half a mile in length.
 - b. The "**Northern Gateway**" characterized by Open Space/Conservation and agricultural land along Highway 198/33:
 - (1) Between the intersection of Highway 198/ 33 and West Gale Avenue to the end of the West Hills Community College property, approximately one mile in length.
 - c. The "**Eastern Gateways**" in the Sphere of Influence of the City, characterized by open space and planned low density residential uses:
 - (1) On Phelps Avenue, between the intersection of Phelps Avenue and South Calavaras Avenue alongside the airport and proposed residential area to the approximate western boundary of the airport property, approximately one mile in length.
 - (2) On West Jayne Avenue, from the intersection of West Jayne Avenue and South Alpine Avenue to approximately 2,000 feet east of South San Joaquin Avenue, approximately one and half a mile in length.
 - (3) The following standards apply to all Gateway Overlay areas unless otherwise specified.

C. Project Approval



1. Approvals for proposed projects within the Gateway Overlay District may include specific conditions of approval, to ensure that the goals of the Gateway Overlay District are met.

D. General Development Standards

1. The requirements and development standards of the Gateway Overlay shall supplement and supersede the regulations of the underlying Zoning District and take precedence in the case of conflict. For all aspects not addressed by this section, the regulations of the underlying Zoning District shall remain in effect.
2. **Signage**
 - a. All signage proposed in the Gateway Overlay shall be reviewed by the Planning Commission.
 - b. Monument signs indicating entrance to and exit from the City:
 - (1) The City may install an entrance monument sign with the City name, seal or motto, or all of the above, at the corner of the property in the Gateway Overlay that will be first seen by visitors entering the City.
 - (2) On the opposite side of the road, the City may install a separate exit monument sign indicating to motorists and pedestrians that they are exiting the City.
 - (3) The entrance and exit monument signs shall be illuminated at night. Public art or landscaping may accompany the monument signs to increase their visibility and aesthetic value. Colors, materials and landscaping that are representative of or appropriate to the City of Coalinga shall be used in conjunction with the monument signs.
 - (4) No object, plants, trees or other signs shall be allowed to obstruct the text or graphic content of entrance or exit monument signs.
 - c. All other public and private signage in the Gateway Overlay shall follow the standards prescribed in Chapter 4, Article 5, Signs. No signage shall be allowed within ten feet of the City entrance or exit monument signs. All signage within twenty feet of a monument sign must not be larger than the entrance or exit monument signs.
3. **Pedestrian and Bicycle Access**
 - a. **Any installed bicycle lanes and pedestrian sidewalks within the Gateway Overlays** shall be continuous throughout the Gateway Overlay, and extend at minimum to the nearest roadway intersection.
 - b. Installed bicycle lanes shall be at minimum “Class 2 bikeways”, visually separated from traffic lanes using Caltrans striping standards. It is highly recommended to paint the bikeways a different color from the asphalt pavement for increased visibility. In specific areas with narrower right-of-ways and reduced maximum speeds, “Class 3 bicycle routes” may be installed per Caltrans standards. In such cases, roadside signs shall be installed urging motorists to share the road with cyclists.
4. **Parking**
 - a. Parking should not be allowed in the right-of-way.
 - b. Public and private parking on lots alongside the roadway is permitted. Screening shall be located between the parking and the sidewalk or right-of-way. The screening can either be a fence or a landscape buffer. The landscape buffer should be between 2 and 4 feet tall and consist of local plants.



5. Street Trees and Landscaping

- a. Street trees shall be planted on both sides of the street to provide shade, define and embellish the streetscape, and provide screening for parking, utilities and service areas.
- b. Any proposed landscaping and street trees should be selected with the goal to frame and preserve views of the hills, fields and open space, which are unique to Coalinga.
- c. 8 to 10 feet of space should generally be allowed between each tree. Spacing between trees may be adapted to accommodate fire hydrants, utility vaults, property entrances, and other infrastructure elements. The placement of street trees shall not interfere with traffic sight visibility. Structured soil (an engineered soil) for tree plantings is encouraged wherever possible to encourage healthy growth and prevent tree root damage to sidewalks and pavement.
- d. Existing planting shall be maintained or upgraded in all public areas wherever possible. The use of native and drought-resistant tree and plant species, and seasonal color is highly encouraged. Please refer to the Community Development Department for a list of recommended trees and plants.

6. Walls and fences

- a. Open or solid fences or walls proposed along the edge of properties should utilize wood, stone or brick, or other local colors and materials, to define the edge of the road.
- b. All proposed fences and walls shall be consistent with the requirements of Chapter 4, Article 2.C, Fences and Freestanding Walls, and any other requirements of the property's Zoning Districts.

7. Street lighting

- a. Street lighting is encouraged to illuminate the right-of-way and sidewalks at night, at minimum between sunset and midnight, and between 5:00 am and sunrise.
- b. Bulbs used for street lamps shall be energy efficient.
- c. Street lamps should not point or shine light towards the sky. Any lamp hoods should be downcast.
- d. The design of the street lamps shall be consistent or compatible across all Gateway Overlay areas, and be representative of the City of Coalinga. The Planning Commission shall determine the design and corresponding height for street lamps in each Gateway Overlay area.

8. Screening of utilities

- a. Utilities and public infrastructure should be undergrounded, or screened with trees, landscaping, or public art.
- b. Visibility and sight distances at driveways and street intersections should be preserved per the requirements of Chapter 4, Article 2.N, Visibility at Driveways and Intersections.

9. Buildings

- a. There shall be no minimum setback of buildings from the property line that fronts the street in the Gateway Overlay. The maximum setback from the property line shall be as prescribed in the underlying Zoning District, if any. Main entrances and pedestrian



connections from these buildings to the street in the Gateway Overlay are highly encouraged.

10. Public Art

- a. The installation of permanent public art is encouraged in the Gateway Overlay areas. The Planning Commission shall review all proposed public art. The approval of public art requires the finding that the artwork meets the design criteria in Section E of this Article.

11. Sidewalks

- a. Urban Gateway
 - (1) A secured sidewalk, separated from the roadway by a curb, shall be installed on both sides of the street. Street trees should be planted between the sidewalk and the roadway and/or between the sidewalk and the property lines.
 - (2) Sidewalks should be a minimum of 4 feet wide.
- b. Northern Gateway
 - (1) The installation of sidewalks is encouraged along both sides of the roadway, in tandem with future development. Existing pedestrian walkways should be improved in the interim with stones, plants and landscaping to define its edges.
- c. Eastern Gateways
 - (1) Wherever residential developments are proposed along the right-of-way, the construction of a sidewalk with landscaping and street trees is required.

12. Buildings and structures

- a. Building facades visible from the public right-of-way shall be regularly maintained to ensure a well-kept appearance. Landscape buffers are required alongside new developments to enhance aesthetics, provide screening, protection from noise and wind, and to preserve the “rural character” of the gateway.
- b. All setbacks should conform to the requirements of the respective Zoning Districts. If a general trend for a front setback from the street has been established, future development shall be compatible with the established trend, even if it is more limiting than Zoning requirements.
- c. Residential developments shall be visually enhanced and partially screened from the public right-of-way with landscape buffers and fences. Ranchettes, farm houses, agricultural sheds, barns and other rural buildings are not subject to this requirement.
- d. Urban Gateway and Northern Gateway
 - (1) The façades of buildings in the Urban Gateway and Northern Gateway, that are visible from the public right-of-way, shall be designed to assist the creation of a sense of place that is consistent with the rural and small-town character of Coalinga.

E. Design Criteria

1. To approve a Site Plan Review Application for any development in the Gateway Overlay zone, the following criteria shall be met:



- a. The proposed development creates a sense of place that is consistent with the rural and small-town character of Coalinga;
- b. The proposed development facilitates a welcoming entrance by providing vehicle, bicycle and pedestrian access;
- c. The proposed development facilitates the creation of an inviting streetscape that guides visitors into the City of Coalinga, through attractive landscaping and greater attention to building design;
- d. The proposed development has provided aesthetically pleasing public and private signage;
- e. The proposed project screens any visible mechanical and electrical equipment and utilities per the provisions of Chapter 4, Article 2.I, Screening, and Chapter 4, Article 2.M, Underground Utilities.



ARTICLE 4 MASTER PLAN OVERLAY DISTRICT

A. Purpose

1. The specific purposes of the Master Plan Overlay District is to:
 - a. Ensure the orderly planning for the development of large, unsubdivided areas of the City, consistent with its General Plan;
 - b. Maintain an environmental equilibrium consistent with existing vegetation, soils, geology, topography, and drainage patterns;
 - c. Avoid premature or inappropriate development that would result in incompatible uses or create public service demands exceeding the capacity of existing or planned facilities;
 - d. Encourage sensitive site planning and design; and
 - e. Ensure the provision of utilities, parks, roadways and other public facilities.

B. Applicability and Zoning Map Designator

1. The Master Plan Overlay District (-MP) may be combined with an underlying Zoning District and may be applied to an area of at least 20 acres or more. Each Master Plan Overlay District shall be shown on the Zoning Map by adding an “-MP” designator to the underlying Zoning District designation. A Master Plan is required for all development within the Master Plan Overlay District.

C. Land Use Regulations

1. The land use regulations of the Master Plan Overlay District shall be those of the underlying Zoning District, together with any other overlay district with which the Master Plan Overlay District is combined with, unless modified by a Master Plan.
2. All land use regulations shall be consistent with the General Plan Land Use designations established for land within the Master Plan Overlay District area.
3. No new uses or conditional uses may be approved unless a Master Plan is first approved.

D. Development Regulations

1. The Planning Commission may recommend and the City Council may approve lots smaller than those required by the underlying Zoning District, but shall not approve residential types or densities that deviate from those permitted by the General Plan and underlying Zoning District. Density bonus provisions shall apply.
2. All development regulations of the Master Plan Overlay District shall be those of the underlying Zoning District, together with any other overlay district with which the Master Plan Overlay District is combined with, unless modified by a Master Plan.
3. Notwithstanding clause (2) above, the provisions of any Airport Master Plan Area and Floor Hazard Overlay shall take precedence over the provisions of any other Overlay District and underlying Zoning District.

E. Initiation

1. The application for a Master Plan may be initiated by the City Council, Planning Commission, or petition of a qualified applicant or group of applicants, as described in Chapter 6, Article 9.C, Initiation of Amendments.



2. If the property is not under a single ownership, all owners shall join the application, and a map showing the extent of ownership shall be submitted with the application.

F. Required Plans and Materials

1. Each Master Plan for a specific area of land must include a land use and circulation system concept that is consistent with the goals and policies of the General Plan, compatible with the environment, and capable of being served by existing and planned public facilities and utilities.
2. The following plans and materials must be submitted. The Community Development Director or his or her designee may require the submission of additional items considered necessary:
 - a. A map showing proposed Master Plan boundaries and the relationship of the area to uses and structures within a 300-foot radius of the plan area boundaries;
 - b. A map of the Master Plan area showing sufficient topographical data to indicate clearly the character of the terrain, and the type, location, and condition of mature trees and other natural vegetation;
 - c. A site plan indicating the existing and proposed uses, gross floor area, lot coverage, height, parking and density, and a circulation plan;
 - d. Architectural plans indicating exterior elevations, floor plans, colors, material of buildings and structures;
 - e. Preliminary development schedule indicating sequence and timing of development;
 - f. A fiscal impact analysis shall be conducted for proposed Master Plans. The fiscal impact analysis must:
 - (1) Estimate the population generated by the development, including any new residents, school-age children, and employees;
 - (2) Analyze the resulting public service costs required to serve this population, including the provision of water, sewer connections, roads, schools, and emergency services;
 - (3) Project the tax and other local revenues generated by the Master Plan;
 - (4) Compare development-induced costs to projected revenues, and address any shortfall.
 - g. Guidelines for the physical development of the property, including illustrations of proposed architectural, urban design, and landscape concepts;
 - h. On slopes over 10 percent, single-line sections showing the relationship of the building to the topography; and
 - i. All flood zone designations for the property.

G. Approval of a Master Plan

1. The application for the approval of a Master Plan is processed as a Zoning Map Amendment per Chapter 6, Article 9.D, Application of Property Owner.
2. In addition to findings required by Chapter 6, Article 9.D, Application of Property Owner, the Planning Commission and the City Council shall find that the proposed Master Plan:
 - a. Conforms to the General Plan;
 - b. Generally complies with the land use and development regulations of the underlying Zoning District and does not significantly alter the regulations; and



- c. Can be adequately, reasonably and conveniently served by public services, utilities and public facilities.
 - d. Based on the fiscal impact analysis, will bring substantial tax and revenue benefits to the City of Coalinga that outweigh the public service costs required to serve the Master Plan area.
3. Adopted Master Plans shall be indicated on the zoning map by adding a number to the “-MP” designator based on order of adoption, and reference to the Ordinance approving the plan.

H. Amendments to an Adopted Master Plan

1. Procedures for an amendment to an adopted Master Plan shall be initiated in the same manner as an application for a zoning map amendment prescribed by Chapter 6, Article 9.C, Initiation of Amendments.
2. Substantial amendments to an Adopted Master Plan may trigger the requirement for a revised fiscal impact analysis.

I. Expiration and Renewal

1. **Expiration.** A Master Plan shall become void two years following the date of approval, unless actions specified in the conditions of approval have been taken or unless the original approval was for a stated period longer than two years. An approved Master Plan may specify adherence to a development staging or phasing program.
2. **Renewal.** An approved Master Plan may be renewed for a period approved by the City Council after a duly noticed public hearing, as described in Chapter 6, Article 9.H, Public Hearing by City Council. Application for renewal shall be made in writing between 30 and 90 days prior to the lapse of the original approval.

J. Site Plan Review

1. Site plans for a project within an approved Master Plan area shall only be accepted for review if they are consistent with the approved Master Plan, and with all other applicable requirements of this Title.



ARTICLE 5 PLANNED DEVELOPMENT DISTRICT

A. Purpose

1. The Planned Development District encourages new developments to be consistent with smart growth objectives and implement integrated planning for land use, infrastructure, and the environment. These smart growth objectives are in line with the General Plan goals and policies, and the 12 Smart Growth Principles of the San Joaquin Valley Blueprint.
2. The objectives of Planned Developments (PDs) are to:
3. Enhance and preserve the City of Coalinga's rural and small-town character, as described in the General Plan;
 - a. Protect the character of existing neighborhoods in proximity to Planned Developments;
 - b. Plan new development in a way that is compatible and connected with the City's existing development patterns;
 - c. Create clear community standards to avoid the proliferation of multiple areas with special zoning allowances;
 - d. Plan and cluster development in a way that avoids adverse impacts on natural resources and agricultural land, and conserve energy;
 - e. Provide opportunities for a diversity of housing types, and promote affordable housing in appropriate locations;
 - f. Create compact, village-scale mixed-use development as designated within the Master Plan Overlay areas in the General Plan land use map; and
 - g. Encourage creative design and layout of development, and efficient use of land.

B. Applicability

1. The Planned Development District applies to
 - a. All projects and major subdivisions of twenty (20) acres or more.
 - b. All parcels and subdivisions within an approved Master Plan, in the Master Plan Overlay District.

C. General Standards

1. Planned Developments shall be compatible with the traditional development and circulation patterns in the City of Coalinga, and be connected to the rest of the City.
2. **Open spaces and amenities:**
 - a. Planned Developments are required to set aside twenty (20) percent of land area as usable open spaces for residents in proportion to the size of the subdivision, or preserve natural open space compatible with the new residential uses (wetlands, forest, flood zones, light agricultural uses such as small orchards). Usable open spaces include:



- (1) Public or semi-public parks with amenities,
 - (2) Open spaces where community activities could take place,
 - (3) Trails connecting the neighborhood with adjacent uses, for activities such as biking, walking, and jogging.
 - b. Support connectivity by designing the road network and pedestrian connections so as to connect and include the neighborhood in the wider City grid, according to the provisions of Chapter 4, Article 3.E.1.d, Pedestrian Connections.
 - c. Encourage biking and walking in the community by building continuous and connected sidewalks and bike paths.
 - d. Provide a variety of lot and home sizes.
 - e. Utilize parking reductions, shared parking and on-street parking standards where feasible for the development.
3. Where identified in the General Plan Land Use Map, include commercial and retail uses that serve the needs of the residents, at a scale appropriate for the City of Coalinga.
 4. The design of Planned Developments should be compatible with the traditional architecture and rural character of Coalinga.

D. Design Guidelines

1. Site Planning.

- a. New subdivisions shall be planned as an extension of the community's pattern of streets, parks, lots and blocks. Infill housing shall be of similar scale, orientation and design as the existing structures.
- b. Buildings shall be oriented so that outdoor space will visually connect between properties and extend a sense of open space, while maintaining a sense of privacy.
- c. Private Open Space such as patios, gardens, recreation courts and play areas shall be placed in a manner to maximize use of sun and shade patterns, natural drainage and existing trees and vegetation.
- d. Proposed buildings' plan shall preserve existing trees to the extent possible. Properties are encouraged to use native, drought-resistant species in their landscaping and buffering.

2. General Building Form.

- a. The building's architectural style, visual bulk, massiveness, height, width and length shall be compatible with the neighborhood and harmonize with the existing residential structures of neighboring properties.
- b. The building's mass, roof form and projecting elements shall be designed so as to minimize the visual impact of the building on the neighborhood. Rooflines shall be designed in ways that minimize interference with views from neighboring properties.
- c. Open space and landscape areas should visually blend with adjacent properties and be consistent with the neighborhood and sensitive to the rural character of the City.
- d. Architecture within a residential area shall reflect a common vocabulary of forms, details and materials, while creating a pleasing variety of homes.



3. **Sustainability.**

- a. Installation of Solar Panels on buildings' roofs is encouraged, provided that it respects the proportion and shape of the roof, as well as the harmony of the building.
- b. Principles of passive design should be considered when building new homes, such as orienting the building to benefit from sunlight and solar heat in winter while being protected from direct sunlight in summer, and use air and vegetation for natural cooling.

4. **Streets and parking.**

- a. Streets shall be pedestrian-friendly with sidewalks, street trees and other amenities. Cul-de-sacs shall be minimized and width of street decreased inside residential neighborhood.
- b. On-street parking shall be limited. New subdivisions shall consider alternative parking solutions including tandem parking, shared driveways, single car garages, using alleys as off-street parking, and other methods reducing the visual presence and areas reserved for cars on the street. Large parking lot areas shall be located in courts not visible from the street.

E. Application Requirements

- 1. Applications for Planned Development must include the following:
 - a. A brief summary of the project and how it meets the requirements set forth in this article and follows the principles of Smart Growth;
 - b. A statement describing all proposed changes and modifications to the zoning requirements applicable to the district in which the project is located;
 - c. A statement describing any land set aside as conversation area or usable open space stating:
 - (1) Its size,
 - (2) Location,
 - (3) Current use,
 - (4) Future use,
 - (5) Management and Protection Plan,
 - (6) Ownership.
 - d. A site plan indicating the existing and proposed uses, gross floor area, lot coverage, height, parking and density, and a circulation plan;
 - e. Architectural plans indicating exterior elevations, floor plans, colors, material of buildings and structures.
 - f. Phasing plan and development schedule, including the construction schedule, and anticipated date of completion. Upon approval of the Planned Development, the phasing plan and development schedule shall become a part of the Planned Development and shall be adhered to by the property owner(s) of the PD, and any successors in interest.
 - g. A fiscal impact analysis shall be conducted for Planned Developments, unless a fiscal impact analysis has already been conducted for an approved Master Plan, which the



Planned Development is part of. The fiscal impact analysis must:

- (1) Estimate the population generated by the development, including any new residents, school-age children, and employees;
 - (2) Analyze the resulting public service costs required to serve this population, including the provision of water, sewer connections, roads, schools, and emergency services;
 - (3) Project the tax and other local revenues generated by the Master Plan;
 - (4) Compare development-induced costs to projected revenues, and address any shortfall.
- h. The Community Development Director or his or her designee may require the submission of additional items considered necessary.

F. Review Process and Findings for Approval

1. Applications for Planned Developments may be reviewed simultaneously with applications for Subdivisions.
2. For the Planned Development to be approved, the Planning Commission and the City Council shall find that:
 - a. The proposed Planned Development conforms to the General Plan;
 - b. The proposed Planned Development complies with the requirements and follows the principles of Smart Growth described in this Chapter;
 - c. All documents required for the application have been completed and submitted to the City.
 - d. Based on the fiscal impact analysis, the proposed Planned Development will bring substantial tax and revenue benefits to the City of Coalinga that outweigh the public service costs required to serve the Master Plan area.

G. Amendments to an Adopted Planned Development

1. Procedures for an amendment to an adopted Planned Development shall be initiated in the same manner as an application for a Zoning Map Amendment prescribed by Chapter 6, Article 9.D, Application by Property Owner.

H. Expiration and Renewal

1. **Expiration.** A Planned Development shall become void two years following the date of approval, unless actions specified in the conditions of approval have been taken or unless the original approval was for a stated period longer than two years. An approved Planned Development may specify adherence to a development staging or phasing program.
2. **Renewal.** An approved Planned Development 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 between 30 and 90 days prior to the lapse of the original approval.



ARTICLE 6 RESOURCE EXTRACTION OVERLAY DISTRICT

A. Purpose

1. The specific purpose of the Resource Extraction Overlay District is to:
 - a. Recognize the historic and economic importance of the resource extraction industry and ensure that resources that have been historically extracted in the region can continue be utilized without having to compete with incompatible uses;
 - b. Clearly indicate the areas of the City designated for resource extraction operations, businesses and industries;
 - c. Discourage the introduction of residential uses and other incompatible uses in this area, due to existing environmental and infrastructural constraints;
 - d. Preserve a safe and healthy environment for the community by requiring adequate protection measures and controlling uses within the Resource Extraction Overlay District.

B. Applicability

1. **Boundaries.** The Resource Extraction Overlay District is divided into northern and southern sections. The locations and boundaries of these areas are described as follows:
 - a. The boundaries of the larger northern area of the Resource Extraction Overlay District are as follows:
 - (1) **Western boundary:** Beginning South from the intersection of West Gale Avenue and West Tractor Avenue, follows West Tractor Avenue until its terminus and continuing south along South Monterey Avenue until just south of its intersection with Cambridge Avenue;
 - (2) **Northern boundary:** East from the intersection of West Gale Avenue and West Tractor Avenue. Continues into the Coalinga city limits;
 - (3) **Eastern boundary:** From the eastern point of the northern boundary, the boundary crosses through the northwestern-most parcel within the sphere of influence. Follows the boundaries of the parcel containing the old Coalinga Municipal Airport along the northern and eastern edges of this parcel until its southern-most point;
 - (4) **Southern boundary:** Approximate to the southern boundary of the old Coalinga Municipal Airport and City limits until connection with the western boundary near the intersection of South Monterey Avenue and Cambridge Avenue;
 - b. The boundaries and location of the smaller southern portion of the Resource Extraction Overlay District is within the boundaries of a parcel, located south of West Lucille Avenue and west of West Elm Avenue. This section of the Resource Extraction Overlay bounded to the north, south, and west by the sphere of influence.



C. Permitted Uses

1. The following uses shall occur in the Resource Extraction Overlay District and are not permitted elsewhere in the City:
 - a. Traditional extraction activities related to the extraction of fossil fuels such as oil and coal, and aggregate products such as sand, gravel, and other metals and minerals.
 - b. Drilling, production, handling, processing, storage, extraction and removal of oil, gas and other hydrocarbons, including the necessary compressors and other structures and buildings in connection with such operations.
 - c. Mining, production, handling, processing, storage, extraction and removal of rock, aggregate, precious metals, sand and other similar materials, including but not limited to structures and buildings in connection with the operation.
 - d. New and proposed modifications to structures and equipment associated with the above uses.
2. All proposed projects require approval per the provisions of Chapter 6, Code Administration, of this Title, as well as a development permit approved by the State, consistent with all requirements of the Surface Mining and Reclamation Act (SMARA) of 1975, Cal. Public Resources Code §2710, et seq. regulations, and the applicable level of environmental review, depending on project scope.

D. Prohibited Uses

1. No development is permitted in the Resource Extraction Overlay District, except for industrial uses compatible with resource extraction activities listed in Section C, Permitted Uses, of this Article.

E. General Requirements

1. All permitted uses shall follow the statutes set by the Surface Mining and Reclamation Act of 1975 (SMARA) and associated regulations. The statutes are referenced and listed as follows:
 - a. Surface Mining and Reclamation Act of 1975 (SMARA), Cal. Public Resources Code, Division 2, Chapter 9, Section 2710 et seq;
 - b. Annual Reporting Requirements and Reporting Fee, Cal. Public Resources Code, Division 2, Chapter 2, Section 2207;
 - c. Site Inspections Conducted by the Department of Conservation, Cal. Public Resources Code, Division 2, Chapter 2, Section 2208;
 - d. Purchase and Use of Mined Materials by State and Local Agencies, Cal. Public Contract Code, Division 2, Part 2, Chapter 2, Sections 10295.5 and 20676;
 - e. Liability Limitations for Remediation/Reclamation of Abandoned Mines.
2. All mining activity shall abide by the Surface Mining and Reclamation Act (SMARA) Regulations, referenced in the California Code of Regulations, Title 14, Division 2, Chapter 8, Subchapter 1. Articles of the SMARA Regulations are as follows:
 - a. Article 1. Surface Mining and Reclamation Practice;
 - b. Article 2. Areas Designated to be of Regional Significance;



- c. Article 4. Designation Appeal Procedures;
- d. Article 5. Reclamation Plan Appeals;
- e. Article 6. Mineral Resource Management Policies;
- f. Article 7. Financial Assurances Appeal Procedures;
- g. Article 8. Fee Schedule;
- h. Article 9. Reclamation Standards;
- i. Article 11. Financial Assurance Mechanisms;
- j. Article 11.5. Forfeiture of Financial Assurance;
- k. Article 12. Administrative Penalty Petition Procedures;
- l. Article 13. Selection of Professional Service Firms;
- m. Article 14. Appeals of Orders to Comply with the Surface Mining and Reclamation Act of 1975;
- n. Article 15. Vested Rights Determination.





CHAPTER 4 ADDITIONAL USE AND DEVELOPMENT REGULATIONS

ARTICLE 1	Measurements and Determinations
ARTICLE 2	Standards for all Developments and Land Uses
ARTICLE 3	Off-Street Parking and Loading
ARTICLE 4	Performance Standards
ARTICLE 5	Signs

ARTICLE 1 MEASUREMENTS AND DETERMINATIONS

A. Measuring Distances

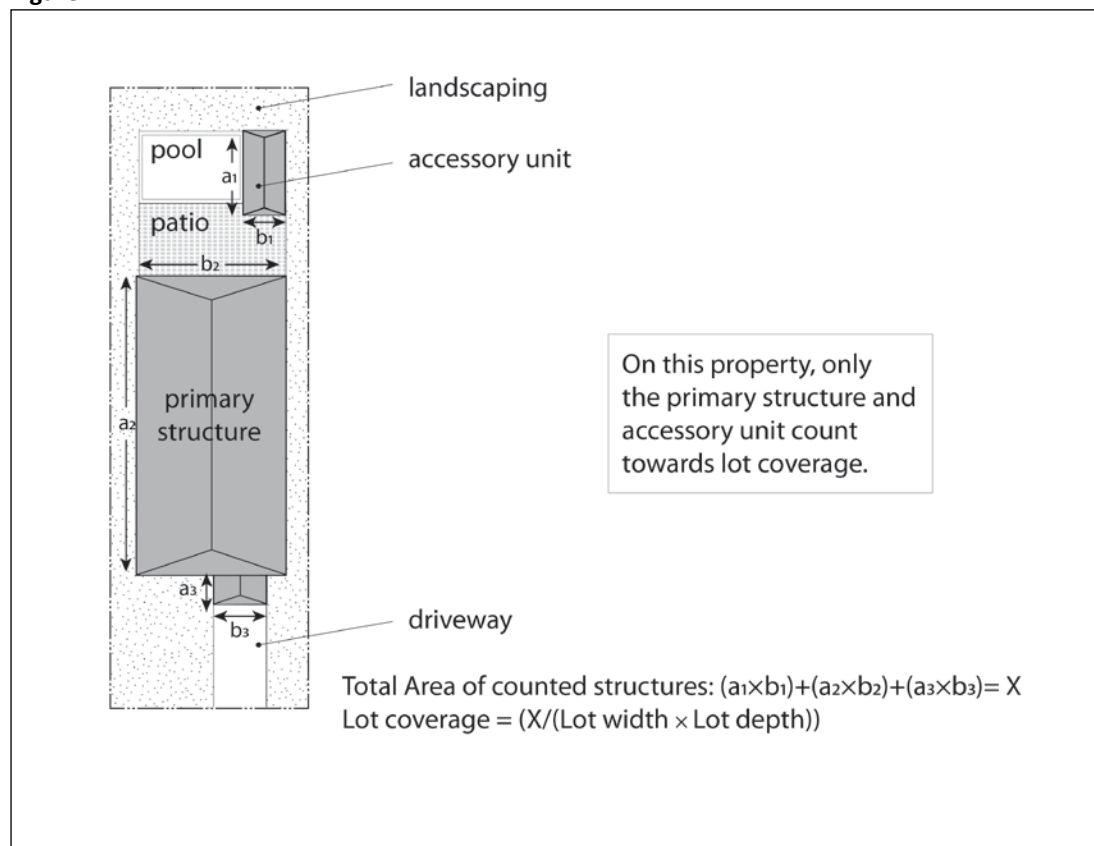
1. Distances are measured in straight lines between two objects or points, typically in feet and inches.

B. Determining Lot Area and Coverage

1. Lot Area is the total area circumscribed by the boundaries of a lot, excluding any street rights-of-way.

Lot Coverage is the portion of the lot covered by structures measured from exterior wall to exterior wall or posts, and is typically expressed as a percentage or ratio of the entire lot area. Structures include principal and accessory buildings, garages, carports, and roofed porches, but do not include uncovered patios, paved areas and swimming pools.

Figure 4.1



C. Measuring Setbacks

1. The setback is the perpendicular distance between the exterior wall or posts of a building and the corresponding property line. The building envelope indicates the



limits to which a building can be built on the property based on the required setbacks.

Figure 4.2

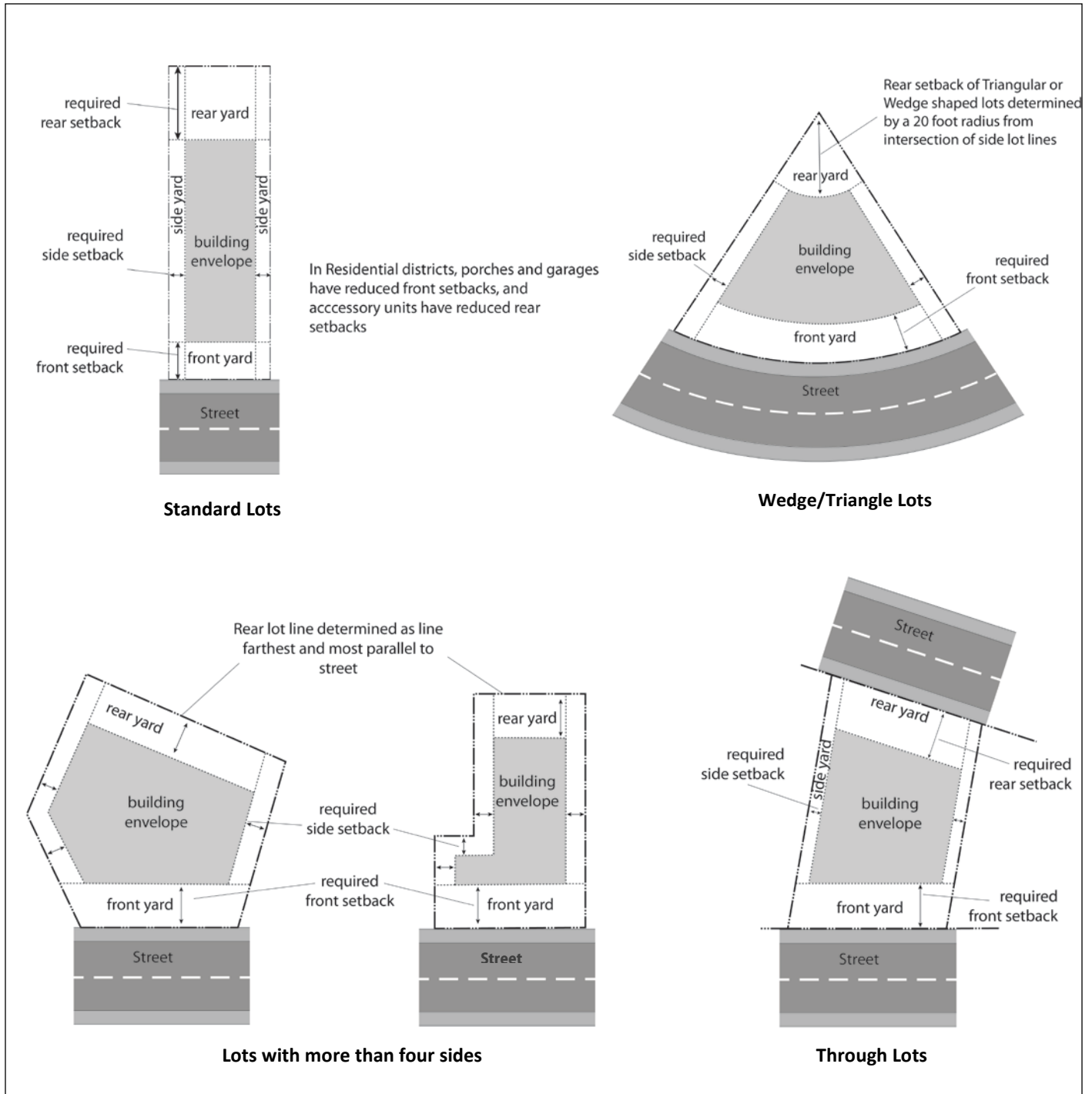
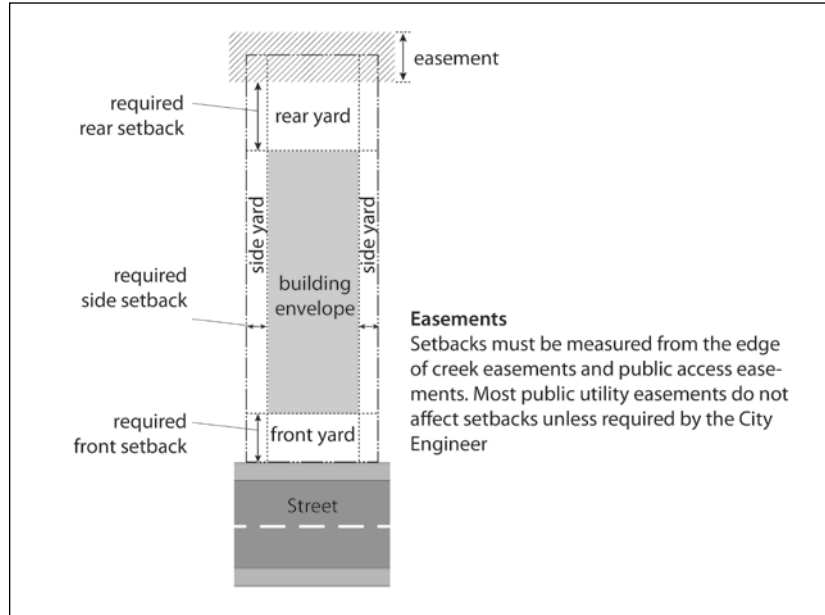


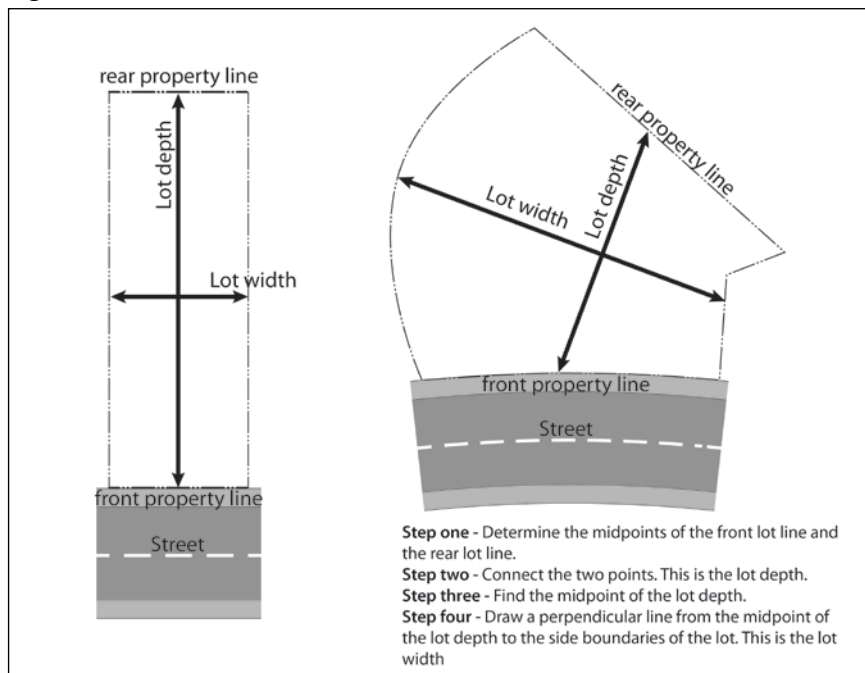
Figure 4.3



D. Measuring Lot Width and Depth

1. Every lot shall have a minimum width and depth of not less than that specified in the district in which such lot is located. Existing lots that do not meet the minimum requirements are considered non-conforming lots.
2. The depth of a lot is the horizontal distance between the front and rear lot lines, measured in the mean direction of the side lot lines.
3. The width of a lot 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.

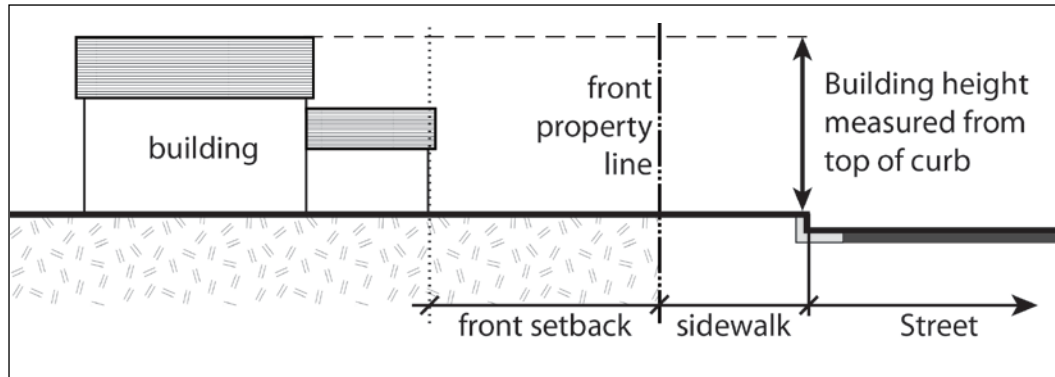
Figure 4.4



E. Measuring Height

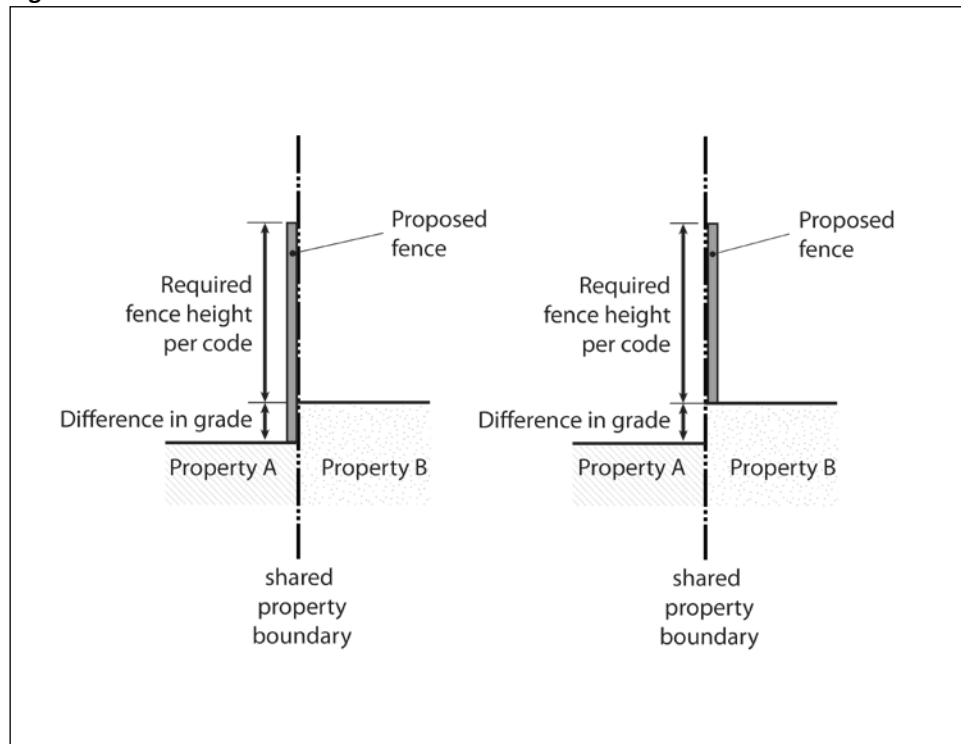
1. The height of a structure on a property should be measured from the top of the curb, or from the existing grade at the front property line when no sidewalk and curb are in place, to the highest point of the structure, exclusive of chimneys, ventilators, and any mechanical equipment.

Figure 4.5



2. The height of a proposed fence shall be measured from the subject property line. If two properties that share a property boundary have different grades, the height of the fence shall be measured from the higher grade.

Figure 4.6



ARTICLE 2 STANDARDS FOR ALL DEVELOPMENT AND LAND USES

A. Building Projections Into Yards

1. Building and architectural projections may extend into required yards, subject to the following standards:
 - a. **Building Projections.** Building projections include fire escapes, uncovered and covered decks, porches, unenclosed and open stairways and stair landings without roofs, and balconies.
 - b. **Architectural Projections.** Any projection which is not intended for occupancy, and which extends beyond the face of an exterior wall of a building. Projections can include: Cornices, canopies, eaves, sills, buttresses or similar architectural features, chimneys, fireplaces, cantilevered bay windows, and planting boxes.
 - c. **Maximum Projection Allowed.** Notwithstanding any other provisions of this Section, no projection may extend closer than three (3) feet to an interior lot line or into a public utility easement.
 - d. **Ramps and Similar Structures for Accessibility.** Up to the entire yard where it is the only feasible location to provide a reasonable accommodation consistent with the Americans with Disabilities Act.

B. Development on Substandard Lots

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

C. Fences and Freestanding Walls

1. **Maximum Height.**
 - a. **Front, Side and Rear Yards.** Fences, walls and hedges shall be no more than three (3) feet tall within the front yard setback, and between five (5) to six (6) feet tall within the side and rear yard setbacks in any Zoning District, unless otherwise prescribed by the Zoning regulations for specific circumstances. Please see Chapter 2, Articles 2.C.2 and 3.C.2, for transitional standards between Residential Districts and Commercial or Manufacturing Districts.
 - b. **Sound Walls, Acoustical Barriers, or Noise Berms.** A Site Plan Review application shall be made per the provisions of Chapter 6, Article 4, Site Plan Review, for any proposed sound wall, acoustical barrier, or noise berm. The Community Development Director may recommend approval to the Planning Commission of a sound wall to be located along the exterior boundary of the required side or rear yard, adjacent to a major arterial, highway, or source of loud noise. Additional review may also be required by other City Departments.



The height of the sound wall shall be determined by a noise report for the purposes of noise mitigation.

- c. **Retaining Walls.** Any embankment to be retained that is over four (4) feet in height shall be stepped, such that the visible portion of each individual retaining wall at each step is a maximum of three (3) feet in height. The distance between individual retaining walls shall be a minimum of six (6) feet.
- d. **Decorative Features.** One (1) entry gateway, trellis, or other entry structure is permitted in the required front or street-facing side yard of each lot, provided that the maximum height or width of the structure does not exceed ten (10) feet. Such decorative feature shall not have any solid obstruction that exceeds two (2) feet in length or diameter, between the height of three (3) and ten (10) feet.
- e. **Swimming pools.** For safety reasons, swimming pools shall be entirely enclosed by buildings, fences, or walls not less than five (5) feet, nor more than six (6) feet in height, equipped with self-latching gates or doors, the latching device being located not less than four (4) feet above the ground. All fencing shall be in place and approved by the City before water is run into the pool.
- f. **Tennis courts and game areas.** Fences or structures over six (6) feet in height to enclose tennis courts or other game areas located within the rear one-half of the lot shall be composed of wire mesh capable of admitting at least ninety (90) percent light as measured on a reputable light meter. Such fences shall only be permitted in the required side or rear yards and are subject to the review and approval of the Community Development Director.

2. **Design and Materials.**

- a. **Fence Materials.** Fence materials may include: wood, wrought iron, wire mesh, steel mesh, chain link, stake and other similar materials. Chain link is not allowed in Residential Districts.
- b. **Wall Materials.** Wall materials shall include: wood, concrete, concrete block, or any other similar materials that are solids and are so assembled as to form a solid barrier.
- c. **Materials Not Permitted.** Barbed wire, aluminum, fiberglass, metal siding and plywood shall not be used as fencing materials. The Community Development Director may grant the use of such material based on the need for the type of fence, design compatibility of the fence, and approval of the adjoining property owner if on an interior property line. Nonconforming status shall not be provided for fences constructed of these materials.
- d. **Maintenance.** All fences and walls shall be maintained so as not to create a public health, safety, welfare, aesthetic, or visibility problem.

3. **Sight Distance Requirements.**

- a. In order to maintain adequate sight distances at all intersecting streets, highways, and driveways intersecting a street or alley, and alleys intersecting a street, the maximum height of fences may be reduced near intersections. Please see Article 2.N, Visibility at Driveways and Intersections (Sight Distance).

4. **Additional Requirements.**

- a. The Planning Commission or City Council may require additional walls if the use of a particular site requires a Conditional Use Permit, or there is a danger or hazard involved.



D. Landscaping

1. **Landscaping Required.** A minimum of 50 percent of the front yard in Residential Districts must remain pervious, and shall be planted or landscaped with trees, shrubs, groundcover, or may be treated with ornamental gravel, crushed rock or similar landscape material.
2. **Maintenance.** Property owners shall maintain landscaped areas in a neat and weed-free fashion and may be required by the Community Development Director to provide a permanent underground irrigation system equipped with an automatic irrigation timer or controller. Property owners shall trim trees to avoid entanglement in power lines and other utility lines above ground.
3. **Hedges.** Hedges in front, side or rear yards are subject to height restrictions for fences and freestanding walls. See Article 2.C, Fences and Freestanding Walls, for more details.
4. **Water Efficient Landscaping.** The model Water Efficient Landscaping Ordinance, as published by the California Department of Water Resources, pursuant to California Water Conservation in Landscaping Act (Government Code § 65591, et seq.), was adopted in full, by reference, and effective in the City of Coalinga commencing on January 1, 2010. A copy of the Water Efficient Landscaping Ordinance is retained on file in the Office of the City Manager, the Community Development Department, and the Office of the Coalinga City Clerk at all times. Landscaping plans must be consistent with the adopted Water Efficient Landscaping Ordinance.
5. **Parking Lots.** Please see Article 3.E.1.d, Landscaping, for requirements on landscaping in parking lots.

E. Heights and Height Exceptions

1. **Maximum Height of Structures.** The height of structures shall not exceed the standards established by the applicable Zoning District of this Title.
 - a. **Increased Height Limit for Projections.** Chimneys not over six (6) feet in width, cupolas, flagpoles, monuments, telecommunication towers, church steeples, and other appurtenances that cover no more than twenty (20) percent of the top floor roof area to which they are accessory, may exceed maximum permitted height standards by eight (8) feet. Rooftop mechanical equipment, including heating, ventilation and air conditioning (HVAC) equipment, water towers, and elevator shafts, shall be screened from view to the top of the equipment with colors and materials matching or compatible to the corresponding building walls. Exceptions may be granted with the approval of a Conditional Use Permit.

F. Lighting and Illumination

1. All lighting proposed in the City of Coalinga shall be consistent with these standards. All Lighting Plans required by the Community Development Director for permit approval shall include the following standards.
2. **Multiple-Family Residential Illumination.** Aisles, passageways, and pedestrian recesses related to and within the building complex shall be illuminated with an intensity of at least 0.25 foot-candles at the ground level during the hours of darkness. Lighting devices shall be protected by weather and vandal-resistant covers.
3. **Pedestrian Oriented Lighting.** In the Downtown Overlay District, exterior lighting shall be provided for a secure nighttime pedestrian environment by reinforcing entrances, public sidewalks and open areas with a safe level of illumination with an intensity of at least 0.25 foot-candles at the ground level during the hours of darkness. The Community Development Director or his or her



designee may require additional lighting for bars, nightclubs, and lounges or other entertainment venues in order to provide a safe level of illumination.

4. **Maximum Height.** On site and street lighting fixtures shall not exceed the maximum heights specified in Table 4.1 below.

Table 4.1: MAXIMUM HEIGHT OF ON SITE AND STREET LIGHTING FIXTURES	
<i>District</i>	<i>Maximum Height (feet)</i>
Residential Districts	16 feet
Commercial Districts (except Downtown District Overlay)	16 feet
Downtown District Overlay	16 feet within 100 feet of any street frontage; 20 feet in any other location
Public	20 feet within 100 feet of any street frontage; 25 feet in any other location
Industrial	25 feet
Recreation/Park	50 feet

5. **Shielding.** All lighting fixtures shall be shielded so as not to produce obtrusive glare onto the public right-of-way or adjoining properties. All luminaries shall meet the most recently adopted criteria of the Illuminating Engineering Society of North America (IESNA) for "Cut Off" or "Full Cut Off" luminaries.
6. **Filtering.** Filtering means any outdoor light fixture which has a glass, acrylic or translucent enclosure of the light source, and is required to avoid light sources that produce obtrusive glare. Metal halide fixtures and fluorescent lamp types shall be filtered. Quartz glass does not meet the filtering requirement.
7. **Control of Artificial Light.**
- a. **Purpose.** This section is intended to minimize outdoor artificial light that may have a detrimental effect on the environment, astronomical research, amateur astronomy, and enjoyment of the night sky. These provisions are also intended to reduce the unnecessary illumination of adjacent properties and the use of energy.
- b. **Applicability.** Outdoor light fixtures installed after the effective date of this Ordinance and maintained upon private property within non-residential districts shall comply with the requirements of this section.
- c. **Exemptions.** The following types of lighting fixtures are exempt from the requirements of this section:
- (1) *Prior Installation.* All light fixtures installed prior to the effective date of this Ordinance, unless fifty (50) percent or more of the light fixtures on the premises are replaced.
 - (2) *Fossil Fuels.* All light fixtures producing light directly by the combustion of fossil fuels.
 - (3) *Low Lumens.* All light fixtures with an initial total lamp sources lumens of four thousand fifty (4,050) or less.



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

d. **Prohibitions and Requirements for Protection and Shielding.**

- (1) *Recreational Facility.* No public or private outdoor recreational facility shall be illuminated after 11:00 p.m., except to conclude any recreational or sporting event or other activity conducted at a ball park, outdoor amphitheater, area, or similar facility in progress prior to 11:00 p.m.
- (2) *Outdoor Building and Landscaping.* The unshielded outdoor illumination of any building or landscaping is prohibited, except with incandescent fixtures with lamps of one hundred (100) watts or less.

Outdoor Signs. Lighting fixtures used to illuminate an outdoor sign shall be mounted on the sign structure and shall be shielded according to Table 4.2 below. All illuminated outdoor advertising signs shall be equipped with an automatic time controller that prevents the operation of the lighting fixtures between 11:00 p.m. and sunrise.¹

Table 4.2: REQUIREMENTS FOR SHIELDING AND FILTERING

<i>Fixture Lamp Type</i>	<i>Shielding Required</i>	<i>Filtering Required</i>	<i>Notes</i>
Low Pressure Sodium	Yes	None	This is the preferred light source to minimize undesirable light into the night sky affecting astronomical observations.
High Pressure Sodium	Yes	None	NA
Metal Halide	Yes	Yes	Most glass, acrylic, or translucent enclosures satisfy these filter requirements.
Fluorescent	Yes	Yes	Warm white natural lamps are preferred to minimize detrimental effects. Outdoor signs constructed of translucent materials and wholly illuminated from within do not require shielding.
Quartz/Halogen	Yes	None	For the purposes of this article, quartz lamps shall not be considered an incandescent light source.
Incandescent Greater than 100W	Yes	None	NA
Incandescent 100W or less	Yes	None	NA
Mercury Vapor	Not permitted		NA
Fossil Fuel	Yes	None	NA
Glass Tubes filled with neon, argon, or krypton	Yes	None	NA
Other Sources	As approved by Community Development Director		NA



8. **Alternate Materials and Methods of Installation.** Design, material, or method of installation not specifically prescribed by this section may be approved by the Community Development Director provided the proposed design, material, or method complies with the intent of these provisions.

G. Outdoor Seating

1. Eating and drinking establishments with outdoor seating areas shall be located, developed, and operated in compliance with the following standards:
 - a. **Location.** Outdoor seating areas may be allowed on any public sidewalk, provided a minimum of five (5) feet of public sidewalk remains unobstructed for pedestrian or vehicle uses. The review and approval of outdoor seating areas shall be subject to the provisions of Chapter 6, Article 4, Site Plan Review.
 - b. **Barriers.** The use of barriers around the outdoor seating area may be permitted, provided they are in a manner acceptable to the City and the design is approved by the Community Development Director.
 - c. **Alcoholic Beverages.** All establishments that intend to serve alcoholic beverages in outdoor seating areas shall first seek the necessary permits and approvals, in compliance with Chapter 5, Article 1.C, Alcoholic Beverage Sales, and any other applicable Municipal Code sections.
 - d. **Hours of Operation.** The hours of operation for an outdoor seating area shall be limited to the hours of operation of the associated eating and drinking establishment.
 - e. **Refuse Storage Area.** No structure or enclosure to accommodate the storage of trash or garbage shall be erected or placed on, adjacent to, or separate from an outdoor seating area on the public sidewalk or right-of-way. Refuse areas shall be screened with a solid masonry wall at least six (6) feet in height and shall be accessible for refuse pick-up.
 - f. **Conditional Use Permit.** A Conditional Use Permit is required when the outdoor seating area is located immediately abutting the property line of a residential district, and contains more than five (5) tables or seating for more than fifteen (15) customers.

H. Outdoor Storage

1. Outdoor storage of goods, materials, machines, equipment, and vehicles or parts outside of a building for more than seventy-two (72) hours shall conform to the standards of this section. The regulations of this section do not apply to temporary storage of construction materials reasonably required for construction work on the premises pursuant to a valid building permit. Outdoor parking areas for operable vehicles at automobile dealerships and vehicle rental facilities are exempt from the regulations of this section.
2. Storage areas shall be proposed indoors wherever feasible. Where infeasible, outdoor storage may be permitted on a property consistent with the requirements below.
 - a. **Permitted Locations.** Table 4.3 states the districts where outdoor storage is permitted and prohibited.

Table 4.3: OUTDOOR STORAGE REGULATIONS BY DISTRICT AND LOCATION

<i>Zoning District</i>	<i>Permissibility of Outdoor Storage</i>
Agriculture/Rural/Conservation Districts	Permitted if associated with a permitted agricultural use.
Residential Districts	Not permitted. (All storage shall be within an enclosed



	building).
Commercial and Mixed Use Districts	Permitted subject to the standards of this section. See Chapter 2, Article 3,C.2.b.(2).(d) for limitations under Transitional Standards.
Public Districts	Not permitted in front or street-facing side yards. Permitted in interior side and rear yards, or outside of required yards, subject to the standards of this section.
Industrial Districts	Permitted subject to the standards of this section. See Chapter 2, Article 4,C.2.b.(2).(d) for limitations under Transitional Standards.

b. **Screening of Outdoor Storage.**

- (1) Outdoor storage areas shall be screened so as not to be visible from any public street; Residential district; or publicly accessible open space area, parking area, access driveway, or similar thoroughfare.
- (2) Screening walls and fences shall be architecturally compatible with the main structure on the site and shall not have barbed wire or razor wire visible from any street or public access.
- (3) No screening wall or fence shall be located within a required landscape planter along the street frontage.
- (4) Screening walls and fences shall be at least six (6) feet in height. If located on a lot line or in a required yard, they shall not exceed maximum fence heights in required yards; in other areas, they shall not exceed fifteen (15) feet in height. No stored goods may exceed the height of the screening wall or fence.

c. **Surfacing.**

- (1) Outdoor storage areas shall be paved or covered with gravel. This requirement does not apply to outdoor storage associated with a permitted agricultural use.
- (2) A waiver or exception may be granted to allow outdoor storage of nonhazardous materials on other surfacing only if the following findings can be made:
 - (a) The proposed surfacing is appropriate to the type of product displayed; and
 - (b) The proposed surfacing will conform to all applicable federal and State air and water quality standards.

I. **Screening**

1. **Screening of Mechanical Equipment.** All mechanical and electrical equipment shall be screened from view to the highest point of the mechanical equipment, or incorporated into the design of buildings, so as not to be visible from the street or adjacent residential districts. Such equipment includes, but is not limited to, all roof-mounted equipment, utility meters, equipment boxes, backflow preventions, irrigation control valves, electrical transformers and pull boxes. Solar power generating equipment and solar water heaters shall be exempt from screening requirements. Screening devices shall be consistent with the exterior colors and materials of the buildings to which they are attached. Telecommunication devices and antennas are regulated per Section Y, Telecommunication Facilities, of this Article.



2. **Roof Access Ladders and Fire Sprinkler Risers.** Roof access ladders and fire sprinkler risers shall be located internally.
3. **Parking Areas.** Parking areas shall be screened from view from public streets and adjacent properties according to the following standards.
 - a. **Height.** Screening of parking lots from adjacent public streets shall be at three (3) feet in height. Screening along interior lot lines that abut residential districts shall be six (6) feet in height, except within the required front setback of Residential Zoning Districts, where screening shall be three (3) feet in height.
 - b. **Materials.** Screening may consist of one (1) or any combination of the methods listed below.
 - (1) *Walls.* Low-profile walls consisting of decorative concrete, stone, or masonry materials.
 - (2) *Fences.* An open fence of wrought iron or similar material, combined with plantings. Chain-link and vinyl fencing is not allowed in Residential Districts.
 - (3) *Planting.* Plant materials consisting of compact evergreen plants that form a hedge. Such plant materials shall achieve a minimum height of two (2) feet within eighteen (18) months after initial installation.
 - (4) *Berms.* Berms planted with grass, ground cover, or other low-growing plant materials.

J. Street Dedication and Construction of Public Improvements

1. Public improvements shall be provided in compliance with the following standards to any property or lot where public improvements were never constructed or installed to City standards, or where such public improvements for whatever cause have deteriorated to a condition that they no longer adequately serve their intended purpose.
 - a. **Right-of-way Dedication.** Dedicate street right of way necessary to obtain the ultimate right of way width as required by the City Engineer or by ordinance or resolution of the City Council.
 - b. **Curb, Gutter, and Sidewalk.** Construct new, and/or repair existing curb, gutter, sidewalk and handicap ramp as required by the City Engineer. If, due to existing topographic or related conditions, the City Engineer determines that it would be in the best interests of the City and its inhabitants to construct said curb, gutter and sidewalk at a later date, the applicant shall deposit to the City a cash amount equal to the City Engineer's estimate of construction cost, or execute an agreement as provided by Section 7-2.02 of the Municipal Code.
 - c. **Street and Alley Paveout.** Construct street, and, if applicable, alley paveout, from the gutter lip in the case of streets, and from the property line in the case of alleys, to the existing pavement in accordance with City standards. In cases where the street or alley is not paved, the construction required of the applicant shall not exceed fifty (50) percent of the width of the street or alley. If, due to existing topographic or related conditions, the City Engineer determines that it would be in the best interests of the City and its inhabitants to construct said street or alley paveout at a later date, the applicant shall deposit to the City a cash amount equal to the City Engineer's estimate of construction cost, or execute an agreement as provided by Section 7-2.02 of the Municipal Code. Single-family dwellings or duplexes shall not be required to pay for any paveout costs that are over two (2) feet from the gutter lip or property line.



- d. **Utility Structures.** Relocate existing utility structures, when required, to an area satisfactory to the City Engineer.
- e. **Street Trees.** Provide for the installation of roadway trees as required by the Community Development Director in accordance with City standards pertaining to the type, size, spacing and placement of such trees; to the maintenance or extension of street tree themes when applicable; and, to the time of installation when it is determined it would be in the best interest of the City to postpone the placement of trees required pursuant to this section.
- f. **Required Public Improvements as part of a Development.** When required by the City, the following improvements shall be installed with a proposed development.
 - (1) *Fire Hydrants.* Fire hydrants to meet City standards for type, size and spacing in accordance with the requirements of the Fire Department, and to the satisfaction of the City Engineer. In lieu of installation, if otherwise required pursuant to the provisions of this Section, the City may require payment of a prorated fire hydrant fee in an amount set by resolution of the City Council to acknowledge the area of benefit served by same.
 - (2) *Streetlights.* Streetlights as required by the City Engineer at intersections, cul-de-sac, crosswalks, and curves, to meet City standards for type, illumination and spacing. In lieu of installation, if otherwise required pursuant to the provisions of this Section, the City may require payment of a prorated streetlight fee in an amount set by resolution of the City Council to acknowledge the area of benefit served by same.
 - (3) *Drainage Facilities.* Drainage facilities as required by the City Engineer.
 - (4) *Undergrounding.* All utility lines, including electrical, telephone, cable television, and other distribution lines, providing direct service to a development site shall be installed underground within the site. If not possible, the burden of proof shall be on the Applicant to demonstrate why undergrounding is economically or technically infeasible.

K. Trash and Refuse Collection Areas

- 1. Solid waste and recycling-container enclosures are required for new dwelling groups consisting of four (4) or more dwelling units and for all office, commercial, and industrial developments. All enclosures shall comply with the California Fire Code and shall meet the following requirements unless it is demonstrated that they are infeasible as determined by the Community Development Director.
 - a. **Location.**
 - (1) The solid waste, recycling and green waste storage area shall not be located within any required front yard, any required parking and landscaped areas, or any other area required by this Ordinance to be constructed or maintained unencumbered according to fire and other applicable building and public safety codes.
 - (2) Solid waste, recycling and green waste storage areas shall be consolidated to minimize the number of collection sites and located so as to reasonably equalize the distance from the building spaces they serve. There shall be a minimum of one (1) solid waste and recycling enclosure per fifty (50) units.
 - (3) Solid waste, recycling and green waste storage areas shall be accessible to haulers. Storage areas shall be located so that the trucks and equipment used by the City of Coalinga or its contracted solid waste and recycling collector(s) have sufficient



maneuvering areas and, if feasible, so that the collection equipment can avoid backing. Project applicants are responsible for procuring current equipment size and turning radius from the City of Coalinga or its contracted solid waste and recycling collector(s).

b. **Materials, Construction, and Design.**

- (1) *Minimum Height of Screening.* Solid waste, recycling and green waste storage areas located outside or on the exterior of any building shall be screened with a solid enclosure of between six (6) to seven (7) feet in height.
- (2) *Enclosure Material.* Enclosure material shall be solid masonry or concrete tilt-up with decorated exterior surface finish compatible and consistent to the main structure(s).
- (3) *Gate Material.* Gate material shall be decorative, solid, heavy-gauge metal or a heavy-gauge metal frame with a covering of a view-obscuring material. If not visible from a public street, public parking area, or residential area, the enclosure gates may be constructed of chain link with wood or plastic inserts.
- (4) *Access to Enclosure from Residential Projects.* Each solid waste, recycling and green waste storage enclosure serving a residential project shall be designed to allow walk-in access without having to open the main enclosure gate.
- (5) *Enclosure Pad.* Pads shall be a minimum of four (4) inch-thick concrete.
- (6) *Protection for Enclosures.* Concrete curbs or equivalent shall protect enclosures from adjacent vehicle parking and travel ways.
- (7) *Landscape Screening.* The perimeter of the recycling and trash enclosure, except for areas used for access, shall be planted, with drought resistant landscaping, including a combination of shrubs and/or climbing evergreen vines.
- (8) *Clear Zone.* The area in front of and surrounding all enclosure types shall be kept clear of obstructions, and shall be painted, striped, and marked "No Parking."

2. New single-family homes and development proposals shall include a designated paved or concrete pad for each property for trash, recycling, and green waste storage containers. Site plans must show how the containers will be rolled out for collection at the curb. The designated pad must be screened from view and shall not be permitted within required setbacks.

L. **Truck Docks, Loading, and Service Areas**

1. **Minimum Distance from Residential Districts.** Truck docks, loading, and service areas are not permitted within fifty (50) feet of an R district boundary.
2. **Screening.** Truck docks, loading, and service areas located in any district shall be screened from any adjacent residential districts or uses. In all districts except Industrial districts, these facilities shall be located at the interior side of buildings or on the rear of the site and be screened so as not to be visible from public streets.
3. When adjacent to a Residential district, all delivery and operation hours shall be limited to daytime hours from 7:00 a.m. to 7:00 p.m.

M. **Underground Utilities**

1. All utility lines, including electrical, telephone, cable television, and other distribution lines, providing direct service to a development site shall be installed underground within the site. If not

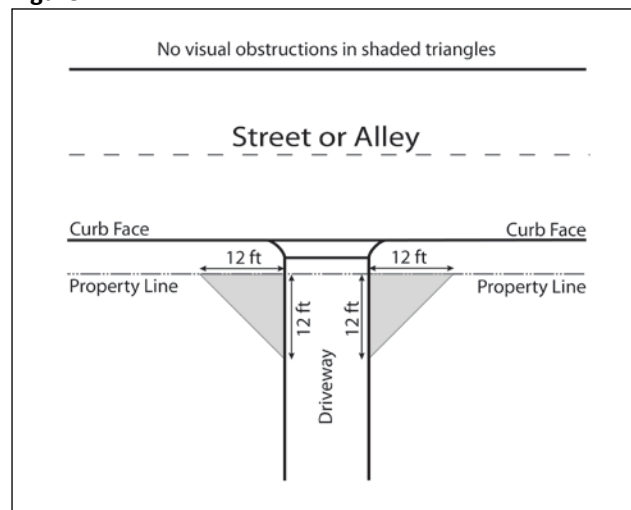


possible, the burden of proof shall be on the Applicant to demonstrate why undergrounding is economically or technically infeasible.

N. Visibility at Driveways and Intersections (Sight Distance)

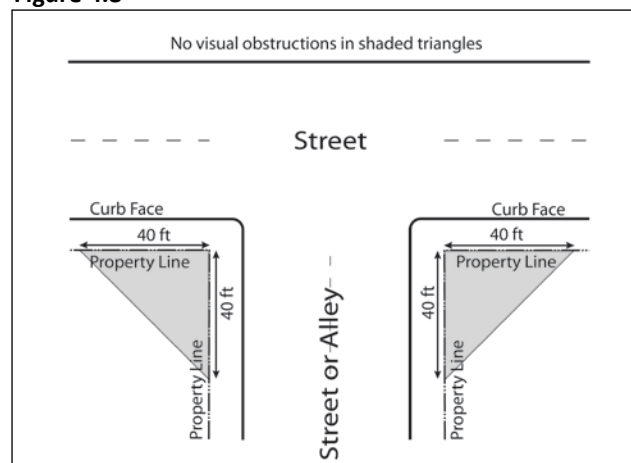
1. Visibility at driveways and intersections shall be maintained in accordance with the following standards. The City Engineer may require extended or reduced sight distance lengths where special conditions exist or will be created, as necessary to maintain adequate visibility.
 - a. **Driveways.** Visibility at a driveway crossing a street or alley property line shall not be blocked above a maximum height of three (3) feet by vegetation, for a depth of twelve (12) feet as viewed from the property line on either side of the driveway at a distance of twelve (12) feet. Street trees shall be pruned to allow at least eight (8) feet of clear viewing space above the established grade from top of curb, so as not to obstruct clear view by motor vehicle drivers are permitted.

Figure 4.7



- b. **Corner lots.** Visibility requirements for a corner lot at the intersection of two streets or a street and an alley shall be the same as that for driveways, except that the depth required shall be forty (40) feet as viewed from the property lines.

Figure 4.8



ARTICLE 3 OFF STREET PARKING AND LOADING

A. Purpose

1. The specific purposes of the on-site parking and loading regulations are to:
 - a. Ensure that parking uses are provided for new land uses and major alterations to existing uses to meet the parking needs created by such uses;
 - b. Establish standards and regulations for the developer, owner, or operator of any specific use occurring outdoors or within an existing, newly constructed, or relocated building to provide well-designed, on-site parking areas; and
 - c. Ensure that on-site parking and loading areas are designed and located to protect the public safety; minimize congestion and conflict points on travel aisles and public streets; and where appropriate, buffer surrounding land uses from their impact.

B. Applicability

1. No parking area, parking space, or loading space which is provided for the purpose of complying with the provisions of this chapter shall hereafter be relinquished or reduced in any manner below the requirements of this chapter unless equivalent facilities are provided elsewhere, the location of which is approved by the Commission. If such parking area is established by a conditional use permit, equivalent facilities shall be subject to approval by the Planning Commission.
2. **Parking Required.** Each building and land use, including a change or expansion of a building or land use, shall provide parking areas in compliance with this Section. No building shall be occupied and no land use shall be commenced until the improvements required by this Section are approved by the Community Development Director and completed prior to commencement of use.
3. **Number of parking spaces.**
 - a. Each site shall be provided the minimum number of parking spaces required by Table 4.4, except where the parking requirement is reduced or otherwise changed in compliance with Section C of this Article.
 - b. On-street parking along the frontage lines of the site shall be counted toward fulfilling the parking requirements.
 - c. Where Table 4.4 establishes a parking requirement based upon square feet (for example: "1 space/300 sq. ft."), the term "square feet" means the gross square footage of floor area.
 - d. Where Table 4.4 establishes a parking requirement based upon the number of units (for example: "1 space per unit"), the term "unit" means per dwelling unit.
 - e. If the calculation of required parking or loading spaces results in the requirement of a fractional space, such fraction, if one-half (0.5) or greater, shall be considered one (1) additional space; if the fraction is less than one-half (0.5), it shall result in no additional spaces.

TABLE 4.4: REQUIRED ON-SITE PARKING SPACES

<i>Land Use Classification</i>	<i>Required Parking Spaces</i>
Residential Use Classifications	



TABLE 4.4: REQUIRED ON-SITE PARKING SPACES	
<i>Land Use Classification</i>	<i>Required Parking Spaces</i>
Single-family, Detached Single-family, Attached	2 for each dwelling unit. For new construction, all spaces shall be covered. For existing development, at least one space per dwelling shall be covered and all existing covered parking spaces shall be maintained.
Second Unit	1 per studio or one-bedroom unit, 2 per two-bedroom unit. 0.5 spaces for every additional bedroom.
Multi-family Residential	1 per studio unit. 1.5 per one-bedroom unit. 2 per 2-bedroom unit. 0.5 spaces for every additional bedroom. One space for each unit shall be designated for the unit and covered. One additional guest parking space shall be provided for every 3 units.
Small Family Day Care Home	Same requirements as single-family in RR, RE, RSF, and RT. Same requirements as multi-family in RMD, RHD and MX.
Large Family Day Care Home	1 per non-resident employee. 1 passenger loading space, on or off-site.
Manufactured Home Park	1 space per unit. 1 guest space for every three units.
Residential Care, Limited (less than six residents)	1 space per 3 beds, plus 1 guest parking space per 3 beds.
Public and Semi-Public Use Classifications	
Cemetery	1 per 20,000 sq. ft. of land area, plus 1 per every 5 seats in chapels or assembly areas, plus 1 per full-time employee.
Clubs and Lodges	1 for each 5 permanent seats in main assembly area, or 1 for every 100 sq. ft. of assembly area where temporary or moveable seats are provided.
Colleges and Trade Schools, Public or Private	To be determined by the Community Development Director based on demand study.
Community Center	To be determined by the Community Development Director based on usage.
Cultural Institutions	For theaters and auditoriums: 1 for each 5 permanent seats in main assembly area, or 1 for every 100 sq. ft. of assembly area where temporary or moveable seats are provided. Galleries and Museums: 1 for every 500 sq. ft. of floor area. Other establishments: determined by the Community Development Director.
Day Care Center	1 per first 5 children, plus 1 for each additional 10 children.



TABLE 4.4: REQUIRED ON-SITE PARKING SPACES	
<i>Land Use Classification</i>	<i>Required Parking Spaces</i>
Elderly and Long Term Care	1 per four beds
Government Offices	1 per 300 sq. ft. of floor area.
Hospitals and Clinics	1 per bed; plus 1 per 250 sq. ft. of area used for office, clinics, testing, research, administration, and similar activities associated with the principal use.
Instructional Services	1 per 300 sq. ft. of floor area.
Park and Recreation Facilities, Public	To be determined by the Community Development Director.
Public Safety Facilities	To be determined by the Community Development Director.
Religious Facilities	1 for each 5 permanent seats in main assembly area, or 1 for every 50 sq. ft. of assembly area where temporary or moveable seats are provided.
Residential Care (greater than 6 residents)	2 spaces for each facility plus 1 space per four adult residents and 1 space per six juvenile residents
Schools, Public or Private	Elementary and Middle Schools: 1 per classroom, plus 1 per 250 sq. ft. of office area. High Schools: .35 per student
Social Service Facilities	1 per 300 sq. ft. of floor area.
Commercial Use Classifications	
Adult-Oriented Business	As determined by the Community Development Director based upon requirements for the most similar comparable use
Automobile/Vehicle Sales and Services	
<i>Automobile/Vehicle Rentals</i>	1 per 300 sq. ft. of office area in addition to spaces for all vehicles for rent.
<i>Automobile/Vehicle Sales and Leasing</i>	1 per 250 sq. ft. of office area, plus 1 space per 1000 sq. ft. of indoor or outdoor sales display area. Any accessory auto repair: 2 spaces per service bay. Minimum 5 spaces per dealership.
<i>Automobile/Vehicle Repair, Major or Minor</i>	2 per service bay.
<i>Automobile/Vehicle Washing</i>	<i>Mechanical:</i> Two spaces plus sufficient waiting line(s) <i>Self-service:</i> Two spaces plus washing area(s)
<i>Large Vehicle and Equipment Sales, Service and Rental</i>	1 per 300 sq. ft. of office area plus 1 per 2,500 sq. ft. of sales display area.
<i>Service Station</i>	2 per service bay, if service bays are included on site. 1 per 200 sq. ft. of any convenience store on site.



TABLE 4.4: REQUIRED ON-SITE PARKING SPACES	
<i>Land Use Classification</i>	<i>Required Parking Spaces</i>
<i>Towing and Impound</i>	1 per 500 sq. ft. of building area plus 1 per 0.5 acre of gross outdoor use area.
Banks and Financial Institutions (All subclassifications)	1 per 300 sq. ft. of floor area.
Building Materials and Services	1 per 400 sq. ft. of floor area; 1 per 600 sq. ft. of outdoor display area.
Business Services	1 per 300 sq. ft. of floor area.
Commercial Entertainment and Recreation (All subclassifications)	Establishments with seating: 1 for each 5 permanent seats in main assembly area, or 1 for every 50 sq. ft. of assembly area where temporary or moveable seats are provided. Bowling alleys: 2 per lane. Other Commercial Entertainment and Recreation uses: to be determined by Community Development Director.
Eating and Drinking Establishments	
<i>Bars/Night Clubs/Lounges</i>	Minimum 2 spaces. 1 per 75 sq. ft. of customer seating area.
<i>Coffee Shops/Cafes</i>	1 per 4 seats; no parking is required for outdoor seating when seats provided equal 50 percent or less of total indoor seating.
<i>Restaurants</i>	1 per 125 sq. ft. of indoor and outdoor seating areas, up to 4000 sq. ft. of restaurant space. 1 space for every 75 sq. ft. in excess of 4,000 sq. ft.
Food and Beverage Retail Sales	1 per 250 sq. ft. of floor area.
Funeral Parlors and Mortuaries	1 for each 4 permanent seats in assembly areas, plus 1 per 250 sq. ft. of office area.
Hotels and Motels	1 per each living or sleeping unit, plus 1 space for on-site employee. Additional parking required for ancillary uses, such as restaurants, according to the parking requirements for the ancillary use.
Light Fleet-based services	1 per 300 sq. ft. of office floor area, plus one space for each fleet vehicle.
Maintenance and Repair Services	1 per 350 sq. ft. of building floor area, plus one space for each fleet vehicle.
Nurseries and Garden Centers	1 per 300 sq. ft. of floor area, plus 1 per 500 sq. ft. of outside display or greenhouse area.
Offices	
<i>General Offices</i>	1 per 400 sq. ft. of floor area. Medical Offices: 1 per 250 sq. ft. of floor area for single tenant, 1 per 300 sq. ft. of floor area for multi-tenant facility. Several offices may share a single parking facility.



TABLE 4.4: REQUIRED ON-SITE PARKING SPACES	
<i>Land Use Classification</i>	<i>Required Parking Spaces</i>
<i>Walk-In Clientele</i>	1 per 300 sq. ft. of floor area. Several offices may share a single parking facility.
Parking, Public or Private	1 per attendant station (in addition to the spaces that are available to public).
Personal Services	1 per 200 sq. ft. of floor area.
Retail Sales	
<i>Less than 10,000 square feet per business</i>	1 per 300 sq. ft. of floor area.
<i>10,000 to 50,000 square feet per business</i>	1 per 400 sq. ft. of floor area.
<i>More than 50,000 square feet</i>	1 per 500 sq. ft. of floor area.
Swap Meets	1 per 300 sq. ft. of floor area occupied by the swap meet, plus 1 space per vendor space leased.
Tobacco Bars	Minimum 2 spaces. 1 per 75 sq. ft. of customer seating area.
Wholesaling and Distribution	1 per 2,000 sq. ft. of floor area.
Industrial Use Classifications	
Construction and Materials Yards	To be determined by Community Development Director.
Handicraft/Custom Manufacturing	1 per 2,000 sq. ft. of floor area.
Industry, General	1 per 1,000 sq. ft. of floor area.
Industry, Limited	1 per 1,000 sq. ft. of floor area.
Recycling Collection Facilities	
<i>Recycling Collection Point</i>	Minimum 1 space. Number of additional spaces to be determined by the Community Development Director.
<i>Recycling Processing Facility</i>	1 for each 2 employees on the maximum work shift, or 1 per 1,000 sq. ft. of floor area, whichever is greater.
<i>Salvage and Wrecking</i>	1 per 500 sq. ft. of building area plus 1 per 0.5 acre of gross outdoor use area.
Warehousing and Storage	
<i>Chemical, Mineral, and Explosives Storage</i>	1 per 2 employees or 1 per 300 sq. ft. of office area, whichever is greater.
<i>Indoor Commercial Storage</i>	1 per 1,000 sq. ft. of floor area.
<i>Outdoor Storage</i>	1 per 2 employees or 1 per 300 sq. ft. of office area, whichever is greater.
<i>Personal Storage</i>	1 space per 75 storage units, plus 1 space per 300 square feet of office area. A minimum of 5 spaces shall be provided.
Transportation, Communication, and Utilities Use Classifications	



TABLE 4.4: REQUIRED ON-SITE PARKING SPACES	
<i>Land Use Classification</i>	<i>Required Parking Spaces</i>
Airports and Heliports	To be determined by the Community Development Director.
Telecommunication Facilities	
<i>Antennae and Transmission Towers</i>	Minimum 1 space for maintenance and servicing. Additional spaces to be determined by the Community Development Director.
<i>Facilities within Buildings</i>	To be determined by the Community Development Director.
Freight/Truck Terminals and Warehouses	1 for each 2 employees on the maximum work shift, or 1 for each 3,000 sq. ft. of floor area, whichever is greater.
Transportation Passenger Terminals	To be determined by the Community Development Director.
Utilities, Major	To be determined by the Community Development Director.
Utilities, Minor	None.
Agriculture and Extractive Use Classifications	
Crop Cultivation and Animal Raising	1 for every 2 employees on the maximum shift.
Mining and Quarrying	1 for every 2 employees on the maximum shift.

C. Reduction of Parking Requirements

1. The number of parking spaces required by Table 4.4 may be reduced, and the type or location of parking spaces required may be modified as follows.
 - a. **Shared On-Site Parking.** Where two or more uses on the same site have distinct and differing peak parking usage periods, (e.g. a theater and a bank), a reduction in the required number of parking spaces may be allowed by the Planning Commission. Approval shall also require a recorded covenant running with the land, recorded by the owner of the parking lot, guaranteeing that the required parking will be maintained exclusively for the use or activity served for the duration of the use or activity.
 - b. **Waiver of Parking.** The Planning Commission may reduce or waive the number of parking spaces required based on quantitative information provided by the applicant that documents the need for fewer spaces, such as a Parking Study.
 - c. **Waiver of Parking – Non-Peak-Hour Uses.** The Planning Commission may waive the parking requirements of this section for land uses that are determined by the Planning Commission to operate exclusively when their peak parking demand occurs after the peak period parking demand for the area, and adequate on-street or public parking is available.
 - d. **Off-Site Parking.** A project that is not located within a parking assessment district may locate required parking away from the site of the proposed use.
 - (1) *Location of parking.* Off-site parking shall be located within a 1,250 foot walking distance of the site. (This distance corresponds to a five minute walk.) Where



approved by the Planning Commission, off-site parking may be located at a more remote site.

- (2) *Evaluation of proposal.* In considering a request for off-site parking at a distance of greater than 1,250 feet, the Planning Commission shall consider whether adequate provisions, such as shuttle service, have been provided to bring drivers from the parking to the site.
 - (3) *Guarantee of continued availability.* Required parking spaces that are off-site shall be committed by a recordable covenant, lease, or other agreement, acceptable to the City Attorney. The parties to the covenant, lease, or agreement shall include the owners, and if applicable, the lessees of the off-site parking spaces and the owners, and if applicable, the lessees of the subject site, with covenants reflecting the conditions of approval and the approved offsite parking plan.
 - (4) *Loss of off-site spaces.*
2. Notification to the City. The owner or operator of a business that uses approved off-site spaces to satisfy the parking requirements of this Section shall immediately notify the Community Development Director of any change of ownership or use of the property for which the spaces are required, and of any termination or default of the agreement between the parties.
3. Effect of Termination of Agreement. Upon notification that a lease for required offsite parking has terminated, the Community Development Director shall determine a reasonable time in which substitute parking is provided to the satisfaction of the Community Development Director, or the size or capacity of the use is reduced in proportion to the parking spaces lost.
 - (1) *Valet Parking.* Off-site valet parking may be authorized through Conditional Use Permit approval.

D. Disabled/Handicapped Parking Requirements

1. Parking spaces for the disabled shall be provided in compliance with the Uniform Building Code (UBC), the Federal Accessibility Guidelines, and/or California Code of Regulations Title 24, as applicable. These spaces shall count toward fulfilling the parking requirements of this Code.

E. Parking Design and Development Standards

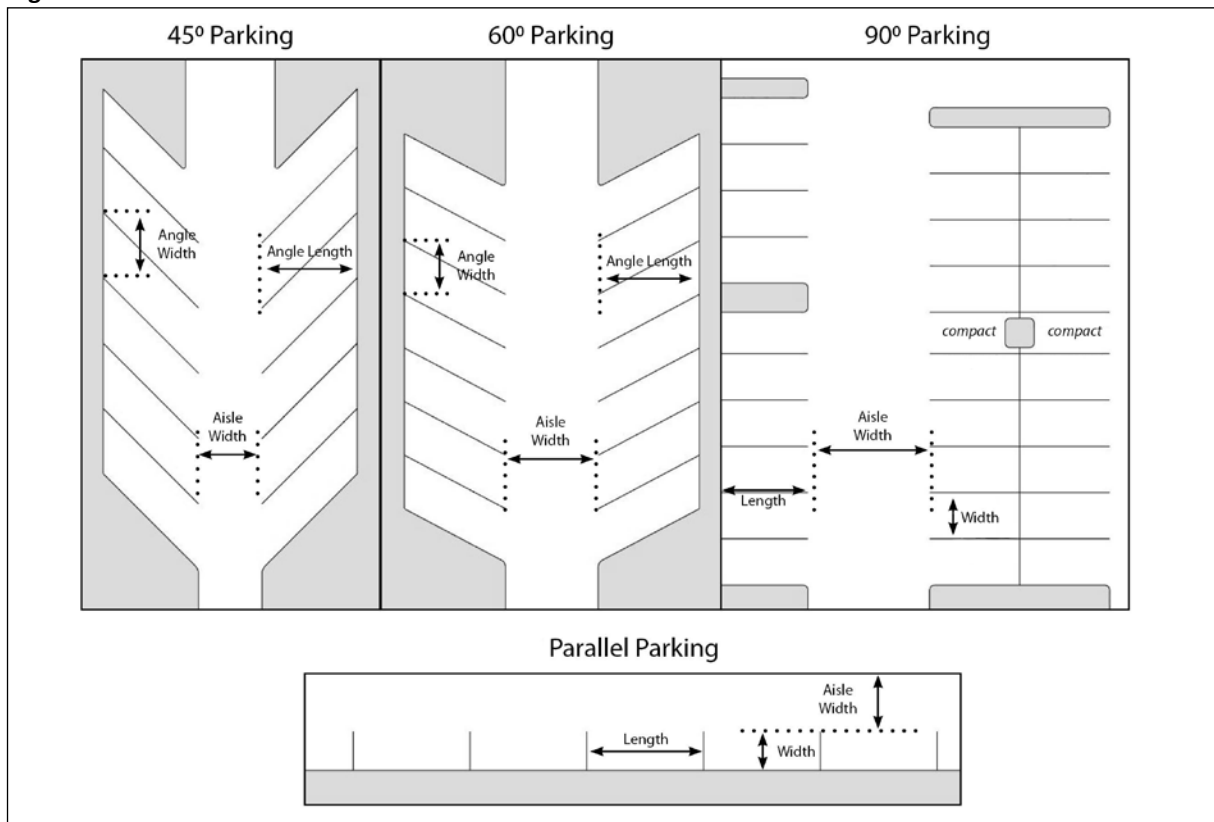
1. Required parking areas shall be designed and constructed as follows. The standards of this Section may be modified by the Planning Commission where it determines that alternative parking designs and standards will more appropriately relate to the operating characteristics of the proposed development or new land use, while being equally effective in providing parking areas that are safe, convenient, use land efficiently, and are aesthetically attractive.
 - a. **Access to Parking.**
 - (1) Parking, including parking garages, shall be accessed from an alley or secondary frontage when possible. The opening of a parking lot or garage on a frontage shall not exceed two lanes in width.
 - (2) Pedestrian entrances to all parking lots and parking garages shall be directly from a frontage line. Only underground parking garages may be entered directly from a building.



- (3) Parking areas for nonresidential uses shall maintain a minimum unobstructed clearance height of 14 feet above areas accessible to vehicles.
- b. **Access to Adjacent Sites.** Applicants are encouraged to provide off-street vehicle access to parking areas on adjacent properties to provide for convenience, safety, and efficient circulation. Shared pedestrian access between adjacent properties is also strongly encouraged.
- c. **Parking Space and Lot Dimensions.** Parking lots and stalls shall be designed with the following minimum dimensions.

TABLE 4.5: STANDARD PARKING SPACE AND AISLE DIMENSIONS									
Angle of Parking	Width		Length		Drive Aisle Width	Angle Width		Angle Length	
	Standard	Compact	Standard	Compact		Standard	Compact	Standard	Compact
0° (Parallel)	8'0"	8'0"	24'	24'	12'	NA		NA	
45°	9'6"	8'6"	18'6"	15'6"	13'	13'5"	12'	19'8"	16'11"
60°	9'6"	8'6"	18'6"	15'6"	19'	11'	9'10"	20'10"	18'4"
90°	9'6"	8'6"	18'6"	15'6"	25'	NA		NA	

Figure 4.9

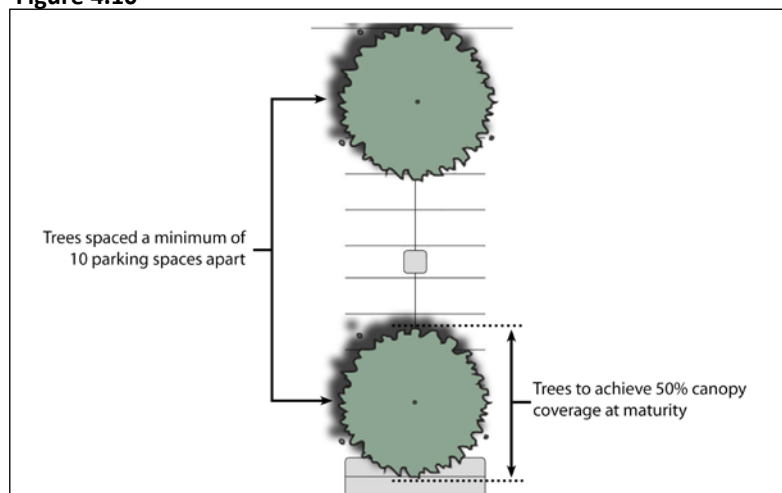


- (1) **Oversized Parking.** Where the nature of the land use may reasonably anticipate the need to accommodate oversized vehicles, the Planning Commission may require at



- least 10 (ten) percent of required parking spaces to be oversized. Oversized spaces shall be at least one (1) foot larger than standard parking spaces in each dimension.
- (2) **Compact Parking.** All parking spaces shall at a minimum comply with the standards outlined in Table 4.5. There are no provisions for compact parking spaces.
- d. **Pedestrian Connections.** Pedestrian ways five (5) feet or more in width may be required in conjunction with the requirements of Section E.1.e, Landscaping, of this Article:
- (1) To connect all on-site automobile and bicycle parking areas to all on-site buildings, open space areas, or pedestrian amenities.
- (2) 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.
- e. **Landscaping.** Parking areas located in a Commercial, Mixed Use or Industrial district, shall be landscaped in compliance with the following requirements:
- (1) **Proportion required to be Landscaped.** A minimum of ten (10) percent of a parking lot shall be landscaped. A vehicle accommodation area shall include the area of a lot used by vehicles for access, circulation, parking, loading and unloading areas; it does not include space provided for display purposes or enclosed vehicle storage areas.
- (2) **Landscaping Between Streets and Parking Areas.** A landscaped planter with a minimum width of five (5) feet shall be provided adjacent to any public or private street wherever parking or circulation is generally located adjacent to such rights-of-way. The planter area shall be credited towards the minimum landscaped area required for the site as set forth in the above provision.
- (3) **Shade Trees.** A minimum of one (1) shade tree for every ten (10) parking spaces shall be provided, which shall achieve 50% canopy coverage of paved area at maturity. The shade trees shall be located so as to provide visual relief to long rows of parked vehicles, and to provide shade to pedestrian connections. Canopy-type trees should be used to provide a relatively consistent tree cover that will shade vehicles and pavement. Shade trees shall also be provided at appropriate intervals between perimeter parking spaces. The shade tree species shall be selected from a master tree list maintained by the City.

Figure 4.10



- (4) **Site Design.** Landscaped areas are to be distributed throughout the entire vehicle parking and circulation area as evenly as possible and as required by the Community Development Director. In larger parking areas (two or more maneuvering aisles) interior landscaping shall be provided to additionally screen parking areas and to visually separate the parking area into smaller spaces.
- (5) **Vision Triangle.** A vision triangle shall be reserved at all driveways as a public safety feature. Within this area, no vegetation shall exceed a height of three (3) feet, except for trees that are pruned and maintained so as not to block the visibility of vehicles entering and exiting sites. The design and extent of the vision triangle shall be approved by the Community Development Director.
- (6) **Curbs and Bumpers.** Where parking areas abut or overhang landscaped planters, the landscaping shall be protected by a continuous concrete curb not less than six (6) inches high, or an alternative material approved by the Community Development Director.
- (7) **Irrigation.** Irrigation shall be provided for landscaped areas in accordance with Section 6-4B.01 of the Municipal Code.
- (8) **Soil type.** Structural soil, rather than individual tree pits, shall be used wherever possible to encourage root growth, attain shade coverage, and prevent pavement failure.
- f. **Lighting.** Parking lot lighting shall comply with the following requirements.
 - (1) Outdoor light fixtures shall be limited to a maximum height of 15 feet or the height of the nearest building, whichever is less.
 - (2) Lighting shall be energy-efficient, and shielded or recessed so that:
 - (a) The light source (i.e. bulb or lamp) is not visible from off the site; and
 - (b) Glare and reflections are confined to the maximum extent feasible within the boundaries of the site.
 - (c) Each light fixture shall be directed downward and away from adjoining properties and public rights-of-way.
 - (3) No lighting on private property shall produce an illumination level greater than one footcandle on any property within a Residential Zoning District except on the site of the light source.
 - (4) No permanently installed lighting shall blink, flash, or be of unusually high intensity or brightness, as determined by the Community Development Director.
- g. **Striping and Identification.**
 - (1) *Vehicle spaces.* Parking spaces shall provide understandable markings to indicate where drivers should park. Subtle markings, such as contrasting colors in paving stones, are encouraged.
 - (2) *Restriping.* The restriping of any parking space or lot shall be reviewed by the Community Development Director.
- h. **Surfacing.**
 - (1) Parking spaces and maneuvering areas shall be provided with all-weather surfaces consistent with City standards and as approved by the review authority.
 - (2) The City desires to reduce stormwater run-off and water pollution, and to allow for the replenishment of groundwater. For parking areas, the goal is to reduce the



amount of run-off generating surface area. Therefore, permeable surfaces for parking and maneuvering areas are allowed. Acceptable permeable surfaces include:

- (a) pervious concrete;
- (b) pervious pavers;
- (c) gravel, bark or grass when reinforced to be adequately load-bearing.

F. Electric and Hybrid Vehicle Parking

1. Electric vehicle charging stations shall be of the same size as standard and accessible parking spaces.
2. New non-residential developments that require one hundred (100) parking spaces or more, including all non-residential components of Planned Developments, shall provide:
 - a. Level-3 minimum electric vehicle charging stations, at one (1) electric vehicle parking charging station for every one hundred (100) required parking spaces.
 - b. At a public parking site, the first two charging stations equipped with card-reading devices, or a charging station equipped with card-reading controls that can simultaneously charge two or more electric vehicles, shall be accessible.
 - c. Hybrid vehicle parking spaces at two (2) such parking spaces for every one hundred (100) required parking spaces.
3. New residential developments of one hundred (100) units or more, including all residential components of Planned Developments, shall provide:
 - a. 220-240 volt / 40 amp outlets on a dedicated circuit and in close proximity to designated vehicle parking spaces in garages. Such provisions shall be sufficient to accommodate the potential future hardwire installation of one (1) future Level-2 minimum electric vehicle charging station for every five (5) required parking spaces in multi-family developments, and/or one (1) such station for every single-family residential unit with a garage.
4. New developments that require fifty (50) parking spaces or more are required to provide:
 - a. Undergrounded electrical conduits meeting current California Electrical Code requirements, for future vehicle charging stations, regardless of whether any electric vehicle charging stations will be installed at the start of operations.

G. Alternative Modes of Transportation

1. **Bicycle Parking and Facilities.**
 - a. Lockable bicycle parking shall be provided for commercial, industrial, and public facility projects with buildings greater than 5,000 square feet in size and for multi-family residential projects of four (4) or more units.
 - b. Bicycle parking shall be provided at ten (10) percent of required automobile spaces. For public facilities, bicycle parking shall be provided at 25 percent of required automobile spaces.
 - c. Bicycle racks and lockers shall be located in highly visible locations with adequate lighting. Bicycle racks shall be designed such that bicycles may be secured in two places.
 - d. All developments with 20,000 square feet of gross area or more are required to include bicycle showers and lockers for employees, at a minimum of two (2) showers for the first



20,000 square feet of gross floor area, and one additional shower for every additional 10,000 square feet of gross floor area. The showers shall be designated male and female and shall be ADA compliant. Each shower shall include a toilet or be located within a restroom facility. Employee lockers shall be within fifty (50) feet of the provided showers.

2. All commercial, industrial and public facility projects of over 1,000 square feet are required to provide incentives to encourage their employees to use alternative modes of transportation, including but not limited to walking, cycling, and taking transit.

H. On-Site Loading

1. **Loading Spaces Required.** A building, or part thereof, having a floor area of ten-thousand (10,000) square feet or more that is to be occupied by a manufacturing plant, storage facility, warehouse facility, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry-cleaning establishment, or other use similarly requiring the receipt or distribution by vehicles or trucks of material or merchandise shall provide at least one (1) on-site loading space, plus one (1) additional loading space for each additional forty thousand (40,000) square feet of floor area. Such on-site loading space shall be maintained during the existence of the building or use that it is required to serve.
 - a. *Reduction in Number of Loading Spaces Required.* The loading space requirement may be waived upon a finding that the applicant has satisfactorily demonstrated that due to the nature of the proposed use, such loading space will not be needed.
 - b. *Additional Loading Spaces Required.* The required number of loading spaces may be increased to ensure that trucks will not be loaded, unloaded, or stored on public streets. Such requirement shall be based on the anticipated frequency of truck pickups and deliveries and of the truck storage requirements of the use for which the on-site loading spaces are required.
 - c. *Minimum Size.* Each on-site loading space required by this chapter shall not be less than twelve (12) feet wide, thirty (30) feet long, and fifteen (15) feet high, exclusive of driveways for ingress and egress and maneuvering areas.
 - d. *Driveways for Ingress and Egress and Maneuvering Areas.* Each on-site loading space required by this chapter shall be provided with driveways for ingress and egress and maneuvering space of the same type and meeting the same criteria required for on-site parking spaces. Truck-maneuvering areas shall not encroach into required parking areas, travelways, or street rights-of-way.



ARTICLE 4 PERFORMANCE STANDARDS

A. Purpose

1. The specific purposes of this Article are to:
 - a. Establish permissible limits and permit objective measurement of nuisances, hazards, and objectionable conditions;
 - b. Ensure that all uses will provide necessary control measures to protect the community from nuisances, hazards, and objectionable conditions; and
 - c. Protect any industry from arbitrary exclusion.

B. Applicability

1. The requirements in this chapter apply to all land uses in all Zoning Districts, unless otherwise specified.

C. General Standard

1. Land or buildings shall not be used or occupied in a manner creating any dangerous, injurious, or noxious fire, explosive or other hazard; noise, vibration, smoke, dust, odor, or form of air pollution; heat, cold, dampness, electrical or other disturbance; glare, refuse, or wastes; or other substances, conditions or elements which would substantially adversely affect the surrounding area.

D. Location of Measurement for Determining Compliance

1. Measurements necessary for determining compliance with the standards of this chapter shall be taken at the lot line of the establishment or use that is the source of a potentially objectionable condition, hazard, or nuisance.

E. Noise

1. **Noise or Acoustic Study.** A noise or acoustic study shall be required for any proposed project which could create or be subject to noise exposure above the acceptable levels prescribed in the Safety, Air Quality and Noise Element of the General Plan.
2. **Noise Attenuation Measures.** Noise attenuation measures necessary to reduce noise impacts to acceptable levels to the extent feasible may be required to be incorporated into a project in accordance with the following:
 - a. All new residential development shall achieve interior noise level reductions through sound insulation and other measures to meet the General Plan land use compatibility standards by acoustical design and construction of the structure and building elements.
 - b. New dwelling units exposed to an exterior DNL above sixty-five (65) dB shall incorporate the following noise reduction measures:
 - (1) All facades shall be constructed with substantial weight and insulation;
 - (2) Sound-rated windows providing noise reduction performance similar to that of the façade shall be included for all exterior entries;



- (3) Acoustic baffling of vents is required for chimneys, fans, and gable ends; and
- (4) Installation of a mechanical ventilation system affording comfort under closed window conditions.
- c. Sound walls or other attenuation measures designed to reduce noise by a minimum of ten (10) dB in residential areas adjacent to State highways when additional lanes are added or when new residential development or sensitive receptors would be exposed to noise above sixty-five (65) dB. Please also see Chapter 4, Article 2.C, Fences and Freestanding Walls.
- d. Other measures identified in an acoustic study conducted for the proposed project as necessary to reduce noise levels to “normally acceptable” levels.

F. Vibration

- 1. No vibration shall be produced that is discernible without the aid of instruments by a reasonable person at the lot lines of the site. Vibrations from temporary construction, demolition, and vehicles that enter and leave the subject parcel (e.g., construction equipment, trains, and trucks.) are exempt from this standard.

G. Lighting and Glare

- 1. Activities, processes, and uses shall be operated in compliance with the following provisions:
 - a. **Lighting.** All security and site lighting shall be shielded to avoid “spill over” nuisance lighting to the existing adjacent uses. Lights shall be placed to deflect light away from adjacent properties and public streets, and to prevent adverse interference with the normal operation or enjoyment of surrounding properties. Direct or sky-reflected glare from floodlights shall not be directed into any other property or street. Except for public street lights, no light or combination of lights, or activity shall cast light on a public street exceeding one (1) foot-candle as measured from the centerline of the street. No light, combination of lights, or activity shall cast light onto a residentially zoned property, or any property containing residential uses, exceeding one-half footcandle.
 - b. **Glare.** No use shall be operated such that significant, direct glare, incidental to the operation of the use is visible beyond the boundaries of the lot where the use is located.

H. Maintenance

- 1. Property Owners shall have the following obligations for their property:
 - a. **General Maintenance.** Sites and facilities shall be maintained free of refuse, debris, or other accumulated matter and shall be kept in good repair at all times.
 - b. **Walls.** Walls shall be maintained in good repair, including painting, if required, and shall be kept free of graffiti, litter, or advertising. Where hedges are used as screening, trimming or pruning shall be employed as necessary to maintain the maximum allowed height.
 - c. **Signs.** Every sign displayed within the city, including signs exempt from review, shall be maintained in good physical condition. All defective or broken parts shall be replaced. Exposed surfaces shall be kept clean, in good repair, free from graffiti, and painted where paint is required. The Community Development Director may order the repair or removal of any sign determined by the City to be unsafe, defective, damaged, or substantially deteriorated.



- d. **Landscaping.** All planting and other landscape elements shall be permanently maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, mowing, weeding, cleaning, fertilizing, and regular watering. Wherever necessary, plantings shall be replaced with other plant materials to insure continued compliance with applicable landscaping requirements.
 - e. **Trees.** Trees shall be maintained by property owners to be free from physical damage or injury arising from lack of water, chemical damage, accidents, vandalism, insects and disease. Any tree showing significant damage shall be replaced with another tree.
2. The maintenance provisions of this chapter are in addition to those described in Section 7-6.101 of the Municipal Code.

I. Odors

1. No use, process, or activity shall produce objectionable odors that are perceptible without instruments by a reasonable person at the lot lines of a site.

J. Heat and Humidity

1. Uses, activities, and processes shall not produce any emissions of heat or humidity that cause distress, physical discomfort, or injury to a reasonable person, or interfere with ability to perform work tasks or conduct other customary activities. In no case shall heat emitted by a use cause a temperature increase in excess of five (5) degrees Fahrenheit on another property.

K. Air Contaminants

1. **General Operations.** Uses, activities, and processes shall not operate in a manner that emit excessive dust, fumes, smoke, or particulate matter.
2. **Compliance.** Sources of air pollution shall comply with rules identified by the Environmental Protection Agency (Code of Federal Regulations, Title 40), the California Air Resources Board, and the San Joaquin Valley Air Pollution Control District (SJVAPCD).
3. **San Joaquin Valley Air Pollution Control District (SJVAPCD) Permit.** Operators of activities, processes, or uses that require "approval to operate" from the SJVAPCD, shall file a copy of the permit with the Community Development Department within thirty (30) days of permit approval.

L. Liquid or Solid Wastes

1. **Discharges to Water or Sewers.** Liquids and solids of any kind shall not be discharged, whether directly or indirectly, into a public or private body of water, sewage system, watercourse, or into the ground, except in compliance with applicable regulations of the California Regional Water Quality Control Board. Storm runoff shall not drain directly across sidewalks in any areas other than over driveway approaches.
2. **Solid Wastes.** Solid wastes shall be handled and stored so as to prevent nuisances, health, safety and fire hazards, and to facilitate recycling. There shall be no accumulation outdoors of solid wastes conducive to the breeding of rodents or insects, unless stored in closed containers.

M. Fire and Explosive Hazards



1. All activities, processes and uses involving the use of, or storage of, flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion. Fire fighting and fire suppression equipment and devices standard in industry shall be approved by the Fire Department. All incineration is prohibited with the exception of those substances such as, but not limited to, chemicals, insecticides, hospital materials and waste products, required by law to be disposed of by burning, and those instances wherein the Fire Department deems it a practical necessity.

N. Hazardous and Extremely Hazardous Materials

1. The use, handling, storage and transportation of hazardous and extremely hazardous materials shall comply with the provisions of the California Hazardous Materials Regulations and the California Fire and Building Code, as well as the laws and regulations of the California Department of Toxic Substances Control and the County Environmental Health Agency. Activities, processes, and uses shall not generate or emit any fissionable or radioactive materials into the atmosphere, a sewage system or onto the ground.

O. Electromagnetic Interference

1. No use, activity or process shall cause electromagnetic interference with normal radio and television reception in any Residential district, or with the function of other electronic equipment beyond the lot line of the site in which it is situated. All uses, activities and processes shall comply with applicable Federal Communications Commission regulations.

P. Radioactivity

1. All handling, storage, transportation, and use of radioactive materials shall comply with the provisions of the California Code of Regulations, Title 17, and any other applicable laws.



ARTICLE 5 SIGNS

A. Purpose

1. The purpose of this chapter is to establish regulations to ensure the orderly display of signs as a city-wide information system, consistent with State and federal law. These regulations recognize the desire and need of each individual, business, firm or corporation to identify its place of residence, business or service, and realizing that the indiscriminate erection, location, illumination, coloring, size, and lack of proper maintenance of signs and advertising structures, constitutes a significant contributing factor detrimental to the wellbeing and continuing activity of a city's people and economy. Specifically, these regulations are intended to:
 - a. Attract and direct persons to various activities and locations for the purpose of providing for maximum public convenience and enhancement of economic value;
 - b. Assure that all signs and advertising structures are designed, erected and maintained in a manner to enhance, rather than detract from, the ultimate design and appearance of the affected street or neighborhood, and do not impair the view of nearby or adjacent signs;
 - c. Prohibit the installation and maintenance of signs or advertising structures that unduly distract motorists' attention from driving, and which detract from attention to traffic movement and to signs and signals promoting traffic safety;
 - d. Prevent the installation and maintenance of signs or advertising structures that individually or collectively have an injurious effect on the morale of the people and the economic well-being of the City;
 - e. Assure that size and location of signs and advertising structures do not constitute an obstacle to effective fire protection and fire fighting techniques; nor constitute a direct or potential danger to vehicular or pedestrian traffic, especially in the event of structural failure during the period of inclement weather and earthquakes or in the event of impaired vision due to improper size or location; and
 - f. Otherwise protect the public health, safety, morale, and promote the public welfare.

B. Applicability

1. The requirements and development standards in this chapter apply to all signs in all Zoning Districts, unless otherwise specified.

C. Design Principles

1. **Architectural Compatibility.** A sign (including its supporting structure, if any) shall be designed as an integral design element of a building's architecture and architecturally compatible, including color and scale, with any building to which the sign is to be attached, and with surrounding structures. Signs that cover an entire window, architectural features, obliterates parts of upper floors of buildings, or is detrimental to visual order, are not be permitted.
2. **Consistency with Area Character.** A sign shall be consistent with distinct area or district characteristics and incorporate common design elements such as sign materials or themes. Where a sign is located within 30 (thirty) feet of a residential-zoned property, the sign shall be designed and located so it has little or no impact on adjacent residential neighborhoods.
3. **Legibility.** The proportion of the elements of the sign's message, including logos, letters, icons and other graphic images, shall be selected based on the anticipated distance and travel speed of the



viewer. Colors chosen for the sign text and/or graphics shall have sufficient contrast with the sign background in order to be easily read during both day and night hours.

4. **Finish.** Signs shall have finished edges with a clean, smooth, consistent surface. Lettering on the sign is to be of complementary size, proportion and font and either carved, routed, painted or applied.
5. **Visibility.** A sign shall be conspicuous and readily distinguishable from its surroundings.
6. **Address.** The address of the location shall be visible at all times and shall be incorporated in a sign where appropriate.

D. Signs Exempt from Review

1. The following signs are exempt from the permit requirements of this chapter, and they do not count toward the total sign area limit for a site, provided that they conform to the specified standards:
 - a. **Civic Signs.** Memorial and/or historical signs or tablets, names of buildings or date of building construction, when constructed of bronze or other incombustible materials or cut into any masonry surface and installed by a civic organization recognized by the City Council.
 - b. **Change of Business Signs.** A temporary attachment or covering of wood, plastic, fabric or canvas over a permanent sign indicating a change of ownership or activity may be displayed no longer than thirty (30) days following the change of ownership or activity for which the sign is intended, or up to ninety (90) days following issuance of a building permit. The temporary sign shall be no larger than the previously permitted permanent sign.
 - c. **Construction Signs.** One (1) sign, with a maximum sign area of thirty-two (32) square feet, per street frontage on real property where construction, structural alteration or repair is to take place, or is taking place, which contains information regarding the purpose for which the building is intended and the individuals connected with the project, including names of architects, engineers, contractors, developers, finances and tenants. Construction signs shall be removed upon final building inspection.
 - d. **Equipment Signs.** Signs, not more than four (4) square feet in area, incorporated into displays, machinery or equipment by a manufacturer, distributor or vendor and identifying or advertising only the product or service dispensed by the machine or equipment, such as signs customarily fixed to automated teller machines (ATMs), gasoline pumps, vending machines, menu boards, electrical cabinets, and umbrellas.
 - e. **Flags.** Flags and insignia of any government.
 - f. **Holiday and seasonal decoration.** Any decoration used to commemorate federal holidays, religious holidays and festivals, seasons of the year, or significant events occurring in the City of Coalinga. No permit is required for such decoration that is displayed up to a month before the event and up to ten days after the event has occurred or concluded.
 - g. **Information Signs.** Non-advertising displays stating hours of operation, opened or closed, and commemorating legal holidays do not require a permit, as long as they do not exceed a total of four (4) square feet in area.
 - h. **Name Plates.** Name plates and occupational signs denoting only the name and occupation of any occupant in a commercial building or public institutional building, and not exceeding two (2) square feet in area.
 - i. **Official Government Signs, Plaques, and Legal Notices.** Official notices issued by a court, public body or office and posted in the performance of a public duty; notices posted by a



utility or other quasi-public agent in the performance of a public duty or by any person given due legal notice; historical markers erected by a governmental body; or other signs required or authorized by law.

- j. **Off-site Real Estate Directional Signs.** One (1) off-site sign not to exceed twenty (20) square feet, providing direction to real estate available for sale or lease, only with permission from the property owners of the site where the sign is placed is required.
- k. **Panel signs** for public, charitable, or religious institutions, provided said panel signs are located on the property to which such panels pertain, and do not exceed sixteen (16) square feet in total area per face nor more than ten (10) feet in height measured from the curb, and further provided said panels are located in such a manner as not to constitute a hazard to vehicular or pedestrian traffic. These include changeable copy signs. Electronic panel boards that comply with the signage requirements of the zone in which they are located, and do not include animation, characters, flashing, or similar rapid movements, and which are programmed to change messages no more frequently than once every three (3) seconds shall be permitted.
- l. **Parking and Directional Signs.** On-site parking and directional signs for public or private developments, denoting the entrance, exit, direction of traffic flow, and towing information not exceeding four (4) square feet in area per face, provided such signs are not prohibited or further regulated by other sections of this or any other ordinance of the City.
- m. **Real Estate Signs.** Not more than one (1) real estate sign with a maximum size of six (6) square feet and a maximum height of six (6) feet in Residential district and a maximum size of twelve (12) square feet and maximum height of eight (8) feet measured from the curb in all other districts, advertising property for sale, rent or lease, shall be allowed per street frontage of a parcel. Real estate signboards may be allowed at street corners one day before and on the day of an open house event, as long as a five (5) foot wide path of travel on the sidewalk is maintained.
- n. **Residential Identification Signs.** Identification signs on single-family and multi-family homes, boarding or rooming houses or similar residential uses, not exceeding six (6) square feet in area, and that state the building or unit number.
- o. **Security Signs.** Signage outside a building indicating the presence of security systems are exempt from review, provided such signage is no more than two square feet in size.
- p. **Sponsorship Signs.** One (1) sponsorship sign noting businesses, which sponsor and contribute to the sports activities upon public premises, not to exceed thirty-six (36) square feet in area per site, shall be permitted for a period not to exceed ninety (90) days preceding the event. Such sign shall be removed within fifteen (15) days after the event.
- q. **Warning Signs.** Non-advertising warning signs or no trespassing signs on private property posted no closer than twenty-five (25) feet apart nor exceeding two (2) square feet in area per sign. Only the minimum required number of such Federal or State-mandated signs may be posted.

E. Prohibited Signs

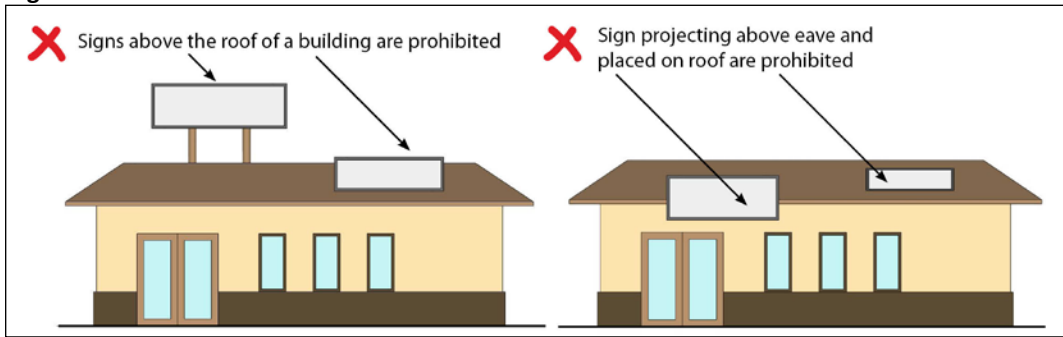
- 1. The following types of signs and devices are specifically prohibited:
 - a. **Animated, Flashing or Moving Signs.** Signs that incorporate, in any manner, flashing, moving, rotating, pulsating or intermittent lighting, with the exception of changeable copy message center display signs, are prohibited, except as allowed elsewhere in this chapter. Any sign that, because of brilliant lighting, interferes with the enjoyment of surrounding residential property or interferes with traffic, vehicular or pedestrian, is prohibited.



- b. **Balloons, Banners, Feather signs, Flags, Streamers, Pennants and Wind Dancers.** Balloons, banners, feather signs, flags, pennants, valances, wind dancers, or any other advertising display or sign constructed of cloth, canvas, light fabric, paper, cardboard, wallboard or other light materials, are prohibited, except awnings or as allowed for Automobile/Vehicle Sales and Leasing establishments, under a Master Sign Program or in Chapter 4, Article 5.J, Temporary Signs. American flags are exempt from this section.
- c. **Billboards and Off-site signs.** Any sign directing attention to a business, service, or product that is not conducted, sold, produced, or offered by any use on the same lot as the sign, or identifies by brand name a product which does not constitute one (1) of the principal items for sale on the premises, are prohibited, unless otherwise provided by the California Outdoor Advertising Act (Business and Professions Code Sections 5200 – 5486. For a parcel that does not have public or right-of-way frontage, the property owner of such parcel may negotiate with the owner of an adjacent or nearby property that has right-of-way visibility, for one (1) sign to be erected on the latter property that advertizes the availability or business of the former property without public or right-of-way frontage. The maximum sign area allowed on the latter property must remain consistent with the maximum allowed in Table 4.6.
- d. **Emissions.** Signs that produce noise in excess of forty (40) decibels are prohibited, excluding voice units at drive-through facilities, and signs that emit odor or visible smoke, vapor or particles.
- e. **Fence Signs.** Signs attached or painted on fences or freestanding walls that are not part of a building are prohibited, except for residential identification and warning signs measuring no more than two (2) square feet per property, and the minimum number of required Federal or State-mandated warning signs.
- f. **Obscenities.** Signs that depict, describe or relate to “specified anatomical areas” or “specified sexual activities” as defined in Chapter 5, Article 1.B.2.x and y, Adult Oriented Businesses, are prohibited.
- g. **Obstructions to Exits.** Signs erected, constructed or maintained so as to obstruct any fire fighting equipment, fire escape, required exit or door opening intended as a means of egress, are not allowed, unless approved by the Fire Marshal.
- h. **Obstructions to Driver Visibility.** Signs in corner clips and lines of sight, in accordance with the provisions of Chapter 4, Article 2.M, Visibility at Driveways and Intersections, are prohibited.
- i. **Obstructions to Ventilation.** Signs that interfere with any opening required for ventilation are prohibited.
- j. **Portable Signs.** Signs not permanently attached to, mounted upon or affixed to a building, structure or the ground, are prohibited, except as otherwise provided in this Article.
- k. **Posters.** Posters of a temporary nature that are tacked, painted, pasted or otherwise placed or affixed and made visible from a public way, on the walls of buildings, on barns, sheds, trees, fences, utility poles or other structures, sidewalks or patios, are prohibited, except as otherwise provided in this Article.
- l. **Roof Signs.** Signs erected or painted upon, over or above the roof of a building or structure, or any sign affixed to the wall of a building so that it projects above the eave line of a roof, are prohibited except as allowed in this Article.



Figure 4.11



- m. **Signs Creating Traffic Hazards.** Signs that simulate in color, size or design any traffic control sign, signal or device, or that make use of words, symbols or characters in a manner that interferes with, misleads or confuses pedestrian or vehicular traffic, are prohibited. No sign, light or advertising structure shall be located in such a manner as to constitute a hazard to pedestrian or vehicular traffic, or in such a manner as to obstruct free and clear vision, at any location where, by reason of the position, shape, color or movement may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device. The Planning Commission shall have the determining authority whether a traffic hazard is created by a proposed sign.
- n. **Sign Twirlers.** Persons who apply an advertisement on his or her person, including holding, wearing, or applying a sign in any form on the human body, located within 50 feet of any right-of-way, including persons spinning, dancing, and wearing costumes with signs, in order to attract attention, are prohibited. Sign twirlers are also known as sign spinners, sign walkers, sign wavers, or human billboards.
- o. **Vehicle Displays.** Inoperable vehicles with signs that cover more than 5 percent of the vehicle surface area and parked in a conspicuous location for more than 72 consecutive hours, with the primary purpose of on-site or off-site advertising, are prohibited. This section does not apply to vehicles with signs advertising the vehicle for sale in locations where the sale of vehicles is permitted. All vehicles and bicycles utilized to tow signage and/or billboards for the sole purpose of advertising are not allowed. Vehicles used primarily for business operations such as delivery and shuttle services may display advertising on the vehicle related to the subject business.

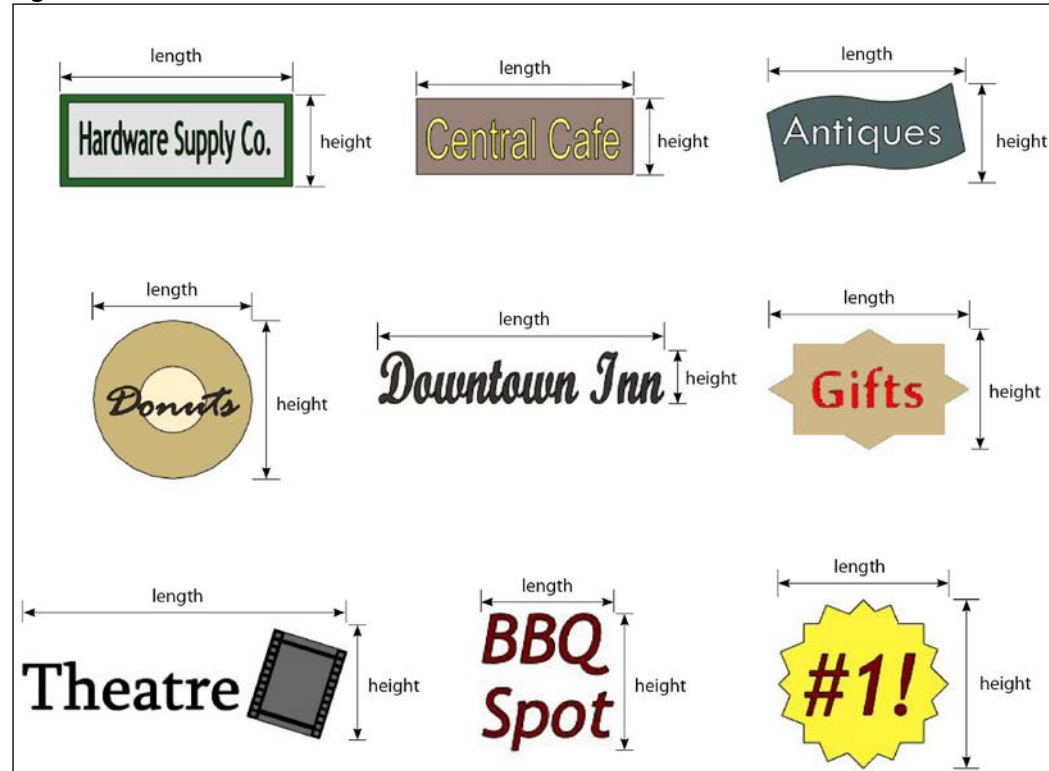
F. General Standards

- 1. This section establishes general physical standards and requirements. More detailed standards applicable to specific sign types (e.g. wall signs, awning signs) are in Chapter 4, Article 5.I, Standards for Specific Types of Signs. In addition to these general standards, all signs shall conform to the specifications of the Sign Code, Section 8-6.01 of the Municipal Code.
 - a. **Maximum Number of Signs.** Any tenant that has only one building frontage shall be allowed a maximum of two (2) signs. At least one (1) wall sign shall be permitted on any wall of a building which faces a public area, such as a street, mall plaza, or parking lot, or upon a private parking lot when such lot is built to the standards set forth in the Zoning Ordinance, clearly identifying the business name with minimal additional information. Window signage is not included under the maximum number of signs.
 - b. **Maximum Allowable Sign Area.** All signs shall conform to the maximum area requirements specified in Table 4.6 and Section I of this Article, unless a different limit is approved under a Master Sign Program or by the City Council. Window signage is not included under the maximum allowable sign area, but must meet the standards under Section I.5 of this Article.



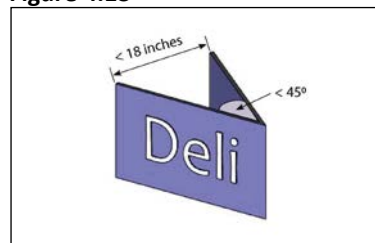
- c. **Measuring Sign Area.** Sign area includes the entire face of a framed sign, but does not include the supporting structure. Individual letters attached to a building shall be measured by the area enclosed by drawing continuous line to form the smallest square or rectangle completely surrounding all words, emblems, logos, and surfaces of the sign.

Figure 4.12



- (1) **Double-Faced Signs.** For double-faced signs with less than eighteen (18) inches between faces, and less than a forty-five (45) degree interior angle between faces, only one (1) side shall be counted as the total area. Where the faces are not equal in size, the larger sign face shall be used as the basis for calculating sign area.

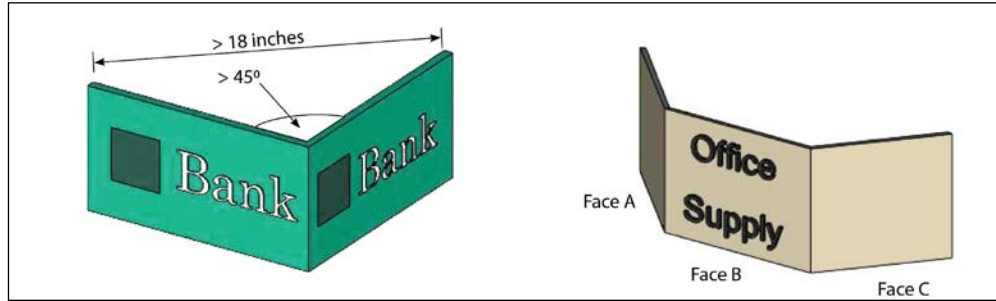
Figure 4.13



- (2) **Multi-faced Signs.** The sign area of signs with three (3) or more sign faces, or signs with two (2) sign faces with a distance eighteen (18) inches or more apart or that have an interior angle greater than forty-five (45) degrees, shall be calculated as the sum of all the sign faces.

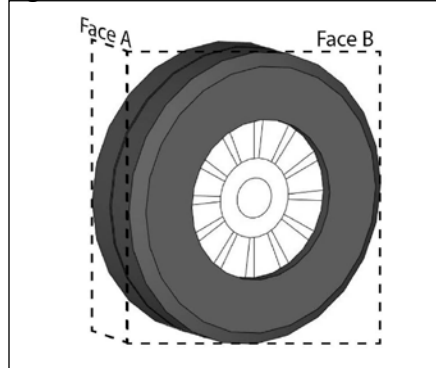


Figure 4.14



- (3) **Three-dimensional Signs.** Signs that consist of, or have attached to them, one (1) or more three-dimensional objects (i.e. balls, cubes, clusters of objects, sculpture, or statue-like trademarks), shall have a sign area of the sum of two (2) adjacent sides or sign faces.

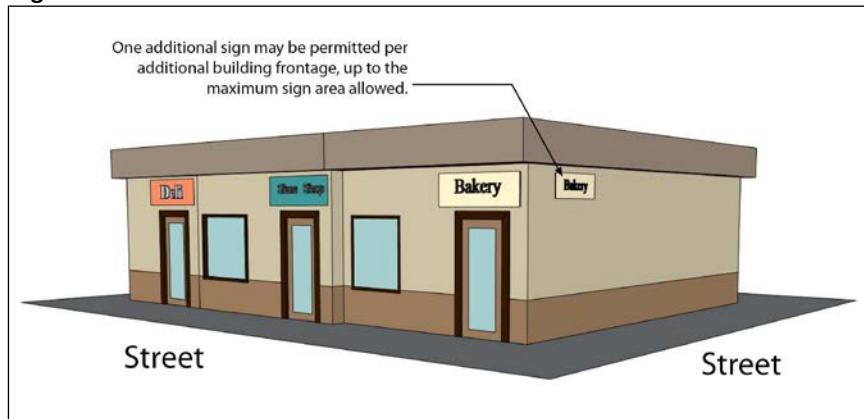
Figure 4.15



- d. **Abandoned Signs.** Any sign, including its supporting structure, which no longer identifies the current occupant after a lapse of thirty (30) days, shall be deemed an abandoned sign and shall be removed by the owner of the property on which it is located. When a wall sign is removed, the wall behind the sign shall be repaired and painted to match the rest of the building wall. Any signs not removed or made blank within this time shall be removed pursuant to the removal procedures set forth in this chapter.
- e. **Building Frontage.** Building frontage refers to the external length of a building that is visible from the public right-of-way, and typically runs parallel to such right-of-way. A building's frontage is considered continuous if projections or recesses in a building wall do not exceed ten (10) feet in any direction.
- If two or more businesses exist in a building, the building frontage of each business is determined by measuring up to the center of demising walls.
 - If a non-residential building has additional building frontages along additional public rights-of-way, one additional sign may be permitted per additional building frontage, up to the maximum sign area allowed per Table 4.6.
 - The maximum number of signs permitted shall be increased to one additional sign per building frontage.



Figure 4.16



- f. **Changeable Copy.** Changeable copy shall cover no more than forty (40) percent of the total sign area for manually changeable signs. For electronic message center signs with copy that can be changed or altered by electric, electro-mechanical, electronic, or any other artificial energy means, the changeable portion of the sign shall cover no more than twenty-five (25) percent of the total sign area. The following uses are exempt from this restriction: religious institutions and buildings, cinemas, government or civic signs, gas price signs at gas stations, indoor theaters, schools, and colleges.
- g. **Clearance from Utilities.** Signs and their supporting structures shall maintain clearance from and not interfere with electrical conductors, communications equipment or lines, surface and underground facilities and conduits for water, sewage, gas, electricity and communications equipment or lines. Signs shall not be placed in public utility easements unless express written permission from the affected public utility is obtained.
- h. **Construction and Maintenance.**
 - (1) Unless exempt, signs and supporting structures shall be installed in accordance with the California Building Code.
 - (2) All signs, together with all supporting structures, shall be maintained in the following manner:
 - (a) Signs shall be kept free of rust, dirt and chipped, cracked or peeling paint.
 - (b) All hanging, dangling, torn or frayed parts of signs shall be promptly repaired, and graffiti and unauthorized attachments shall be removed.
 - (c) Failed, damaged, or blinking illumination shall be promptly replaced.
 - (d) Sign areas shall be kept free and clear of all noxious substances, rubbish and weeds.
 - (e) Discolored or faded panels on plastic faces shall be restored to their original condition and color.
- i. **Encroachment Into Public Street or Sidewalk.** Any sign projecting over a public street or sidewalk requires an encroachment agreement approved by the City Engineer. Projecting signs and pole signs are allowed a maximum encroachment of twelve (12) inches over a public sidewalk.
- j. **Illumination.** Channel letters and neon signs are allowed. However, bare bulbs are prohibited. On signs with external illumination, lights shall be provided with proper

reflectors to concentrate the illumination on the area of the sign to prevent glare on the street or adjacent properties. All sign illumination shall adhere to the performance standards for lighting and glare in Chapter 4, Article 4, Performance Standards.

- k. **Materials.** Paper, cardboard and any other materials subject to rapid deterioration, as determined by the Community Development Director, shall be limited to signs displayed for no more than (30) days.
- l. **Substitution of Sign Message.** The owner of a permitted sign may substitute a noncommercial message for a commercial message or a commercial message for a noncommercial message.

G. Sign Standards for Residential Districts

- 1. The following signs are permitted in Residential districts:
 - a. Nameplate no larger than two (2) square feet identifying the owner, occupant, address or approved home occupation.
 - b. One identification sign no larger than twenty-four (24) square feet identifying a multi-family complex or institutional use.
 - c. Permanent subdivision signs no larger than twenty-four (24) square feet at subdivision entrances.
 - d. Temporary construction signs, banners and flags no larger than thirty-two (32) square feet, but only during periods of construction and initial property sales.
- 2. The following signs are not permitted in Residential districts:
 - a. Marquee and Pole signs are not permitted in all Residential districts.

H. Sign Standards for Non-Residential Districts

- 1. Signage in non-residential districts shall comply with the standards in Table 4.6. The maximum sign area allowed refers to the aggregate area of all types of signage on the applicable business or property. All properties in non-residential districts shall be allowed a minimum sign area of twenty (20) square feet.

Table 4.6: SIGN AREA AND SIGN STANDARDS FOR SPECIFIC SIGN TYPES AND ZONING DISTRICTS		
<i>Zoning Districts (Frontage)</i>	<i>Maximum Sign Area Allowed</i>	<i>Permitted Sign Types (see Section I, Standards for Specific Types of Signs)</i>
Commercial and Industrial Districts		



Table 4.6: SIGN AREA AND SIGN STANDARDS FOR SPECIFIC SIGN TYPES AND ZONING DISTRICTS		
<i>Zoning Districts (Frontage)</i>	<i>Maximum Sign Area Allowed</i>	<i>Permitted Sign Types (see Section I, Standards for Specific Types of Signs)</i>
CG General Commercial CR Retail Centers CS Service Commercial	1 sq. ft. per 1 linear ft. of building frontage, up to a maximum of 200 sq. ft.	Awning/canopy Marquee Monument Pole Projecting Wall Window
MX Mixed-Use	1 sq. ft. per 1 linear ft. of building frontage, up to a maximum of 200 sq. ft.	Awning/canopy Marquee Monument Projecting Wall Window
MB Manufacturing Business	1 sq. ft. per 1 linear ft. of building frontage, up to a maximum of 300 sq. ft. maximum	Awning/canopy Marquee Monument Pole Projecting Wall Window
Agricultural and Open Space Districts		
AG Agricultural and OS Open Space/Conservation	0.5 sq. ft. per 1 linear ft. of building frontage, up to a maximum of 100 sq. ft.	Monument Projecting Wall Window
Public Facilities and Recreation Districts		
PF Public Facilities and Rec Recreation	1 sq. ft. per 1 linear ft. of building frontage, up to a maximum of 200 sq. ft.	Monument Projecting Wall Window
Overlay Districts		
D Downtown District Overlay	0.50 sq. ft. per 1 linear ft. of building frontage, up to a maximum of 100 sq. ft.	Awning/canopy Marquee Projecting Wall Window

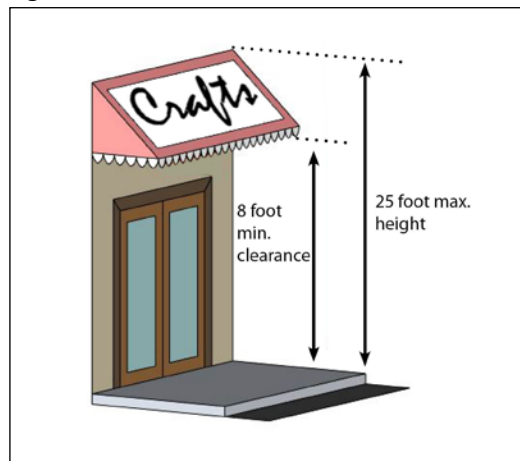


Table 4.6: SIGN AREA AND SIGN STANDARDS FOR SPECIFIC SIGN TYPES AND ZONING DISTRICTS		
<i>Zoning Districts (Frontage)</i>	<i>Maximum Sign Area Allowed</i>	<i>Permitted Sign Types (see Section I, Standards for Specific Types of Signs)</i>
G Gateway Overlay	0.50 sq. ft. per 1 linear ft. of building frontage, up to a maximum of 100 sq. ft.	Awning/canopy Marquee Monument Projecting Wall Window

I. Standards for Specific Types of Signs

1. **Awning and Canopy Signs.** Signs painted on awnings, canopies, arcades, or similar attachments or structures are allowed. The sign area for awning and canopy signs is calculated as the area within a single continuous enclosure around only the copy area of the lettering or logo of the sign. Awning and canopy signs are also subject to the specific Zoning District standards and the following standards:
 - a. **Maximum Sign Area Per Awning or Canopy Sign:**
 - (1) MX district and Downtown District Overlay: twenty-four (24) square feet
 - (2) CG, CR, CS, and MB districts: sixty (60) square feet
 - b. **Sign Clearance:** Minimum of eight (8) feet clearance for the entire awning or canopy, measured from the curb.
 - c. **Height Limit:** Twenty-five (25) feet measured from the curb.

Figure 4.17

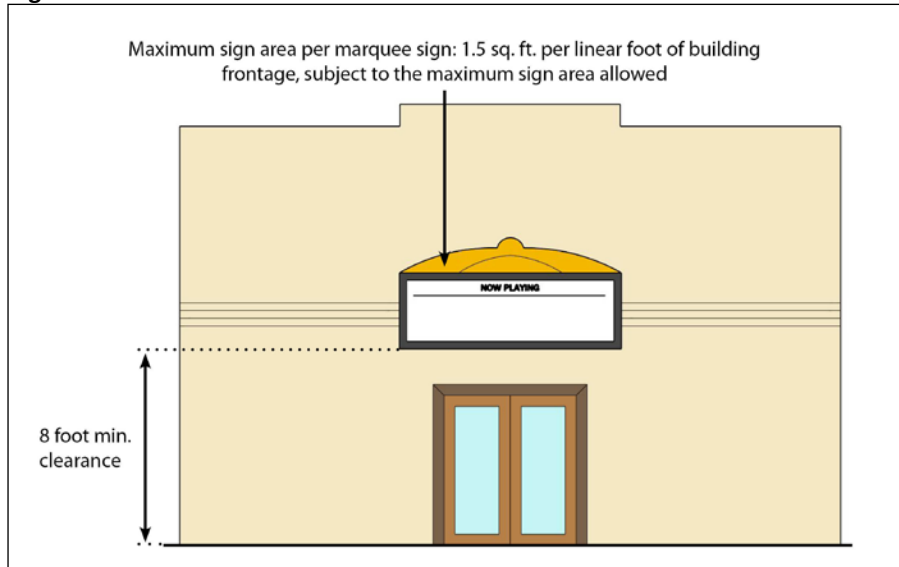


2. **Marquee Signs.** A sign permanently affixed to a marquee is allowed in conjunction with theaters, museums, galleries, and similar uses. Marquee signs are considered separate from wall signs. Removable copy may be changed on the face of permitted marquee signs without securing a permit. Marquee signs are subject to the specific Zoning District standards and the following standards:



- a. **Maximum Number of Signs:** One (1) marquee sign per site.
- b. **Maximum Sign Area Per Sign:** One and one-half (1.5) square feet per linear foot of building frontage, subject to the maximum sign area allowed per Table 4.6.
- c. **Sign Clearance:** Minimum of eight (8) feet, measured from the curb.

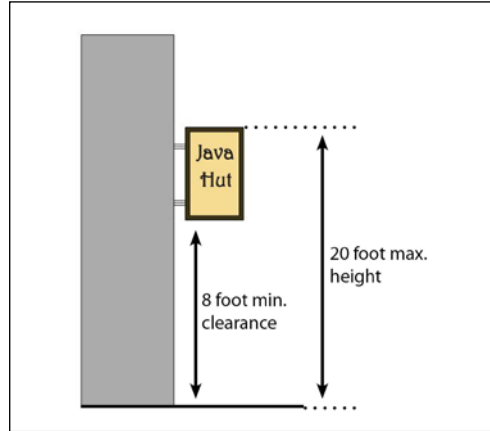
Figure 4.18



3. **Projecting Signs (also known as Blade Signs).** Signs under canopies or covers in conjunction with pedestrian walkways, or signs projecting from the building wall are allowed, subject to the specific Zoning District standards and the following standards:
 - a. **Maximum Number of Signs:** One (1) projecting sign per building or tenant space frontage plus one (1) rear façade sign.
 - b. **Maximum Sign Area Per Sign:** Sixteen (16) square feet; except the maximum sign area per sign is eight (8) square feet when the sign is located under a canopy or awning.
 - c. **Sign Clearance:** Minimum of eight (8) feet.
 - d. **Height:** A projecting sign shall be erected in such a manner as not to create a traffic hazard to vehicles or pedestrians. Projecting signs shall not extend higher than twenty (20) feet measured from the curb, or above an eave or roof, whichever is lower.
 - e. **Projection:** A projecting sign cannot extend more than three (3) feet from the building to which it is attached.

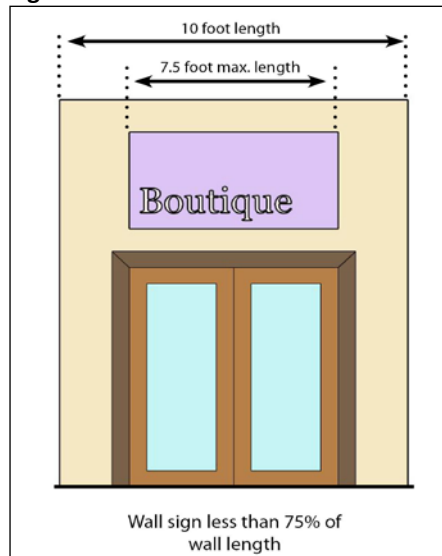


Figure 4.19



4. **Wall Signs.** Wall signs include any sign attached to, erected against or painted upon the wall of a building or structure, the face of which is in a single plane parallel to the plane of the wall. Wall signs also include signs on affixed to any type of roof. No wall sign may cover wholly or partially any required wall opening. Wall signs are also subject to the specific Zoning District standards and the following standards:
- a. **Maximum Number of Signs:** One (1) wall sign per building or tenant space frontage plus one (1) rear façade sign.
 - b. **Maximum Sign Area Per Sign:** one hundred (100) square feet or fifteen (15) percent of the building façade, whichever is less.
 - c. **Height:** Wall signs shall not be mounted or placed higher than the second story and shall not extend higher than the building wall upon which they are attached.
 - d. **Length:** Wall signs shall not occupy more than seventy-five (75) percent of the length of the wall or tenant space to which the sign is attached.
 - e. **Projection:** Wall signs cannot extend more than twelve (12) inches beyond the face of the wall to which they are attached.
 - f. **Design:** Wall signs shall be oriented to achieve balance composition and harmony with other architectural elements of a building facade.

Figure 4.20



5. **Window Signs.** Window signs painted or otherwise adhered directly onto a window are subject to the specific Zoning District standards and the following standards:
- Coverage:** Window signs shall cover no more than fifty (50) percent of the total glass window area along each building frontage.
 - Height:** Window signs shall not be mounted or placed on windows higher than the second story.
 - Contents:** Window signs include text indicating hours of operation, address information, advertisements for any purpose, and environmental graphics.

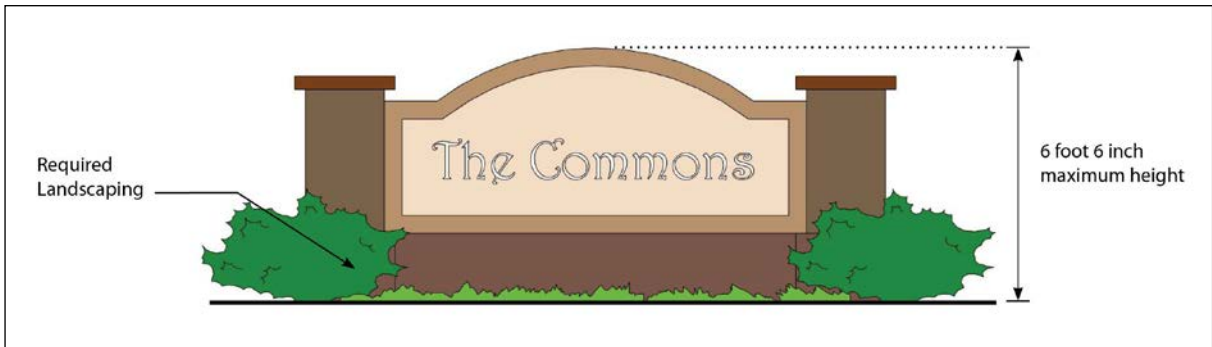
Figure 4.21



6. **Monument and Panel Signs.** Freestanding signs erected on the ground, or on a monument base designed as an architectural unit, are allowed subject to the specific Zoning District standards and the following standards:
- Maximum Number of Signs:** One (1) monument sign or panel sign per site. Drive-through facilities are allowed up to two (2) illuminated menu boards not exceeding 24 square feet in area and six feet in height, Menu boards shall not count towards the number of signs allowed per Section F.1.a of this Article.
 - Maximum Sign Area Per Sign:** Sixty (60) square feet.
 - Height:** A maximum of six (6) feet and six (6) inches measured from the curb for both monument and panel signs. Panel signs showing business names on a property with multiple businesses shall be a maximum of twelve (12) feet measured from the curb.
 - Setbacks:** Monument signs shall be set back a minimum of five (5) feet from the property line.
 - Landscaping:** Landscaping is highly encouraged for panel signs and is required for monument signs. All monument signs with surrounding landscaping at the base shall require automatic irrigation equivalent to two (2) times the area of the sign copy.

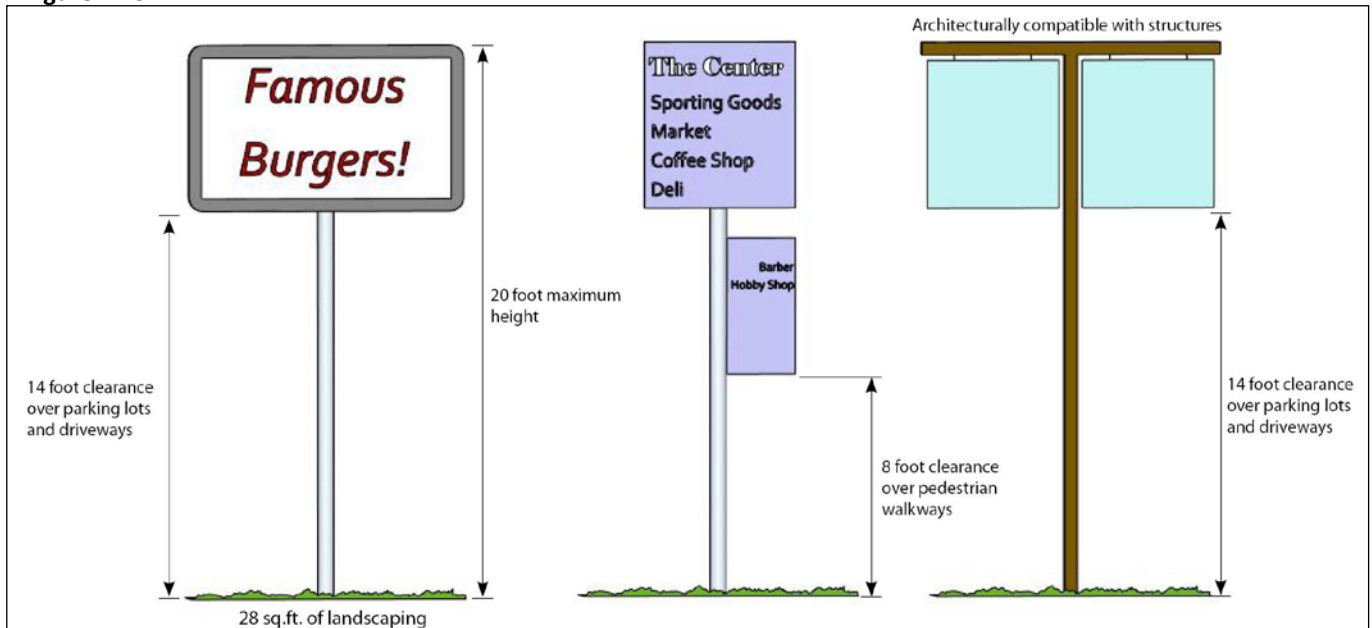


Figure 4.22



7. **Pole Signs.** Pole signs are allowed subject to the specific Zoning District standards and the following standards, whichever is more restrictive:
- Maximum Number of Signs:** One (1) pole sign per site.
 - Maximum Sign Area Per Sign:** Sixty (60) square feet, inclusive of all businesses advertised.
 - Architectural Treatment:** Pole signs shall be architecturally compatible in style, finish and color with the adjacent building or development. Structural supports, poles, angle bars, iron pipes, I-beams or similar structural members shall be architecturally encased with finished metal cladding, stucco, or similar material, subject to approval by the Community Development Director as to proportion and architectural compatibility.
 - Landscaping.** Pole signs shall be placed within a landscaped planter with at least twenty-eight (28) square feet of planting area. As a condition of any permit for a pole sign, additional landscaping of the property may be required where needed to better integrate sign appearance with the site through scale and softening effects.
 - Height.** A maximum of twenty (20) feet, with a minimum clearance of fourteen (14) feet over parking lots and driveways, and eight (8) feet over pedestrian walkways.
 - Projection.** Pole signs shall not project beyond the property line.

Figure 4.23



8. Other Sign Types.

- a. **Center Identification Signs.** Center identification signs are permitted in the R, CG, CR, CS, and MB districts, subject to the following limitations:
 - (1) **Identifiable Area.** The facility being used shall fulfill the definition of an identifiable area.
 - (2) **Area Not Counted.** The area of this sign shall not count towards the permissible sign area of the individual lot.
 - (3) **Non-Residential Districts.** The maximum sign area in the CG, CR, CS, and MB districts may be no more than one (1) foot for each linear foot of street frontage in Commercial districts, but in no case shall the total sign area exceed two hundred (200) square feet. If more than one (1) entrance to the lot exists, the maximum sign area permitted may be divided among the number of entryways and signs requested.
 - (4) **Residential Districts and Subdivisions.** For subdivisions and other single-family area entry signs, the maximum sign area permitted is twenty (20) square feet per entryway. Signs shall be mounted on a fence, wall or other similar entry feature.
 - (5) **Sign Base.** The sign base is to be located within a planter box or planting area, the design and location of which is to be approved by the Community Development Director.
- b. **A-Frame/Sandwich Board Signs.** Temporary, portable A-frame or sandwich board signs are permitted in the CG, CR, and MX Zoning Districts, subject to the following limitations:
 - (1) **Area Not Counted.** The area of the sign shall not count towards the permissible sign area of the individual lot.
 - (2) **Maximum Number of Signs.** One (1) A-frame/sandwich board sign per tenant space.
 - (3) **Maximum Sign Area.** The total sign area may be no more than twelve (12) square feet, with a maximum of six (6) square feet per side.
 - (4) **Location.** Such sign may encroach into the right of way up to two (2) feet from the property line as long as once the sign is in place, there remains a six (6) foot wide walkable area.
 - (5) **Removal.** Such sign is to be removed during non-operational hours.
- c. **Gas Station Signs.**
 - (1) **Fuel Pump Signs.** Signs which advertise the prices, gasoline or fuel types, and terms of sale are exempt from regulation if permanently affixed to, and below the highest point or surface of the motor vehicle pump.
 - (2) **Fuel Price Sign.** The portion of any sign structure devoted exclusively to display of motor vehicle fuel price information required or permitted by Division 5, Chapter 14, Article 12 of the California Business and Professions Code (Section 13530, et seq.).
 - (3) No person shall sell at retail any motor vehicle fuel unless there are at all times displayed on the premises so as to be read by passing motorists, such signs advertising the prices and types of gasoline, and the terms of sales thereof, as may be required by state law.



- (4) It is unlawful for any person to display any motor vehicle fuel price sign other than the minimum number of such signs specifically required to comply with state law.
- (5) **Fuel Price Sign Standards.** Motor vehicle fuel price signs shall not exceed thirty square feet in area and ten feet in width. Such signs may be arranged in two sections, so long as such sections are permanently affixed to the same structure no more than ten feet from each other, provided that their total area does not exceed thirty square feet, and provided that the total width of such sections does not exceed ten feet. The highest part of any motor vehicle fuel price sign shall extend no more than ten feet in height, measured from curb grade. Both sides of such signs may be used for display of required fuel price information. Repetitive information shall not be permitted on any single side of a fuel price sign. The maximum area and height limits contained herein may be exceeded only to the extent necessary to comply with state law.
- (6) The area of motor vehicle fuel price signs shall not be included in calculating the maximum area allowed for business identification signs. However, if fuel prices and business identification are combined on a ground sign structure, the following setback regulations shall apply in lieu of other setback provisions.

If the combined area per sign face is:	The minimum setback distance behind the public right of way is:
0—50 sq. ft.	1 ft.
51—60 sq. ft.	10 ft.
61—80 sq. ft.	15 ft.

No person shall erect, maintain, alter, relocate, change or otherwise modify any motor vehicle fuel price sign, except to substitute different words and/or numbers thereon, or to add or delete signs denoting different services or products, when required or permitted to do so by state law, unless a sign approval first has been issued by the director of community development. Any fuel price sign modification which itself does not require a separate sign approval shall comply in all material respects with the terms of any existing sign approval or land use approval governing the sign.

- d. Nothing contained herein shall be construed so as to repeal or amend otherwise applicable regulations imposed by this code concerning the number, placement, location, design, materials or other characteristics of signs, to the extent that such regulations are consistent with state law.
- e. Violations of the terms of this section or the terms of state law, shall be punishable as provided in Business and Professions Code Section 13531.

J. Temporary Signs

- 1. The following types of temporary signs are permitted without a permit in accordance with the following standards.



- a. **Inflatable Signs, Balloons, Banners, Feather Signs, Flags, Pennants, Streamers and Wind Dancers.** Inflatable signs, balloons, banners, feather signs, flags, pennants, streamers and wind dancers are permitted only for specific events and standards stated below:
 - (1) Seven (7) days before business openings, change of ownership, and special business promotions and sales, and one (1) day after the event has concluded. Temporary signage for such events shall be allowed for only a total of 90 aggregate days out of a calendar year.
 - (2) Ten (10) days before and five (5) days after a federally recognized holiday.
 - (3) Thirty (30) days before and five (5) days after any recognized community-wide civic events, as determined by the City Council.
 - (4) A combination of up to three types of said signs may be used during the event. No inflatable signs, balloons, banners, feather signs, flags, pennants, streamers, or any other advertising devices may be mounted on or above roofs or extend above a parapet wall or ridge line of a structure.
- b. **Campaign and Political Signs.** Temporary campaign and political signs may be located on private property in any district and within the public right-of-way without a permit, in accordance with the following standards.
 - (1) *Permit Requirement.* Zoning conformance approval is required for any sign with a sign area of thirty-two (32) square feet or greater.
 - (2) *Prohibited Locations:*
 - (a) Within public right-of-way in a Residential district except along Arterial streets and Collector Streets as designated in the General Plan.
 - (b) Any location that would constitute a hazard to vehicular and pedestrian traffic.
 - (c) Attached to any pole or structure supporting a traffic control sign or device, street tree or fire hydrant.
 - (d) On any public right-of-way or on any sidewalk.
 - (e) Within the public right-of-way adjacent to any public property including parklands or within City maintained landscaped parkways within public right-of-way.
 - (3) *Size Limitations.* The following size limitations apply to temporary campaign and political signs located in a Residential district.
 - (a) Four (4) square feet when located on private property with frontage on a local street as designated in the General Plan.
 - (b) Twelve and one-half (12.5) square feet when located on private property with frontage on an Arterial or Collector Street as designated in the General Plan.
 - (c) Four (4) square feet when located within the public right-of-way of an Arterial or Collector Street as designated in the General Plan.
 - (4) *Time Limits.* Temporary campaign and political signs may be erected not earlier than sixty (60) days prior to the said event or election and shall be removed within seven (7) days following said event or election. Political signs for unresolved primary elections shall be permitted to remain until seven (7) days following the final election.



- (5) *Violations.* Violation to any of the above regulatory conditions shall be deemed a public nuisance and may be summarily abated as such; and each day that such violation continues shall be regarded as a new and separate offense.
- 2. **Subdivision Signs.** Signs advertising a subdivision being developed in the City are subject to the following requirements:
 - a. *On-Site Signs.* One (1) sign per street frontage with a maximum of two (2) temporary real estate subdivision signs may be permitted on the subdivision site in accordance with the following:
 - (1) **Maximum Sign Area.** The maximum sign area may be no more than one hundred (100) square feet.
 - (2) **Height.** A maximum of ten (10) feet measured from the curb.
 - (3) **Duration.** Subdivision signs shall be removed twenty-four (24) months from the date the permit for same is issued, or when the last lot of the subdivision is has been sold for the first time, whichever comes first.
 - (4) **Letter of Agreement.** A Letter of Agreement from the property owners giving the City right of entry to remove signs in the event the above stipulations are not complied with shall be submitted to the Community Development Director prior to the issuance of a Sign Permit. If at any time the property on which the signs are located is sold, the signs shall be removed or a new Letter of Agreement shall be submitted from the buyer to permit the sign to remain and granting the City right to enter the property and remove the sign.
 - b. *Off-Site Signs.* Up to three (3) off-site directional real estate subdivision signs directing traffic to open houses and subdivisions involved in real estate sales may be permitted in any zone, provided that:
 - (1) **Maximum Sign Area.** The maximum sign area may be no more than thirty-two (32) square feet.
 - (2) **Height.** A maximum of twelve (12) feet measured from the curb.
 - (3) **Duration.** Said signs and advertising structures shall be removed twenty-four (24) months from the date the permit for same is issued, or when the subdivision is completely sold out, whichever comes first.
 - (4) **Consent of Landowner.** A completed application form, including a notarized affidavit signed by each property owner of each site.
 - (5) **Location.** No more than one (1) temporary off-site directional sign shall be allowed per site.

K. Permit Requirements and Review Process

- 1. **Authority.** The Planning Commission shall review and approve any Master Sign Program. The Community Development Director, or his or her designee, shall review and approve all other signs as specified in this Article. If there is a conflict with local, State and Federal regulations, the more restrictive regulations shall govern.



2. **Applicability.** Except for certain signs exempted in compliance with Chapter 4, Article 5.D Signs Exempt from Review, no sign shall be erected, re-erected, constructed or altered (including change of copy or face change) unless approval has been issued by the Community Development Director or Planning Commission, and a Building Permit issued by the Community Development Department.
3. **Applications for Filing, Processing and Review.**
 - a. **Applicant.** Sign owners or their designees shall apply for either Major or Minor Sign Permits, and Building Permits if required.
 - (1) Major Sign Permits are required only for Master Sign Programs.
 - (2) Minor Sign Permits are required for all other sign applications. One sign permit shall include the review of up to three new signs or modifications of existing signs per business.
 - (3) Major and Minor Sign Permits are typically submitted and processed separately from other applications. However, if complete application materials are submitted for Sign Permits concurrently with another application, such as a Site Plan Review or Conditional Use Permit, the Major or Minor Sign Permits shall be reviewed concurrently with those applications and the Sign Permit fee shall be waived.
 - b. **Filing and Filing Fee.** Application for sign permits shall utilize forms furnished by the Community Development Department and accompanied by the required fee and required drawings as listed on the forms, to adequately show the location, construction and design, colors, materials, lighting, electrical elements, and advertising copy, of the sign, in accordance with applicable requirements of this Article.
 - c. **Compliance with Standards.**
 - (1) Upon acceptance of a sign application, the Community Development Director, shall review the application request for compliance with the locational and operational standards identified in this chapter, as well as the Design Principles laid out in Section C of this Article, and with any standards established in a Master Sign Program pursuant to Chapter 4, Article 5.L, Master Sign Program.
 - (2) The Community Development Director shall make a decision on Minor Sign Permit applications. The decision letter shall clearly state any conditions of approval or reasons for disapproval and applicable appeal provisions. For Major Sign Permits, the Community Development Director shall make a recommendation to the Planning Commission for their decision at a public hearing.
 - (3) All signs erected in the City, including their electrical wiring and components, are subject to inspection by the Chief Building Official to ensure compliance with City laws and ordinances, and the provisions of this chapter.
 - d. **Appeals.** Decisions by the Community Development Director may be appealed subject to the provisions of Chapter 6, Code Administration.

L. Master Sign Program

1. **Purpose.** The purpose of a Master Sign Program is to provide a method for an applicant to integrate the design and placement of signs within a project with the overall development design to achieve a more unified appearance.
2. **Applicability.** A Master Sign Program may be processed for any development. However, a Master Sign Program is required whenever any of the following circumstances exists:



- a. New commercial or industrial developments of three (3) or more separate tenants that share either the same parcel or structure and use common access and parking facilities (e.g., shopping centers, malls, office complexes and industrial parks);
 - b. New multi-family residential developments of twenty (20) or more units; or
 - c. Whenever five (5) or more signs are proposed for a building or site with one (1) or two (2) tenants.
3. **Application.** Master Sign Program applications shall contain all written and graphic information needed to fully describe the proposed sign program, including the proposed location and dimension of each sign, as well as proposed color schemes, font types, materials, methods of attachment or support, and methods of illumination. A Master Sign Program application shall also include calculation of total allowed sign area, and total proposed sign area, for the site.
4. **Allowable Modifications.** A Master Sign Program shall adhere to the standards of this chapter, and may provide additional design principles and standards to unify the visual appearance of a development.
5. **Review Authority.** All Master Sign Programs are subject to review and approval of the Planning Commission for the project with which the signs are associated. See Section K for application procedures.
6. **Required Findings.** In order to approve a Master Sign Program, the decision making body shall find that all of the following are met, in addition to other applicable regulations in this section:
 - a. The proposed signs are compatible in style and character with any building to which the signs are to be attached, any surrounding structures and any adjoining signage on the site;
 - b. Future tenants will be provided with adequate opportunities to construct, erect or maintain a sign for identification; and
 - c. Directional signage and building addressing is adequate for pedestrian and vehicular circulation and emergency vehicle access.
7. **Lessees to Be Informed of Master Sign Program.** Lessees within developments subject to the requirements of an approved Master Sign Program shall be made aware of the Master Sign Program in their lease.
8. **Revisions to Master Sign Programs.** Revisions to an approved Master Sign Program shall be approved by the Community Development Director.

M. Nonconforming Signs

1. A legal nonconforming sign is a sign that was lawfully in existence and in use within the City before the effective date of this section, but does not conform to the provisions of this section.
2. All legal nonconforming signs are permitted to remain unless they are subject to a permit condition or development agreement providing for their removal after a fixed period of time.
3. Any changes to legal nonconforming signs or their structures in terms of location, orientation, size, or height other than routine maintenance and repair or change of sign copy shall require that all signs and their structures on the property, business, and/or development be brought into conformance with this chapter.
4. A legal nonconforming sign loses its legal nonconforming status when the activity, product, business, service, or other use which was previously being advertised, has ceased or vacated the premises for three hundred sixty (360) days or more.



5. Any nonconforming sign that loses its legal nonconforming status shall be brought into compliance with this chapter or shall be removed by the property owner within ninety (90) days of losing its legal nonconforming status.

N. Abatement and Removal of Illegal Signs

1. **Authority to Abate.** The City has the authority to abate illegal and abandoned signs. Abatement of identified illegal or abandoned signs shall commence within eight (8) months of the adoption of this chapter and shall be ongoing thereafter.
2. **Illegal Signs in the Public Right-of-way.** Illegal signs posted in the public right-of-way or upon public property may be removed by the Community Development Director or officer without notice or hearing. Signs shall be retained by the City for a period of not less than thirty (30) days if identifiable. Thereafter, any unclaimed signs may be discarded.
3. **Recovery of Costs.** When the City is required to remove illegal or abandoned signs in compliance with this chapter, the reasonable cost of the removal may be assessed against the owner of the sign(s).
4. **Sign Removal.**
 - a. Any sign, including its supporting structure, which no longer identifies the current occupant or products currently sold, or which otherwise fails to serve its original purpose, or is not maintained in a safe, presentable, and good condition, including the replacement of defective parts, painting, repainting, and cleaning, shall be removed by the owner of the property within 30 calendar days after written notice to do so from the Community Development Department.
 - b. Any sign which the Community Development Department establishes as unsafe or unsecure shall be corrected or removed, together with all supporting structures, by the owner of the property upon which the sign is located within thirty (30) days after written notice by the Community Development Department. Such notice shall state the location of the sign, the nature of the violation, and/or the manner in which the sign constitutes a public nuisance. The notice also shall require the removal or other abatement of the sign before the date specified in the notice. Further, the notice shall state that failure to comply may result in the removal of the sign by the City and that the cost of such removal may be imposed on the owner of the property. The notice shall also include instructions for the filing of an appeal of the determination of the Community Development Director that the sign is in violation of this chapter or constitutes a public nuisance. Such notice shall be served by posting on the property on which the sign is located and by registered or certified mail delivery, postage prepaid to the owner of the property, and, if known, the owner of the sign.
 - c. After the periods specified in paragraphs (1) and (2) above, the Community Development Department may cause such sign to be removed, and the cost of such removal shall become a lien against the property.
 - d. If a hazardous condition exists, the condition shall be corrected forthwith upon notice by the Community Development Department.
 - e. If an appeal is received prior to the date specified in the notice, abatement proceedings shall be suspended, and any deadlines shall be suspended, pending the outcome of such appeal.





CHAPTER 5 STANDARDS FOR SPECIFIC USES AND ACTIVITIES

Article 1 Standards for Specific Uses and Activities

- A. Accessory Uses and Structures
- B. Adult Oriented Businesses
- C. Alcoholic Beverage Sales
- D. Animal Keeping
- E. Auction Houses
- F. Automobile/Vehicle Service and Repair, Major and Minor
- G. Auto Service Stations and Car Washing
- H. Drive-Through Facilities
- I. Family Day Care Homes*
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- K. Hazardous Waste Management Facilities
- L. Home Occupations
- M. Manufactured Homes*
- N. Mobile Home Parks*
- O. Mobile Vendors
- P. Outdoor Retail Sales
- Q. Personal Storage Facilities
- R. Recycling Facilities
- S. Residential Care Facilities
- T. Second Dwelling Units*
- U. Single Room Occupancy Facilities
- V. Social Service Facilities
- W. Solar Power Generating Facilities
- X. Swap Meets
- Y. Telecommunications Facilities*
- Z. Temporary Uses
- AA. Transitional and Supportive Housing*

*State requirement

ARTICLE 1 STANDARDS FOR SPECIFIC USES AND ACTIVITIES

A. Accessory Uses and Structures *(please see Section T of this Article for Second Dwelling Units)*

1. An accessory use shall be secondary to a primary use and shall be allowed only in conjunction with a principal use or building to which it relates under the same regulations as the main use in any Zoning District.
2. Accessory uses and structures are also subject to the development and site regulations found under Development Regulations and Additional Development Standards for each Zoning District in Chapter 2. Accessory structures shall be designed to be of similar and compatible architecture and materials as the main buildings and shall be located, developed, and operated in compliance with the following standards:
3. **Agricultural Accessory Structures.** In the Agriculture Zoning District, agricultural accessory uses and structures are allowed subject to the provisions of this section. Agricultural accessory uses and structures include any uses that are customarily related to an agricultural use including stables, barns, pens and sheds, other structures for the housing of such animals, feed, equipment, tools, and solar photovoltaic panels. In the Open Space District, agricultural accessory uses and structures may be allowed if a primary agricultural use is approved for the property.
 - a. *Height.* The agricultural accessory structure shall not exceed thirty-five (35) feet in height unless approved by the Community Development Director.
 - b. *Building Separation.* Agricultural accessory structures shall be separated from any main building by a minimum of six (6) feet.
 - c. *Setbacks.* Agricultural accessory structures shall meet all setback requirements of the main building.
4. **Residential Accessory Structures.** Residential accessory structures include any uses that are customarily related to a residence, including garages, greenhouses, storage sheds, studios, swimming pools, spas, workshops, detached covered decks and patios, detached uncovered decks and patios eighteen (18) inches in height or greater, other similar structures, and solar photovoltaic panels. Uncovered decks and patios under eighteen (18) inches in height, and fences are not subject to the regulations in this section. **For residential second units or Accessory Dwelling Units, please see Section T, Second Dwelling Units.**
 - a. *Attached Structures.* An attached structure is not, by definition, an accessory structure. A structure shall be considered attached to a main structure if it is architecturally compatible with and made structurally a part of the main structure, including sharing a common wall or roof-line with the main structure. A structure attached with a breezeway connecting a door of the residence to a door of the detached structure, with a roof that is a minimum of eight (8) feet in width and fifteen (15) feet in length, will be considered a part of the main structure for purposes of this Title. An attached structure shall comply with all requirements of this Title applicable to the main structure, including, but not limited to setback requirements and height limits.
 - b. *Number of Structures.* The number of detached accessory structures shall be limited to two (2) unless approved by the Community Development Director.



- c. *Size.* The floor area of detached accessory structures shall not exceed a cumulative floor area of one thousand (1,000) square feet unless approved by the Community Development Director. In reviewing a request for additional size, the Community Development Director may consider neighborhood compatibility, overall lot coverage, relationship of the accessory structure to the main structure and use, and any circumstances unique to the neighborhood. In no case shall the accessory building exceed the ground floor area of the main building and in no case shall the maximum lot coverage allowed by the development standards be exceeded.
- d. *Height.* The maximum height shall not exceed eighteen (18) feet.
- e. *Building Separation.* Detached accessory structures requiring a building permit, with the exception of shade structures shall be separated from any main building by a minimum of six (6) feet.
- f. *Setbacks.* When located in the rear one-third of a lot, detached accessory buildings shall not be located closer than five (5) feet to any rear property line. In instances where the rear property line is coterminous with an alley right-of-way, the accessory building shall not be closer than one (1) foot to such rear property line. Detached accessory buildings shall meet all other setback requirements of the main building.

B. Adult Oriented Businesses (*ordinance from existing code, adopted December 2001*)

1. Purpose and Intent.

- a. It is the purpose and intent of this article to regulate adult use businesses, including the regulation of live nude and live semi-nude entertainment, in order to promote the health, safety, and general welfare of the citizens of the City and to establish reasonable and uniform regulations to prevent any deleterious location and concentration of adult use businesses within the City, thereby reducing or eliminating the adverse secondary effects from such adult use businesses. The City Council finds that among these secondary effects are increased incidents of unlawful conduct and disorderly behavior, generating a disproportionate demand for police responses; depreciated property values; vacancy problems; blighted conditions; and interference with neighbors' enjoyment of property due to debris, noise, vandalism, and depreciated property values. The City Council in adopting the ordinance codified in this article takes legislative notice of the existence and content of the following studies that substantiate the adverse secondary effects of adult use businesses:
 - (1) Neighborhood Deterioration and the location of Adult Entertainment Establishments in St. Paul, Minnesota, Minnesota Crime Control Planning Board, April 1978.
 - (2) Effects on surrounding area of Adult Entertainment Businesses in Saint Paul, Minnesota, Minnesota, Minnesota Crime Control Planning Board, June 1978.
 - (3) Adult Entertainment Businesses in Indianapolis, Indiana: An Analysis, Department of Metropolitan Development, February 1984.
 - (4) Final Report to the City of Garden Grove, California: The Relationship between Crime and Adult Business Operations on Garden Grove Boulevard, Richard McCleary, PhD., James W. Meeker, J.D., PhD. October 23, 1991.
 - (5) Adult Entertainment: Land Use and Legal Perspectives, Rochester Consolidated Planning Department, Rochester, New York, 1988.



- (6) Adult Entertainment, 40-Acre Study, Department of Planning and Economic Development, Saint Paul, Minnesota April 1987.
 - (7) Report of the Attorney General's Working Group on the regulation of Sexually Oriented Businesses, Hubert H. Humphrey, III, Attorney General, State of Minnesota, June 6, 1989.
 - (8) Report to The American Center for Law and Justice on the Secondary Impacts of Sex Oriented Businesses, Environmental Research Group, March 31, 1996.
 - (9) Report to Reedley City Council regarding Municipal Code Amendments Establishing Regulations for Sexually Oriented Businesses, Reedley Administrative Staff, Reedley, California, May 9, 2000.
 - (10) Summary of the Final Report of the Attorney General's Commission on Pornography, Richard E. McLawhorn, July 1986.
- b. The provisions of this article have neither the purpose nor the effect of imposing a limitation or restriction on the content of any non-obscene communicative materials, including non-obscene sexually-oriented materials. Similarly, it is neither the intent nor the effect of this article to restrict or deny access by adults to non-obscene sexually-oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of non-obscene sexually-oriented entertainment to their intended market. Neither is it the intent nor is it the effect of this article to condone or legitimize the distribution of obscene material or material harmful to minors.
 - c. The City Council takes note of the proliferation of adult material on the Internet and its availability as an alternative avenue of communication. The City Council also considers and relies on published decisions examining the proliferation of communications on the Internet. *Reno v. American Civil Liberties Union*, 521 U.S. 844, 117 S.Ct. 2329, 138 L.Ed.2d 874 (1997) [the principle channel through which many Americans now transmit and receive sexually explicit communication is the Internet]; *Anheuser-Busch v. Schmoke*, 101 F. 3d 325, 329 (4th Cir. 1996), cert. denied 520 U.S. 1204 (1997) [the Fourth Circuit rejected a First Amendment challenge to a Baltimore ordinance restricting alcohol advertisements on billboards acknowledging that the Internet is one available channel of communication]; *U.S. v. Hockings*, 129 F.3d 1069 (9th Cir. 1997); see also *U.S. v. Thomas*, 74 F. 3d 701 (6th Cir. 1996), cert. denied 520 U.S. 820 [recognizing the Internet as a medium for transmission of sexually explicit material in the context of obscenity prosecutions]. The emergence of the Internet brings with it a virtually unlimited additional source of adult oriented sexual materials available to interested persons in every community with a mere keystroke. An adult business no longer has to be "actually" physically located in a city to be available in the community.
2. **Definitions.** When used in this article, the following words and phrases shall have the meanings ascribed to them in this section:
 - a. "Adult arcade" means an establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines, for viewing by five (5) or fewer persons each, are used to show still or moving images, by means of film, motion picture, video cassette, video disk, photographic slide, or other photographic or computer-generated means, where such still or moving images are characterized by the depiction, simulation, or description of specified sexual activities or specified anatomical areas.
 - b. "Adult bookstore," "adult novelty store," or "adult video store" mean commercial



establishments which devote a significant or substantial portion of its interior business or advertising to the sale, rental or viewing, for any form of consideration, of one or more books, magazines, periodicals or other printed or photographic or still or moving images by means of film, motion picture, video cassette, video disk, photographic slide, or other photographic or computer-generated means, where such still or moving images are characterized by the depiction, simulation, or description of specified sexual activities or specified anatomical areas; provided, that an establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing specified sexual activities or specified anatomical activities, and still be categorized as an adult bookstore, adult novelty store or adult video store and such other business purposes will not serve to exempt such establishment from being categorized as an adult bookstore, adult novelty store or adult video store so long as one of its principal business purposes is offering for sale or rental, for any form of consideration, one or more of the specified materials which depict, simulate, or describe specified anatomical areas or specified sexual activities.

- c. "Adult cabaret" means a nightclub, bar, restaurant, bottle club, or similar commercial establishment, whether or not alcoholic beverages are served there, which regularly features: (1) persons who appear semi-nude; or (2) live performances which are characterized either by the exposure of specified anatomical areas or by the performance or simulation of specified sexual activities; or (3) the presentation, showing, sale, rental, or viewing of photographs or still or moving images by means of the sale, rental, or showing of film, motion picture, video cassette, video disk, photographic slide, or other photographic or computer-generated devices or mechanisms, where such still or moving images available thereby or manifested therewith are characterized by the depiction, simulation, or description of specified sexual activities or specified anatomical areas.
- d. "Adult motel" means a motel, hotel or similar commercial establishment which: (1) offers public accommodations, for any form of consideration, and which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, video disks, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas and which advertises the availability of this sexually-oriented material by means of a sign visible from the public right of way, or by means of any off-premises advertising including but not limited to, newspapers, magazines, pamphlets, leaflets, radio, or television; or (2) offers a sleeping room for rent for a period of time less than ten (10) consecutive hours; or (3) allows a tenant or occupant to sub-rent the sleeping room for a time period of less than ten (10) consecutive hours.
- e. "Adult motion picture theater" means a commercial establishment where film, motion pictures, video cassettes, video disks, slides or similar photographic reproductions characterized by the depicting or description of specified sexual activities or specified anatomical areas are regularly featured for any form of consideration.
- f. "Adult theater" means a theater, concert hall, auditorium, or similar commercial establishment which for any form or consideration, regularly features persons who appear semi-nude or live performances which are characterized by exposure of specified anatomical areas or by specified sexual activities.
- g. "Adult use businesses" means any and all of the following:
 - (1) "Adult arcade";



- (2) "Adult bookstore";
 - (3) "Adult cabaret";
 - (4) "Adult motion picture theater";
 - (5) "Adult novelty store";
 - (6) "Adult theater";
 - (7) "Adult video store";
 - (8) "Adult motel".
- h. "Employee" means a person who works or performs in and/or for an adult use business, regardless of whether or not said person is paid a salary, wage or other compensation by the operator of said business.
- i. "Establishing" means and includes any of the following:
- (1) The opening or commencement of any business as a new business subsequent to the effective date of the ordinance codified in this article; or
 - (2) The conversion of any existing business (whether or not an adult use business) to an adult use business, as defined in this article, subsequent to the effective date of the ordinance codified in this article; or
 - (3) The addition of any adult use business, as defined in this article, to any other existing adult use business; or
 - (4) The relocation of any adult use business.
- j. "Nude," "nudity," or "state of nudity" mean the appearance or showing of the human bare buttocks, anus, male genitals, female genitals, areola or nipple of the female breast, pubic hair, or pubic region.
- k. "Operator" means and includes the owner, custodian, manager, operator or person in charge of any adult use business.
- l. "Person" means an individual, proprietorship, partnership, corporation, association or other legal entity.
- m. "Public building" means any building owned, leased or held by the United States, the State, the County, the City, any special district, school district, or any other agency or political subdivision of the State or the United States, which building is used for governmental purposes.
- n. "Public building regularly frequented by children" means any building owned, leased or held by the United States, the County, the City, and special district, school district, or any other agency or political subdivision of the State or the United States, which building is used as a library, community center, children's museum or youth center, or any other use having special attraction to children, or which building is often visited by children for social activities, unaccompanied by their parents or other adult custodians.
- o. "Public park or recreation area" means public land which has been designated for park, recreational or arts activities including but not limited to a park, playground, nature trail, swimming pool, reservoir, athletic field, basketball or tennis court, pedestrian/bicycle path, open space, or similar public land within the City which is under the control, operation or management of the City or the Recreation District.



- p. "Regularly features" or "regularly featured" means, with respect to an adult cabaret, adult theater, or adult motion picture theater, what is featured or shown at least one time within any thirty (30) day period; or carried on as part of the business's routine scheduling of events or activities and not so infrequently as to constitute a single, rare or unusual event or occurrence.
- q. "Religious institution" means any church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities.
- r. "Residential zone" means property which is zoned as residential and/or as a single-family house, duplex, townhouse, multiple-family dwelling, or mobile home park or subdivision, including property within the Residential-Ranchette District (RR), the Residential Estate District (RE), the Residential Single Family District (RSF), the Residential Traditional Neighborhood District (RT), the Residential Medium Density District (RMD), and the Residential High Density District (RHD).
- s. "Sensitive use" means property and uses which are adversely affected by adult use businesses. These uses include residential zones, schools, religious institutions, youth and senior centers, day care centers, parks, libraries, post offices and other public buildings.
- t. "School" means any public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, colleges, and universities. School includes the school grounds, but does not include the facilities used primarily for another purpose and only incidentally as a school.
- u. "Semi-nude" means a state in which clothing or other opaque covering covers and obscures no more than the genitals and pubic region of a male human, or no more than the genitals, pubic region, and entirety of the breast of a female human below a point at the top of the areola, with the exception of portions of the body covered by supporting straps or devices.
- v. "Sexually-oriented materials" means any physical objects or visual images, however stored, recorded, or manifested, that are offered for sale, rental or viewing and that simulates, depicts or describes "specified anatomical areas" or that are offered for sale or rental for use in "specified sexual activities" (other than condoms sold in conformity with laws otherwise applicable).
- w. "Significant or substantial portion" means that fifteen (15%) percent or more of interior floor space or display space is devoted to depiction of specified sexual activities or sexually-oriented materials, or that fifteen (15%) percent or more of actual stock in trade regularly displayed and immediately available for use, rental, purchase, viewing or perusal is comprised of sexually-oriented materials, as defined in this section.
- x. "Specified anatomical area" means and includes any one or more of the following:
 - (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breast below the top of the areola; or
 - (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.



- y. "Specified sexual activity" means and includes without limitation any of the following:
 - (1) The fondling or other intentional touching of one's own or another's human genitals, pubic region, pubic hair, perineum, anus, or female breast, whether the person so touched is nude, semi-nude, or clothed or covered, or
 - (2) The fondling or other intentional touching of the buttock of any nude or semi-nude person; or
 - (3) Sex acts, normal or perverted, actual or simulated, whether the actor or actors is or are nude, semi-nude, or clothed or covered, including actual or simulated vaginal intercourse, anal intercourse, oral copulation, sodomy, oral-anal copulation, bestiality, flagellation or masochism or torture in the context of a sexual act, anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, or sapphism; or
 - (4) Whether the actor is nude, semi-nude, or clothed or covered, acts of human masturbation, actual or simulated; animal masturbation, actual or simulated; erotic or lewd touching of an animal, actual or simulated; or human or animal ejaculation, actual or simulated; or
 - (5) Human genitals in a state of sexual stimulation, arousal or tumescence discernible to any other person or male genitals in a discernibly turgid state, even if completely and opaquely covered; or
 - (6) The display or showing of excretory, urinary, or female menstrual functions or vaginal or anal irrigation as part of or in connection with any of the activities set forth in subsections (1) through (4) of this definition; or
 - (7) Dancing by one or more live persons in a manner that exposes to the view of any other person a specified anatomical area or that constitutes the public simulation by a clothed person of any specified sexual activity.
- z. "Substantial enlargement of a sexually-oriented business" means an increase in the floor areas occupied by the business by more than fifteen (15%) percent, as the floor areas exists on December 8, 2001 (effective date of the ordinance codified in this article).
- aa. "Transfer of ownership or control of an adult use business" means and includes any of the following:
 - (1) The sale, lease or sublease of the business; or
 - (2) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means; or
 - (3) The establishment of a trust, gift or other similar legal devise which transfers ownership or control of the business, except for transfer by request or other operation of law upon the death of a person possessing the ownership or control.
- 3. **Location.** Subject to compliance with all conditions, regulations and procedures enumerated in this article, a person may use a premises for an adult use business only within the following specified areas within the Light Manufacturing/Business District (MBL):
 - a. Within the Light Manufacturing/Business District (MBL) located in the southernmost peninsula of town, bounded by Highway 198 to the west, Lucille Street to the north, the City Limits to the east, and Firestone Street as the southernmost border; and must



be at least 800 feet from the nearest Residential Zoning District. This section of land contains sixteen (16) individual parcels constituting an overall area of 20.20 acres (does not include a 0.42 acre site owned and operated by the City).

- b. Adult use businesses shall be prohibited in all other areas of in the City.
- 4. **Regulated uses.** The following adult use businesses are subject to the provisions of this article:
 - a. Adult arcade;
 - b. Adult bookstore;
 - c. Adult cabaret;
 - d. Adult motel;
 - e. Adult motion picture theater;
 - f. Adult novelty store;
 - g. Adult theater;
 - h. Adult video store;
 - i. Any other business which devotes fifteen (15%) percent or more of its interior floor space or display space to sexually-oriented materials or specified sexual activities, regardless of the name, title or designation used by the business itself.
- 5. **Regulations governing existing adult use businesses.** An adult use business lawfully established and operating as a conforming use is not rendered a nonconforming use by the location, subsequent to its establishment, of a sensitive use within 300 feet of the adult use business.
- 6. **Locational regulations.** No person shall cause or permit the establishing of any adult use business (as defined within Section B.2, Definitions, of this Article) within 300 feet of another adult use business; or within 300 feet of any sensitive use as defined in this article.
- 7. **Measurement of distance.** For purposes of Section B.5, Regulations governing existing adult use business, and Section B.6, Locational regulations, of this Article, the distance between any two (2) adult use businesses or between an adult use business and a sensitive use shall be measured in a straight line, without regard to intervening structures or topography, from the nearest point on the property line of the property on which the one adult use business is located to the nearest point on the property line of the property on which the other adult use business, or the sensitive use is located.
- 8. **Permits required.**
 - a. It shall be unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, in or upon any premises in the City, the operation of an adult use business unless the person first obtains and continues to maintain in full force and effect a permit from the City as herein required (Adult use business regulatory permit).
 - b. It shall be unlawful for any persons to engage in or participate in any live performance depicting specified anatomical areas or involving specified sexual activities in an adult use business unless the person first obtains and continues in full force and effect a permit from the City as herein required (Adult use business performer permit).
- 9. **Adult use business regulatory permit required.**



- a. Every person who proposes to maintain, operate or conduct an adult use business in the City shall file an application with the Police Chief upon a form provided by the City and shall pay a filing fee, as established by resolution adopted by the City Council from time to time, which shall not be refundable.
- b. Adult use business regulatory permits are nontransferable, except in accordance with Section B.12, Transfer of adult use business regulatory permits, of this Article. Therefore, all applications shall include the following information:
 - (1) If the applicant is an individual, the individual shall state his or her legal name, including any aliases, address, and submit satisfactory written proof that he or she is at least eighteen (18) years of age.
 - (2) If the applicant is a partnership, the partners shall state the partnership's complete name, address, the names of all partners, whether the partnership is general or limited, and attach a copy of the partnership agreement, if any.
 - (3) If the applicant is a corporation, the corporation shall provide its complete name, the date of its incorporation, evidence that the corporation is in good standing under the laws of California, the names and capacity of all officers and directors, the name of the registered corporate agent and the address of the registered office for service of process.
 - (4) If the applicant is an individual or a partnership, whether the individual applicant or any general partner has ever been convicted of:
 - (a) Any of the offenses set forth in Sections 313.1, 315, 316, 266a, 266b, 266c, 266e, 266g, 266f, 266h, 266i, 647(a), 647(b) and 647(d) of the California Penal Code as those sections now exist or may hereafter be amended or renumbered.
 - (b) The equivalent of the aforesaid offenses outside the State of California.
- c. If the applicant is an individual, he or she shall sign the application. If the applicant is other than an individual, an officer of the business entity or an individual with a ten (10%) percent or greater interest in the business entity shall sign the application.
- d. If the applicant intends to operate the adult use business under a name other than that of the applicant, the applicant shall file the fictitious name of the adult use business and show proof of registration of the fictitious name.
- e. A description of the type of the adult use business for which the permit is requested and the proposed address where the adult use business will operate, plus the names and addresses of the owners and lessors of the adult use oriented business site.
- f. The address to which notice of action on the application is to be mailed.
- g. The names of all employees, independent contractors, and other persons who will perform at the adult use business, who are required by Section B.13, Adult Use Business Performer Permit, of this Article, to obtain an adult use business performer permit (for ongoing reporting requirements see Section B.13 of this Article).
- h. A site plan, drawn to scale which indicates clearly, with full dimensions, the following information:
 - (1) Lot or site dimensions.
 - (2) All buildings and structures: location, size, height, and proposed use.



- (3) Yards and space between buildings.
 - (4) *Walls and fences*: location, height and materials.
 - (5) *Off-street parking and off-street loading*: location, number of spaces and dimensions of parking and loading areas, internal circulation pattern.
 - (6) *Access*: pedestrian, vehicular, service: points of ingress and egress, internal circulation.
 - (7) *Signs*: locations, size, height and type of illumination, if any, including hooding devices.
 - (8) *Exterior lighting*: location and general nature, hooding devices, strength (in foot candles), site coverage.
- i. A diagram showing the interior configuration of the premises, including a statement of the total floor area occupied by the adult use business. The diagram must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises.
 - j. A certificate and straight-line drawing prepared within thirty (30) days prior to application depicting the building and the portion thereof to be occupied by the adult use business, and: (1) the property line of any other adult use business within 300 feet of the property line of the adult use business for which a permit is requested; and (2) the property lines of any sensitive use as defined in this article within 300 feet of the property line of the adult use business.
 - k. If the Police Chief determines that the applicant has completed the application improperly, the Police Chief shall promptly notify the applicant of such fact and, on request of the applicant, grant the applicant ten (10) days or less to complete the application properly. The time period for granting or denying a permit shall be stayed during the period in which the applicant is granted an extension of time.
 - l. The fact that an applicant possesses other types of state or City permits or licenses does not exempt the applicant from the requirement of obtaining an adult use business regulatory permit.
10. **Investigation and action on application for an adult use business regulatory permit.**
- a. Upon receipt of a completed application and payment of the application and permit fees, the Police Chief shall immediately stamp the application as received and promptly investigate the information contained in the application to determine whether the applicant shall be issued an adult use business regulatory permit.
 - b. Within forty-five (45) days of receipt of the completed application, the Police Chief shall complete the investigation, grant or deny the application in accordance with the provisions of this section, and so notify the applicant as follows:
 - (1) The Police Chief shall write or stamp "Granted" or "Denied" on the application and date and sign such notation.
 - (2) If the application is denied, the Police Chief shall attach to the application a statement of the reasons for denial.
 - (3) If the application is granted, the Police Chief shall attach a copy of the application to an adult use business regulatory permit.



- (4) A copy of the application as granted or denied and the permit, if any, shall be placed in the United States mail, first class postage prepaid, addressed to the applicant at the address stated in the application.
- c. The Police Chief shall grant the applicant and issue the adult use business regulatory permit upon findings that the proposed business meets the locational criteria of Section B.6, Locational Regulations, of this Article, and that the applicant has met all of the development and performance standards and requirements of Section B.19, Register and Permit Number of Employees, of this Article, unless the application is denied for one or more of the reasons set forth in Section B.11, Permit Denial, of this Article. The permittee shall post the permit conspicuously in the adult use business premises.
- d. If the Police Chief grants the application or if the Police Chief neither grants nor denies the application within forty-five (45) days after it is stamped as received [except as provided in Section 9.k of this Article], the applicant may begin operating the adult use business for which the permit was sought, subject to strict compliance with the development and performance standards and requirements of this article.

11. Permit denial.

- a. The Police Chief shall deny the application for any of the following reasons:
 - (1) The building, structure, equipment, or location used by the business for which an adult use regulatory permit is required do not comply with the requirements and standards of the health, zoning, fire and safety laws of the City and the State of California, or with the locational or development and performance standards and requirements of these regulations.
 - (2) The applicant, his or her employee, agent, partner, director, officer, shareholder or manager has knowingly made any false, misleading or fraudulent statement of material fact in the application for an adult use business regulatory permit.
 - (3) An applicant is under eighteen (18) years of age.
 - (4) The required application fee has not been paid.
 - (5) The adult use business does not comply with the Coalinga zoning ordinance locational standards, Section B.6, Locational Regulations.
 - (6) The applicant or any of his or her employees, partners, officers or directors (if the applicant is a corporation or partnership) has been convicted of any of the offenses specified in Section B.13.d.(5) of this Article.
- b. Each adult use business regulatory permit shall expire one year from the date of issuance, and may be renewed only by filing with the Police Chief a written request for renewal, accompanied by the annual permit fee and a copy of the permit to be renewed. The request for renewal shall be made at least thirty (30) days before the expiration date of the permit. When made less than thirty (30) days before the expiration date, the expiration of the permit will not be stayed. Applications for renewal shall be acted on as provided herein for action upon applications for permits.

12. Transfer of adult use business regulatory permits.

- a. A permittee shall not operate an adult use business under the authority of an adult use business regulatory permit at any place other than the address of the adult use business stated in the application for the permit.



- b. A permittee shall not transfer ownership or control of an adult use business or transfer an adult use business regulatory permit to another person unless and until the transferee obtains an amendment to the permit from the Police Chief stating that the transferee is now the permittee. Such an amendment may be obtained only if the transferee files an application with the Police Chief in accordance with Section B.9, Adult use business regulatory permit required, of this Article, accompanies the application with a transfer fee in an amount set by resolution of the City Council, and the Police Chief determines in accordance with Article B.10, Investigation and action on application for an adult use business regulatory permit, of this Article, that the transferee would be entitled to the issuance of an original permit.
- c. No permit may be transferred when the Police Chief has notified the permittee that the permit has been or may be suspended or revoked.
- d. Any attempt to transfer a permit either directly or indirectly in violation of this section is hereby declared void, and the permit shall be deemed revoked.

13. Adult use business performer permit.

- a. No person shall engage in or participate in any live performance depicting specified anatomical areas or involving specified sexual activities in an adult use business in any location within the City without a valid adult use business performer permit issued by the City for the said location. All persons who have been issued an adult use business regulatory permit shall promptly supplement the information provided as part of the application for the permit required by Section B.9, Adult use business regulatory permit required, of this Article, with the names of all performers required to obtain an adult use business performer permit, within thirty (30) days of any change in the information originally submitted. Failure to submit such changes shall be grounds for suspension of the adult use business regulatory permit.
- b. The Police Chief shall grant, deny and renew adult use business performer permits.
- c. The application for a permit shall be made on a form provided by the Police Chief. An original and two copies of the completed and sworn permit application shall be filed with the Police Chief.
- d. The completed application shall contain the following information and be accompanied by the following documents:
 - (1) The applicant's legal name and any other names (including stage names and aliases) used by the applicant;
 - (2) Age, date and place of birth;
 - (3) Height, weight, hair and eye color;
 - (4) Present residence address and telephone number;
 - (5) Whether the applicant has ever been convicted of:
 - (a) Any of the offenses set forth in Sections 313.1, 315, 316, 266a, 266b, 266c, 266e, 266f, 266g, 266h, 266l, 647(a), 647(b) and 47(d) of the California Penal Code as those sections now exist or may hereafter be amended or renumbered.
 - (b) The equivalent of the aforesaid offenses outside the State of California.



- (6) Whether such person is or has ever been licensed or registered as a prostitute, or otherwise authorized by the laws of any other jurisdiction to engage in prostitution in such other jurisdiction. If any person mentioned in this subsection has ever been licensed or registered as a prostitute, or otherwise authorized by the laws of any other state to engage in prostitution, a statement shall be submitted giving the place of such registration, licensing or legal authorization, and the inclusive dates during which such person was so licensed, registered, or authorized to engage in prostitution;
- (7) State driver's license or identification number;
- (8) Satisfactory written proof that the applicant is at least eighteen (18) years of age;
- (9) The applicant's fingerprints on a form provided by the Police Department, and a color photograph clearly showing the applicant's face. Any fees for the photographs and fingerprints shall be paid by the applicant.
- (10) If the application is made for the purpose of renewing a permit, the applicant shall attach a copy of the permit to be renewed.
- e. The completed application shall be accompanied by a non-refundable application fee. The amount of the fee shall be set by resolution of the City Council.
- f. Upon receipt of an application and payment of the application fees, the Police Chief shall immediately stamp the application as received and promptly investigate the application.
- g. If the Police Chief determines that the applicant has completed the application improperly, the Police Chief shall promptly notify the applicant of such fact and grant the applicant not more than ten (10) days to complete the application properly. The time period for granting or denying a permit shall be stayed during the period in which the applicant is granted an extension of time.

14. Investigation and action on application for adult use business performer permit.

- a. Within forty-five (45) days after receipt of the properly completed application, the Police Chief shall grant or deny the application and so notify the applicant as follows:
 - (1) The Police Chief shall write or stamp "Approved" or "Denied" on the application and date and sign such notation.
 - (2) If the application is denied, the Police Chief shall attach to the application a statement of the reasons for denial.
 - (3) If the application is approved, the Police Chief shall attach to the application a copy of the adult use business performer permit.
 - (4) A copy of the application as granted or denied and the permit, if any, shall be placed in the United States mail, first class postage prepaid, addressed to the applicant at the residence address stated in the application.
- b. The Police Chief shall grant the application and issue the permit unless the application is denied for one or more of the reasons set forth in subsection (d) of this section.
- c. If the Police Chief grants the application or if the Police Chief neither grants nor denies the application within forty-five (45) days after it is stamped as received [except as provided in Section B.13.g of this Article, the applicant may begin performing in the



capacity for which the permit was sought.

- d. The Police Chief shall deny the application for any of the following reasons:
 - (1) The applicant has knowingly made any false, misleading, or fraudulent statement of a material fact in the application for a permit or in any report or document required to be filed with the application;
 - (2) The applicant is under eighteen (18) years of age.
 - (3) The adult use business performer permit is to be used for performing in a business prohibited by State or City law.
 - (4) The applicant has been registered, licensed or permitted in any state as a prostitute.
 - (5) The applicant has been convicted of any of the offenses enumerated in Section B.13.d.(5) or convicted of an offense outside the State of California that would have constituted any of the described offenses if committed within the State of California. A permit may be issued to any person convicted of the described crimes if the conviction occurred more than five (5) years prior to the date of the application.
- e. Each adult use business performer permit shall expire one year from the date of issuance and may be renewed only by filing with the Police Chief a written request for renewal, accompanied by the application fee and a copy of the permit to be renewed. The request for renewal shall be made at least thirty (30) days before the expiration date of the permit. When made less than thirty (30) days before the expiration date, the expiration of the permit will not be stayed. Applications for renewal shall be acted on as provided herein for applications for permits.
 - (1) It shall be unlawful for any owner, operator, manager, or permittee in charge of or in control of an adult use business which provides live entertainment depicting specified anatomical areas or involving specified sexual activities to allow any person to perform such entertainment who is not in possession of a valid, unrevoked adult use business performer permit.

15. **Suspension or revocation of adult use business regulatory permits and adult use business performer permits.** An adult use business regulatory permit or adult use business performer permit may be suspended or revoked in accordance with the procedures and standards of this section.

- a. In the event that the Chief of Police of the City has reasonable cause to believe and does believe that any permittee or other person employed by or representing such permittee is violating any of the provisions of this article or any other law or ordinance relating to the business of the permittee, including, but not limited to those offenses listed in Section B.15.b of this Article, he or she shall have power to and shall be authorized to suspend such license and all permits issued. If no written appeal is filed with the City Clerk protesting such suspension within two (2) business days of the date of such suspension, such suspension shall be deemed permanent and all such permits issued thereunder shall be deemed revoked.
- b. A permittee may be subject to suspension or revocation of his permit, or be subject to other appropriate disciplinary action, for any of the following causes arising from the acts or omissions of the permittee, or an employee, agent, partner, director, stockholder, or manager of an adult use business:



- (1) The permittee has knowingly made any false, misleading or fraudulent statement of material facts in the application for a permit, or in any report or record required to be filed with the City.
 - (2) The permittee, employee, agent, partner, director, stockholder, or manager of an adult use business has knowingly allowed or permitted, and has failed to make a reasonable effort to prevent the occurrence of any of the following on the premises of the adult use business, or in the case of an adult use business performer, the permittee has engaged in one of the activities described below while on the premises of an adult use business:
 - (a) Any act of unlawful sexual intercourse, sodomy, oral copulation, or masturbation.
 - (b) Use of the establishment as a place where unlawful solicitations for sexual intercourse, sodomy, oral copulation, or masturbation occur.
 - (c) Any conduct constituting a criminal offense which requires registration under Section 290 of the California Penal Code.
 - (d) The occurrence of acts of lewdness, assignation, or prostitution, including any conduct constituting violations of Sections 315, 316, or 318 or Section 647 (b) of the California Penal Code.
 - (e) Any act constituting a violation of provisions in the California Penal Code relating to obscene matter or distribution of harmful matter to minors, including but not limited to Sections 311 through 313.4 of the California Penal Code.
 - (f) Any conduct prohibited by this chapter.
 - (g) Failure to abide by a disciplinary action previously imposed by an appropriate City official.
16. **Appeal of denial, suspension or revocation.** In the event that any applicant desires to appeal from any order, denial, order of suspension, or any other ruling of the Police Chief made under the provisions of this article dealing with adult use business regulatory permits or adult use business performer permits, such applicant or any other person aggrieved thereby shall file written notice of such appeal with the City Clerk and such matters shall be heard at the next regular meeting of the City Council, at which time the City Council shall hear and receive evidence, written and oral upon all matters involved. Upon the filing of such written notice of appeal, the order, denial, order of suspension, or other ruling of the Police Chief shall be stayed pending the decision of the City Council. The decision of the City Council shall be final upon all parties concerned. The effect of the decision of the City Council shall be stayed while the permittee seeks prompt judicial review, if any.
17. **Prohibitions regarding minors and adult use businesses.** It is unlawful and a person commits a misdemeanor if he, she, or it operates or causes to be operated an adult use business, and knowingly or with reasonable cause to know, permits, suffers, or allows any one or more of the following to occur:
 - a. Admittance of a person under eighteen (18) years of age to the business premises; or
 - b. A person under eighteen (18) years of age to remain at the business premises; or
 - c. A person under eighteen (18) years of age to purchase goods or services at the



business premises; or

- d. A person who is under eighteen (18) years of age to work at the business premises as an employee; or
- e. If the business operates under the authority of a license issued by the California Department of Alcohol Beverage Control (ABC), admits anyone under the age of (21) or allows any other activity to occur within or on the premises of the business which is prohibited by the license issued by ABC or by ABC regulations.

18. Advertising and construction regulations.

- a. It is unlawful and a person commits a misdemeanor if he, she, or it operates or causes to be operated an adult use business and advertises the presentation of any activity prohibited by any applicable State statute or local ordinance.
- b. It is unlawful and a person commits a misdemeanor if he, she, or it operates or causes to be operated an adult use business and displays or otherwise exhibits the materials or performances of such adult use businesses in any advertising. This prohibition shall not extend to advertising of the existence or location of such adult use business.
- c. All signing and architectural graphics shall comply with the provisions of Chapter 4, Article 5, Signs, of this Title.
- d. Maximum occupancy load, fire exits, aisles, and fire equipment shall be regulated, designed and provided in accordance with the Fire Department and building and safety division regulations and standards.
- e. No loudspeakers or sound equipment shall be used in an adult use business for the amplification of any sound to a level discernible by the public beyond the walls of the building in which such use is conducted.
- f. The building entrance to an adult use business shall be clearly and legibly posted by a notice indicating that minors are excluded from entering the premises.
- g. All off-street parking areas and entrances to the premises of an adult use business shall be illuminated from dusk until at least the closing hour of operation with a lighting system which provides an average maintained horizontal illumination of a twenty (20) foot-candle of light on the parking surface and/or walkways. This required lighting level is established in order to provide sufficient illumination of the parking areas and walkways serving the adult use business for the personal safety of patrons and employees and to reduce the incidence of vandalism and criminal conduct. The lighting shall be shown on the required sketch or diagram of the premises.
- h. The adult use business shall provide and maintain separate restroom facilities for male patrons and employees, and female patrons and employees. Male patrons and employees shall be prohibited from using the restroom(s) for females, and female patrons and employees shall be prohibited from using the restroom(s) for males, except to carry out duties of repair, maintenance and cleaning of the restroom facilities. The restrooms shall be free from any books, magazines, printed or photographic material described in Section B.2.b of this Article. Restrooms shall not contain television monitors or other motion picture or video projection, recording or reproduction equipment. The foregoing provisions of this paragraph shall not apply to an adult use business that deals exclusively with the sale or rental of adult material which is not used or consumed on the premises, such as an adult bookstore or adult video store, and which does not provide restroom facilities to its patrons or the



general public.

- i. The following additional requirements shall pertain to adult use businesses providing live entertainment depicting specified anatomical areas or involving specified sexual activities, except for businesses regulated by the Alcoholic Beverage Control Commission:
 - (1) No person shall perform live entertainment for patrons of an adult use business except upon a stage at least eighteen (18) inches above the level of the floor which is separated by a distance of at least ten (10) feet from the nearest area occupied by patrons, and no patron shall be permitted within ten (10) feet of the stage while the stage is occupied by an entertainer. "Entertainer" means any person who is an employee or independent contractor of the adult use business, or any person who, with or without any compensation or other form of consideration, performs live entertainment for patrons of an adult use business.
 - (2) The adult use business shall provide separate dressing room facilities for entertainers which are exclusively dedicated to the entertainers' use.
 - (3) The adult use business shall provide an entrance/exit for entertainers, which is separate from the entrance/exit used by patrons.
 - (4) The adult use business shall provide access for entertainers between the stage and the dressing rooms which is completely separated from the patrons. If such separate access is not physically feasible, the adult use business shall provide a minimum three (3) foot wide walk aisle for entertainers between the dressing room area and the stage, with a railing, fence or other barrier separating the patrons and the entertainers capable of (and which actually results in) preventing any physical contact between patrons and entertainers.
 - (5) No entertainer, before, during or after performances, shall have physical contact with any patron and no patron shall have physical contact with any entertainer either before, during or after performances by such entertainer. This subsection shall only apply to physical contact on the premises of the adult use business.
 - (6) Fixed rail(s) at least thirty (30) inches in height shall be maintained establishing the separations between entertainers and patrons required by this subsection.
 - (7) No patron shall directly pay or give any gratuity to any entertainer and no entertainer shall solicit any pay or gratuity from any patron.
 - (8) No owner or other person with managerial control over an adult use business (as that term is defined herein) shall permit any person on the premises of the adult use business to engage in live nude entertainment or perform any work or service while in a state of nudity, or engage in or perform obscene live conduct as defined in Section 311(g) of the Penal Code. This provision may not be complied with by applying an opaque covering simulating the appearance of the specified anatomical part required to be covered.
 - (9) No person shall engage in nude entertainment or perform any work or service while in a state of nudity, or engage in or perform "obscene live conduct" as defined in Section 311(g) of the Penal Code.
- j. A person who operates or causes to be operated an adult use business, other than an



adult motel, which exhibits on the premises in a viewing room of less than 150 square feet of floor space, a film, video cassette, video disk, or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

- (1) The interior diagram of an adult use business regulatory permit, required pursuant to Section 9-2.3509(i) of the Municipal Code, shall specify the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted to enter. A manager's station may not exceed thirty-two (32) square feet of floor area with no dimensions greater than eight (8) feet. No alteration in the configuration or location of a manager's station may be made without the prior approval of the Police Chief.
- (2) It is the duty of the owner(s) and the operator(s) of the premises to ensure that at least one employee is on duty and situated at each manager's station at all times that any patron is present inside the premises.
- (3) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video viewing capability. If the premises has two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.
- (4) The view area specified in Section B.18.k.(3) above of this Article shall remain unobstructed by any doors, walls, merchandise, display racks or other materials at all times. No patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted to enter.
- (5) No viewing room may be occupied by more than one person at any one time.
- (6) The walls or partitions between viewing rooms or booths shall be maintained in good repair at all times, with no holes between any two such rooms such as would allow viewing from one booth into another or such as to allow physical contact of any kind between the occupants of any two such booths or rooms.
- (7) Customers, patrons or visitors shall not be allowed to stand idly by in the vicinity of any such video booths, or from remaining in the common area of such business, other than the restrooms, who are not actively engaged in shopping for or reviewing the products available on display for purchaser viewing. Signs prohibiting loitering shall be posted in prominent places in and near the video booths.
- (8) The floors, seats, walls and other interior portions of all video booths shall be maintained clean and free from waste and bodily secretions. Presence of human excrement, urine, semen or saliva in any such booths shall be evidence of improper maintenance and inadequate sanitary controls; repeated instances of such conditions may justify suspension or revocation of the owner and operator's license to conduct the adult use business.

k. All areas of the adult use business shall be illuminated at a minimum of the following



foot-candles, minimally maintained and evenly distributed at ground level:

Table 5.1: Illumination of Adult Businesses	
Area	Foot-Candles
Bookstores and other retail establishments	20
Theaters and cabarets	5 (except during performances, at which time lighting shall be at least 1.25 foot-candles)
Arcades	10
Motels/Hotels	20 (in public places)

- I. Adult use businesses shall employ security guards in order to maintain the public peace and safety, based upon the following standards:
 - (1) Adult use businesses featuring live entertainment shall provide at least one security guard at all times while the business is open. If the occupancy limit of the premises is greater than thirty-five (35) persons, an additional security guard shall be on duty.
 - (2) Security guards for other adult use businesses may be required if it is determined by the Police Chief that their presence is necessary in order to prevent any of the conduct listed in Section B.15.b.(2) of this Article from occurring on the premises.
 - (3) Security guard(s) shall be charged with preventing violations of law and enforcing compliance by patrons of the requirements of these regulations. Security guards shall be uniformed in such a manner so as to be readily identifiable as a security guard by the public and shall be duly licensed as a security guard as required by applicable provisions of state law. No security guard required pursuant to this subsection shall act as a door person, ticket seller, ticket taker, admittance person, or sole occupant of the manager's station while acting as a security guard.
 - m. Nothing contained in this section shall relieve the owner or owners or operator or operators of an adult use business from complying with the requirements of this article as it may be amended from time to time, or any other existing or subsequently enacted City ordinances or regulations.
 - n. The foregoing applicable requirements of this section shall be deemed conditions of adult use business regulatory permit approvals, and failure to comply with every such requirement shall be grounds for revocation of the permit issued pursuant to these regulations.
19. **Register and permit number of employees.** Every permittee of an adult use business which provides live entertainment depicting specified anatomical areas or involving specified sexual activities must maintain a register of all persons so performing on the premises and their permit numbers. Such register shall be available for inspection during regular business hours by any Police Officer of the City.
20. **Display of permit and identification cards.**



- a. Every adult use business shall display at all times during business hours the permit issued pursuant to the provisions of this article for such adult use business in a conspicuous place so that the same may be readily seen by all persons entering the adult use business.
- b. The Police Chief shall provide each adult use business performer required to have a permit pursuant to this chapter, with an identification card containing the name, address, photograph and permit number of such performer.
- c. An adult use business performer shall have such card available for inspection by a Police Officer of the City at all times during which such person is employed by and on the premises of the adult use business.
- d. It shall be the manager's responsibility to verify that performers have their permits in their possession prior to performing.

21. Employment of and services rendered to minors prohibited.

- a. It shall be unlawful for any permittee, operator, or other person in charge of any adult use business to employ, or provide any service for which it requires such permit, to any person who is not at least eighteen (18) years of age.
- b. It shall be unlawful for any permittee, operator, or other person in charge of any adult use business to permit to enter, or remain within the adult use business, any person who is not at least eighteen (18) years of age.
- c. It shall be unlawful for any permittee, operator or other person in charge of any adult use business which operates the business in conjunction with a license issued by the California Department of Alcohol Beverage Control Commission (ABC), to permit to enter, or remain within the adult use business, any person who is not at least twenty-one (21) years of age.

22. Hours of operation.

- a. It is unlawful and a person commits a misdemeanor if he, she, or it operates, permits or causes to be operated an adult use business, where that person operates or permits or causes such business to remain open for business, or permits or causes any employee to engage in a performance, to solicit a performance, to make a sale, to solicit a service, between the hours of 12:00 midnight and 12:00 noon of any day.
- b. It is unlawful and a person commits a misdemeanor if, working as an employee of an adult use business, said employee engages in a performance, solicits a performance, makes a sale, solicits a sale, provides a service, or solicits a service between the hours of 12:00 midnight and 12:00 noon of any day.

23. Time limit for filing application for permit. All persons who possess an outstanding business license heretofore issued for the operation of an adult use business and all persons required by this chapter to obtain an adult use business performer permit, must apply for and obtain such a permit within ninety (90) days of the effective date of this article. Failure to do so and continued operation of an adult use business, or the continued performances depicting specified anatomical areas or specified sexual activities in an adult use business after such time without a permit shall constitute a violation of this chapter.

24. Violations. In addition, any adult use business shall be subject to the following restrictions:

- a. A person commits a misdemeanor if he or she or it operates, allows to be operated, or causes to be operated an adult use business outside of the district enumerated in



Section B.3, Location, of this Article, or if he, she, or it operates, allows to be operated, or causes to be operated an adult use business within 300 feet of any sensitive use as defined by Section B.2.s of this Article, or if he, she, or it operates, allows to be operated, or causes to be operated an adult use business within 300 feet of the boundary of any residential zone or the boundary of a lot devoted to a conforming residential use or if he, she, or it operates, allows to be operated, or causes to be operated an adult use business within 300 feet of another adult use business.

- b. It is a defense to prosecution under this section if a person appearing in a state of nudity does so in a modeling class operated in compliance with both of the following criteria:

(1) That the class is operated either by a proprietary school, licensed by the State of California; a publicly-owned college, junior college or publicly-owned university supported entirely or partly by taxation or by a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation; and

(2) That the class is operated entirely within a structure:

- (a) Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing, and
- (b) Where, in order to participate in a class a student is customarily required to enroll in advance of the class (though late registrations may be allowable by the institution offering the class), and
- (c) Where no more than one nude model is on the premises at any one time.

25. **Injunction.** A person who operates or causes to be operated an adult use business in violation of the locational restrictions of this chapter, is subject to a suit for injunction as well as prosecution for the criminal violation. Such violation shall be punishable by a fine and imprisonment, as fixed by the Superior Court, and if an injunction must be sought, attorneys' fees and costs will be assessed at the discretion of the court against the adult use business.

26. **Inspection.**

- a. The operator shall permit representatives of the Police Department, Community Development Department, the County Health Department, and the Fire Department to inspect the premises of an adult use business for the purpose of ensuring compliance with this article and applicable health and safety laws, at any time it is occupied or at any time it is open for business.
- b. It is unlawful and a person who operates an adult use business or his, her, or its agent or employee commits a misdemeanor if he, she, or it refuses to permit such lawful inspection of the premises at any time that it is occupied or at any time that it is open for business.

27. **Criminal penalties and additional legal, equitable and injunctive relief.** In addition to whatever penalties are applicable under the California Penal Code, if any person fails or refuses to obey or comply with or violates any of the criminal provisions of this article, such person, upon conviction of such offense, shall be guilty of a misdemeanor and shall be punished by a fine or by imprisonment not to exceed sixty (60) days in the Fresno County jail, or both, in the discretion of the court. Each violation or noncompliance shall be considered a



separate and distinct offense. Further, each day of continued violation or noncompliance shall be considered a separate offense. Nothing in this section shall prevent or restrict the City from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy a violation or noncompliance. Such other lawful actions shall include, but shall not be limited to, an equitable action for injunctive relief or an action at law for damages. All remedies and penalties provided for in this section shall be cumulative and independently available to the City and the City shall be authorized to pursue any and all remedies set forth in this section to the full extent allowed by law.

28. **Immunity from prosecution.** The City and its designee, the Police Department and all other departments and agencies, and all other City officers, agents and employees charged with enforcement of state and local laws and codes shall be immune from prosecution, civil or criminal, for reasonable, good faith entry upon an adult use business while acting within the scope of authority conferred by this article.
29. **Severability.** If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this chapter or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, or invalid, or ineffective. Nothing in this chapter is intended to supplant or supersede the rules or regulations of the Department of Alcoholic Beverage Control of the State of California ("ABC") pertaining to licensed premises, rather, the policies, rules and regulations of this chapter are to be construed as supplemental to those of ABC for said licensed premises.

C. Alcoholic Beverage Sales

1. **Purpose.** It is the intent of this section to prevent problems associated with commercial establishments involved in the sale of alcohol for consumption on-site (on-sale) or off-premises (off-sale), and to prevent over-concentration. It has been demonstrated that such establishments can adversely affect nearby commercial and residential uses and can create substantial demands for police services. Therefore, the purpose of this section is to establish regulations to govern land uses involved in the dispensing of alcoholic beverages.
2. **Requirements for business operation.** An application for a Conditional Use Permit shall be filed with the Community Development Department, prior to the application to Department of Alcoholic Beverage Control of the State of California ("ABC") for a new liquor license or change in location. Depending on individual cases, ABC may require documentation of "Public Convenience and Necessity" (PCN) from the City of Coalinga to justify that the location, concentration, or issuance of a particular license would be supported by the City. A business license may only be approved after the approval of both the Conditional Use Permit and the State liquor license.
3. **Conditional Use Permit approval.** A Conditional use permit approval is required for any use involving the sale of alcoholic beverages for consumption on and off the premises. While the Conditional Use Permit approval requirement is a separate requirement from any other Conditional Use Permit required for uses on the subject property, the Planning Commission at its discretion may allow the combination of two or more such Conditional Use Permits into one application.



- a. Any person, association, partnership, corporation, or other entity desiring to obtain an alcoholic beverage establishment conditional use permit shall file an application with the Community Development Department on a form provided by the Director. The application shall be accompanied by a nonrefundable application processing fee, in the amount established by City Council resolution.
- b. **Application for Conditional Use Permit.** The application shall contain the following information:
 - (1) The name, address and telephone number of the applicant. If the applicant is a corporation, the applicant shall set forth the name of the corporation exactly as shown in its articles of incorporation. The applicant corporation or partnership shall designate one of its officers or general partners to act as its responsible management officer.
 - (2) Name, address and telephone number of the person who shall manage and operate the establishment for which the permit is requested. The name and address of a person authorized to accept service of legal notices.
 - (3) The proposed business name of the alcoholic beverage establishment and description of all operating aspects of the proposed business.
 - (4) Street address of the proposed alcoholic beverage establishment and the assessor parcel number for the property.
 - (5) A site plan for the property depicting the location of the building housing the alcoholic beverage establishment on the property and all existing and proposed parking, exterior lighting, signage and landscaping, trash enclosures, waiting or queuing areas, fencing, and neighboring structures.
 - (6) Any other information reasonably necessary to demonstrate consistency with the purpose as stated in Article 1.C.1 of this Chapter.
- c. The Community Development Director may refer the application to other City departments to determine whether the premises where the alcoholic beverage establishment will be located, complies with the City's building, health, zoning and fire ordinances or other applicable ordinances or laws. City departments may conduct an inspection of the premises to determine compliance with the ordinances and laws they administer.
- d. Notice and public hearing requirements shall be as set forth in Chapter 6, Article 5, Conditional Use Permits.
- e. **Grounds for denial or revocation of Conditional Use Permit.** The Planning Commission may deny, suspend for up to one year, or revoke the conditional use permit if determined from consideration of the application, City inspection of the premises or other pertinent information that:
 - (1) Information contained in the application or supplemental information requested from the applicant is false in any material detail.
 - (2) The operation of the alcoholic beverage establishment is or would be in violation of one or more provisions of these regulations and Chapter 6, Article 5, Conditional Use Permits.
 - (3) The premises where the alcoholic beverages establishment is or will be located does not comply with all applicable laws, including, but not limited to, the City's



building, health, zoning and fire ordinances.

- (4) A conditional use permit to operate the alcoholic beverage establishment has been issued to the applicant, a partner of the applicant, or a stockholder of the applicant which stockholder owns more than ten (10) percent of the applicant's corporate stock, which Conditional Use Permit has been suspended and the period of suspension has not yet ended.
 - (5) The proposed use will adversely affect the welfare of the area residents or will result in an undue concentration in the area of alcoholic beverage establishments.
 - (6) The proposed location is inappropriate for the proposed use by virtue of its proximity to:
 - (a) Residential buildings and residentially-zoned property;
 - (b) Churches, schools, hospitals, public playgrounds and other similar uses; and
 - (c) Other alcoholic beverage establishments.
 - (7) The proposed use will be of such a size or propose an activity level, including but not limited to music, entertainment activities, food service, arcade games or other amusement activities, such that it would be incompatible or unsuitable with the uses in and/or character of, the surrounding area.
 - (8) Failure to comply with conditions of approval, traffic congestion, noise generation.
 - (9) Complaints from the public regarding adverse operating characteristics.
 - (10) Failure to comply with Alcoholic Beverage Control (ABC) laws and regulations, or suspension of the applicant's license by the ABC.
- f. **Notice and Public Hearing.** Notice of Conditional Use Permit denial, suspension, or revocation shall be in writing and shall state the grounds therefore. Notice shall be personally served on the permit applicant or mailed to the address listed on the application form. Penalties may be enforced per Chapter 6, Article 11, Enforcement, and Section 1-2.01 to 1-2.08 of the Coalinga Municipal Code. The Planning Commission may choose to review the case for denial, suspension, or revocation in a public hearing.
- g. **Conditions of Approval for Conditional Use Permit.** The Community Development Director may recommend conditional issuance of an alcoholic beverage establishment use permit by reasonable conditions to insure compliance with the provisions of Article 1.C.5 (Non-conforming uses), below, and other sections of the Coalinga Municipal Code. Failure to comply with conditions imposed may result in the suspension or revocation of an existing Conditional Use Permit.
- h. Each Conditional Use Permit issued for Alcohol Beverage Sales is only valid for the specific location and operational characteristics of the establishment as described in the conditional use permit application.
- i. **Sale or transfer of business.**
- (1) No Conditional Use Permit issued pursuant to this article may be assigned or transferred without notification to the Community Development Director, who



- may refer the sale or transfer request to the Planning Commission for information.
- (2) Transfer of partnership or corporate ownership. Notification of a transfer or Conditional Use Permit shall be required prior to any change in interest in a partnership or ownership of ten (10) percent or more of the stock of a corporation to any person who is not listed as the applicant on the approved application.
- j. A new Conditional Use Permit is required under the following circumstances:
- (1) Prior to any change in the location of the alcoholic beverage establishment.
 - (2) Prior to the change of mode or manner of operation of any existing alcoholic beverage establishment.
 - (3) Prior to the enlargement or expansion of any existing alcoholic beverage establishment, including but not limited to, physical expansion of the facility or expansion of the nature of the business, such as the hours of operation, scope of activities, and number of tables.
4. **Exceptions.** The provisions of this section shall not apply to full service restaurants, private clubs and veteran or fraternal clubs, or the temporary sale of alcoholic beverages by a church, school or charitable group as defined by the Alcoholic Beverage Control (ABC).
5. **Non-conforming uses.**
- a. Any commercial establishment that was engaged in the sale of alcoholic beverages where the business was in existence and lawfully operating before the effective date of this Title is herein after considered to be a legal nonconforming use. The Planning Commission may, at any time, require that a particular legal nonconforming business engaged in the sale of alcoholic beverages obtain a conditional use permit if it determines that such business is being operated in such a manner that it creates a nuisance to surrounding uses. A nuisance shall exist if and when an existing alcoholic beverage establishment operates in such a manner in the judgment of the Planning Commission or City Council, so that any of the following regularly occurs: generation of excessive noise in violation of the Safety, Air Quality and Noise Element of the General Plan and Chapter 4, Article 4.E, Noise, inadequate crowd control, generation of excessive litter, inadequate parking facilities, excessive calls for police service, or existence of unsafe conditions as determined by the Building Official or the Fire Chief.
 - b. The use of a lot for an establishment dispensing, for sale or other consideration, alcoholic beverages, including beer and wine, for on-site or off-premises consumption may not be continued or re-established without conditional use permit approval granted in a Zoning District in which the provisions of this section applies, if any of the following occur after the effective date of this Title:
 - (1) The establishment changes its type of retail liquor license classification; or
 - (2) Pursuant to a hearing before the Department of Alcoholic Beverage Control, the liquor license is revoked or suspended for a period of more than thirty (30) days; or
 - (3) The operation of the establishment is abandoned or discontinued for a period of six (6) months or more, including the case where the license for such operation is suspended; or



- (4) There is a substantial change in the mode or character of operation of the establishment as determined by the Community Development Director.
6. **General Requirements.** The following are general requirements that may, among others, be required as conditions of a Conditional Use Permit to establish, expand or modify an alcoholic beverage establishment:
- a. The operation of an alcoholic beverage establishment shall be the responsibility of the permittee personally (if an individual is the permittee) or a manager or designated responsible employee of the permittee at all times. The permittee shall designate the names of all such managers and designated responsible employees in the application and shall advise the Community Development Director in writing whenever any change is made.
 - b. The permittee personally (if an individual is the permittee) or a manager or a designated responsible employee shall be on the premises at all times during the conduct of business.
 - c. All employees shall complete a program recognized by the California Department of Alcoholic Beverage Control (ABC) as a qualified Responsible Beverage Service Program prior to the commencement of a new business, or within ninety (90) days of hire for new employees. The manager of an alcoholic beverage establishment shall maintain on the premises a file containing the certificates of training for all employees.
 - d. The Planning Commission and City Council shall have the right to impose conditions upon the conditional use permit as are necessary for the protection of the peace, health, welfare and safety of those persons living or working in the vicinity or neighborhood.
 - e. **Noise.** The alcoholic beverage establishment shall be operated in such a manner so that it at no time violates the Safety, Air Quality and Noise Element of the General Plan, and Chapter 4, Article 4.E, Noise, regarding noise generation. The applicant shall present a noise management plan to the Community Development Director prior to the commencement of the use. Said plan shall establish the method by which noise impacts, including but not limited to, amplified music and patron noise from within the facility as well as patrons/pedestrians outside of the facility on the adjacent public sidewalk/street will be regulated to avoid disruption to the immediate neighborhood. Should complaints be received regarding noise disruption, the applicant shall take reasonable and practical steps as directed by the Director to reduce the intensity, number and/or occurrences of these disruptions. Said steps may include, but are not limited to, the reduction of the number and/or volume of microphones, amplifiers and speakers; the installation of certain physical improvements designed to attenuate noise generation; the relocation of patron waiting/queuing areas to a location found to be acceptable to the Director; and/or the reduction in hours for the commercial recreation activities. The Director may require the preparation of an acoustical evaluation to quantify the noise levels and to suggest appropriate attenuation measures. Such an evaluation shall be funded by the applicant and directed by the Director to be performed with no notice to owner/operator.
 - f. **Security.** A security plan shall be prepared including, but not limited to, the periods of time and staffing levels for security personnel, duties, responsibilities and qualifications of security staff for review and approval by the Coalinga Chief of Police within 14 days of this Conditional Use Permit approval.
 - g. Bar personnel shall check identification (I.D.) at the front door to insure patrons are of



legal age to enter.

- h. At closing time or during special events, crowd control by qualified security personnel shall be provided to insure safety and orderly conduct in front of the premises. Sidewalks shall be kept open for pedestrian traffic at all times.
 - i. The Community Development Director and Chief of Police shall be notified a minimum of ten (10) days in advance of special events that may attract larger than normal crowds. The Chief of Police may require and the owner/operator shall provide additional qualified security personnel on site to provide adequate crowd control.
 - j. Exterior lighting shall be installed as necessary to adequately illuminate the sidewalk or other public way in front of the business at closing time. This lighting will insure the safety of patrons and discourage loitering in front of the business.
 - k. The applicant shall, for the first six (6) months, schedule a monthly meeting with the Community Development Director and Chief of Police in order to identify and mitigate any noise, parking, lighting problems, and neighborhood concerns.
 - l. Sales for off-site consumption shall abide by the safety requirements of the Police Department to minimize crime activities.
7. **Liquor Stores.** Liquor Stores and other off-sale establishments that dedicate more than twenty-five (25) percent of the sale floor to sales of alcoholic beverages for off-premises consumption, but excluding full-service grocery stores, shall be located, developed, and operated in compliance with the following standards:
- a. *Location.* In all areas outside the Downtown Overlay District as described in Chapter 3, Article 1, such establishment shall be located a minimum of five hundred (500) feet from any other such establishment or any educational, religious, or cultural institution or public parks. The five hundred (500) foot separation requirement does not apply in the Downtown Overlay District, as described in Chapter 3, Article 1.
 - b. *Litter.* Trash receptacles shall be provided by entrances and exits from the building.
 - c. *External Pay Telephones and Vending Machines.* External pay telephones and vending machines are prohibited.

D. Animal Keeping

- 1. Animal keeping may be allowed in compliance with the following standards:
 - a. **Lots of One Acre or Less in all Residential, Agriculture, and Open Space Districts.** Household pets such as domestic dogs, cats, birds and fish, ordinarily permitted inside of a dwelling and kept only for the company and pleasure provided to the occupants shall be permitted as an accessory use to a primary residential use. Horses, cows, goats, sheep or other equine, bovine, ovine or ruminant animals, pigs, chickens, ducks, geese, turkeys, game birds or fowl, which normally constitute an agricultural use, are not allowed. At no time shall the combined number of animals kept exceed seven (7) animals. At no time shall the number of cats or dogs exceed three (3) animals.
 - b. **Lots Exceeding One Acre in the Residential, Agriculture, and Open Space Districts.** Household pets as defined above in Section 1.a, Lots of One Half Acre or Less in the Residential and Agriculture District, are permitted. The keeping of horses, cows, goats, sheep or other equine, bovine, ovine or ruminant animals is permitted as long as the number of animals does not exceed one (1) per fifteen thousand (15,000) square feet of lot area. The keeping of chickens, ducks, geese, turkeys, game birds or fowl is



permitted with the total number not to exceed twelve (12) birds per gross acre. The raising of pigs is permitted in conjunction with an FFA or 4-H project for any recognized Fair, the limit being one (1) animal per student residing on the property. All animals other than household pets shall be housed or penned at a minimum distance of thirty-five (35) feet from property lines and fifty (50) feet from any residence. All areas and structures used in conjunction with the keeping of animals other than household pets shall be maintained and cleaned so as not to present a public hazard or nuisance.

- c. No predatory wild animals, roosters, endangered or protected animals are allowed to be raised within the City.
- d. The offspring of any permitted animal may be kept until weaned, if the total number of animals allowed is not exceeded.
- e. No animals are to be kept for commercial purposes in all Zoning Districts other than the Agriculture Zoning District.

E. Auction Houses

- 1. Auction Houses, as defined under "Retail Sales" in Chapter 1, Article 2, Definitions, shall be located, developed, and operated in compliance with the following standards:
 - a. The Planning Commission shall review and approve applications for auction houses.
 - b. Auction dates and hours of operation, including on-site loading and delivery hours, shall be compatible with uses within 300 feet of the proposed auction house. If residential uses are within 300 feet, the auction house shall cease all operations by 9:00 p.m. on any day.
 - c. Auction houses shall have sufficient parking provisions for its proposed capacity. Plans submitted for the proposed auction house shall include plans showing details related to circulation and parking. Required information includes but is not limited to: circulation routes, parking aisle widths, parking dimension standards, loading facilities, and screening for parking and loading.
 - d. Auction houses must conduct all activities indoors. Any auctions conducted outdoors will be considered a swap meet (see Section X of this Article, Swap Meets). Outdoor storage may be allowed if fully screened from all public streets. The Planning Commission shall review and approve the type of auction house proposed.
 - e. Auctions of livestock may only be allowed in the Agriculture Zoning District through a Temporary Use Permit. See Section Z, Temporary Uses.

F. Automobile/Vehicle Service and Repair, Major and Minor

- 1. Major and Minor Automobile/Vehicle Service and Repair uses shall be located, developed, and operated in compliance with the following standards:
 - a. **Landscaping.** A landscaped planter with a minimum five (5) foot wide inside dimension, exclusive of curb, and a six (6) inch high curb shall be provided along the front and street property lines, except for vehicular circulation openings. Where the planter is adjacent to a sidewalk, no curb is required. A three (3) foot wide landscaping buffer shall be provided along all other property lines. Additional landscaping may be required where necessary to prevent visual impacts on adjacent properties. All



landscaped areas shall be permanently maintained in compliance with Chapter 4, Article 2.E, Landscaping.

- b. **Noise.** All body and fender work, stereo installation and testing, or similar noise-generating activity shall be conducted within an enclosed masonry or similar building with sound-attenuating construction to absorb noise. Air compressors and similar equipment shall be located inside a building. All operations shall meet Noise Standards noted in Chapter 4, Article E of the Coalinga Zoning Code.
- c. **Litter.** The premises shall be kept in an orderly condition at all times. No used or discarded automotive parts or equipment or permanently disabled, junked, or wrecked vehicles may be stored outside a building.
- d. **Work Areas.** All work shall be conducted within an enclosed building except: pumping motor vehicle fluids and checking and supplementing various fluids.
- e. **Bay Doors.** On corner lots fronting two (2) or more streets with different classifications in the General Plan, bay doors shall face the street with the highest classification.

G. Auto Service Stations and Car Washing

- 1. Service stations, automobile/vehicle washing facilities, and any other commercial use that includes fuel pumps for retail sales of gasoline shall be located, developed, and operated in compliance with the following standards:
 - a. **Landscaping.** At least ten (10) percent of the site shall be landscaped. All landscaped areas shall be permanently maintained in compliance with Chapter 4, Article 2.E, Landscaping and the following standards:
 - (1) A landscaped planter with a minimum five (5) foot wide inside dimension, exclusive of curb, and a six (6) inch high curb shall be provided along the front and street property lines, except for vehicular circulation openings. Where the planter is adjacent to a sidewalk, no curb is required. A three (3) foot wide landscaping buffer shall be provided along all other property lines.
 - (2) A six hundred (600) square-foot planter with a minimum dimension of twenty (20) feet shall be provided at the corner of intersecting streets unless a building is located at the corner.
 - (3) Additional landscaping may be required where necessary to prevent visual impacts on adjacent properties.
 - b. **Bay Doors.** On corner lots fronting two (2) or more streets with different classifications in the General Plan, bay doors shall face the street with the highest classification.
 - c. **Pump Islands.** Pump islands shall be located a minimum of fifteen (15) feet from any property line to the nearest edge of the pump island.
 - d. **Canopies and Roof Structures.** Canopies and roof structures over a pump island, including associated signage, shall be designed as an integral design element of a building's architecture and architecturally compatible, including materials, color and design details, with surrounding structures. A canopy or roof structure over a pump island must be set back at least five (5) feet from any property line.
 - e. **Washing Facilities.** No building or structure for the washing of cars shall be located within thirty (30) feet of any public street or within twenty (20) feet of any interior lot



line of a residential use or an Residential district.

- f. **Hours of Operation.** Automobile/vehicle washing facilities are limited to 7:00 a.m. to 10:00 p.m., seven (7) days a week. When adjacent to an Residential district, the hours of operation shall be 8:00 a.m. to 8:00 p.m., seven (7) days a week.
- g. **Application Review and Findings for Approval.** In reviewing proposals, emphasis shall be placed on quality design of building materials and landscape features. The Planning Commission shall only approve a Conditional Use Permit for an Auto Service Station, or Car Washing facility if it makes the required findings below, in addition to the other findings required for Conditional Use Permits per Chapter 6, Article 5, Conditional Use Permits.
 - (1) The project is designed so that form and scale are harmonious and consistent with the character of the specific site, the adjacent uses and structures, and the surrounding neighborhood.
 - (2) The site design, including the location and number of driveways, will promote safe and efficient on-site and off-site traffic circulation.
 - (3) Service bay openings are designed to minimize the visual intrusion on surrounding streets and properties.
 - (4) Lighting is designed to be low-profile, indirect or diffused, create a pleasing appearance, and avoid adverse impacts on surrounding uses.
- h. **Conditions of Approval.** Conditions of approval of a Conditional Use Permit for auto servicing stations and car washing may address operational characteristics of the use; impose restrictions on outdoor storage and display, location of pump islands, canopies and service bay openings; and/or require buffering, screening, lighting, planting areas, or other site elements, in order to avoid adverse impacts on properties in the surrounding area, including but not limited to the following:
 - (1) All appropriate Stormwater permits have been or will be obtained prior to operations, from the Central Valley Water Quality Control Board.
- i. **Abandonment.** Any service station shall in the case of abandonment or non-operation of the primary use be dismantled and the site cleared within twelve (12) months subsequent to the close of the last business day.

H. Drive-Through Facilities

- 1. Drive-through facilities shall be located, developed, and operated in compliance with the following standards:
 - a. **Conditional Use Permit.** Unless otherwise provided, a conditional use permit is required for a drive-through lane, window or other facility. The Planning Commission shall only approve a Conditional Use Permit for drive-through facilities if it makes the required findings for a Conditional Use Permit, per Chapter 6, Article 5, Conditional Use Permits.
 - b. **Design and Circulation.** A minimum space equivalent to three parking spaces shall be provided outside of regular circulation aisles in advance of each sign board/ordering station and each service window. The lane or facility shall be designed so as not to create an impediment to on-site or off-site vehicular or pedestrian circulation or parking.



- c. **Required Setbacks and Screening.** Drive-through lanes shall be set back a minimum five (5) feet from any property line, and a minimum ten (10) feet from any residential property line, with landscaping provided in the required yard area. If adjacent to a residential lot, a six to seven foot tall solid masonry wall shall be provided, and lighting within 50 feet of the residential lot shall be mounted no higher than six feet above the ground.

I. Family Day Care Homes

1. **Family Day Care: Large.** A large Family Day Care is a facility or home that for compensation regularly provides care, protection and supervision for up to twelve (12) children, not necessarily related to the caregiver in the caregiver's own home for periods of less than 24 hours per day, while the parents or guardians are absent. Children under the age of 10 years who reside at the home shall be included when counting the number of children taken care of in the house (Health and Safety Code Section 1596.78(b)). The maximum number of children for whom care shall be provided when there is an assistant provider in the home, is twelve, no more than four of whom may be infants. 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):
 - a. At least two (2) of the children are at least six (6) years of age.
 - b. No more than three (3) infants are cared for during any time when more than twelve (12) children are being cared for.
 - c. 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 time.
 - d. 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.
2. **Family Day Care: Small.** A small Family Day Care is a facility or home that for compensation regularly provides care, protection and supervision for six (6) or fewer children, not necessarily related to the caregiver in the caregiver's own home for periods of less than 24 hours per day, while the parents or guardians are absent. Children under the age of ten (10) years who reside at the home shall be included when counting the number of children taken care of in the house (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):
 - a. At least two (2) of the children are at least six (6) years of age.
 - b. No more than two (2) infants are cared for during any time when more than six (6) children are cared for.
 - c. 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.
 - d. 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.
3. Large Family Day Care Homes shall be located, developed, and operated in compliance with



current State regulations and the following standards. In any case of conflict, State regulations shall supersede these requirements:

- a. **Location.** Large Family Day Care Homes shall be located at least three hundred (300) feet apart in all directions from any other Large Family Day Care Home. In no case, however, shall there be more than one (1) Large Family Day Care Home per block face.
- b. **Hours of Operation.** Large Family Day Care Homes shall operate only between the hours of 6:00 a.m. and 7:00 p.m., Monday through Friday. No outdoor play is allowed before 9:00 a.m.
- c. **Residency.** The operator of a Large Family Day Care Home shall be a full-time resident of the dwelling unit in which the facility is located.
- d. **Screening.** A periphery wall, constructed of wood or masonry, shall be provided for purposes of securing outdoor play areas and screening the site and shall achieve seventy-five (75) percent opacity. Chain metal fencing or barbed wire is prohibited.
- e. **Signs.** No sign shall be publicly displayed on the premises relating to the Large Family Day Care Home.
- f. **Play Area.** A minimum of seven hundred (700) square feet of play area is required. An additional seventy-five (75) square feet is required for each child in excess of ten (10), as shown by the maximum number of children which may be cared for at any time, pursuant to the license for such a facility. The play area shall not be located in any required front or side yard.
- g. **Parking and Loading.** An operator of a Large Family Day Care Home shall satisfy the following conditions:
 - (1) *Passenger Loading and Drop-off.* A minimum of one (1) additional improved off-street drop-off and pick-up parking space shall be provided.
 - (2) *Traffic.* Increased traffic due to the operation of any Large Family Day Care Home shall not cause traffic levels to exceed those levels customary in residential neighborhoods. However, somewhat higher traffic levels during the morning and evening commute time is acceptable.

J. Golf Courses and Country Clubs

1. **Purpose.** The purpose of this section is to regulate golf courses and country clubs, including accessory uses and activities that recognize the unique relationship such uses have within a community, allowing commercial recreational opportunities while providing a desirable open space amenity. The long-term viability of the use and continued compatibility with adjacent uses is encouraged through the provisions of this section.
2. **Application.** A Site Plan application for a new Golf Course or Country Club shall be made with the Community Development Department. A tentative map application may also be required depending on the site. The application package must fulfill all the requirements of a Site Plan application, as well as:
 - a. A written statement describing the project.
 - b. Survey-precise topography map of the existing site and proposed project, for golf courses and country clubs.
 - c. A conceptual plan for all new structures.



- d. Landscaping plans showing details of proposed plantings and irrigation systems.
 - e. A 5-year master plan which covers future expansions or physical development, and any future uses. The plan shall include details on the proposed operations and activities of the proposed facilities, membership structure and fee policies, and hours of operation.
 - f. Proposed exterior lighting plans and hours of lighting for the project.
 - g. Description of infrastructure requirements for the proposed project, including wastewater disposal, water facilities, and drainage.
 - h. An initial environmental assessment. The appropriate environmental review document and technical reports may be requested of the applicant.
3. **Findings.** The following findings shall be made for the approval of a golf course or country club:
- a. The golf course or country club is in conformance with the applicable General Plan goals and policies, and regulations of this Title.
 - b. A fiscal impact analysis has found that the approval of the golf course or country club will bring significant fiscal and community benefit to the City of Coalinga, outweighing the need for and benefits of any existing use.
 - c. The appropriate environmental analysis pursuant to CEQA has been conducted, including the analysis of any potential loss of or impact on existing and neighboring agricultural land, and all applicable mitigation measures shall be executed and monitored as conditions of approval of the project.
4. **Approval.** The Planning Commission and City Council may set forth conditions of approval for the Golf Course and Country Club, including but not limited to:
- a. If future complaints arise from neighboring properties regarding stray golf balls, the City Council shall direct the Community Development Director to record such evidence, and impose additional conditions requiring screening or other measures.
5. **Lighting.** Lighting for nighttime use shall be permitted in accordance with the provisions of Chapter 4, Article 2.F, Lighting and Illumination.
6. **Safety netting or screens.** Height exceptions for safety netting located on the golf course may be approved by the City Council upon recommendation from the Planning Commission that such height is not detrimental to public welfare and properties within a 500 feet radius of the safety netting.
7. **Parking lots.** Parking shall be approved in compliance with the provisions of Chapter 4, Article 2.3, Off-Street Parking and Loading.
8. **Irrigation of Golf Courses.** Golf courses shall be irrigated. Water-saving measures shall be implemented per the City's adopted Water Efficient Landscape Standards.
9. **Maintenance facilities.** Outdoor storage of equipment and materials shall be limited to that necessary for golf course use only and shall be screened from adjacent Residential Zoning Districts. Facilities or storage located within three hundred feet of a Residential district shall be subject to use permit approval in accordance with. A use permit shall not be required when development of the golf course and maintenance facilities precedes adjacent residential development and when said residential development, along with the golf course and maintenance facilities, are part of a master planned development.
10. **Building Height.** Maximum building height shall not exceed two stories or thirty feet.



Requests to exceed the height limit may be granted by the City Council for development up to four stories, not to exceed fifty-six feet, upon recommendation from the Planning Commission, that such additional height is not detrimental to adjacent property or the public welfare in general.

11. **Required Setbacks.** Buildings and parking lots shall maintain a minimum of forty (40) feet from all perimeter lot lines.
12. **Walls and fences.** Walls and fences shall not exceed seven feet in height within the required building setback. Walls or fences shall be of wrought iron style, or another material as approved by the Community Development Director, such that a minimum fifty (50) percent of the wall surface remains open, unless a solid wall is deemed necessary by the Planning and Development Department for screening or safety purposes.
13. **Signage.** Signage shall be in accordance with the "nonresidential activity in a residential district" provisions of Chapter 4, Article 5, Signs. No sign, display or other exterior indications of an accessory use shall be visible from a public thoroughfare or adjacent property.

K. Hazardous Waste Management Facilities

1. All hazardous waste management facilities, as defined in Chapter 1, Article 2, Definitions, except household hazardous waste collection centers authorized by the City of Coalinga and the Fresno County Health Department, shall be located, developed, and operated in compliance with the following:
 - a. **Application Content.** Applications for hazardous waste management facilities shall include the following:
 - (1) *Site Plan.* A detailed site plan depicting all buildings, land uses, storage areas, parking areas, and driveways internal and surrounding traffic circulation. Occupancy type and rating for each building or structure shall be identified.
 - (2) *Best Management Practices.* Demonstrate and certify that they are minimizing the generation of hazardous waste through the use of the best available technology within their manufacturing, and/or product development processes. Applicants shall also demonstrate and certify that facilities will be using the best available control technology in minimizing air emissions and processing hazardous waste. Such demonstration and certification shall be provided prior to the issuance of any building permit or other land use entitlement.
 - (3) *Waste Characteristics and Capacity.* Identify the amounts (in tons) and types of hazardous waste to be treated and stored; the duration of stored waste on the facility site and the ultimate destination of the waste. The owner-operator shall make this information available on a quarterly basis to the City of Coalinga on an on-going basis. If the application is for a transfer station the applicant shall identify the capacity of the facility to store each type of waste stream, service area(s) of the facility and ultimate disposition of the waste.
 - (4) *Air Quality Analysis.* An analysis of all anticipated air quality impacts and proposed mitigation measures. The hazardous waste facility shall comply with the rules and regulations of the San Joaquin Valley Air Pollution Control District.
 - (5) *Risk Assessment.* A risk assessment which analyzes, in detail, all probabilities of accidents or spills at the site, (including transportation related) or accidents



- from the point of origin to the facility, and any other risk assessment requested by either the City Manager, Community Development Director, or the City Council. Such analyses shall identify mitigation measures to reduce the identified risks. The risk assessment shall identify the most probable routes for transporting hazardous wastes to and from the facility.
- (6) *Alternatives Analysis.* All applications shall contain an analysis of alternative regional sites which shall be reviewed pursuant to the California Environmental Quality Act.
 - (7) *Emergency Response Plan.* An Emergency Response Plan that indicates at a minimum:
 - (a) That the proposed plan is consistent with any and all applicable County and Regional Emergency Response Plans and all City, County, State and Federal Regulatory requirements regarding Emergency Response Procedure.
 - (b) Detailed procedures to be employed at the time of emergency for each type of chemical substances utilized including contingency procedures.
 - (c) Anticipated impacts on local fire, police, and medical services.
 - (d) Names, home and business addresses, and home and business telephone numbers of all management personnel at the facility, if known, and a detailed description of uncontrolled release and emergency situation reporting procedures.
 - (8) *Geotechnical Report.* A geotechnical report providing complete analysis of on-site soil conditions, fault hazards, underground water supplies, and recommendations.
 - (9) *Flooding Information.* An analysis of the potential of flooding on the site. Residual repositories are prohibited in areas of special flood hazards as depicted by FEMA Flood Hazard Maps.
 - (10) *Traffic Analysis.* Applicants shall submit a traffic analysis which addresses, at a minimum, vehicle-truck trips, effects on nearby intersections, and any special characteristics of the project site. Applicants shall also identify the most likely transportation routes within the City and the County.
 - (11) *Closure Plan.* The Owner or Operator of a hazardous waste facility shall, prior to any local land use decision, submit to the Fire Department a written Closure Plan approved by the California Department of Health Services. All revisions to such Closure Plans shall also be submitted to the Fire Department.
 - (12) *Safety.* The Owner/Operator shall demonstrate that the separation between the hazardous waste facility and residential areas is adequate to protect the health, safety, welfare, and property values of residents.
- b. **Monitoring:** At minimum, hazardous waste facilities are subject to the following monitoring requirements:
- (1) Upon reasonable notice, and for the purpose of ensuring compliance with all standards, conditions, and other requirements which the City is authorized to enforce under its police power, City Officials or their designated representatives may enter the premises on which a hazardous waste facility permit has been



- granted.
- (2) The owner or operator of a facility shall report quarterly to the Fire Chief the amount, type, and disposition of all wastes processed by the facility. Included in the report shall be copies of all manifests showing the delivery and types of hazardous wastes and include a map showing the exact location (coordinates and elevation) of quantities and types of materials placed in repositories or otherwise stored or disposed of on-site.
 - (3) The owner or operator of a hazardous waste facility shall immediately send copies of all complaints as to facility operations and copies of all inspection reports made by other local, state or federal agencies to the Fire Chief and City Engineer.
 - (4) Owners/Operators of all facilities shall prepare and submit an Annual Emergency Response Preparedness Report to the Fire Department and all other local emergency response agencies. Such report shall be signed by all management personnel at the facility and each person at the facility who has emergency response responsibilities.
 - (5) Owners/Operators of all facilities shall submit an annual Air, Soil, and Groundwater Monitoring Report to the City Engineer.
- c. **Modifications.** Any modifications of the types and quantities of hazardous waste to be managed at the facility which were not included in the approved application for a Conditional Use Permit shall be approved by the Fire Chief and City Engineer before such modifications occur at the facility.
 - d. **Contingency Plan.** Every hazardous waste facility shall have a contingency operation plan including emergency procedures, approved by the California Department of Health Services. A copy of the contingency plan shall be maintained at the facility and sent to the Police Department, Fire Department, Engineering Division, and the County Department of Environmental Health.
 - e. **Financial Assurance.** Prior to issuance of an "Occupancy Permit" to begin the use of a hazardous waste facility, the applicant shall show proof that it has met all of the financial responsibility requirements imposed by the California Department of Health Services and any other federal or state agency.
 - f. **Indemnification.** The applicant agrees to indemnify, defend, and render harmless the City, and its City Council and all officers, employees and agents of the City against and from all claims, actions and liabilities relating to the land use decision or arising out of the operation of the facility.
 - g. **Enforcement.** All costs of compliance with Section K, Hazardous Waste Management Facilities, of this Article, shall be borne by the facility owner or operator. The City may employ any and all methods permitted by law to enforce the provisions of this Section.
 - h. **Maintenance.** The Owner/Operator shall keep all equipment and buildings in good repair and shall employ technological advances as may be required by the California Department of Health Services, San Joaquin Valley Air Pollution Control District, or U.S. Environmental Protection Agency.
 - i. **Findings.** The following findings shall be made in writing prior to making a land use decision which will allow the siting of a hazardous waste facility project:
 - (1) The project is consistent with the General Plan.



- (2) The project will not be detrimental to the health, safety, or general welfare of the community.
- (3) The project will not significantly reduce incentives for waste minimization by hazardous waste generators.
- (4) There are adequate City services available to service the project.
- (5) The project has met or exceeded each requirement of Section K, Hazardous Waste Management Facilities, of this Article.
- (6) All environmental impacts identified in an Environmental Impact Report or Negative Declaration as part of the permit process in compliance with the California Environmental Quality Act have been adequately mitigated.

L. Home Occupations

1. Home occupations are allowed in association with residential uses, subject to the following regulations.
 - a. Articles offered for sale shall be limited to those produced on the premises or sale of items considered by the Community Development Director to be accessory and incidental to an allowed home occupation. A person conducting an allowed home occupation in which he or she serves as an agent or intermediary between off-site suppliers and off-site customers may have sales from the residence where all articles, except samples, shall be received, stored and sold to the customers at off-premises locations.
 - b. Home occupations shall be conducted either within a dwelling or in a detached accessory structure on the same property by a resident thereof. Home occupations shall be clearly incidental to the use of the structure as a dwelling.
 - c. Any external alteration to the dwelling to accommodate the home occupation shall conform to the residential appearance of the building and the existence of a home occupation shall not be apparent beyond the boundaries of a lot, except for a small name plate, not directly lighted and not exceeding one square foot in area, as allowed pursuant to Chapter 4, Article 5, Signs.
 - d. Only immediate family members residing within the residence shall be employed in the conduct of a home occupation.
 - e. No motor power other than electrically-operated motors shall be used in conjunction with a home occupation. The horsepower of any single motor shall not exceed three horsepower and the total horsepower of all such motors shall not exceed five horsepower.
 - f. A home occupation shall not create any radio waves, television interference or similar electronic interference on adjacent properties. Noise audible beyond the boundaries of the lot shall not exceed the sound level standards as set forth in Chapter 4, Article 4.E, Noise, for the Zoning District in which the use is located.
 - g. No odor, liquid or solid waste, other than normally associated with a residential use, shall be emitted.
 - h. Not more than one truck of not more than one ton capacity and no semi-trailers associated with a home occupation shall be kept on site.



- i. A home occupation shall not create pedestrian, automobile, or truck traffic in excess of the normal amount typical of the Zoning District, with no more than one non-occupant vehicle present on the street at any given time.
- j. Prior to Community Development and Building Official approval of an application for a home occupation under this section, the applicant shall be required show by signature that he or she has reviewed and agrees to abide by regulations to not create any impact, disturbances, or nuisances to the neighborhood.
- k. The specified uses below shall not be permitted as home occupations because of their nature that have one or more of the following characteristics: equipment or machinery of a type or quantity not typically found in the house; need for outside storage; parking needs greater than what can be provided on-site; need for special permits from other agencies; and need for extensive alteration to the residence or lot.
 - (1) No motorized vehicle or trailer repair or tune-up shall be operated as a home occupation.
 - (2) Doctors, dentists, osteopaths, chiropractors and other practitioners of the medical arts are not permitted as home occupations in Residential districts.
 - (3) On-site painting services (including auto, boat, and appliances).
 - (4) Care, treatment, breeding or boarding of cats, dogs and other animals for a fee or barter.
 - (5) Gun repair, sale of guns or ammunition where the materials are maintained at the site (sale of five or fewer guns a year is exempt from this section).
 - (6) Activities involving substantial amounts of dangerous or hazardous materials, including but not limited to pesticides, herbicides, poisons and highly flammable materials as determined by the Fire Chief.

M. Manufactured Homes

- 1. Manufactured homes shall be designed and operated in compliance with the following standards:
 - a. **General Requirements.** Manufactured homes may be used for residential purposes subject to the provisions of this section. Manufactured homes may also be used for temporary uses subject to the approval of a temporary Use Permit (See Section Z, Temporary Uses).
 - b. **Design Criteria.** A manufactured home shall be compatible in design and appearance with residential structures in the vicinity and shall meet the following standards:
 - (1) *Foundation.* A manufactured home shall be built on a permanent foundation system approved by the Building Official.
 - (2) *Date of Construction.* Each manufactured home shall have been manufactured within ten (10) years of the date of issuance of a permit to install the manufactured home and shall be certified under the National Manufactured Home Construction and Safety Act of 1974, 42 U.S.C. 5401, et. seq.
 - (3) *Roof Overhang.* The roof overhang shall not be less than twelve (12) inches around the entire perimeter of the manufactured home as measured from the vertical side of the home. The overhang requirement may be waived at the



point of connection where an accessory structure is attached to the manufactured home.

- (4) *Roof Material.* Roof material shall consist of material customarily used for conventional single family dwellings, such as tile, composition shingles, and wood shakes and shingles. If shingles and/or wood shakes are used, the pitch of the roof shall be not less than three (3) inches vertical to twelve (12) inches horizontal.
- (5) *Siding Material.* Siding material shall consist of exterior material customarily used for conventional single family dwellings, such as stucco, wood, brick, stone or decorative concrete. Metal siding, if utilized, shall be non-reflective and horizontally lapping. Siding material utilized as skirting shall be the same as the material used on the exterior wall surface of the manufactured home.
- (6) *Skirting.* The unit's skirting shall extend to the finished grade.

N. Mobile Home Parks

1. Mobile home parks shall be located, developed, and operated in compliance with the following standards:
 - a. Current State level regulations for mobile home parks as stated in the Mobilehome Parks Act – Health and Safety Code 18200 – 18700, and the Special Occupancy Parks Act – Health and Safety Code 18860 – 18874, shall take precedence over these regulations. The regulations may be accessed through the California Department of Housing and Community Development's website.
 - b. **Minimum Lot Area.** The minimum lot area for each lot in the mobile home park is two thousand five hundred (2,500) square feet.
 - c. **Maximum Density.** The maximum density is as allowed by the base Zoning District in which the mobile home park is located.
 - d. **Maximum Allowable Height.** Maximum building or structural height of any buildings appurtenant to mobile home or trailer courts or subdivisions shall be thirty-five (35) feet.
 - e. **Setback from Adjacent Streets.** All mobile home spaces shall be set back a minimum of twenty (20) feet from all public street rights-of-way adjacent to the site, and the setback area shall be landscaped. These setbacks shall have precedence over setbacks prescribed in the Base Zoning District.
 - f. **Setbacks for Individual Units.** These setbacks shall have precedence over setbacks prescribed in the Base Zoning District. Minimum setbacks for individual units are as follows:
 - (1) Front: five (5) feet.
 - (2) Side: five (5) feet.
 - (3) Rear: ten (10) feet.
 - (4) Awnings and carports may not be closer than three (3) feet from any mobile home space boundary.
 - g. **Access.** Access to internal private streets is required for all mobile home lots or spaces



within the mobile home park. Direct access from a mobile home lot or spaces to a public street or alley is not permitted. All points of vehicular access to and from public streets shall be approved by the City Engineer.

- h. **Internal Streets.** All private internal streets within the mobile home park shall not be less than thirty (30) feet in width, and shall be surfaced and maintained subject to approval of the City Engineer.
- i. **Walkways.** Walkways linking the mobile homes with recreational and other internal facilities and other mobile homes shall be provided.
- j. **Walls and Screening.** Exterior boundaries of a mobile home park shall be screened with a six (6) foot high solid wall. Such walls shall be composed of decorative block, concrete panels or similar materials and include architectural relief through variations in height, the use of architectural "caps," columns, or similar measures. All trash and garbage collection areas shall be surrounded on at least three (3) sides by a five (5) foot block wall, and shall have adequate access for collection vehicles.
- k. **Common Open Space.** Recreation, or common open spaces, shall be provided for each mobile home park or subdivision. An area of at least three hundred (300) square feet for each mobile home space shall be provided. This open space may be used in more than one (1) location, but no location shall contain less than one thousand (1,000) square feet in the aggregate. Each recreational space shall be accessible to all of the mobile home spaces in the park, and shall not be used for any other purpose.
- l. **Landscaping.** Landscaping, as prescribed in Section __, Landscaping, is required for all common open space areas, exterior front and street side yards, and common parking areas. A fifteen (15) foot landscaped buffer shall be provided along streets adjoining the park.
- m. **Certification.** All mobile homes shall be certified under the National Manufactured Home Construction and Safety Act of 1974, 42 U.S.C. 5401, et. seq.

O. Mobile Vendors

- 1. **Purpose.** This section supplements Section 5-9, Peddlers and Solicitors, of the Coalinga Municipal Code by defining the standards of vehicles used for mobile vending or peddling and operational regulations.
- 2. The following standards shall apply to all mobile vendors operating in Coalinga:
 - a. Vending from any vehicle shall not be permitted within one hundred feet of any intersection of two or more public streets. The vending vehicle operator shall comply with parking signs, curb markings and other traffic and parking restrictions at all times.
 - b. No mobile vendor shall stand, stop or park within one thousand feet of the property line of any public or private school intended to educate individuals eighteen years of age or younger between the hours of 7:00 a.m. and 7:00 p.m. on days when school is in session.
 - c. No Vending vehicles are permitted in the Open Space Zoning District, or any park, unless a permit is first obtained from the City. Vending vehicles that are over twenty feet (20') long, or have a kitchen, are not permitted in the Residential Zoning Districts. Vending vehicles less than twenty feet (20') long are permitted in the Residential Zoning Districts.



- d. Vending from any vehicle shall be limited to ten (10) minutes in any one location, and the vehicle must be moved a distance of not less than four hundred (400) feet between consecutive stops at which vending occurs. Once a vehicle has moved from a vending location, it may not return to that location for at least twenty-four (24) hours.
- e. Vending vehicles shall not be parked, stopped, or left standing in any manner which blocks or impedes vehicular access to any driveway or restricts the free movement of other vehicles upon any street.
- f. Vending vehicle operators shall not conduct business in any congested area where their operation might impede or inconvenience the public.
- g. Vending vehicle operators shall pick up and deposit in the trash receptacle on the vehicle any paper, cups, wrappers, litter or other refuse from the vehicle and which has been left or abandoned on any public property. No street vendor or operator shall dispose of any trash or refuse in any public or private trash receptacle other than one owned or under the control of the operator.
- h. Vending shall not be permitted directly to persons in other vehicles or from other than the curb side of the vending vehicle.
- i. All mobile vendors, or operators of vending vehicles, which sell items within the City of Coalinga, shall secure a Business License from the City prior to the start of business operations.
- j. All vending vehicles shall possess and display a valid permit issued by the Health Department.

P. Outdoor Retail Sales

- 1. **Temporary Outdoor Retail Sales.** See Section Z, Temporary Uses.
- 2. **Permanent Outdoor Retail Sales and Vending Facilities.** Permanent outdoor display of merchandise including merchandise in automated vending facilities is allowed in association with an approved commercial use and subject to Conditional Use Permit approval. The Planning Commission shall only approve a Conditional Use Permit for permanent outdoor retail sales and vending facilities if it makes the required findings for a Conditional Use Permit, per Chapter 6, Article 5, Conditional Use Permits, and if the proposed project shall be located, developed, and operated in compliance with the following standards:
 - a. **Location.** Outdoor sales shall be located entirely on private property outside any required setback, fire lane, fire access way, or landscaped planter in Zoning Districts that do not have required setbacks. A minimum setback of fifteen (15) feet from any public right-of-way is required.
 - b. **Screening.** All outdoor sales and activity areas except for automobile/vehicle sales shall be screened from adjacent public rights-of-way and Residential districts by decorative solid walls or solid fences, pursuant to Chapter 4, Article 2.E, Landscaping.
 - c. **Location of Merchandise.** Displayed merchandise shall occupy a fixed, specifically approved and defined location that does not disrupt the normal function of the site or its circulation and does not encroach upon parking spaces, driveways, pedestrian walkways, or required landscaped areas. These displays shall also not obstruct sight distances or otherwise create hazards for vehicle or pedestrian traffic.



Q. Personal Storage Facilities

1. Personal Storage Facilities, defined in Chapter 1, Article 2, Definitions, may be located, developed, and operated in compliance with the following standards:
 - a. **Business Activity.** All Personal Storage Facilities shall be limited to the storage of items such as furniture and personal belongings. No retail, repair, or other commercial use shall be conducted out of the individual rental storage units. No activities other than rental of storage units and pick-up and deposit of storage shall be allowed on the premises. Examples of activities prohibited in storage facilities include, but are not limited to the following:
 - (1) Auctions, commercial wholesale or retail sales, or miscellaneous garage sales. Excepting auctions required by law to comply with lien sale requirements. During the course of said lien sales, customer vehicles shall not be allowed to obstruct travelways within the self service storage facility.
 - (2) The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.
 - (3) The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.
 - (4) Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.
 - b. **Notice to Tenants.** As part of the rental process, the facility manager shall inform all tenants of conditions restricting storage of hazardous materials and limitation on the use of the storage units. These restrictions shall be included in rental contracts and posted at a conspicuous location within the front of each rental unit.
 - c. **Size Limitations.** Total lot coverage by any and all structures shall be limited to fifty (50) percent of the total lot area.
 - d. **Circulation.** Driveway aisles shall be a minimum of twenty (20) feet wide.
 - e. **Landscaping.** A landscaped buffer with a minimum inside dimension of five (5) feet shall be provided along the front and street property lines, except for vehicular circulation openings. Additional landscaping may be required where necessary to prevent visual impacts on adjacent properties. All landscaped areas shall be bound by a concrete curb at least six (6) inches wide and six (6) inches high and shall be permanently maintained in compliance with Chapter 4, Article 2.E, Landscaping.
 - f. **Fencing.** A six (6) foot high solid wall shall be provided around the perimeter of the development at locations where the solid facades of the storage structures do not provide a perimeter barrier. Such walls shall be composed of decorative block, concrete panels or similar materials and include architectural relief through variations in height, the use of architectural "caps", columns, or similar measures.
 - g. **Open Storage.** Open storage, outside an enclosed building, shall be limited to vehicles and trailers and screened from public view by building facades or solid fences.
 - h. **Outdoor Lighting.** All outdoor lights shall be shielded to direct light and glare only onto the personal storage premises and may be of sufficient intensity to discourage vandalism and theft. Said lighting and glare shall be deflected, shaded, and focused away from all adjoining property.
 - i. **Fire Protection.** One (1) hour rated construction fire walls shall be provided to



separate every three thousand (3,000) square feet within any personal storage structure.

- j. **Portable Storage Buildings.** Movable storage buildings shall be allowed if they are constructed to appear as conventional storage buildings or are located in an area completely screened from public view and adhere to all applicable building and fire codes.

R. Recycling Facilities

1. Recycling facilities shall be located and operated in compliance with the following standards:
 - a. **Reverse Vending Machines.**
 - (1) *Accessory Use.* Reverse vending machines shall be installed as an accessory use to a permitted or conditionally permitted primary use on the same site.
 - (2) *Location.* Machines shall be located adjacent to the entrance of the commercial host use and shall not obstruct pedestrian or vehicular circulation.
 - (3) *Identification.* Machines shall be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative.
 - (4) *Signs.* Machines shall have a maximum sign area of four (4) square feet exclusive of operating instructions.
 - (5) *Lighting.* Machines shall be illuminated to ensure comfortable and safe operation between dawn and dusk.
 - (6) *Trash Receptacle.* Machines shall provide a forty (40) gallon garbage can for nonrecyclable materials located adjacent to the reverse vending machine.
 - b. **Recycling Collection Facilities.**
 - (1) *Size.* Recycling collection facilities shall not exceed a footprint of three hundred fifty (350) square feet or include more than three (3) parking spaces (not including space periodically needed for the removal or exchange of materials or containers).
 - (2) *Equipment.* No power-driven processing equipment, except for reverse vending machines, may be used.
 - (3) *Location.* Facilities shall not be located within fifty (50) feet of a residential district.
 - (4) *Setback.* Facilities shall be set back at least ten (10) feet from any street line and not obstruct pedestrian or vehicular circulation.
 - (5) *Containers.* Containers shall be constructed of durable waterproof and rustproof material(s) and secured from unauthorized removal of material. Capacity sufficient to accommodate materials collected in the collection schedule.
 - (6) *Identification.* Containers shall be clearly marked to identify the type of accepted material, the name and telephone number of the facility operator and the hours of operation.



- (7) *Signs.* Signs shall be a maximum of twenty (20) percent per side of facility or container or sixteen (16) square feet, whichever is larger. In the case of a wheeled facility, the side is measured from the pavement to the top of the container. The Community Development Director may authorize increases in the number, size and nature of additional signs.
- (8) *Parking.* Patrons and the attendant shall not reduce available parking spaces below the minimum number required for the main use unless a parking study shows available capacity during recycling facility operation.
- (9) *Site Maintenance.* Sites shall be maintained clean, sanitary, and free of litter and any other undesirable materials.

c. **Recycling Processing Facility.**

- (1) *Location.* Facilities shall not be adjacent to a residential district or use.
- (2) *Screening.* The facility shall be screened from public rights-of-way, by solid masonry walls or located within an enclosed structure.
- (3) *Outdoor Storage.* Exterior storage of material shall be in sturdy containers or enclosures that are secured and maintained in good condition. Storage shall not be visible above the height of the required solid masonry walls.
- (4) *Identification.* Facilities shall be clearly marked with the name and phone number of the facility operator and hours of operation.

S. Residential Care Facilities

- 1. Residential care facilities shall be located, developed and operated in compliance with the following standards.
 - a. **Location.** The minimum distance from other residential care facilities shall be three hundred (300) feet.
 - b. **Screening.** A minimum six (6) foot high solid wall or fence shall be provided for purposes of securing outdoor recreational areas and screening the site. Chain metal fencing and barbed wire are prohibited.
 - c. **Licensing.** Residential care facilities shall be licensed and certified by the State of California and shall be operated according to all applicable State and local regulations.

T. Second Dwelling Units

- 1. Second Dwelling Units are a subset of Accessory Structures, however due to their specific nature have development regulations as contained in this Section.
- 2. A second dwelling unit, in addition to the first single-family dwelling unit on a single family residential lot, shall be located, developed, and operated in compliance with the following standards:
 - a. **Location.** Second units may be established on any lot in any Residential district where a primary single family dwelling has been previously established or is proposed to be established in conjunction with construction of a second unit. Only one (1) second unit is permitted per primary single-family dwelling on the same lot. The primary unit shall



meet all City codes including the height, setback, lot coverage, parking, and other zoning requirements. Any nonconforming structures shall be brought into conformance prior to construction of second unit.

- b. **Development Standards.** Second units shall conform to the height, setbacks, lot coverage and other zoning requirements of the Zoning District in which the site is located, the following development standards, other requirements of this Title, and other applicable City codes. Applications for a second dwelling shall include: (1) location map and site plan drawn to scale showing existing and proposed structures and additions, orientation and dimension of lot and structure(s) on the lot, and adjacent streets, access and parking and (2) a floor plan of existing and proposed structures.
 - (1) *Type of Unit.* The second unit shall provide separate, independent living quarters for one (1) family. The second unit may be attached, detached, or located within the living areas of the primary dwelling unit on the lot, subject to the standards of this section. An existing single-family dwelling may be converted into two (2) dwelling units.
 - (2) *Maximum Floor Area.* The total area of floor space of a detached second unit shall not exceed twelve hundred (1,200) square feet. The floor area of an attached second unit shall not exceed thirty (30) percent of the living area or the minimum area of an efficiency unit as described in Section 17958.1 (150) of the California Health and Safety Code, whichever is greater.
 - (3) *Setbacks.* Detached Second Dwelling Units, including Second Dwelling Units connected to the main house by a covered walkway, have side and rear yard setbacks of 5 feet in all Residential Districts. Second Dwelling Units that are attached to or share a wall with the primary structure on the lot will be considered part of the primary structure and therefore subject to the required yard setbacks of the main structure in its respective Zoning District.
 - (4) *Architectural Compatibility.* The entrance to an attached second unit shall be separate from the entrance to the first unit and shall be located in a manner as to not provide an obvious indication of two (2) units in the same structure. A second unit shall be designed and constructed so as to blend with and complement the existing single-family unit in terms of height, roofing, siding materials and color.
 - (5) *Parking.* In addition to parking required for the existing residence, an additional one (1) covered space for efficiency units and one (1) bedroom units, two (2) covered parking spaces for two (2), three (3), and four (4) bedroom units, and one (1) parking space per bedroom thereafter shall be provided. Access to parking for the primary and second unit shall be provided via a paved driveway in compliance with City codes and shall be fully accessible to the parking areas.
- c. **Use Limitation.** Either the primary or secondary unit may be for rental purposes and neither unit may be sold separately.
- d. **Deed Restrictions.** Before obtaining a building permit, the property owner shall file with the County Recorder a declaration or agreement of restrictions which has been approved by the City Attorney as to its form and content, containing a reference to the deed under which the property was acquired by the owner stating that:



- (1) The second dwelling unit shall be considered legal only so long as either the primary residence or the second dwelling is occupied by the owner of the property.
 - (2) The second dwelling cannot be sold separately.
 - (3) The restrictions shall be binding upon any successor in ownership of the property, the City may enforce these provisions at the cost of the owner, and enforcement may include legal action against the property owner.
- e. **Conversion of an Existing House to a Second Unit.** In cases where an existing single-family residence of a size twelve hundred (1,200) square feet or less, the Community Development Director may approve the construction of one (1) additional residence which is intended to be the primary residence on the property. The existing residence, which is intended to become the lawful second unit, shall comply with all the requirements of this Title, including the second-dwelling size limitations. The primary residence shall be constructed in accordance with the provisions of the applicable Zoning District and other requirements of this Title.

U. Single Room Occupancy Facilities

1. Single Room Occupancy (SRO) facilities shall be located, developed, and operated in compliance with the following standards:
 - a. SRO facilities are allowed through Conditional Use Permits in the Residential High Density (RHD) and General Commercial (CG) Zoning Districts. The Planning Commission shall only approve a Conditional Use Permit for SRO facilities if it makes the required findings for a Conditional Use Permit, per Chapter 6, Article 5, Conditional Use Permits.
 - b. SRO facilities may be proposed in connection with the rehabilitation of existing residential or hotel properties. Properties that shall be given priority for the consideration of adaptive reuse or rehabilitation to SRO facilities include former hotels and motels.
 - c. **Development incentives.** The City of Coalinga will make a directed effort to prioritize and offer funding, financial incentives, and/or regulatory concessions at the time of application of a proposed SRO facility development, as provided in Implementation Measure HE1-1.9 of the Housing Element of the General Plan.
 - d. **Occupancy.** Any approved SROs shall give priority to seasonal agricultural workers, students, persons in Coalinga for visitation purposes, and persons in need of transitional housing in Coalinga. This may be a condition of approval.
 - e. **Maximum Occupancy.** Each SRO living unit shall be designed to accommodate a range of one (1) to three (3) persons, or small families.
 - f. **Minimum Size.** An SRO living unit shall have at least one hundred (150) square feet of floor area, excluding closet and bathroom. No individual unit may exceed four hundred (400) square feet.
 - g. **Minimum Width.** An SRO of one (1) room shall not be less than twelve (12) feet in width.
 - h. **Entrances.** All SRO units shall be independently accessible from a single main entry, excluding emergency and other service support exits.



- i. **Cooking Facilities.** Cooking facilities shall be provided either in individual units or in a community kitchen. Where cooking is in individual SRO units, SRO units shall have a sink with hot and cold water; a counter with dedicated electrical outlets and a microwave oven or properly engineered cook top unit pursuant to Building Code requirements; a refrigerator; and cabinets for storage. Where cooking facilities are in a community kitchen, the community kitchen shall be a minimum of one hundred fifty (150) square feet and designed to provide a minimum of two (2) linear feet of counter space for fifty (50) percent of the maximum number of tenants.
- j. **Bathrooms.** SRO units shall have individual bathrooms containing a sink, a toilet, and a shower or bath per Housing and Building Code requirements. Units may have only one (1) sink by the cooking area and may omit the bathroom sink.
- k. **Ground Floor Use.** Ground floor area next to public right-of-ways shall be dedicated for public use such as lobby/meeting areas or resident-serving commercial uses. No SRO units shall be on the street level adjacent to the public right-of-ways. If any SRO units are at ground level, they shall face into a private open area such as an interior courtyard.
- l. **Management Plan.** A management plan shall be submitted with the permit application for all SRO projects. At minimum, the management plan shall include the following:
 - (1) *Security/Safety.* Proposed security and safety features such as lighting, security cameras, defensible space, central access, and user surveillance;
 - (2) *Management Policies.* Management policies including desk service, visitation rights, occupancy restrictions, and use of cooking appliance;
 - (3) *Rental Procedures.* All rental procedures, including weekly and monthly tenancy requirements;
 - (4) *Staffing and Services.* Information regarding all support services, such as job referral and social programs; and
 - (5) *Maintenance.* Maintenance provisions, including sidewalk cleaning and litter control, recycling programs, general upkeep, and the use of durable materials.

V. Social Service Facilities

- 1. Social Service Facilities, including Emergency Shelters, shall be located, developed, and operated in compliance with the following standards:
 - a. Adequate and accessible sanitary facilities, including lavatories, rest rooms and refuse containers;
 - b. Sufficient patron seating facilities for dining, whether indoor or outdoor;
 - c. Effective screening devices such as landscaping and masonry fences in conjunction with outdoor activity areas;
 - d. A plan of operation, including but not limited to, patron access requirements, hours of operation, security measures, litter control, and noise attenuation.
 - e. Evidence of compliance with all Building and Fire Safety regulations and any other measures determined by the City Council to be necessary and appropriate to ensure compatibility of the proposed use or uses with the surrounding area shall be provided



with permit applications.

W. Solar Power Generating Facilities

1. **Development and Design Standards applicable to all types of solar power generating facilities.**
 - a. **Compliance with Building Code.** All active solar systems shall meet all requirements of the California State Building Code and shall be inspected by the Building Official prior to the issuance of the Building Permit.
 - b. **Compliance with National Electric Code.** All photovoltaic systems shall comply with the current edition of the National Electrical Code.
 - c. **Utility notification.** No grid-tied photovoltaic system shall be installed until evidence has been given to the Community Development Director that the owner has been approved by the utility company to install the system. Off-grid systems shall be exempt from this requirement.
2. **Development and Design Standards for Solar Farms.**
 - a. **Definition.** Solar Farms, or Solar photovoltaic power plants, include utility-scale solar energy projects selling power to a utility, with ground-mounted photovoltaic panels, and has a capacity of one megawatt or more.
 - b. **Approval.** Solar farms require a Site Plan Review Permit approval by the Planning Commission, and Building Permits. Other relevant studies, reports, certificates and approvals may be requested by the City of Coalinga, including but not limited to environmental review documentation.
 - c. **Height.** Ground-mounted systems, equipment and structures shall not exceed twenty-five (25) feet in height above the ground.
 - d. **Setbacks.** Active solar system structures must meet the minimum setbacks of their respective Zoning District.
 - e. **Ground-mounted.** Ground-mounted solar energy systems as part of a solar farm shall meet the minimum zoning setback for the Zoning District in which it is located.
 - f. **Distribution lines.** To the extent practical, all new power and distribution lines to any building, structure or utility connection, shall be placed underground.
 - g. **Abandonment.** It is the responsibility of the property owner to remove all obsolete or unused systems within twelve (12) months of cessation of operations. Reusable components are to be recycled whenever feasible. The site shall be restored to a natural condition as far as possible within six (6) months of the removal.
 - h. **Security and screening.** Solar farms shall be enclosed by open perimeter fencing to restrict unauthorized access. Such fencing may be allowed up to a height of six to seven feet. Slatted or open fencing shall be used to enclose the solar farm. The Planning Commission or City Council may require a combination of landscaping and fencing to screen the solar farm from adjacent uses.
 - i. **Signage.** The manufacturers' or installers' identification, and appropriate warning signage shall be posted on or near the panels clearly. All signage shall conform to the requirements of Chapter 4, Article 5, Signs.



3. **Development and Design Standards for solar photovoltaic (PV) systems.**

- a. Solar photovoltaic systems are allowed in all Zoning Districts of the City of Coalinga.
- b. All solar photovoltaic systems require Building Permits before installation.
- c. All roof-mounted solar photovoltaic systems shall not be allowed to exceed the maximum height for the applicable Zoning District.
- d. Freestanding solar photovoltaic systems shall be treated as accessory structures and shall conform to the setback and other requirements of accessory structures. No solar photovoltaic systems shall be allowed within the required front yard setback of any property.

X. Swap Meets

1. The Planning Commission shall only approve a Conditional Use Permit for a swap meet if it makes the required findings for a Conditional Use Permit, per Chapter 6, Article 5, Conditional Use Permits.
2. Swap Meets shall be located and operated in compliance with the following standards:
 - a. Meets may only be conducted up to four times a year, with a period of at least sixty (60) days in-between each swap meet event.
 - b. The Conditional Use Permit for a swap meet may expire after a certain number of years as determined by the Planning Commission. An application for a swap meet must be submitted and deemed complete ninety (90) days in advance of the first swap meet event date.
 - c. The Planning Commission shall require adequate parking on-site for the swap meet event. A parking plan may be required. Parking attendants may also be required to guide traffic.
 - d. The hours of operation of the swap meet, including set up and take down, shall be approved by the Planning Commission.
 - e. The Planning Commission may require a specified distance from residential uses for specific swap meets.
 - f. Other standards may be deemed necessary through Planning Commission review and approval.

Y. Telecommunications Facilities

1. **Purpose.** The purpose of this section is to provide a uniform and comprehensive set of standards for the development, location, siting, and installation of commercial wireless services and facilities, and to balance the needs of commercial wireless communication providers, the regulatory functions of the city, the rights guaranteed by the federal government, and the potential impacts upon the community and neighboring property owners in the design and siting of commercial wireless services and facilities. This section is intended to protect and promote public health, safety, community welfare and the visual quality of the city as set forth within the goals, objectives and policies of the general plan.
2. **Applicability and compliance with Federal regulations.** This section shall apply to all



commercial wireless services and facilities as defined in the Federal Telecommunications Act, Title 47.5.I.(153), of the United States Code. Wireless communication services and facilities are exempt from this article if the facility is regulated by the California Public Utilities Commission, is specifically exempted by the Federal Communications Commission, is an amateur radio antenna facility, or is used solely for public safety purposes and is operated by an authorized public safety agency. Television and telecommunications devices for on-site use on individual residential or commercial properties or for multiple residential developments are exempt from this article.

3. **Compliance with other Federal regulations.** Section Y, Telecommunication Facilities, of this Article is consistent with Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012. All modifications to existing wireless services and facilities shall be administratively reviewed per the requirements and procedure of this Section and Chapter 6, Article 1, Administrative Procedures. All approvals to modifications shall be made based on the required findings in this Section.
4. **Permitted Locations.** New commercial wireless services and facilities require Conditional Use Permits on parcels and within the public right-of-way along the City's designated arterial and major collector streets in all Commercial and Manufacturing Zoning Districts, the RMD, RHD, OS, AG, PF and REC Zoning Districts. Co-location where possible shall be prioritized above new facility locations by the applicant, and may be recommended by the Community Development Director during the project review process.
5. **Requirements.** All commercial telecommunication and wireless services and facilities shall require a conditional use permit. All applications shall include the following information, and in addition, any other information that is required for a conditional use permit shall be submitted.
 - a. A network design plan for all of the service provider's existing and planned sites in the City and surrounding jurisdictions. The network design plan shall indicate the location of existing and proposed facilities and the service area covered by each site.
 - b. For new telecommunication facility locations, a written statement with supporting maps and documents showing that the possibility of co-location has been fully explored and is not possible at the time of application.
 - c. An evaluation of the radio frequency (RF) field exposure conditions of the facility, prepared by a qualified electrical engineer licensed by the state of California, demonstrating that the radiation levels generated by the facility meet Federal standards and that interference to consumer electronic products is unlikely to occur. The evaluation shall include the maximum exposure conditions directly adjacent to the antenna and at the closest point the public could come into contact with radiation, including upper floors of residential, institutional or commercial buildings, the maximum exposure conditions at the nearest residential use, the maximum exposure at the nearest school or day care use, the maximum exposure level at the nearest hospital or nursing home, and the maximum cumulative exposure conditions of all commercial wireless services and facilities within one mile of the proposed site. Certification shall be provided by the electrical engineer prior to final inspection of the facility that the RF field exposure conditions are per the submitted evaluation
 - d. A site plan showing the location of proposed facilities, and the location and use of existing buildings on the site and adjacent properties.



- e. Visual representations sufficient to accurately show the appearance of the proposed facility, such as elevation drawings, photographic simulations, mock-ups, and/or story poles. When feasible, scaled mock-ups shall be constructed on site.
 - f. A co-location agreement binding the applicant and property owner to make the facility available in the future for the installation of additional communication equipment by other wireless communication providers.
 - g. An abandonment agreement, requiring removal of the facility if use is discontinued for more than one year.
 - h. If a monopole is proposed, an explanation as to why other facility types are not being considered, and a description of proposed screening of the monopole from public and private residential view.
6. **Findings required.**
- (a) The proposed telecommunication facility will provide a public benefit to the City of Coalinga.
 - (b) The radiofrequency report demonstrates that the proposed facility is within public exposure and occupational limits established by the Federal Communications Commission (FCC).
 - (c) The proposed telecommunication facility is visually compatible with the building it is attached to, and its neighborhood and surroundings, in compliance with the standards in Section Y.9 of this Article, Visual Compatibility.
 - (d) If a new location is being proposed, the applicant has demonstrated that co-location is not possible elsewhere.
 - (e) Any other required finding for Conditional Use Permits.
 - (f) All proposed modifications to existing telecommunication and wireless facilities shall demonstrate continued compliance with public exposure and occupational limits established by the FCC, as well as continued visual compatibility with the building that the facility is attached to, and its neighborhood and surroundings, in compliance with the standards in Section Y.9 of this Article, Visual Compatibility.
7. **Conditions of approval.**
- (a) Approved telecommunication facilities shall maintain current radiofrequency reports, and submit such reports when requested by the Community Development Director to demonstrate continued compliance with applicable FCC standards for public exposure and occupational limits.
 - (b) Commercial carriers may be required to work with community groups or organizations to provide screening solutions that are acceptable to such groups.
8. **Permit Validity and Renewal.** Permits issued pursuant to this section shall be valid for a period of ten (10) years. If the applicant fails to submit a renewal application at least 90 days prior to expiration of the permit, the permit shall expire. Approval of the Community



Development Director shall be required for permit renewal. In the event a timely submitted renewal application has not been acted upon, the permit shall extend beyond the ten (10) year period until the renewal permit has been acted upon. The renewal shall be valid for an additional five years from renewal approval or the prior permit expiration, whichever is later.

- a. Administrative renewal approval shall be based on the following criteria:
 - (1) The facility must comply with conditions of the conditional use permit, if applicable.
 - (2) The facility must be in use currently or have been in use during the previous year.
 - (3) The facility must demonstrate a record of proper maintenance.
 - (4) A qualified electrical engineer licensed by the State of California must have certified within the year preceding the renewal application that the RF radiation levels generated by the facility meet Federal standards, and that interference to consumer electronic products is unlikely to occur.
 - (5) The facility has been, or will be as a condition of permit renewal, upgraded to utilize improved technologies and/or newer equipment of equal or greater capacity that would reduce visual impacts or radiation levels.
 - b. Within 14 days of any approval or denial of an administrative permit, the decision may be appealed to the planning commission.
 - c. Within 14 days of any approval or denial of a conditional use permit, the decision may be appealed to the City Council.
9. **Visual Compatibility.** Commercial wireless services and facilities shall be visually compatible with the surrounding area and any buildings to which they are attached. Facilities shall be camouflaged, concealed, or disguised. Based on potential visual impact, the order of preference for facility type is: 1) building mounted; 2) distributed, repeater, or microcell antenna systems; and 3) monopoles. Other designs shall be considered in terms of visual impacts relative to the designs listed. Support equipment pads, cabinets, shelters, and buildings shall require architectural, landscape, color, or other camouflage treatment for minimal visual impact. The following specific design requirements shall apply to each type of commercial wireless service and facility:
- a. **Building mounted designs.** Building mounted designs are encouraged, provided that they are compatible with the building design and do not negatively affect the surrounding area. Building mounted antennas shall be hidden from view or integrated into the building's architecture.
 - (1) Notwithstanding building or antenna height limits for a given district, building mounted commercial wireless antennae may extend 10 feet above the building surface on which they are located. An additional foot of height may be added for every 10 feet an antenna is set back from the building parapet, to a maximum height of 15 feet above the surface on which it is located.
 - (2) Building mounted antennas shall be architecturally integrated with the building design in such a manner as to be visually unobtrusive.
 - (3) The color of building mounted antennas shall match or coordinate with the building colors.



- (4) Building mounted antenna equipment facilities shall be screened from public view.

b. **Distributed Repeater, or Microcell Antenna Systems.**

- (1) Distributed, repeater, or microcell antenna systems mounted on buildings shall conform to the height limit of the Zoning District within which the subject building is located.
- (2) Distributed, repeater, or microcell antenna systems mounted on utility poles or other utility structures within the public right-of-way in any Zoning District shall be limited in height to the height of that particular structure.
- (3) Distributed, repeater, or microcell antenna systems shall be designed to minimize visibility on utility poles or other structures.
- (4) Distributed, repeater, or microcell antenna systems' equipment facilities shall be screened from public view.

c. **Monopole Antennas.**

- (1) All monopoles shall be limited to the maximum height allowed for the Zoning District in which it is located.
- (2) Monopoles shall be considered only when the applicant demonstrates that the proposed facility can not, or should not, be placed on an existing building, utility pole, or other structure.
- (3) Monopoles shall be located a minimum of 150 feet away from any property line of a residentially zoned property.
- (4) Substantial landscaping or other screening shall be provided to screen monopoles from public or private residential view. Landscape screening shall be designed to achieve its desired appearance within a two-year period of time.
- (5) Monopoles shall be designed to minimize their visual impact to the greatest extent feasible, considering technological requirements, by means of placement, screening, and camouflage, such as enclosures and structures made to look similar to or compatible with existing architecture, and artificial trees.
- (6) Monopole equipment facilities shall be screened from public view.

10. **Operation and Maintenance.** All commercial wireless services and facilities shall comply at all times with the following operation and maintenance standards:

- a. All facilities and related equipment, including lighting, fences, shields, cabinets, and poles, shall be maintained in good repair, free from trash, debris, litter and graffiti and other forms of vandalism, and any damage from any cause shall be repaired as soon as reasonably possible so as to minimize occurrences of dangerous conditions or visual blight. Graffiti shall be removed from any facility or equipment as soon as practicable, and in no instance more than 48 hours from the time of notification by the City.
- b. Each facility which contains trees, foliage or other landscaping elements, whether or not used as screening, shall be maintained in good condition at all times, and the owner or operator of the facility shall be responsible for replacing any damaged, dead or decayed landscaping as promptly as reasonably possible.
- c. Each facility for which a landscape plan was required and approved shall maintain the facility and site in accordance with the approved landscape plan at all times.



Amendments or modifications to the plan shall be submitted for approval to the Community Development Director.

- d. Each facility shall be operated in such a manner so as to minimize any possible disruption caused by noise. Backup generators shall only be operated during periods of power outages, and shall not be tested on weekends or holidays, or between the hours of 7:00 p.m. and 7:00 a.m. on weekday nights. All equipment, such as backup generators and air conditioners, shall be designed to be in compliance with Chapter 4, Article 4.E, Noise.
- e. Each owner or operator of a facility shall routinely and regularly inspect each site to ensure compliance with the standards set forth in this article.

11. Public Property and Public Right of Way.

- a. The Community Development Director or the Community Development Director's designee may establish terms and conditions under which any public property or facility or public right-of-way may be made available as a location for a commercial wireless service or facility.
- b. No commercial wireless service or facility shall be constructed in or upon a public property or facility owned by the city, unless the communication provider seeking to operate the facility has obtained authorization from the city to occupy the property or facility. Authorization may include a lease agreement, an encroachment permit, or other agreement as determined by the Community Development Director or the Community Development Director's designee.
- c. The provider shall indemnify and hold harmless the city and its officers and employees from any and all liability for damage proximately resulting from any operations of the provider under its lease or franchise.
- d. The provider shall pay to the city on demand the cost of all repairs to public property made necessary by or proximately resulting from any operations of the provider under its lease or franchise.

Z. Temporary Uses

- 1. Temporary uses shall be located, developed, and operated in compliance with the standards of this section.
 - a. **General.** A temporary use is ancillary to the principal Use Permitted on a lot, but is intended to operate only for a limited period of time. Unless otherwise specified, temporary uses shall require a Temporary Use Permit issued in accordance with Chapter 6, Article 6, Temporary Use Permits.
 - b. **Carnivals, Fairs and Festival Events.** Carnivals, fairs, and festival events in connection with an existing commercial use or in conjunction with an activity of a civic organization, church, lodge, public or private school, or other such group or organization are permitted in accordance with the following standards:
 - (1) *Location.* Carnivals, fairs, and festival events are limited to areas within commercial or employment districts, or on property owned by a public or private school.



- (2) *Time Limit.* When located adjacent to a Residential district, the hours of operation shall be limited to 8:00 a.m. to 9:00 p.m.
 - (3) *Duration.* Carnivals, fairs, and festival events are limited to no more than ten (10) consecutive days four (4) times a year. A more limited duration may be established through the Temporary Use Permit process in order to prevent the use from becoming a nuisance with regard to the surrounding neighborhood or the city as a whole.
 - (4) *Existing Parking.* Where such a use is proposed within a developed parking lot, the available parking shall not be reduced to less than seventy-five (75) percent of the minimum number of spaces required by Chapter 4, Article 3, On-Site Parking and Loading.
- 2. **Garage Sales.** A garage or yard sale may be permitted on any developed lot occupied for residential purposes, in accordance with the following standards:
 - a. Garage sales are limited to no more than three (3) consecutive days four (4) times a calendar year, and no more than once a month per property. Garage sales are limited to 7:00 a.m. to 5:00 p.m..
 - b. No outdoor storage shall be allowed. All sale items shall be removed from public view at the end of each sale date.
 - c. All merchandise to be sold shall be displayed on a private lot and not within the public right-of-way.
 - d. All signs used in connection with advertising a garage sale shall comply with the following standards. The City is authorized to remove garage sale signs that are not in compliance with the following standards:
 - (1) No more than one (1) sign shall be posted on the premises of the garage sale, and shall not exceed six (6) square feet in area.
 - (2) No more than two (2) freestanding signs may be posted off-site, subject to the written permission of the property owner on whose property the sign may be placed. Each off-site sign shall not exceed six (6) square feet in area. No sign shall be affixed to utility poles, street sign poles or similar public facilities.
 - (3) All signs shall be removed within 24 hours of the conclusion of the garage sale.
- 3. **Model Homes.** Model homes with sales offices and temporary information/sales trailers in new residential subdivisions are subject to the following requirements. No permit is necessary for a model home.
 - a. *Time Limits.* A temporary information/sales trailer may be used during the construction of the model homes for a maximum period of six (6) months or completion of the first phase, whichever occurs first.
 - b. *Location of Sales.* Real estate sales conducted from a temporary sales office are limited to sales of lots within the subdivision.
 - c. *Return to Residential Use.* Prior to the sale of any of the model homes as a residence, any portion used for commercial purposes will be converted to its intended residential purpose.
 - d. *Term of Use.* The model home may be established and operated for a term period of three (3) years or until completion of the sale of the lots or residences, whichever



comes first. One (1) year extensions may be approved by the Community Development Director until the sale of all lots/residences is completed.

4. **Temporary and Seasonal Outdoor Sales.** Temporary and Seasonal Outdoor Sales include but are not limited to grand opening events, business closing sales, temporary automobile sales, and other special sales events. Temporary and Seasonal Outdoor Sales may be permitted in accordance with the following standards.
 - a. *General Requirements.* Temporary outdoor sales on private property in non-residential districts shall be subject to the following standards:
 - (1) Temporary outdoor sales shall be part of an existing business on the same site. Items on sale shall only include items permitted for sale on the property. Temporary automobile sales are limited to the CR district.
 - (2) Sales events shall be conducted solely on private property and not encroach within the public right-of-way.
 - (3) Temporary outdoor sales are limited to four (4) consecutive days six (6) times a year. No site shall be used for such an activity for more than ten (10) days in any calendar month. A more limited duration may be established through the Temporary Use Permit process in order to prevent the use from becoming a nuisance with regard to the surrounding neighborhood or the city as a whole.
 - (4) When located adjacent to a Residential district, the hours of operation shall be limited to 8:00 a.m. to 9:00 p.m. Items shall be completely removed at the close of business each day.
 - (5) The entire area used for temporary outdoor sales, including display, sales, circulation and parking, shall be paved per City standards.
 - (6) Location of the displayed merchandise shall not disrupt the normal circulation of the site, nor encroach upon driveways, pedestrian walkways, or required landscaped areas, or obstruct sight distances or otherwise create hazards for vehicle or pedestrian traffic.
 - (7) Where such a use is proposed within a developed parking lot, the available parking shall not be reduced to less than seventy-five (75) percent of the minimum number of spaces required by Chapter 4, Article 3, On-Site Parking and Loading.
 - b. *Seasonal Sales.* The annual sale of holiday related items such as Christmas trees, pumpkins and similar items is permitted in accordance with the following standards:
 - (1) *Time Period.* Seasonal sales associated with holidays lasting three days up to a month, are permitted one (1) month preceding and one (1) week following the holiday. Christmas tree sales are permitted from Thanksgiving Day through December 31st.
 - (2) *Goods, Signs and Temporary Structures.* All items for sale, as well as signs and temporary structures, shall be removed within ten (10) days after the end of sales, and the appearance of the site shall be returned to its original state.
 - (3) *Non-Profit Fund Raising.* Fund raising sales by a non-profit organization are limited to no more than seven (7) consecutive days, twelve (12) times a year.
5. **Long Term Special Events and Sales.** Other special events, outdoor sales, and displays that range from three (3) consecutive days to no more than three (3) months, may be permitted in



accordance with the following standards:

- a. *Location.* Events are limited to non-residential district.
- b. *Number of Events.* Long term special events and sales are limited to no more than two (2) per year.
- c. *Existing Business.* Temporary outdoor sales shall be part of an existing business on the same site.
- d. *Signs.* Outdoor uses may include the addition of one (1) nonpermanent sign up to a maximum size of four (4) square feet in area, subject to Chapter 4, Article 5, Signs.

AA. Transitional and Supportive Housing

1. Transitional and supportive housing, as defined in Section 50675.2 and 50675.14, respectively, of the California Health and Safety Code constitute a residential use and are subject only to those restrictions that apply to other residential uses of the same type in the same district. Transitional housing is therefore considered a multi-family use classified under Group Homes in the RMD and RHD Districts, and therefore subject only to the same restrictions as other multi-family uses in those Districts.





CHAPTER 6 CODE ADMINISTRATION

Article 1	Administrative Procedures
Article 2	Nonconforming Uses and Structures
Article 3	Determination of Unspecified Uses
Article 4	Site Plan Review
Article 5	Conditional Use Permits
Article 6	Temporary Use and Special Event Permits
Article 7	Variances
Article 8	Environmental Review
Article 9	General Plan and Zoning Ordinance Amendments: Map and Text Changes
Article 10	Occupancy permits
Article 11	Reasonable Accommodation Procedure
Article 12	Enforcement and Penalties
Article 13	Density Bonus



ARTICLE 1 ADMINISTRATIVE PROCEDURES

A. Applicability

1. All regulations in this title which pertain to the Zoning Districts established in Chapter 2 are subject to the general provisions, conditions and exceptions contained in this chapter.

B. Interpretation by Community Development Director

1. Whenever there is a question regarding the interpretation of the provisions of this title or their application to any specific case or situation, the Community Development Director shall interpret the intent of this title by written decision, and such interpretation thereafter shall be followed in applying the provisions, subject to appeal to the Planning Commission by any interested person.

C. Permits Required.

1. No person shall commence or continue the alteration or construction of a building or land improvement on vacant property, or commence a use or activity on any site, until the appropriate permit has been issued by the Community Development Director, Planning Commission, or City Council, per the provisions of this Title (see below), and the appropriate permits from the Community Development Department and any other applicable City Departments have been secured. All conditions of approval in the planning and building permits must be adhered to and maintained for the applicable permit durations. Whenever the use of a building or land shall change from an existing use that was approved through an existing permit, a new permit shall be secured through the Community Development Department.

D. Compliance with CEQA and California Environmental and Planning Laws

1. The administration of this ordinance is subject to the requirements of the planning and zoning laws of the State of California, the California Environmental Quality Act, applicable State of California rules and regulations, and procedures established by resolution of the City Council.

E. Authority for acting on applications

1. Table 6.1 provides a summary of the persons or bodies with appropriate authority for recommendations, referrals, and approvals, for planning applications.



Table 6.1: PERMIT APPROVAL MATRIX

<i>Application Type</i>	<i>Recommending Authority</i>	<i>Approval Authority</i>	<i>Appeal</i>	<i>Final Approval for Appeal</i>
Conditional Use permit	Staff	Planning Commission	City Council	City Council
General Plan amendment	Planning Commission	City Council	None	None
Site Plan Review	Staff	Planning Commission	City Council	City Council
Subdivisions				
<i>Tentative Maps</i>	Staff	Planning Commission	City Council	City Council
<i>Final Maps</i>	Planning Commission	City Council	None	None
Determination of unspecified uses	Staff	Planning Commission	City Council	City Council
Variance	Staff	Planning Commission	City Council	City Council
Zone change	Planning Commission	City Council	None	None
Zoning Ordinance amendment	Planning Commission	City Council	None	None
Signs	Staff	Community Development Director	Planning Commission	City Council
Master Sign Program	Community Development Director	Planning Commission	City Council	City Council
Administrative Site Plan Review	Staff	Community Development Director	Planning Commission	City Council

F. Application Forms and Fees

1. **Applicants.** The following persons may file applications:
 - a. The owner of the subject property; and
 - b. An agent representing the owner, duly authorized to do so in writing by the owner. 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 may also make an application, with written authorization by the property owner.

2. **Application Forms and Supporting Materials.**

- a. The Community Development Department shall prepare, issue, and update application forms that specify the information required from applicants for different types of project approvals, subject to the provisions of this Zoning Ordinance, and as required by the California Permit Streamlining Act. The forms shall be made available at the planning counter and on the City's website.
- b. The Community Development Director may require the submission of supporting materials as part of the application, including but not limited to: statements, plans, drawings, renderings, material samples, photographs, documentation of property ownership, and other items as necessary to describe existing conditions, the proposed project, and to determine the level of environmental review required pursuant to the California Environmental Quality Act (CEQA).
- c. All materials submitted become the property of the City. Submission materials will be made available to the public for inspection in accordance with the Public Records Act Government Code 6250 et. seq.. Some or all of the submitted materials may be appended as attachments to public hearing staff reports, which will be made available on the City's website.

3. **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. Failure or refusal by the Applicant(s) to enter into an Indemnification and Cost Recovery Agreement will constitute an abandonment of the application and application approval. All rights accrued to the Applicant(s) to proceed under the City's action in such regard shall be 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 enforcement of any code violations.

4. **Application Filing Fees.** A schedule of application filing fees, as approved by Council resolution, shall be made available to the public. Per the fee schedule, either the entire application fee or a deposit shall be paid by the Applicant to the City at the time of application, for staff resources required to review and process the application, and for the costs of publicly noticing the project. There are no application fees for City-initiated projects.

5. **Development Impact Fees.** Depending on the scope of the project, the City may charge development impact fees, as approved by the City Council, to pay for all or a portion of the costs of additional public services to the proposed development, including but not limited to water and sewer infrastructure, police and fire services, and school district impact fees.

6. **Appeal Fee.** The appellant shall pay the appropriate appeal fee as established per resolution.

G. **Combined development applications**

1. **Simultaneous review.** Certain development proposals may require multiple discretionary approvals. The simultaneous review of several permits as part of the entitlement process is intended to expedite workflow, reduce the time and cost of processing applications, and assure comprehensive consideration of such projects.
2. **Procedure and Appropriate Authority.** Any application for development, which under the terms of the municipal code, requires more than one discretionary approval, or for which an applicant seeks



more than one discretionary approval, shall be processed as a single combined application. If any one application requires City Council approval, the Planning Commission shall be the recommending body to the City Council for all approvals within the combined application, and shall make its recommendation following a public hearing. The City Council shall be the approving body for all approvals within the combined application, and shall not act without the prior review and recommendation of the Planning Commission.

H. Application Procedure.

1. See Figure 6.1 below.

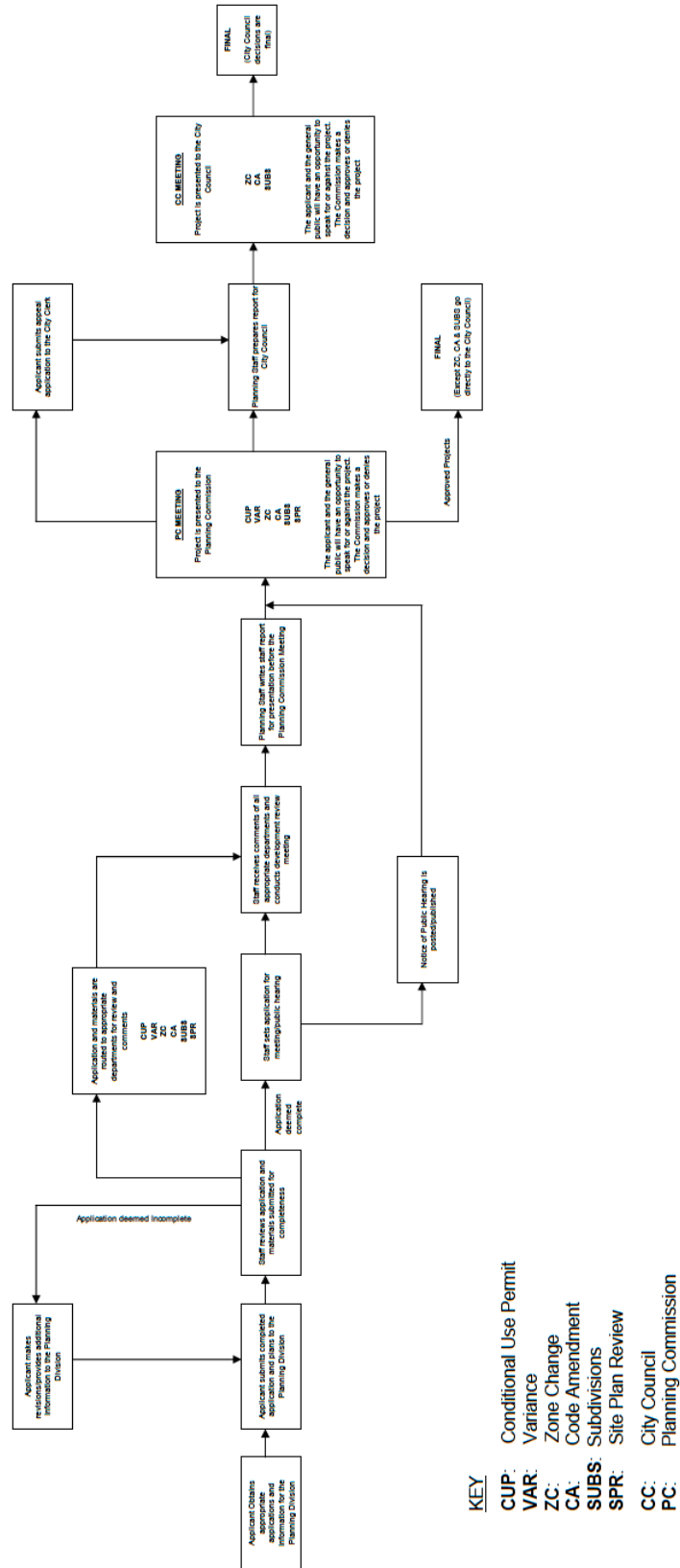




CITY OF COALINGA
The Sunside of the Valley

City of Coalinga

COMMUNITY DEVELOPMENT PLANNING DIVISION APPLICATION PROCESS FLOW CHART



Prepared By: Sean Brewer
12-15-2008



I. Pre-Application Review.

A pre-application review is encouraged, but not required, for applicants to discuss preliminary proposals with the Community Development Director. Pre-applications enable applicants to gather early feedback from The Community Development Director. They reduce the risk of filing an incomplete application, and can avoid unnecessary costs and additional time spent during the application process. A pre-application shall never constitute or be considered as a pre-approval.

J. Application Review

1. **Completeness of Application.** The Community Development Director shall first determine within 30 days of the date of application, whether the application is complete, the Community Development Director will provide written notification to the applicant listing the outstanding information necessary to complete the application. The City will not process incomplete applications. If elements are missing, the applicant shall provide the City with the missing elements within the required time, or will have to file another application and pay the required fees for this new application. When an application is deemed to be complete, the Community Development Director will route the application to all appropriate departments for review and comment, and schedule the project for internal review, as well as the next available public hearing date by the appropriate decision-making body.
2. **Changes to the Application.** Based on the feedback provided by the Community Development Director, the applicant may make modifications to the application. Any changes or supplemental information shall be submitted two weeks before the scheduled hearing date. Otherwise, the project may be scheduled for a later hearing date to accommodate proposed changes. The project may require additional review by the Community Development Director and other City departments, and therefore be rescheduled for a later public hearing.

K. Public Notification.

1. Whenever a public notice is required for a project, notification shall be provided in compliance with the requirements of State law and as follows:
 - a. **When Mailed Notice is Required.** At least ten days before the date of the public hearing, the Community Development Director 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 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 with the Community Development Director, or City Clerk or his/her designee.
 - b. **When Newspaper Notice is Required.** At least ten days before the date of the public hearing, the Community Development Director shall provide notice by at least one publication in a newspaper of general circulation, or by posting the notice at three public locations within the City.
 - c. **Contents of Notice.** The notice shall contain the following information:
 - (1) General description of the proposed project or action, and the location of the subject property;



- (2) The names of the applicant and the owner of the property that is the subject of the application;
 - (3) The date, time, location, and purpose of the public hearing;
 - (4) The identity of the hearing body;
 - (5) A statement that any interested person or authorized agent may appear and be heard; and
 - (6) The location at which the complete application and project file may be viewed by the public;
 - (7) A statement describing where and how to submit written comments.
- d. **Failure to Notify Individual Properties or Failure to Receive Notice.** The validity of the proceedings shall not be affected by the failure of any property owner, resident or neighborhood or organization to receive notice of a public hearing.

L. Public Hearings.

1. Public Hearings shall be held consistent with State law and as follows:
 - a. The Community Development Director shall present to the Planning Commission or City Council a written report prepared by the administrative staff, in connection with any application requiring Planning Commission or City Council approval.
 - b. The Planning Commission or City Council shall conduct at least one public hearing on any application brought to its attention by the Community Development Director. Notice of the hearing shall be given by the Community Development Director at least ten calendar days prior to the day of the hearing.
 - c. The notice of public hearing shall include the date, time, and place of the public hearing, the identity of the hearing body, a general explanation of the matter to be considered, and a general explanation, in text or by diagram, of the location of the real property that is the subject of the hearing.
 - d. **Continuance of Public Hearings.** The Planning Commission or City Council, for any reason when it deems such action necessary or desirable, may continue any hearing to a certain date, time, and place, and the public announcement of such date, time, and place of a hearing to be continued, for all purposes, shall be sufficient notice to all persons.

M. Approvals, Approvals with Conditions, and Denials.

1. **Scope of Approvals.** An approved permit allows only the uses and activities proposed in the application, and excludes other uses and activities. The approved use and construction are subject to, and shall comply with, all applicable municipal ordinances and laws and regulations of other governmental agencies.
2. **Conditions of Approval.** Any approval may be subject to conditions of approval determined by the decision-making body, which shall be maintained for the duration of the permit. Typical conditions of approval may include but are not limited to the following:
 - a. All mitigation measures resulting from environmental analysis are automatically included as conditions of approval and shall be monitored for compliance;
 - b. In the event that archaeological remains are encountered during grading, work shall be halted temporarily and a qualified archaeologist shall be consulted for evaluation of the artifacts and to recommend future action. The local Native American community shall also be notified and consulted in the event any archaeological remains are uncovered;



- c. Construction hours, as specified by the Community Development Director;
 - d. Construction activities shall comply with applicable Municipal Code and Zoning Ordinance sections, including Chapter 4, Article 4, Performance Standards;
 - e. Plans submitted for Building Permit shall be in substantial conformance with plans approved by Planning;
 - f. Disposal of hazardous materials as part of construction and operations shall be in compliance with applicable Federal and State regulations;
 - g. Payment of Development Impact Fees is required at the time of filing of Building Permits;
 - h. The applicants/developers shall defend, indemnify, and hold harmless the City or any of its boards, commissions, agents, officers, and employees from any claim, action, or proceeding against the City, its boards, commissions, agents, officers, or employees to attack, set aside, void, or annul the approval of the project when such claim or action is brought within the time period provided for in applicable State and/or local statutes. The City shall promptly notify the applicants/developers of any such claim, action, or proceeding. The City shall coordinate in the defense. Nothing contained in this condition shall prohibit the City from participating in a defense of any claim, action, or proceeding if the City bears its own attorney's fees and costs, and the City defends the action in good faith.
 - i. Applicants shall obtain all necessary stormwater permits from the California Regional Water Quality Control Board, Central Valley Region.
 - j. Upon issuance of a building permit by the City, all existing uses at the subsection location are terminated.
3. **Actions Voiding Approval.** If the construction of a building or structure, or the use established in the building or structure is contrary to the project approval, therefore violating any provision of the Zoning Ordinance, or would require additional permits, then the original approval shall be deemed null and void.
4. **Periodic Review or Monitoring of Conditions.** All approvals may be subject to periodic review to determine compliance with the permit and its conditions of approval. If a condition of approval specifies that activities or uses allowed under the permit are subject to periodic reporting, monitoring or assessments, it shall be the responsibility of the permit holder, property owner, or successor property owners to comply with such conditions.

N. Effective Dates, Expiration, Extensions, Modifications, and Revocation of Approvals.

- 1. **Effective Date of Approval.** A final decision on an application by the Community Development Director or his or her designee, the Planning Commission, or the City Council, will not become effective until the expiration of the appeal period following the date of action. No building permit or business license shall be issued until the appeal period is over, and no appeal has been filed, or an appeal has been given a final determination.
- 2. **Expiration of Approval.** The decision-making body may specify the time within which the proposed use must be undertaken and actively and continuously pursued. The decision-making body may also specify a period of time for the approval, as is found to be consistent with the purposes of the use and necessary to safeguard public health, safety, and welfare. If no time period is specified, any permit granted under this Zoning Ordinance may be declared lapsed and of no further force and effect if not exercised within one year of its issuance. Any expired permit requires a reapplication with the full required fee.



3. **Extension of Approval.** The Community Development Director may approve a one-year extension of a permit originally granted by the Community Development Director, Planning Commission or City Council, upon receipt of a written application with the required fee, before the permit expires. The extension may be granted if there has been no substantial change to the originally approved project, and all required findings required for the original permit can be made, as stated in the relevant Articles of this Chapter. At the end of the one-year extension period, a new permit shall be required.
4. **Modifications of Approvals.** The Community Development Director may approve requested minor modifications to approved plans and conditions of approval that are consistent with the original findings and conditions of approval, and would not intensify any potentially detrimental effects of the project. All other requested changes to approved plans and conditions of approval shall be treated as a new application.
5. **Revocation of Approvals.** Any permit granted may be revoked or modified if any of the terms or conditions of approval are violated, or if any law or City Ordinance is violated in connection. The City Council and Planning Commission, by their own action, or following a recommendation from the Community Development Director, may initiate revocation or modification proceedings. A public hearing shall be held pursuant to Article 1.K, Public Notification, and Article 1.L, Public Hearings, of this Chapter. The permit may be revoked by the decision-making body if it makes any of the following findings:
 - a. The approval was obtained by means of fraud or misrepresentation of a material fact;
 - b. The use in question has ceased to exist or has been suspended for one year or more;
 - c. 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
 - d. The use to which the permit or Variance applies is a nuisance, or has been conducted in a manner detrimental to the public health, safety and welfare.

O. Appeals

1. **Rights of Appeal.** Appeals may be filed by the applicant, property owner, or by any other person aggrieved by the decision of the Community Development Director or Planning Commission, subject to the provisions of this Ordinance. A decision by the Community Development Director may be appealed to the Planning Commission. A decision by the Planning Commission may be appealed to the City Council. City Council decisions are final.
2. **Time Limits and Procedures.** Unless otherwise specified in this Zoning Ordinance or by State or Federal law, all appeals must be filed with the appropriate appeal fee with the City Clerk and Deputy City Clerk within ten calendar days of the date of action, and the decision-making body that the decision is appealed to shall hear such an appeal within ten to 40 days of filing.
3. **Required Elements.** The appeal shall show the name, organization, and address of the appellant, the name of the project concerned by the appeal, the decision they are appealing, and the reason for appeal.
4. **Notice of Consideration.** The City Manager or his or her designee shall give notice to the project proponent and the appellant within ten days of the filing of the appeal, of when the appeal will be considered by the appropriate decision-making body.
5. **Standards of Review.** The decision-making body shall use the same standards and criteria required for the original decision to review the appeal. The decision-making body may adopt the same decision and findings that were originally approved, or make a decision based on different findings.



P. Development Agreements

1. **Objectives.** The objectives of a development agreement are to strengthen the public planning process, encourage private participation in comprehensive planning, reduce the economic costs of development caused by the lack of certainty in the approval of development projects, and promote the construction of public improvements by the private sector, by providing for provisions in a development agreement. The applicant may receive reimbursement over time for the financing of such public improvements. This policy is established pursuant to Government Code section 65865. The provisions of Government Code section 65864-65864 are incorporated herein by reference.
2. **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.
 - c. A development agreement should clearly outline the benefits provided to the city from entering into the development agreement. Such benefits may include, but are not limited to:
 - (1) Construction of public facilities beyond those required as a condition of approval;
 - (2) Covenants to operate and maintain the private project at higher levels than would otherwise be required;
 - (3) Proposals to achieve general plan goals not directly associated with the private project;
 - (4) Other proposals which, in the judgment of the Planning Commission and City Council, provide public benefits sufficient to justify a development agreement.
 - d. A development agreement should include requirements for construction and maintenance of onsite and off-site improvements or payment of fees in lieu of such dedications or improvements.
3. **Application and Processing.** If the City and the applicant agree to enter into a development agreement, the applicant shall make an application for a development agreement per the requirements for a Zoning Ordinance Map Amendment. The City Manager shall negotiate the specific components and provisions of the draft development agreement on behalf of the City. A filing fee shall be established by City Council resolution. In absence of such a resolution, the fee shall be the same as that for a Zoning Ordinance Map Amendment. No project approval shall be effective prior to a development agreement being approved by the City Council. A development agreement may be processed concurrently with other associated discretionary permits.
4. **Notice and Hearing.** Upon the application to enter into a development agreement, the Community Development Department shall initiate and notice the public hearing, pursuant to Article 1.K, Public Notification, and Article 1.L, Public Hearings, of this Chapter.
5. **Findings.** The following standard findings must be made for each development agreement. Specific findings may also be required by the decision-making body on a case-by-case basis.
 - a. The proposed development agreement would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.



- b. The proposed development agreement is consistent and compatible with the goals, policies, and actions of the General Plan, and the other applicable provisions of the Zoning Ordinance.
 - c. 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.
 - d. The proposed development will not adversely affect the orderly development of property or the preservation of property values.
 - e. The proposed development agreement has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act.
6. **Nature of Agreement.** Development agreements may be used in any zoning district authorized by this Zoning Ordinance. The approval of a development agreement shall be a legislative act, subject to referendum. The provisions of the approved development agreement shall also become part of the conditions of approval of a permit, enforceable by the City.



ARTICLE 2 NONCONFORMING USES AND STRUCTURES

A. Purpose

1. The specific purpose of this section is to permit continuation of uses and continued occupancy and maintenance of structures that were legally established but do not comply with all of the standards and requirements of this Ordinance in a manner that does not impair public health, safety, and general welfare.

B. Applicability

1. These provisions apply to structures, land and uses that have become nonconforming by operation of this Ordinance and that remain in a nonconforming status by application of this chapter, as well as structures, land, and uses that hereafter become nonconforming due to annexation to the City or amendments to the zoning map or development Ordinance text.

C. Establishment of Legal Nonconforming Uses and Structures

1. **Nonconformity.** A nonconformity may result from any inconsistency with the requirements of this Ordinance, including but not limited to location, density, height, yard, usable open space, buffering, or performance standards or the lack of a Conditional Use Permit, variance, or other required authorization. A use or structure shall not be deemed nonconforming solely because it does not conform with the parking dimension standards, loading, planting area, or screening regulations of the district in which it is located or does not conform to the standards for the following building features: garage door location; garage door width; chimney height; cornices, eaves, and other ornamental features that exceed maximum projections into required yards; or bay windows and balconies above the first floor that exceed maximum projections into required yards.
2. **Nonconforming Uses and Structures—Right to Continue.** Any use or structure that was legally established prior to the effective date of this Ordinance or of any subsequent rezoning or amendment shall be deemed to be in compliance with this Ordinance and may be continued and maintained indefinitely if it has remained in continuous existence. The right to continue a nonconforming use or structure shall run with the land. However, no substitution, expansion, or other change in use and no alteration or other change in structures is permitted, except as otherwise provided in this section.
3. **Burden of Proof.** It is the responsibility of the property owner to produce documentation to demonstrate that the use or structure in question is legal nonconforming, and has remained in continuous existence.

D. Continuation and Maintenance of Nonconforming Structures

1. Legal nonconforming structures may be continued and maintained in compliance with the requirements of this chapter unless deemed to be a public nuisance because of health or safety conditions.
2. **Maintenance and Nonstructural Repairs.** Maintenance, non-structural repairs and non-structural interior alterations are permitted to a nonconforming structure or to a structure occupied by a



nonconforming use, so long as the changes and improvements do not enlarge or extend the structure.

3. **Structural Repairs.** Structural repairs that do not enlarge or extend the structure, including modification or repair of bearing walls, columns, beams or girders, may be undertaken only when the Building Official determines that such modification or repair is immediately necessary to protect public health and safety, occupants of the nonconforming structure, or occupants of adjacent property and when the cost of such work does not exceed fifty (50) percent of the higher of the assessed value of the nonconforming structure as determined by the Fresno County Assessor or an appraisal performed by a certified appraiser for the applicant. If an applicant chooses not to submit an appraisal, the Fresno County Assessor's determination shall be used.

E. Amortization of Nonconforming Uses

1. **Low-impact and High-impact nonconforming uses.**
 - a. "Low-impact nonconforming use" means any use that is a nonconforming residential use in any zone.
 - b. "High-impact nonconforming use" means any use that is a nonconforming high-impact commercial business in any zone or any use that is a nonconforming industrial use in any zone. Nonconforming use, as defined below, means a lawful existing use that does not conform to the City's current land use ordinances, either because it was established prior to the enactment of City ordinances governing the use, or because the use conformed at the time it was established but applicable City ordinances have since changed.
2. **Nonconforming uses not subject to amortization.** Low-impact nonconforming uses and nonconforming uses that can be made conforming within 6 months, where the owner also enters into an agreement with the City to bring the use into conformance within six (6) months shall not be subject to amortization and discontinuance.
3. **Notice to Property Owners.** The Community Development Director shall provide notice to a property owner of a nonconforming use. Such notice shall include the following:
 - a. A statement that the City has determined that the subject property contains at least one nonconforming use that is subject to discontinuance through amortization.
 - b. The findings from the Community Development Director's evaluation.
 - c. A copy of this section.
 - d. The date of the first evidentiary hearing before the Planning Commission to determine the schedule of amortization and discontinuance. Such a hearing shall be scheduled no less than 60 days after the mailing of the notice.
4. **Amortization Plan.** For all properties with identified nonconforming uses, the City shall require the discontinuance of such uses under a plan whereby the full value of any use-dependent structures and facilities are amortized within a definite and reasonable period of time. A separate hearing shall be conducted for each nonconforming use to determine the appropriate amortization schedule.
 - a. The approved amortization schedule shall be adopted by ordinance and shall commence upon the effective date of the ordinance.
 - b. The hearings conducted under this Section shall be limited to the determination of the following:



- (1) Whether the use is exempt from amortization and discontinuance under Section 2 of this Article.
 - (2) The duration of a reasonable amortization period and all terms associated therewith.
5. **Compliance agreement.** The City Council may, by ordinance, execute a compliance agreement with the owner of any property found to contain a high-impact nonconforming use. Such an agreement shall include a schedule for the property owner to bring the property into conformance through discontinuance of all nonconforming uses in a certain amount of time or by other means acceptable to the City. Such an agreement shall alleviate the City's obligation to schedule a hearing to determine an amortization period pursuant to Section E.3 above of this Article, or alternatively, shall supersede the established amortization period for the subject property.
6. **Evaluation Criteria.** The City's review authorities shall consider the following criteria, at a minimum, in determining a reasonable length of time for the amortization period:
 - a. Nature of the use, its operations, and structures.
 - b. Character of the land and land uses in the surrounding area.
 - c. Location of the use in relation to surrounding uses.
 - d. Value of the land and its improvements.
 - e. Length of time the use has been in existence and the length of time the use has been nonconforming.
 - f. Amount of capital investment in the structures or improvements on the property at the time the use became nonconforming.
 - g. Amount of investment realized to date and the amount remaining, if any, to be recovered during the amortization period.
 - h. Existence or nonexistence of lease obligations.
 - i. Removal costs that are directly attributable to the establishment of a discontinuance date.
 - j. Other costs and expenses that are directly attributable to the establishment of a discontinuance date.
 - k. Burden on the property owner resulting from discontinuance of the use.
 - l. Benefit to the public resulting from discontinuance of the use.

F. Alterations and Enlargements to Nonconforming Structures

1. Nonconforming structures may be enlarged, extended, structurally altered or repaired as long as the use of the property is conforming, and subject to the following provisions.
2. **Nonconforming Single-Family Dwellings.** A Single-Family Dwelling that is nonconforming with respect to one (1) or more required setbacks may be enlarged or altered, subject to the following standards:
 - a. *Interior Side and Rear Setbacks.* Additions or enlargements that maintain a nonconforming interior side or rear yard setback are permitted as long as the addition does not:
 - (1) Further reduce any nonconforming side or rear setback;



- (2) Create any new encroachment into any other required setback;
 - (3) Increase the existing height of the portion of the structure that is within the required setback;
 - (4) Result in a violation of applicable standards for building coverage, parking, or useable open space; or
 - (5) Result in a violation of any standard of the Building Code.
 - b. *Front Setbacks.* Additions or enlargements that vertically or horizontally extend a nonconforming front yard setback may be approved based on a finding that the proposed addition will maintain the average setback of development on the same block front within two hundred (200) feet of the lot.
 - c. *Height.* Additions or enlargements that horizontally extend a nonconforming side or rear setback of any portion of a structure that is nonconforming with respect to height may be approved based on findings that the proposed alteration will not:
 - (1) Reduce the solar access available to surrounding properties by ten percent or more;
 - (2) Reduce the privacy of surrounding properties; or
 - (3) Create a structure that is incompatible with the character of surrounding development due to its bulk or form.
3. **Nonconforming Parking**
 - a. *Nonresidential Structures.* A nonresidential structure that is nonconforming because it does not satisfy the parking requirements of this Ordinance may not be expanded unless the parking spaces that are required for the expansion are provided in accordance with applicable provisions of Chapter 4, Article 3, Off-Street Parking and Loading.
 - b. *Residential Structures.* A residential structure that is nonconforming because two (2) spaces have not been previously required by this Ordinance may be altered or expanded with only one (1) covered space, provided that such alterations or expansions of an individual dwelling shall not cumulatively exceed twenty-five (25) percent of the habitable floor area at the time of the first expansion or alteration.
 - c. *Exception.* No residence may be constructed or expanded by more than one thousand (1,000) square feet of additional habitable area without providing parking in accordance with the applicable provisions of Chapter 4, Article 3, Off-Street Parking and Loading.
4. **Nonconforming Lot Coverage.** A structure that is nonconforming because it exceeds the maximum allowable lot coverage may be expanded in floor area only if the expansion does not increase the lot coverage.

G. Changes and Substitutions of Nonconforming Uses

1. No legal nonconforming use shall be expanded or changed in operation without the approval of a Conditional Use Permit as provided for in this chapter. This requirement shall not apply to a change of ownership, tenancy, or management where the new use is in the same classification as the previous use, as defined within each Zoning District in Chapter 2, and the use is not expanded.
2. **Change from Nonconforming Use to Other Nonconforming Use.** The City Council may allow the expansion of a Class I use, substitution of a Class II nonconforming use with a Class I nonconforming use, or substitution of a Class I nonconforming use with another Class I nonconforming use, subject to approval of a Conditional Use Permit and the requirements of this chapter.



- a. *Class I.* Class I nonconforming uses are designated by the City Council following a public hearing and based on findings that:
 - (1) The existing nonconforming use was legally established;
 - (2) The proposed expansion or substitution of the nonconforming use would not be detrimental to public health, safety, or welfare;
 - (3) The proposed expansion or substitution would not be inconsistent with the General Plan and would not preclude or interfere with implementation of any applicable adopted City plan;
 - (4) The proposed use will not depress the value of nearby properties; and
 - (5) No useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use or structure does not conform.
 - b. *Class II.* Class II nonconforming uses include any legally established nonresidential use that involves the following:
 - (1) Storage, use, or generation of hazardous materials, processes, products, or wastes;
 - (2) Activity that may be detrimental to public health and safety because of the potential to create dust, glare, heat, noise, noxious gases, odor, smoke, vibration;
 - (3) Conditions that would be incompatible with surrounding uses; or
 - (4) Any nonconforming Adult Oriented Business.
3. **Change from Nonconforming to Permitted Use.** Any nonconforming use may be changed to a use that is allowed by right in the zoning district in which it is located and complies with all applicable standards for such use.
4. **Conditional Use Permit to Legalize Use.** Any use that is nonconforming solely by reason of the absence of a Conditional Use Permit may be changed to a conforming use by obtaining the required permit.
- a. *Within a Structure That Conforms to the Zoning Ordinance.* A Class I nonconforming use in a structure that conforms to this Ordinance and to the requirements of the Building Code may expand the floor area that it occupies, subject to Conditional Use Permit approval provided that no structural alteration is proposed or made for the purpose of the expansion.
 - (1) A nonconforming use may not be expanded to occupy all or a part of another structure or another lot that it did not occupy on the effective date of this Ordinance.
 - (2) The expansion of the nonconforming use shall not exceed fifty (50) percent of the area that the nonconforming use legally occupies at the time of application.
 - b. *Within a Structure That Does Not Conform to the Zoning Ordinance.* A Class I nonconforming use in a structure that does not conform to the requirements of this Ordinance may expand its occupancy and building floor area subject to the requirements above.
 - c. *Within a Structure That Does Not Conform to the Building Code.* Any nonconforming use in a structure that does not conform to the Building Code may not expand the area it occupies. A Class I nonconforming use may expand the area it occupies subject to Conditional Use Permit approval after the structure is brought into conformance with all applicable Building Code requirements.



- d. *City Council Review.* The City Council shall hold a public hearing, pursuant to the procedures established in Article 1.K, Public Notification, and Article 1.L, Public Hearings, of this Chapter, on each application for a change or substitution of use. In addition to any other findings that may be required, the City Council shall find that:
 - (1) The proposed new use will be more compatible with the purposes of the district and surrounding uses than the nonconforming use it replaces;
 - (2) The proposed new use will not be detrimental to the health, safety, peace, comfort or general welfare of persons residing or working in the surrounding area or be detrimental or injurious to property and improvements of adjacent properties, the surrounding area, or the neighborhood because of noise, traffic generation, odors, dust, glare, vibrations, or other effects; and
 - (3) The proposed new use will comply with all applicable standards or there are special circumstances peculiar to the property and its relation to surrounding uses or to the district itself that would justify modification to applicable standards.
- e. *Standards for City Council Determination.* In making its findings and conclusions pursuant to above, the City Council shall consider the following factors:
 - (1) Noise;
 - (2) Traffic generation;
 - (3) Hours of operation;
 - (4) Noxious or annoying emissions of odor, smoke, waste water or other matters;
 - (5) Proximity of the use to conforming uses;
 - (6) Extent and severity of nonconformity;
 - (7) Effect of the nonconforming use on surrounding conforming uses;
 - (8) Character of the surrounding neighborhood, including the number and proportion of nonconforming uses;
 - (9) Access to the nonconforming use;
 - (10) Maintenance of the nonconforming use; and
 - (11) Any other factors the City Council deems relevant given the purposes of this chapter.
- f. *Conditions.* When making its decision on an application for a change or substitution of use, the City Council may establish conditions that are necessary to accomplish the purposes of this chapter, including, but not limited to:
 - (1) Required improvement of, or modifications to existing improvements on, the property;
 - (2) Limitations on hours of operations;
 - (3) Limitations on the nature of operations; and
 - (4) A specified term of years for which the continued nonconforming use shall be allowed.
- g. *Revocation of Approved Changes of Nonconforming Use.* The City Council may initiate a review of a changed or substituted nonconforming uses upon its own motion, or following a recommendation from the Community Development Director, in accordance with



Chapter 6, Article 1, Administrative Procedures, and the following standards and procedures.

- h. *Initiation of Revocation Procedure.* Initiation of City Council review of a nonconforming use approved pursuant to this section shall first require a report from the Community Development Director based upon the Community Development Directors' independent investigation and determination, recommending action by the City Council.
 - i. *City Council Review and Decision.* The City Council shall hold a public hearing, pursuant to the procedures established in Chapter 6, Article 1. Upon the conclusion of the public hearing, the City Council shall determine whether the nonconforming status shall be revoked and the use discontinued or allowed to continue subject to conditions. In making its determination the City Council shall base its decision on the same considerations it used when approving the Conditional Use Permit to allow a change or substitution of a nonconforming use and the standards above.
5. Change from Nonconforming Use to Other Nonconforming Use. The City Council may allow the expansion of a Class I use, substitution of a Class II nonconforming use with a Class I nonconforming use, or substitution of a Class I nonconforming use with another Class I nonconforming use, subject to approval of a Conditional Use Permit and the requirements of this chapter.
 - a. *Class I.* Class I nonconforming uses are designated by the City Council following a public hearing and based on findings that:
 - (1) The existing nonconforming use was legally established;
 - (2) The proposed expansion or substitution of the nonconforming use would not be detrimental to public health, safety, or welfare;
 - (3) The proposed expansion or substitution would not be inconsistent with the General Plan and would not preclude or interfere with implementation of any applicable adopted City plan;
 - (4) The proposed use will not depress the value of nearby properties; and
 - (5) No useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use or structure does not conform.
 - b. *Class II.* Class II nonconforming uses include any legally established nonresidential use that involves the following:
 - (1) Storage, use, or generation of hazardous materials, processes, products, or wastes;
 - (2) Activity that may be detrimental to public health and safety because of the potential to create dust, glare, heat, noise, noxious gases, odor, smoke, vibration;
 - (3) Conditions that would be incompatible with surrounding uses; or
 - (4) Any nonconforming Adult Oriented Business.

H. Restoration of Damaged Nonconforming Structures

1. **Restoration When Damage is Less than Seventy-Five (75) Percent of Value.**
 - a. If a nonconforming structure or a structure containing a nonconforming use is destroyed by fire or other calamity, to the extent of seventy-five (75) percent or less of the replacement cost, as determined by the Building Official, the structure may be restored and the nonconforming use may be resumed, provided that a building permit for restoration is issued within six (6) months and restoration work is diligently pursued to completion.



2. Restoration When Damage Exceeds Seventy-Five (75) Percent of Value

- a. If any nonconforming structure or a structure containing a nonconforming use is destroyed by fire, explosion or other casualty or involuntary destruction to an extent of seventy-five (75) percent or greater of the replacement cost, as determined by the Building Official, then the structure may be restored and used only in compliance with the applicable regulations for the district where it is located, except as provided below.
- b. *Exceptions for Residential Structures.* Any nonconforming residential use may be reconstructed, restored, or rebuilt up to the size and number of dwelling units prior to the damage and the nonconforming use, if any, may be resumed unless the City finds that:
 - (1) The reconstruction, restoration, or rebuilding will be detrimental or injurious to the health, safety, or general welfare of persons residing or working in the neighborhood, or will be detrimental or injurious to property and improvements in the neighborhood.
 - (2) The existing nonconforming use of the building or structure can be more appropriately moved to a zoning district in which the use is permitted, or that there no longer exists a district in which the existing nonconforming use is permitted.
 - (3) Any reconstruction, restoration, or rebuilding undertaken pursuant to this section shall conform to all applicable Building Code requirements.
 - (4) A building permit shall be obtained within two (2) years after the date of the damage or destruction.

I. Correction of Nonconforming Site Features

1. Prior to occupancy of a site or structure that is nonconforming due to lack of one of the following: screening of mechanical equipment; required walls or fences to screen parking; required paving for driveways; or required landscaping; a schedule for elimination or reduction of at least 50 percent of the square footage of nonconformities over a period not exceeding five (5) years shall be submitted. Priority may be given to elimination of nonconformities that have a significant adverse impact on surrounding properties, and shall not require a commitment to remove nonconformities that have a minor impact and would be costly to eliminate due to the configuration of the site and the location of existing structures.

J. Abandonment of Nonconforming Uses

1. No nonconforming use may be resumed, reestablished, reopened or replaced by any other nonconforming use after it has been abandoned or vacated for a period of six (6) months, except as provided for in this section. The nonconforming use of a legally established structure may be reestablished if the City Council approves a Conditional Use Permit after making all the following findings in addition to any other required findings. As a condition of approving the resumption of such nonconforming use, the City Council may impose a time limit on its duration if necessary in order to make the required findings.
2. The structure cannot be used for any conforming use because of its original design or because of legal structural changes made for a previous nonconforming use;
3. The structure can be reasonably expected to remain in active use for a period of twenty (20) years without requiring repairs or maintenance in excess of fifty (50) percent of the replacement cost of the structure, as defined in this chapter, within any five (5) year period; and
4. The continuation of the use or structure will not be incompatible with or detrimental to



surrounding conforming uses.



ARTICLE 3 DETERMINATION OF UNSPECIFIED USES

A. Purpose and initiation

1. In order to ensure that the Zoning Ordinance will permit all similar uses in each district, the Community Development Director shall recommend to the Planning Commission whether a use not specifically listed as a permitted or conditionally permitted use in a zoning district shall be deemed a permitted use or a conditional use in one or more districts on the basis of similarity to uses specifically listed.

B. Application

1. Application for determination that a specific use should be included as a permitted or a conditional use in a zoning district shall be made in writing to the Community Development Director, and shall be accompanied by a detailed description of the proposed use, site location, site plan and such other information as may be required by the Community Development Director.

C. Investigation

1. The Community Development Department shall make or have made such investigations as it deems necessary to compare the nature and characteristics of the proposed use with those specifically listed in this ordinance, and make a determination of its classification.

D. Determination

1. The Planning Commission shall determine the settlement of an unspecified use at a public hearing, and shall base its decision on findings supporting the conclusions.

E. Findings

1. In classifying an unlisted use, the Planning Commission, and the City Council in case of an appeal, shall first make a finding that all of the following conditions exist:
 - a. That investigations have disclosed that the subject use and its operation are compatible with the uses permitted in the district wherein such use is proposed to be located;
 - b. That the subject use is similar to one (1) or more uses permitted in the district within which such use is proposed to be located;
 - c. That the subject use will not cause significant reduction to the values of the property in the neighborhood or district within which such use is proposed to be located; and
 - d. That the subject use will be so designed, located, and operated that the public health, safety, and general welfare will be protected.

F. Effective date of determination

1. Within ten days following the date of a decision of the Planning Commission on a request for a determination of use, a written summary of the decision shall be transmitted to the City Council. A



decision shall become effective 30 days following the date on which the determination was made or on the day following the next meeting of the Planning Commission, whichever is later, unless an appeal has been taken to the City Council within those 30 days, or unless the City Council shall elect to review the decision of the Planning Commission. Appeals shall be handled as specified in Article 1.N of this Chapter.



ARTICLE 4 SITE PLAN REVIEW

A. Purpose

1. The purpose of the site plan review is to enable the Community Development Director or the Planning Commission to make a finding that the proposed development is in conformity with the intent and provisions of this Title, and to guide the Building Official in the issuance of permits.

B. Applicability

1. Site plan review is required for all commercial, industrial, institutional, and residential development projects. All such projects shall conform to the requirements of this chapter.
2. **Projects exempt from Site Plan Review.** These projects have been determined to be exempt from Site Plan Review:
 - a. Any interior remodels that do not require a building permit;
 - b. Any interior remodels that do not result in a change in 50 percent or more of the nature of the occupancy or use, or cause any greater impact on traffic, utilities or required services, as determined by the Community Development Director; and
 - c. Repair and maintenance of structures or parking areas that does not result in the enlargement or alteration of such structures from their existing state, or a change in infrastructure, easements, and existing drainage patterns.
3. **Administrative Site Plan Review.** The Community Development Director may grant administrative site plan approval for the following types of projects:
 - a. Any modifications to existing single-family homes that require a building permit;
 - b. Any additions or alterations to residential and non-residential buildings that add or affect no more than 50 percent of the existing building floor area, or up to 2,000 square feet, whichever limit is lower;
 - c. Construction or modification of accessory buildings, on a property with an existing primary building;
 - d. Construction of any new residential developments of up to two units;
 - e. Projects involving a change or intensification of land use, when the new use is permitted in the underlying Zoning District. Depending on the scope of these projects, some may require Site Plan Review by the Community Development Director.
4. **Site Plan Review by the Planning Commission.** All projects that do not fall under the exempt projects and projects qualifying for Administrative Site Plan Review, will require site plan approval from the Planning Commission. Construction of any new non-residential developments will require site plan review by the Planning Commission.

C. Site plan application and review

1. **Contents.** The applicant shall submit twelve prints of the site plan at a standard architectural or engineering scale to the Community Development Director and shall indicate clearly the following information:
 - a. Lot dimensions;



- b. All existing and proposed buildings and structures: location, elevations, color scheme, size, height, and proposed use;
- c. Yards and space between buildings;
- d. Walls and fences: location, height and materials;
- e. Off-street parking: location, number of spaces and dimensions of parking area, and internal circulation patterns;
- f. Access: pedestrian and vehicular service, points of ingress and egress and internal circulation;
- g. Signs: location, size and height;
- h. Loading: location, dimensions, number of spaces and internal circulation;
- i. Lighting: location, general nature and holding devices;
- j. Street dedications and improvements, as provided in Chapter 4, Article 2.J, Street Dedication and Construction of Public Improvements;
- k. The location and type of landscaping;
- l. Finish materials including floor dimensions or footprints;
- m. Such other data as may be required to permit the Community Development Director to make the required findings.

D. Findings for Approval

1. The Community Development Director, Planning Commission or City Council, as part of the approval of a Site Plan shall consider the following findings to approve a Site Plan; additional conditions may be required.
 - a. The proposed construction/alterations are in substantial conformance with the General Plan, zoning ordinance, and any applicable plans adopted by the city.
 - b. The proposed construction/alterations conform to the requirements of the applicable zoning districts.
 - c. The proposed construction/alteration conforms to all applicable design standards and guidelines, as adopted by the City Council.
 - d. The construction/alteration will not have significant adverse effects on the public health, safety and welfare.

E. Approval or Disapproval

1. Within 30 days after the Community Development Director determines that an Administrative Site Plan Review application is complete, the Community Development Director shall approve, with conditions deemed necessary to protect the public health, safety and welfare, or disapprove the site plan according to the findings in (3) of this section.
2. Within 30 days after the Community Development Director determines that a Site Plan Review application that requires a Planning Commission hearing is complete, the Community Development Director shall schedule the project for the next available Planning Commission public hearing, and provide notice for the public hearing.



3. In approving the proposed site plan, the Community Development Director or the decision-making body shall find that:
 - a. All provisions of this title are complied with;
 - b. The following are so arranged that traffic congestion is avoided and pedestrian and vehicular safety and welfare are protected, and there will be no adverse effect on surrounding property including but not limited to:
 - (1) Facilities and improvements;
 - (2) Vehicular ingress, egress and internal circulation;
 - (3) Setbacks;
 - (4) Height of buildings;
 - (5) Location of services;
 - (6) Fences and/or walls;
 - (7) Landscaping.
 - c. Proposed lighting is so arranged as to direct the light away from adjoining properties;
 - d. Proposed signs will not by size, location, color or lighting interfere with traffic or limit visibility;
 - e. Proposed development has adequate fire and police protection;
 - f. Proposed development can be adequately served by city sewer and water;
 - g. Drainage from the property can be properly handled;
 - h. Proposed development generally consistent with the Zoning Ordinance, the General Plan, and any other applicable plans.

F. Appeal

1. The applicant or any aggrieved person may appeal in writing, setting forth his reason for the appeal. The appeal shall be filed with the City Clerk and Deputy City Clerk within ten (10) calendar days of the Community Development Director's decision. The appeal shall be placed on the agenda of the next regular Planning Commission meeting after the appeal is filed. The Planning Commission shall review the site plan and shall approve, approve with conditions, or disapprove based on the findings listed in Section B of this Article.

G. Distribution

1. The approved site plan, with any shown or attached conditions, shall be dated and signed by the Community Development Director. One copy of the site plan and conditions shall be mailed to the applicant.

H. Revisions

1. Revisions by the applicant to an approved site plan shall be made pursuant to the procedure set forth in this section.



I. Expiration of Site Plan Approval

1. An approved site plan becomes void in the event that less than 50 percent of the site, or an approved phased development, has not occurred within 12 months after the approval of the site plan. If over 50 percent of one or more increments of a phased development has been developed after 12 months, the expiration date of the site plan shall be extended for the remaining phases, except that the final phase shall be fully developed within five years.
2. A project shall be considered indivisible unless the Community Development Director approves a request by the applicant that the project be developed in phases or the Community Development Director requires phased development. Such determination shall be based on the finding that upon construction of the required on-site and off-site improvements serving each phase, it can function independently of later phases.
3. An occupancy permit for a building, structure or use as shown upon an approved site plan shall not be issued until all proposed buildings, structures and other stated improvements in an indivisible project or phase of a divisible project are completed, or the Community Development Director authorizes its issuance upon making a finding that all on-site and off-site conditions relating to the building, structure or use have been or will be met.

J. Building permits

1. The applicant shall ensure that site plan approval is coordinated with the approval of concurrent building permits.



ARTICLE 5 CONDITIONAL USE PERMITS

A. Purpose

1. 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.

B. Applicability

1. Conditional Use Permit approval is required for uses or developments specifically identified in the Base Districts and Overlay Districts of this Title or any other section of this Title which requires a Conditional Use Permit.

C. Procedures

1. **Application.** Written applications for Conditional Use Permits shall be filed with the Community Development Director in accordance with Chapter 6, Article 1.J, Application Review.
2. **Public Hearing.** After determining that an application is complete, a public hearing will be scheduled before the Planning Commission. Notice shall be provided in compliance with the requirements in Article 1.K, Public Notification, of this Chapter.

D. Required Findings

1. A Conditional Use Permit shall only be granted if the Planning Commission determines that the project as submitted or as modified conforms to all of the following criteria. If the Planning Commission 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. Extension applications for Conditional Use Permits shall be reviewed administratively in accordance with these findings.
 - a. **General Plan Consistency.** 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;
 - b. **Neighborhood Compatibility.** The location, size, design, bulk, coverage, density, traffic generation and operating characteristics of the proposed project are consistent with the purposes of the district where it is located, and will not have an adverse effect on the neighborhood and surrounding properties;
 - c. **Asset for the Neighborhood.** The nature, use and architectural/design features of the proposed development make it attractive, functional and convenient. The proposed development enhances the successful operation of the surrounding area in its basic community functions, or provides an essential service to the community or region.

E. Fees



1. All applicants shall pay all applicable fees.

F. Conditions of Approval

1. In approving a Conditional Use Permit, the Planning Commission may impose conditions reasonably related to the application and 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 Title or the specific purpose of the zoning district in which the project is located;
 - c. Protect the public health, safety, and general welfare;
 - d. Ensure operation and maintenance of the use in a manner compatible with existing and potential uses in the surrounding area;
 - e. Achieve the findings for a Conditional Use Permit listed in (d) above; or
 - f. Mitigate any potentially significant impacts identified as a result of review conducted in compliance with the requirements of the California Environmental Quality Act.
2. The Planning Commission may approve a Conditional Use Permit for a specific length of time, such as five years or ten years.

G. Decision; Expiration, Extensions, Modifications and Revocations

1. **Decision.** The decision of the Planning Commission shall be final, unless appealed to the City Council as provided in Article 1.O, Appeals, of this Chapter. The City Clerk shall cause a copy of its resolution to be mailed to the applicant within ten (10) days from the date of adoption.
2. **Expiration, Extension, Modifications, and Revocations.** Conditional Use Permits are immediately effective. If a time limit for development is established, the Conditional Use Permit will be considered void unless extended or modified per Article 1.N, Effective Dates, Expiration, Extensions, Modifications, and Revocation of Appeals, of this Chapter.
3. **Abandonment.** If a property or a portion of a property that received a Conditional Use Permit is abandoned or vacated for more than six months, a new Conditional Use Permit shall be required for the same conditional use to be reinstated,



ARTICLE 6 TEMPORARY USE AND SPECIAL EVENT PERMITS

A. Purpose

1. 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.

B. Applicability

1. Temporary Use Permit approval is required for temporary uses as described in Chapter 5, Article 1.Z, Temporary Uses. The Community Development Director may refer an application for a Temporary Use Permit to the Planning Commission if the he or she finds that the temporary use may have significant and detrimental impacts to surrounding land that warrant Planning Commission review.

C. Procedures

1. **Application.** Any person may apply to the Community Development Director for approval of a temporary use not less than forty-five (45) days before the use is intended to begin in accordance with the provisions in Article 1, Administrative Procedures, of this Chapter.
2. **Determination.** Within ten (10) days of accepting an application for a Temporary Use Permit as complete, the Community Development Director shall render a written decision.

D. Required Findings

1. The Community Development Director 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 conforms to the allowed temporary uses in each Zoning District, as described in Chapter 2 of this Title.
 - b. 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;
 - c. The proposed temporary use or event is in full compliance with requirements of other agencies and has obtained all necessary permits, including but not limited to Project Review, Permits and Inspection Reports from the:
 - (1) Health Department;
 - (2) Police Department;
 - (3) Fire Department;
 - (4) Public Works Department; and
 - (5) Department of Alcoholic Beverage Control of the State of California ("ABC").
 - d. 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



- e. Appropriate controls are in place that will ensure the premises will be kept clean, sanitary, and free of litter.

E. Conditions of Approval

1. In approving a Temporary Use Permit, the Community Development Director may impose any conditions reasonably related to the application and deemed necessary to achieve the findings for a Temporary Use Permit listed in Section (D) above. These conditions may include, but are not limited to:
 - a. Dates of permit validity;
 - b. Hours of operation;
 - c. Limits on additional lighting;
 - d. Provision of adequate parking;
 - e. Debris and trash removal on the final day of sales or event;
 - f. Additional review and plot plan required by the Fire Department, if a tent in excess of 200 square feet or a canopy in excess of 400 square feet is to be utilized during the sales period or event, or if the number of persons anticipated to attend the event exceeds 500;
 - g. No alcohol sales or consumption to be permitted unless a license has been first approved by the Police Department.



ARTICLE 7 VARIANCES

A. Purpose

1. This Article is intended to provide a mechanism for relief from the strict application of this Title 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 Title are not allowed.

B. Procedures

1. **Application.** Applications for Variances shall be filed in accordance with Article 1, Administrative Procedures, of this Chapter. In addition to any other application requirements, the application for a Variance shall include data or other evidence demonstrating that:
 - a. There are special circumstances or conditions applicable to the property, including size, shape, topography, location or surroundings, therefore the strict application of this Title deprives such property of privileges enjoyed by other property in the vicinity and under identical Zoning classification;
 - b. The proposed use or activity on the property is expressly permitted by the Zoning regulation governing the property, and does not require a conditional use permit, per California Government Code Section 65906.
2. **Public Notice and Hearing.** All applications for Variances shall require public notice and a hearing before the City Council pursuant to Article 1.K, Public Notification, and Article 1.L. Public Hearing, of this Chapter.

C. Required Findings

1. A Variance shall only be granted if the Planning Commission determines that the project as submitted or as modified conforms to all of the following criteria. If the Planning Commission 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. Applications for Variances shall be reviewed administratively in accordance with these findings.
 - a. There are special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, whereby the strict application of this Title will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district;
 - b. Such special circumstances were not by the owner or applicants;
 - c. The Variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located; and
2. If the City Council denies an application, it shall state the reasons for that determination.

D. Use Variances Prohibited



1. 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 Title 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.

E. Conditions of Approval

1. In approving a Variance, the City Council may impose reasonable conditions necessary to ensure that the Variance shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located including conditions to:
 - a. Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies adopted by the City Council;
 - b. Achieve the general purposes of this Title or the specific purposes of the Zoning District in which the site is located;
 - c. Protect the public health, safety, and general welfare;
 - d. Ensure operation and maintenance of the use in a manner compatible with existing and potential uses in the surrounding area; or
 - e. Mitigate any potentially significant impacts identified as a result of review conducted in compliance with the requirements of the California Environmental Quality Act.

F. Decision; Expiration and Extensions; Modifications

1. **Decision.** The decision of the City Council shall be final. The City Clerk shall cause a copy of its resolution to be mailed to the applicant within ten (10) days from the date of adoption.
2. **Expiration and Extension.** Variances are effective and may only be extended or modified as provided for in Article 1, Administrative Procedures, of this Chapter.



ARTICLE 8 ENVIRONMENTAL REVIEW

A. Purpose

1. This section establishes procedures for conducting environmental review to meet the requirements of the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). These provisions are also intended to insure that the City of Coalinga's decision-makers and the public are informed about the potentially significant environmental effects of proposed activities.
2. CEQA applies to projects that require discretionary approval by a government agency. Projects subject to CEQA are defined as activities initiated by a public agency or private entity, which must receive public agency approval, and which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect change in the environment. Examples of such private activities include subdivisions, rezonings, and use permits.
3. Environmental review is integrated with the discretionary review provisions that this chapter establishes, to promote the incorporation of environmental review into the 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.
4. CEQA is an independent technical review of the project for environmental impacts and the applicant shall not apply undue influence or pressure on the CEQA process. Per California Public Resources Code 15020, each Public Agency is responsible for complying with CEQA and these guidelines, and shall not rely on comments from other Public Agencies or private citizens as a substitute for work CEQA requires the lead agency to accomplish.

B. Procedure

1. **Filing of Forms.** Applicants shall prepare and file an Initial Environmental Assessment form together with the submittal of project applications.
2. **Preliminary Review.** Within thirty days after receiving an application, the Community Development Director shall conduct a preliminary environmental review based on the filed Initial Environmental Assessment and other existing information about the subject site. The Community Development Director will identify issues to decide which level of environmental review is appropriate for the project, and may require the applicant to submit additional information.
3. **Levels of Environmental Review and Determination of Environmental Significance.** A determination of the appropriate level of environmental review shall be made by the Community Development Director, in compliance with the most current CEQA regulations and guidelines. These levels include:
 - a. **Exempt Projects.** Project types that do not require environmental review, or projects determined to receive a Categorical Exemption.
 - b. **Initial Study (IS).** Projects that have potential impacts that need to be analyzed. An Initial Study that concludes that there are no significant impacts will result in a **Negative Declaration (ND)**. An Initial Study that concludes that there are significant impacts, but can be mitigated to a less-than-significant level, will result in a **Mitigated Negative Declaration**



(MND). When the IS finds that an MND is required, implementation of all mitigation measures found to be necessary in the MND will be required conditions to obtain a permit approval from the City.

- c. **Environmental Impact Report (EIR).** Projects that have significant potential impacts will be analyzed through an EIR. A project may not be approved as submitted if feasible project alternatives are found to be able to reduce the significant environmental effects of the proposed project.
4. **Necessary CEQA Analysis for Project Approval.** A project/permit application shall not be complete if it does not include the applicable CEQA analysis, and/or does not follow the applicable CEQA process.
5. **Early Public Consultation, also called “scoping”.** Per California Public Resources Code 15083, prior to completing a Draft EIR, the lead agency may consult with any person or organization it believes will be concerned with the environmental effects of the project to solve potential problems before they arise in a more serious form later in the review process. Scoping has been found to help agencies identify potential major issues and effects, and avoid costly redundant analysis later on in the process. Scoping has also been found to be an effective way to resolve the concerns of affected agencies and interested persons. Scoping is necessary when preparing an EIR/EIS jointly with a federal agency.
6. **Public Notice of Environmental Determination.** The Community Development Director will provide the appropriate public notices of the proposed environmental determination in a newspaper of general circulation, at City Hall, and with the County Clerk. A Negative Declaration or Mitigated Negative Declaration requires a Notice of Intent and Notice of Determination. An EIR requires a Notice of Preparation, Notice of Availability, and Notice of Determination.
7. **Public Review Period and Notification of Agencies.** CEQA law requires a public review period of the draft environmental review document. Environmental documents subject to State agency review or which are of statewide, regional, or area-wide significance must be distributed through the State Clearinghouse per CEQA Guidelines, to notify State permitting agencies of the review period and giving them the opportunity to respond.
8. **Lead Agency/Deciding Authority.** As lead agency, the City will be responsible for deciding of the applicable CEQA process, based on the results of the initial analysis and findings of the Initial Study.

C. Mitigation Monitoring and Reporting Program

1. **Program Contents.** For projects approved with a Mitigated Negative Declaration or in conjunction with certification of a Final EIR, the City shall approve a Mitigation Monitoring and Reporting Program (MMRP).
2. **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. See Article 12, Enforcement, of this Chapter.
3. **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 results.

D. Preparation of Environmental Documents by Consultants



1. The City may contract with qualified consultants for the preparation of the appropriate environmental documents, including technical studies. The Community Development Director, or his or her designee, shall negotiate and prepare an agreement for the retention of environmental consultants for each environmental study. The applicant shall be responsible for the full cost of the environmental services.



ARTICLE 9 GENERAL PLAN AND ZONING ORDINANCE AMENDMENTS: MAP AND TEXT CHANGES

A. Purpose

1. The General Plan, Land Use Map and Zoning Ordinance may be amended according to the provisions of State law, when there are compelling reasons to do so. This may be due to changes in conditions or circumstances unforeseen at the time of adoption or the last amendment, including changes in State or federal law, or issues and opportunities that were previously unanticipated. The General Plan amendment process is not intended to relieve particular hardships or confer special privileges or rights upon any person, but only to make adjustments necessary in light of changed conditions or changes in public policy.
2. A mandatory element of the General Plan may be amended a maximum of four times during any calendar year. However, more than one change can be made at one time and will be considered a single amendment. Amendments for affordable housing projects are exempt from this restriction per Government Code 65358(c).
3. The Zoning Map and the Zoning Ordinance text may be substantially amended in two ways, in accord with the procedure prescribed in this article:
 - a. Reclassification of the zoning applicable to a specific property, designating a change from one district to another district, commonly called “rezoning”,
 - b. Changes in the permitted uses or regulations on property within particular zones or citywide, commonly called “text amendments”.

B. Procedure

1. Prior to legislative approval, the City shall refer a proposal to substantially amend its General Plan to the following agencies:
 - a. Any City or County within or abutting the area covered by the proposal;
 - b. Any special district that may be significantly affected by the proposed action as determined by the Community Development Director;
 - c. Any elementary, high school, or unified school district within the area covered by the proposed action;
 - d. The local agency formation commission;
 - e. Any area-wide planning agency whose operations may be significantly affected by the proposed action;
 - f. Any federal agency if lands within its jurisdiction may be significantly affected by the proposed action;
 - g. The San Joaquin Valley Air Pollution Control District;
 - h. Any other agency that the Community Development Director deems appropriate.



2. Notice of Public Hearing and Public Hearing are required when zoning amendments change property from one zone to another, or impose or delete certain regulations listed in Government Code section 65850. Any other amendment to this Title may be adopted as other ordinances are adopted as per Government Code section 65853, although special provision is made for notice and hearing on interim ordinances, such as urgency measures (California Government Code Section 65858).

C. Initiation of Amendments

1. Amendments to this title may be initiated by an application of the owner of affected property, or by his agent. Upon its own initiative, either the City Council or the Planning Commission may, by motion, initiate proceedings for such amendment.
2. The Community Development Director may allow for a General Plan amendment to be processed simultaneously with Zoning Ordinance amendments or other discretionary permits.

D. Application by Property Owner

1. An application for a General Plan amendment or an amendment to change district boundaries may be made by the owner of record of property for which a change is sought, or by his agent when authorized in writing by the owner, or by a purchaser or lessee of said property when acting pursuant to a written contract with the owner. Application shall be made to the Planning Commission on a form prescribed by the Planning Commission and shall contain:
2. A description and map showing the boundaries of existing and requested districts, and identifying the property for which a change of district is requested;
3. A written statement setting forth the reasons for the application and all facts relied upon by the applicant in support; and
4. Such additional information as the planning director may deem pertinent to the application. The application shall be accompanied by a fee in an amount fixed by resolution of the City Council.

E. Public Hearing by Planning Commission

1. Upon receipt of an application for a change in district boundaries pursuant to Section D, Application by Property Owner, of this Article, or upon the initiation of an amendment to this title upon motion of the City Council or the Planning Commission, the Planning Commission shall set a date for a public hearing thereon. Notice of the time and place of the hearing, including a general explanation of the amendment to be considered shall be given in the manner specified in Article 1.K, Public Notification, of this Chapter.

F. Contents of Notice of Public Hearing

1. The notice of public hearing given shall be consistent with State law and consistent with Article 1.K, Public Notification, and Article 1.L, Public Hearings, of this Chapter, and shall contain the following:
 - a. In the case of a proposed amendment changing district boundaries, the street address of the affected property, if known, or the location of the property if the street address is not



known, and the existing and proposed districts applicable to the property;

- b. The time, place and purpose of the hearing;
- c. A brief description, the content of which shall be in the sole discretion of the city, of the change in district boundaries or in zoning regulations proposed;
- d. Reference to the application or motion on file for particulars;
- e. A statement that any interested person may appear and be heard.

G. Action by Planning Commission

- 1. After the public hearing, the Planning Commission shall render its decision in the form of a written recommendation to the City Council. The recommendation shall include:
 - a. The reasons for the recommendation;
 - b. The relationship of the proposed amendment to the General Plan and to applicable specific plans;
 - c. The findings and determinations of the Planning Commission with respect to the proposed amendment.

H. Public Hearing by City Council

- 1. Upon receipt of the recommendation of the Planning Commission concerning the proposed amendment, the City Council shall hold a public hearing thereon. Notice of the time and place of the hearing shall be given in the time and manner provided for the giving of notice of public hearing by the Planning Commission, in accordance with State law and consistent with Articles 1.K, Public Notification, and Article 1.L, Public Hearings, of this Chapter.

I. Action by City Council

- 1. After consideration of the recommendation of the Planning Commission and the completion of the public hearing, the City Council may approve, modify or disapprove the proposed amendment; provided that any modification of the proposed amendment by the City Council not previously considered by the Planning Commission during its public hearing on the matter, shall first be referred to the Planning Commission for report and recommendation. The Planning Commission is not required to hold a public hearing on the modification.

J. Required Findings

- 1. The following standard findings must be made for each General Plan amendment. Specific findings may also be required by the decision-making body on a case-by-case basis.
 - a. The potential effects of the proposed General Plan amendment have been evaluated and have been determined not to be detrimental to the public health, safety, or welfare of the City.
 - b. The proposed General Plan amendment is internally consistent and compatible with the goals, policies, and actions of the General Plan.
 - c. 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.
- d. The proposed General Plan amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act.
2. The following standard findings must be made for each Zoning Ordinance amendment. Specific findings may also be required by the decision-making body on a case-by-case basis.
 - a. The proposed Zoning Ordinance amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
 - b. 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.
 - c. 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.
 - d. 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.

K. Resubmittal of Application

1. When an application for a change of district boundaries has been submitted by a property owner and subsequently has been denied, no new application by a property owner for a similar change or intent shall be filed or considered within one year of the date of closing of the hearing on the application before the Planning Commission. This provision does not prevent the initiation of proceedings by either the Planning Commission or the City Council.

L. Notification of County Assessor

1. Within 30 days after the final adoption of an ordinance changing the Zoning of any property from one Zoning District to another, the City Council shall notify the Fresno County Assessor of such action.



ARTICLE 10 OCCUPANCY PERMITS

A. Purpose and Requirements

1. To ensure that each new or expanded use of a structure or site and each new structure or alteration of an existing structure complies with all applicable provisions of this Title, as well as to ensure that any conditions which may have been placed on a particular use or structure by the Planning Commission or City Council have been fulfilled prior to occupancy of that use or structure, the Community Development Director shall advise the Building Official prior to issuance of an occupancy permit under the Uniform Building Code and the provisions of the Coalinga Municipal Code.

B. Issuance of Certificate of Occupancy

1. The Building Official shall not issue a certificate of occupancy for a structure until all provisions of this Zoning Ordinance and any applicable conditions of approval have been fulfilled.



ARTICLE 11 REASONABLE ACCOMODATION PROCEDURE

A. Purpose

1. Pursuant to the federal Fair Housing Amendments Act of 1988 (citation to be included) and the California Fair Employment and Housing Act (citation to be included), the City shall provide reasonable accommodation for residents with disabilities seeking housing. This chapter establishes the procedure required in requesting measures of reasonable accommodation in zoning and building regulations and to maintain that they are in line with the purpose of fair housing laws.

B. Applicability

1. Reasonable accommodation in the land use and zoning context means providing individuals with disabilities or developers of housing for people with disabilities, flexibility in the application of land use and zoning and building regulations, policies, practices and procedures, or even waiving certain requirements, when it is necessary to eliminate barriers to housing opportunities.
2. An individual with a disability is someone who has a physical or mental impairment that limits one or more major life activities; anyone who is regarded as having such impairment; or anyone with a record of such impairment.
3. A request for reasonable accommodation may be made by any individual with a disability, his or her representative, or a developer or provider of housing for individuals with disabilities, when the application of a land use, zoning or building regulation, policy, practice or procedure acts as a barrier to fair housing opportunities.

C. Procedures

1. **Notice to the Public of Availability of Accommodation Process.** Notice of the availability of reasonable accommodation shall be prominently displayed at public information counters in the planning, zoning and building departments, advising the public of the availability of the procedure for eligible individuals. Forms for requesting reasonable accommodation shall be available to the public in the Planning and Building and Safety departments.
2. **Requesting Reasonable Accommodation.**
 - a. In order to make housing available to an individual with a disability, any eligible person may request a reasonable accommodation in land use, zoning and building regulations, policies, practices and procedures.
 - b. Requests for reasonable accommodation shall be in writing and provide the following information:
 - (1) Name and address of the individual(s) requesting reasonable accommodation;
 - (2) Name and address of the property owner(s);
 - (3) Address of the property for which accommodation is requested;
 - (4) Description of the requested accommodation and the regulation(s), policy or procedure for which accommodation is sought; and



- (5) Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the dwelling.
 - c. Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.
 - d. A request for reasonable accommodation in regulations, policies, practices and procedures may be filed at any time that the accommodation may be necessary to ensure equal access to housing. A reasonable accommodation does not affect an individual's obligations to comply with other applicable regulations not at issue in the requested accommodation.
 - e. If an individual needs assistance in making the request for reasonable accommodation, the jurisdiction will provide assistance to ensure that the process is accessible.
3. **Reviewing Authority.**
- a. Requests for reasonable accommodation shall be reviewed by the "reviewing authority."
 - b. The reviewing authority shall issue a written decision on a request for reasonable accommodation within thirty (30) days of the date of the application and may either grant, grant with modifications, or deny a request for reasonable accommodation.
 - c. If necessary to reach a determination on the request for reasonable accommodation, the reviewing authority may request further information from the applicant consistent with fair housing laws, specifying in detail the information that is required. In the event that a request for additional information is made, the thirty (30) day period to issue a decision is stayed until the applicant responds to the request.
4. **Required Findings.** The written decision to grant, grant with modifications, or deny a request for reasonable accommodation shall be consistent with fair housing laws and based on the following findings:
- a. The housing, which is the subject of the request for reasonable accommodation, will be used by an individual with disabilities protected under fair housing laws;
 - b. The requested accommodation is necessary to make housing available to an individual with disabilities protected under the fair housing laws;
 - c. The requested accommodation would not impose an undue financial or administrative burden on the jurisdiction and;
 - d. The requested accommodation would not require a fundamental alteration in the nature of the jurisdiction's land use and zoning or building program.
5. **Written Decision on the Request for Reasonable Accommodation.**
- a. The written decision on the request for reasonable accommodation shall explain in detail the basis of the decision, including the reviewing authority's findings as set forth in Section 4, Required Findings. All written decisions shall give notice of the applicant's right to appeal and to request reasonable accommodation in the appeals process as set forth below. The notice of decision shall be sent to the applicant by certified mail.
 - b. The written decision of the reviewing authority shall be final unless an applicant appeals it to the jurisdiction's planning commission.



- c. If the reviewing authority fails to render a written decision on the request for reasonable accommodation within the thirty (30) day time period.
- d. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

6. **Appeals.**

- a. Within thirty (30) days of the date of the reviewing authority's written decision, an applicant may appeal an adverse decision. Appeals from the adverse decision shall be made in writing.
- b. If an individual needs assistance in filing an appeal on an adverse decision, the jurisdiction will provide assistance to ensure that the appeals process is accessible.
- c. All appeals shall contain a statement of the grounds for the appeal. Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.
- d. Nothing in this procedure shall preclude an aggrieved individual from seeking any other state or federal remedy available.



ARTICLE 12 ENFORCEMENT

A. Enforcement Duty

1. The Community Development Director and all department officials and public employees of the city vested with the duty or authority to issue permits shall do so in conformity with the provisions of this title, and any such permit, certificate, license or other entitlement issued in conflict with this title, intentionally or otherwise, is null and void. It shall be the duty of the Community Development Director and the Building Official to enforce the provisions of this title pertaining to the erection, construction, reconstruction, moving, conversion, alteration or addition to any building or structure, and to the use of any land, building or premises.

B. Declaration of Nuisance

1. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this title, and any use of land, building or premises established, conducted, operated or maintained contrary to this title is unlawful and a public nuisance. The City Attorney, upon the written request of the Community Development Director or upon direction from the City Council, is authorized and directed to commence legal action or proceedings for the abatement, removal and enjoinder of such structure or use.

C. Violations and Penalties

1. Any person, whether as principal, agent, employee or otherwise, violating or causing the violation of any provisions of this title, is guilty of an infraction. The fine for the first conviction shall be a minimum of \$100. The fine for a second conviction of the same municipal code section within one year shall be a minimum of \$200. For each additional conviction of the same municipal code section within one year, the minimum fine shall be \$300. Also see Section 1-2.01 to 1-2.08 of the Coalinga Municipal Code.



ARTICLE 13 DENSITY BONUS

A. Residential Density Bonus.

1. Purpose

- a. The purpose of this Article is to comply with Government Code Section 65915 ("State Density Bonus Law") to specify how affordable housing density bonuses shall be granted to developers proposing qualifying projects, in an effort to encourage the construction of affordable housing units in new developments within the City.

2. Definitions

- a. A density bonus for a housing development is a density increase over the otherwise maximum allowable residential density corresponding to the applicable Zoning and Land Use designation on the date the application is deemed complete.
- b. Unless otherwise specified in this Article, the definitions found in the State Density Bonus law shall apply to the terms contained herein.

3. Applicability

- a. The Affordable Housing Density Bonuses rules shall apply to all Zoning Districts within the City's limits and sphere of influence.
- b. The development shall have all of the following characteristics in order to qualify for a density bonus:
 - (1) The residential development proposes five (5) or more dwelling units;
 - (2) The applicant seeks and agrees to provide low, very low, moderate income, or senior housing units in the threshold amounts specified in State Density Bonus law, and presented in Table 1;
 - (3) The resulting density is beyond that which is permitted by the applicable Zoning District and within the limits presented in Table 1 in Section 5 of this Article; and
 - (4) The commitment to retain the affordability of units for at least 30 years, to be included as a condition of approval.
- c. This section and the State Density Bonus law shall apply only to residential projects, or the residential component of a mixed-use project, and shall not operate to increase the allowable density of the nonresidential component of any proposed project.

4. Application Requirements

- a. Any applicant requesting a density bonus, incentives and/or concessions pursuant to State Density Bonus law shall provide the city with a written proposal.
- b. The proposal shall be submitted prior to or concurrently with the filing of planning applications for the housing development and shall be processed in conjunction with the development permit (i.e., Tentative Map, Parcel Map, Planned Development, Conditional Use Permit or Site Plan Review). The density bonus may be approved only in conjunction with a development permit.
- c. The proposal for a density bonus, incentives and/or concessions pursuant to State Density Bonus law shall include the following:



- (1) *Requested Density Bonus.* The proposal shall include:
 - (a) Evidence that the project meets the thresholds for State Density Bonus law (the density bonus units shall not be included in determining the percentage of base units that qualify a project for a density bonus pursuant to State Density Bonus law);
 - (b) Calculations showing the maximum base density;
 - (c) Number or percentage of affordable units and identification of the income level at which such units will be restricted;
 - (d) Additional market rate units resulting from the density bonus allowable under State Density Bonus law;
 - (e) Resulting density in units per acre; and
 - (f) A written commitment to retain the affordability of units for at least 30 years, to be included as a condition of approval.
- (2) *Requested Incentives or Concessions.*
 - (a) The request for particular incentives or concessions shall include a pro forma or other report evidencing that the requested incentives or concessions result in identifiable, financially sufficient and actual cost reductions that are necessary to make the housing units economically feasible.
 - (b) The report shall be sufficiently detailed to allow the City to verify its conclusions. If the City requires the services of specialized financial consultants to review and corroborate the analysis, the applicant will be responsible for all costs incurred in reviewing the documentation.
 - (c) The written proposal shall include an explanation of any waivers of development standards requested and why they are necessary to make the construction of the project physically possible.
 - (d) All requested incentives and concessions shall not exceed the limitations provided in Table 1 of this Section.
- (3) *Fee.*
 - (a) Payment of the fee in an amount set by Resolution of the City Council to reimburse the City for staff time spent reviewing and processing the Density Bonus application submitted pursuant to this Article.

5. Amount of Density Bonus that may be Approved

- a. The amount of the allowable density bonus that an applicant is entitled to according to State Density Bonus law is presented in Table 1 below. The applicant may select from only one of the income categories identified in State Density Bonus law and may not combine density bonuses from different income categories to achieve a larger density bonus. The applicant may also elect to accept a lesser percentage of density bonus.



Table 1: Density Bonus according to State Law for Developments of 5 or more units.

**Red/Italic text not in State Density Bonus Law, suggested parameters for City's consideration.*

No.	Target Development Type	Target Units Provided	"Sliding Scale", or Increase of Density Bonus for every 1% increase in Target Units provided	Density Bonus that may be granted	Number of Incentives and Concessions that may be granted
A.	Very Low Income housing units	Min. 5% very low income units	2.5%	Min. 20% up to max. of 35%	1 for 5% 2 for 10% 3 for 15% very low income units
B.	Lower Income housing units	Min. 10% lower income units	1.5%	Min. 20% up to max. of 35%	1 for 10% 2 for 20% 3 for 30% lower income units
C.	Moderate Income housing units in a common interest development (i.e. Condominium or Planned Development)	<i>Min. 10% moderate income units</i>	<i>1%</i>	<i>Min. 20% up to max. of 35%</i>	<i>1 for 10% 2 for 20% 3 for 30% moderate income units</i>
D.	Senior Housing	Min. 10% senior housing units	1%	Min. 5% up to max. of 35%	<i>1 for 5% 2 for 10% 3 for 15% senior units</i>
E.	Land Donation of min. 1 acre and zoned to permit at least 40 units. Other State Density Bonus law requirements apply.	Min. 10% of very low income units	1%	Min. 15%, up to max. of 35%. (may be combined with other Development Types A to D to 35%)	<i>In conformance with Development Type</i>
F.	Conversion of apartments to condominiums (Government Code Section 65915.5)	Min. 33% of condominium project to low or moderate income units, or Min. 15% to lower income units	<i>1%</i>	Min. 25%, <i>up to max. of 35%</i> . This cannot be combined with Development Types A, B, C, or D.	<i>Up to three</i> incentives of equivalent financial value may be granted in lieu of the density bonus.
G.	Housing Development with child care facility	N/A	N/A	Additional density bonus of residential square footage, that is greater than or the same as the square footage of the child care facility	One incentive or concession that contributes significantly to the economic feasibility of the construction of the child care facility may be granted in lieu of



					the density bonus.
Note: All density calculations resulting in fractional units shall be rounded up. Development Type D, Senior Housing, includes any mobile home park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.					

- b. The City Council may approve at its discretion, a density bonus, and/or concessions or waivers, in accordance with State Density Bonus law for a project that does not maximize the underlying base zoning density.
- c. When the housing development does not meet the minimum thresholds, nothing herein prevents the City from granting a greater or lesser density bonus, and additional or fewer concessions or waivers than those stated in Table 1.

6. Incentives or Concessions

- a. The number of incentives or concessions granted shall be based upon the number the applicant is entitled to pursuant to the State Density Bonus law, as presented in Table 1.
- b. Incentives may include:
 - (1) Regulatory incentives proposed by the developer or the City that result in identifiable, financially sufficient, and actual cost reductions. It may include the provision of a direct financial incentive, such as the reduction of application fees.
- c. Concessions may include:
 - (1) A concession in site development standards that result in identifiable, financially sufficient and actual cost reductions, such as the reduction of setbacks or parking space requirements;
 - (2) Waivers of development standards such that construction at the increased density would be physically possible.
- d. The denial of an incentive is a separate and distinct act from a decision to deny or approve the entirety of the project.
- e. A requested concession or waiver may be denied only for those reasons provided in State Density Bonus law and stated in Section 8 below.
- f. The granting of a density bonus, or incentives or waivers, shall not be interpreted in and of itself to require a General Plan Amendment, Zoning change or other discretionary approval. If an incentive would otherwise trigger one of these approvals, when it is granted as an incentive, no General Plan Amendment, Zoning change or other discretionary approval is required. However, if the base project without the incentive requires a General Plan Amendment, Zoning change or other discretionary approval, the City retains discretion to make or not make the required findings for approval of the base project.
- g. To be entitled to a requested waiver, the applicant must show that without the waiver,



the project would be physically impossible to construct.

7. Design and quality

- a. Affordable units must be constructed concurrently with market rate units and shall be integrated into the project. Affordable units shall be of equal design and quality as market rate units. Exteriors, including architecture and elevations, and floor plans of the affordable units shall not be differentiable from market rate units. Interior finishes and amenities may differ from those provided in market rate units, but neither the workmanship nor the products may be of substandard or inferior quality as determined by the Building Official. The unit mix of affordable units shall be provided at the same ratio as market rate units.
- b. Parking standards shall be modified as allowable under State Density Bonus law, as stated below. Additional modifications beyond those standards shall be considered a request for an incentive.
 - (1) Studio to one bedroom: one onsite parking space;
 - (2) Two to three bedrooms: two onsite parking spaces;
 - (3) Four and more bedrooms: two and one-half onsite parking spaces;
 - (4) Calculated fractions shall be rounded up to the next whole number; and
 - (5) Onsite parking may include tandem or uncovered parking, but not on-street parking.

8. Criteria for denying concessions or waivers

- a. The City reserves the right to deny requested concessions or waivers if one or more of the following findings is made:
 - (1) The concession or waiver violates State or Federal Laws;
 - (2) The concession has no economic benefit to the project (not applicable to waivers);
 - (3) The concession or waiver leads to adverse health or safety effects;
 - (4) The concession or waiver has an impact on a historic structure; and
 - (5) The development is physically possible without granting the waiver.





CHAPTER 7 SUBDIVISIONS

- Article 1 General Provisions**
- Article 2 Application Procedures and Requirements**
- Article 3 Maps**
- Article 4 Reversion to Acreage, Parcel Mergers, and Lot Line Adjustments**
- Article 5 Required Improvements and Design Standards**
- Article 6 Common Interest Developments (Condominiums)**
- Article 7 Corrections, Exceptions, Appeals**
- Article 8 Compliance and Enforcement**

ARTICLE 1 GENERAL PROVISIONS

A. Purpose

1. This title is for the purpose of adopting subdivision regulations for the City. Such regulations shall be in addition to and shall be considered as supplementing the provisions of the "Subdivision Map Act" of the State (California Government Code sections 66410 et. seq.) as they now exist or as they may be hereafter amended.
2. In their interpretation and application, the provisions of this title shall be held to be the minimum requirements adopted for the protection of the public health, safety and welfare. To protect the public among other purposes, such provisions are intended to provide directly or indirectly for adequate, safe and wholesome community improvements, municipal services and other public facilities.

B. Definitions

1. Subdivision
 - a. "Subdivision" means 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 as contiguous units, even if it is separated by roads, streets, utility easement, or railroad rights-of-way (California Government Code section 66424).
 - b. "Subdivision" includes a condominium project, as defined in Section 4125 of the Civil Code, a community apartment project, as defined in Section 4105 of the Civil Code, or the conversion of five or more existing dwelling units to a stock cooperative, as defined in Section 4190 of the Civil Code (California Government Code section 66424).
 - c. Any conveyance of land to or from a governmental agency, public entity, public utility, or subsidiary of a public utility for conveyance to that public utility for rights-of-way shall not be considered a division of land for purposes of computing the number of parcels. For purposes of this section, any conveyance of land to or from a governmental agency shall include a fee interest, a leasehold interest, an easement, or a license (California Government Code section 66426.5).
2. Subdivider
 - a. "Subdivider" means a person, firm, corporation, partnership or association who proposes to divide, divides or causes to be divided real property into a subdivision for himself or for others except that employees and consultants of such persons or entities, acting in such capacity, are not "subdividers" (California Government Code section 66423).
3. Tentative Map, Parcel Map and Final Map
 - a. Tentative Map
 - (1) A Tentative Map refers to a map made for the purpose of showing the design and improvement of a proposed subdivision and the existing conditions in and around it.



- (2) The Tentative Map review procedure is designed to insure that such improvements as drainage, street alignment, grade and width and sanitary facilities conform to City regulations and policies and are arranged in the best possible manner to serve the public.
 - (3) Numerous other features are reviewed such as location and size of easements, right-of-way, trees, lot sizes and configurations, traffic access and grading.
 - (4) Once the City Council approves the Tentative Map, it becomes a Parcel or Final Map.
 - b. Parcel Map and Final Map
 - (1) Parcel Maps and Final Maps convert Tentative Maps into legal land subdivisions
 - (2) A Final Map deals with a “major” subdivision - five or more lots, units or dwelling units.
 - (3) A Parcel Map deals with a “minor” subdivision – four or less lots, units or dwelling units.
 - c. Tentative, Parcel and Final maps are prepared by licensed surveyors and registered civil engineers to depict in exact detail how the land is subdivided, and their corresponding features such as rights of-way and easements.
4. Vesting Tentative Maps
 - a. A Vesting Tentative Map is a map which confers a vested right to proceed with development for a specified period of time after recordation. It is at the option of the Subdivider and shall not be a prerequisite to any proposed subdivision.

C. General Responsibilities

1. The City Attorney shall be responsible for approving as to form all subdivision improvement agreements and improvement securities.
2. The City Council shall review and approve, conditionally approve or disapprove tentative maps for Major Subdivisions. The City Council shall have final jurisdiction in the approval of final maps and improvement agreements and the acceptance by the city of lands and/or improvements as may be proposed for dedication to the City for Major Subdivisions. The City Council shall act as the final appeal board for hearing appeals of the approval, conditional approval or disapproval of tentative maps for Minor Subdivisions.
3. The Planning Commission is the advisory agency with respect to:
 - a. Reviewing and approving, conditionally approving or disapproving tentative maps for Minor and Major Subdivisions;
 - b. Determining methods of compliance with park land dedication requirements;
 - c. Acting on variances;
 - d. Extending tentative maps and tentative parcel maps;
 - e. Reviewing of objections to final map or parcel map by public utilities or public entities with easements which may be adversely affected by such maps;
 - f. Modifying approvals of final map or parcel map.



4. The Community Development Director shall be responsible for design analysis for conformity with the General Plan and this Title; for the environmental quality of the subdivision design; and for the expedient processing of subdivision maps, parcel maps, and reports, as provided herein. The Community Development Director is the advisory agency with respect to the following:
 - a. Determinations of fair market value of the property of a Subdivider for purposes of calculation of fees in lieu of park land dedication;
 - b. Designations of names of public and private streets;
 - c. Certificates of compliance;
 - d. Notices of violation;
 - e. Grading on the site of subdivisions;
 - f. Security for undergrounding of utilities;
 - g. Waiver of the requirements for soils reports;
 - h. Plans and specifications for required landscaping, except for street trees;
 - i. Waiver of tentative maps for combinations of lots.
 - j. Installation of street trees.
5. The Community Development Director or his/her designee shall be the advisory agency in respect to:
 - a. Establishing design and construction details, standards and specifications;
 - b. Determining if proposed subdivision improvements comply with the provisions of this Chapter and the Subdivision Map Act and for reporting the findings together with any recommendations for approval, or conditional approval, of the tentative map to the Community Development Director for Major Subdivisions and Minor Subdivisions.
 - c. The processing of final maps, reversion to acreage maps and amended maps; the processing and approval of subdivision improvement plans, lot line adjustments, mergers, and certificates of compliance.
 - d. Examining and stating that final maps are in substantial conformance with the approved tentative map.
 - e. The inspection and approval of subdivision improvements.
 - f. The acceptance of dedications of all streets, alleys, including access rights and abutter's rights, drainage easements, elementary school sites, parks, and other easements and parcels of land intended for public use.
 - g. The recording of a notice of completion of private subdivision improvements when not to be maintained by the city.
 - h. The collection of all required deposits and fees.
6. The Subdivider shall prepare maps consistent with the standards contained herein, and design public improvements consistent with the public improvement standards of the City of Coalinga. The Subdivider shall process said maps in accordance with the regulations set forth herein.



ARTICLE 2 APPLICATIONS PROCEDURES AND REQUIREMENTS

A. Necessity to File Tentative Maps, Parcel Maps and Final Maps

1. Division of land in five (5) or more lots
 - a. A tentative map and a final map shall be required for all divisions of land where the land will be divided into five or more parcels, five or more condominiums, a community apartment project containing five or more parcels, or for the conversion of a dwelling to a stock cooperative containing five or more dwelling units.
 - b. A tentative and parcel map shall be required for subdivision of five (5) or more lots if at least one the following conditions apply:
 - (1) The land before division contains less than five acres, each parcel created by the division abuts upon a maintained public street or highway and no dedications or improvements are required by the legislative body; or
 - (2) Each parcel created by the division has a gross area of twenty (20) acres or more and has an approved access to a maintained public street or highway; or
 - (3) The land consists of a parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the governing body as to street alignments and widths; or
 - (4) Each parcel created by the division has a gross area of not less than forty (40) acres or is not less than one-quarter of a one-quarter section.
2. Division of land in four (4) or less lots
 - a. A Tentative Map and Parcel Map shall be required for all subdivisions creating four or less lots; creating four or less condominiums, as defined in Section 783 of the Civil Code; creating a community apartment project containing four or less parcels; or converting a dwelling to a stock cooperative containing four or less dwelling units.
3. Cases for which the need of tentative, parcel or final maps are waived
 - a. Neither a tentative map nor a parcel map shall be required for:
 - (1) Subdivisions of a portion of the operating right-of-way of a railroad corporation, defined by Section 230 of the State Public Utilities Code, which are created by short-term leases terminable by either party on not more than thirty (30) days' notice in writing.
 - (2) Land conveyed to or from a governmental agency, public entity or public utility, or for land conveyed to a subsidiary of a public utility for conveyance to such public utility for rights-of-way..

B. Application and Review

1. **Application.** The Applicant shall file an application for a subdivision with the Community Development Director, according to the requirements of Chapter 6, Article 1.I to Article 1.J.



2. **Review.** The Community Development Director shall review the application for a tentative map in accordance with Chapter 6, Article 1.J, and provide notice according to the requirements of Chapter 6, Article 1.K, Public Notification. A public hearing may be scheduled at either the Planning Commission or City Council level for the review of the application, according to Table 6.1 in Chapter 6, Article 1.E, Authority for acting on applications.
3. **Approvals.** Applications for tentative maps and final maps shall be approved in accordance with Table 6.1 in Chapter 6, Article 1.E.
4. **Appeals.** An appeal requires a new public hearing with a new public notice in accordance with Chapter 6, Article 1.O, Appeals.
5. **Other permits.** Other permits may be applied for and reviewed concurrently, consistent with the requirements of Chapter 6.

C. Additional requirements

1. If the proposed subdivision is a conversion of real property to a condominium project, community apartment project, or stock cooperative project, notice of a public hearing shall be mailed to each tenant of the subject property. In all cases, mailed notice shall be given to the owners of all property within three hundred feet of the property under consideration and by posting a copy of the notice at the end of each block face upon which the property fronts.
2. If an environmental impact report has been prepared for the subdivision application pursuant to the California Environmental Quality Act, the Planning Commission shall approve, conditionally approve, or disapprove the application within forty-five days after certification of the environmental impact report.
 - a. If no such report has been prepared, the appropriate review authority shall approve, conditionally approve, or disapprove any tentative map within fifty days after the filing thereof. After action has been taken on the tentative map the Community Development Director shall report the action of the Planning Commission to the subdivider in writing.
 - b. The foregoing time limits may be extended by mutual consent of the subdivider and the Planning Commission.

D. Conditions preventing approval of a subdivision

1. The Planning Commission or City Council shall not approve an application for a subdivision, unless it finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the Coalinga General Plan and any other applicable Plans. A proposed subdivision shall be consistent with the General Plan or applicable Plans only if the proposed subdivision or land use is compatible with the objectives, policies, general land uses, and programs specified in such plans.
2. The Planning Commission or City Council shall deny an application for a subdivision if it makes any of the following findings:
 - a. That the proposed map is not consistent with the Coalinga General Plan, or with other applicable plans;
 - b. That the design or improvement of the proposed subdivision is not consistent with the Coalinga General Plan or with other applicable Plans;



- c. That the site is not physically suitable for the proposed type of development;
 - d. That the site is not physically suitable for the proposed density of development;
 - e. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
 - f. That the design of the subdivision or type of improvements is likely to cause serious public health problems;
 - g. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. The Planning Commission may approve a tentative map if it finds that alternative easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This provision shall apply only to easements of record or to easements established by a court of competent jurisdiction;
 - h. That the map fails to meet or perform one or more requirements or conditions imposed by the "Subdivision Map Act" or by this title. Any such requirement or condition shall be specified.
3. Notwithstanding the provisions of Section D.2.e of this Article, a tentative map may be approved if an environmental impact report was prepared with respect to the project and a finding was made pursuant to Section 21081(c) of the Public Resources Code that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

E. Cost Sharing, Charges and Fees

1. **Application.**
 - a. All provisions of this chapter shall apply equally to minor and major subdivisions, which are respectively approved by parcel map and by final map.
2. **Cost Sharing of Improvement Costs.**
 - a. The subdivider shall construct and/or install all required or permitted subdivision improvements without any cost or expense to the City except as provided in Section E.2.b of this Article.
 - b. When the subdivider is required to construct or install larger storm sewers, sanitary sewers or water improvements to serve contiguous areas developed, or to be developed, by other developers, the city will then pay the subdivider for the oversizing pursuant to the terms of an Oversizing Reimbursement Agreement. The cost of oversizing should be presented by the developer to the City by comparing at least two quotations, and shall be approved by the City Council before construction is started.
 - c. The subdivider shall dedicate all required rights-of-way and grant all easements to the proper public or private agency, except as otherwise specifically provided, without any cost or expense to the city.
3. **Charges and Fees.**
 - a. The subdivider shall pay all applicable fees.



- b. If the Community Development Director determines that any street or frontage road or portion thereof shall not be improved to city standards at the time the subdivider is improving adjoining lands then the subdivider shall deposit with the city the full cost of making permanent improvements as estimated by the Community Development Director and shall pay all costs for temporary improvements deemed necessary by the Community Development Director.
- c. The subdivider shall pay for all improvements abutting county roads where he is required to install half standard width streets improved to city standards and where such half streets abut a county road. The improvements to such county roads shall meet the standards prescribed by the county engineer. If it is determined that the portion of such road or street which is within the city should not be improved to city standards at the time the subdivider is improving adjacent lands then the subdivider shall deposit with the City the full cost of improving one-half of such street or road. The cost of improving such half streets to city standards shall be determined by the Community Development Director. When such half streets are not improved to city standards at time of development, the subdivider will be required to pay all costs for all temporary improvements deemed necessary by the Community Development Director on that portion of the street or road that is in the City as well as that portion of the street or road that is in the county but not within the City.



ARTICLE 3 MAPS

A. Tentative Maps

1. The Subdivider shall provide six (6) full size copies of the Tentative Map, folded to no larger than 9" x 12", and two (2) reduced copies of the Tentative Map at 8.5" x 11". The Community Development Director may request more copies for public hearings.
2. The Tentative Map shall show (for both major and minor subdivisions):
 - a. **Basic Information:**
 - (1) All required information is to be submitted in electronic format in addition to any hard copies, as requested by the Community Development Director.
 - (2) Scales:
 - (a) For minor subdivisions (4 lots or less): scales of 1":10', 1":20', 1":30' or 1":40'.
 - (b) For major subdivisions: scales of no less than 1":100', and a Vicinity Sketch (1":1000' or more), showing neighboring streets, tract lines, names and numbers of existing subdivisions, and outline of adjacent acreage parcels of land.
 - (3) Graphic scale, date, and north arrows.
 - (4) Certification of accuracy by a registered Civil Engineer or licensed surveyor.
 - (5) Name, address and telephone number of record owner or owners.
 - (6) Statement indicating record owners' permission to file map. If Subdivider is different from record owners, submit certified authorization by owner for Subdivider to act.
 - (7) Name, address and telephone number of the person, firm or organization preparing the map.
 - (8) Record information or a sufficient description to define the location and boundaries of the proposed subdivision.
 - (9) Existing zoning and proposed zoning changes.
 - (10) Contour lines having the following intervals:
 - (a) One (1) foot contour interval for ground slopes between level and five (5) percent.
 - (b) Five (5) foot contour intervals for ground slopes exceeding five (5) percent.
 - b. **Site Measurements:**
 - (1) Distance from existing structures to the boundary lines of the new parcel on which structures are located. Setbacks must meet zoning requirements of the area.



- (2) Outline of any existing buildings and their locations in relation to existing or proposed street and lot lines.
- (3) The approximate widths, location and purpose of all existing or proposed easements.
- (4) Layout and dimensions of all proposed and existing lots, radii of all curves and central angles, including numbering of each lot.
- (5) Location of existing and proposed building setback line(s) from top-of-bank of each stream or river on the site.
- (6) Typical cross sections of all streets.
- (7) The area of the subdivision in gross area and net area (excluding streets and other proposed public uses).

c. Existing geographical features:

- (1) Topography map with the following information: Contours maximum of 5 ft. intervals. The closest City benchmark shall be used and its elevation called out on the map.
- (2) Location, width and species of isolated trees with trunk diameter of four (4) inches or greater (4 feet above grade) and outline of groves or orchards.
- (3) Location, direction of flow and names if available, of both natural and artificial water courses and ponding areas, or areas of periodic inundation on the parcel being divided and on adjacent properties which might affect the design of the applicant's proposal; provisions for proposed drainage and flood control measures.
- (4) Existing uses.
- (5) Outline and identification of existing surface and subsurface structures on the subject site and adjacent properties.
- (6) Location of existing overhead utility lines and poles on-site and on peripheral streets, and underground utilities and drain pipes.
- (7) Location and size of existing sewer, fire hydrants, water mains, and storm drains, and related easements.
- (8) Locations, names, widths, approximate grades of all existing public or private streets in or adjacent to the site.

d. Proposed features:

- (1) The location and size of proposed fire hydrants and fire protection systems, sanitary sewers, water mains and storm drains. Slopes and elevations of proposed sewers and storm drains shall be indicated.
- (2) Location, names, width, center line radii, pavement type and approximate grades of all streets and rights-of-way on the site, including identification of which streets are proposed to be offered for dedication and which are proposed to be privately maintained. Typical sections of all streets shall be shown.
- (3) The proposed use of each lot, lot layout and dimensions and area of each lot. Engineering data shall show the approximate finished grading of each lot, the



preliminary design of all grading, the elevation of proposed building pads, maximum building elevations, building setback lines, the top and toe of cut and fill slopes to scale and number of each lot. In hillside areas, potential building sties shall be indicated.

- (4) Location and size of proposed easements for drainage, sewer, and public utilities.
- (5) Proposed recreation sites, trails and parks for public or private use.
- (6) Proposed common or open space areas for public use.
- (7) Instruments (Covenants, Conditions and Restrictions, Articles of Incorporation, By-Laws, etc., as deemed necessary) to legally empower owners' or tenants' organization to own maintain and pay taxes on private lands held in common for community use.
- (8) Location of proposed off-site improvements.

e. Utilities:

- (1) Statement of water sources.
- (2) Statement of provisions for sewerage and sewage disposal.
- (3) Preliminary indication of needed major storm drain facilities.

f. Related plans:

- (1) Grading Plan. Transitions at property lines shall be shown.
- (2) A preliminary landscaping plan, including any necessary improvements for irrigation and maintenance.
- (3) Unless waived by the Community Development Director, a conceptual plan for erosion control.
- (4) Unless waived by the Community Development Director, a conceptual plan for fencing.

g. Additional information:

- (1) Delineation of phased units, if applicable to the project.
- (2) Additional information necessary to evaluate the application- Preliminary Title Report.
- (3) Preliminary Geotechnical Report, etc.
- (4) Any additional deed restrictions.
- (5) Additional data and information, including fees, as may be required for the preparation and processing of environmental documents pursuant to the California Environmental Quality Act.

h. For major subdivisions only (5 lots or more):

- (1) Tract name of subdivisions.
- (2) Names and numbers of adjacent tracts and name of owners of adjacent unplatted land.

i. For amendment application only:



- (1) The maps shall show clearly the differences between the originally submitted maps, and the current proposal.
3. **Additional Documents required for Condominiums Conversions**
 - a. Tentative maps submitted for Condominiums Conversions require submittal of additional documents as explained in Article 6 of this Chapter.
4. **Report and Guarantee of Clear Title.**
 - a. A current (not more than six months old) title report by duly authorized title company naming the persons whose consent is necessary for the preparation or recordation of such map and for dedications of streets, public places, etc., showing all interests in property, existing easements, lease interests, etc. Said title report shall include a clear concise metes and bounds description of the property.
5. **Expiration and Extension of Time**
 - a. Expiration:
 - (1) The effective life of an approved or conditionally approved tentative map shall be 24 months.
 - (2) The expiration of an approved or conditionally approved tentative map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included within the tentative map shall be filed with the Community Development Director, as appropriate, without first processing a new tentative map. Once a timely filing is made, subsequent actions of the Community Development Director, Planning Commission, or City Council, as appropriate, including, but not limited to, processing, approval, and recordation, may lawfully occur after the date of expiration of the tentative map. Delivery to the Community Development Director shall be deemed a timely filing for purposes of this section.
 - b. Extension:
 - (1) Extensions for tentative maps may be granted, for an additional period not to exceed one (1) year.
 - (2) More than one extension may be granted; provided that the total of all extensions granted does not exceed three years.
 - c. Request for Extension:
 - (1) Prior to the expiration of an approved or conditionally approved tentative map, upon receipt of a written application by the Subdivider to extend that map, the map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. A written application to extend an approved or conditionally approved tentative map shall be submitted to the Community Development Director prior to expiration of the tentative map, who shall forward such to the Planning Commission as appropriate.
 - d. Consideration of Extension Request:
 - (1) Consideration of an application for an extension of time shall be limited to the mandatory findings of significance contained in the original City Council resolution or conditions which approved or conditionally approved the



- tentative map. If it can be reasonably demonstrated that any one (1) of the original mandatory findings of significance used to justify approval or conditional approval of the tentative map, as specified in the original resolution has changed to the extent it can be considered a cause for denial, then such request for extension may be denied.
- (2) The procedure for approval of extension of tentative maps shall be the same as that required for the approval of the original tentative map, including, but not limited to the requirements for notice, public hearing, findings, and appeals.
- e. Appeal:
- (1) If the Planning Commission denies a Subdivider's application for extension, the Subdivider may appeal to the City Council within fifteen days after the Planning Commission has denied the extension. The action of the City Council in granting or denying such an appeal shall be final.
- f. Concurrent Approvals:
- (1) When a tentative map is approved or conditionally approved in conjunction with a Conditional Use Permit or other discretionary permit, such permit shall expire at the same time as the tentative map unless the permit states a different expiration date approved by the City Council. Extensions of time of tentative maps approved with companion Conditional Use Permits or other discretionary permits may also include extensions of time for such companion permits to exceed the maximum appropriate time limit permitted by this section.

B. Vesting Tentative Maps

1. **Citation and Authority.**
 - a. This section is enacted pursuant to the authority granted by Chapter 4.5 (commencing with Section 66498.1) of Division 2 of Title 7 of the Government Code of the State of California (hereinafter referred to as the vesting tentative map statute).
2. **Purpose.**
 - a. It is the purpose of this section to establish procedures necessary for the implementation of the vesting tentative map statute, and to supplement the provisions of the Subdivision Map Act.
3. **Consistency.**
 - a. No land shall be subdivided and developed pursuant to the vesting tentative map statute for any purpose which is inconsistent with the general plan and any applicable specific plan, or not permitted by this Title or other applicable provisions of the Municipal Code, which were in effect at the time the vesting tentative map was approved or conditionally approved.
4. **Procedures.**
 - a. Application
 - (1) Whenever a provision of the Subdivision Map Act, as implemented and supplemented by this Chapter, requires the filing of a tentative map, a vesting tentative map may instead be filed, in accordance with the provisions hereof.



- (2) If a Subdivider does not seek the rights conferred by the vesting tentative map statute, the filing of a vesting tentative map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction.

b. Filing and Processing.

- (1) A vesting tentative map shall be filed in the same form and have the same contents, accompanying data and reports and shall be processed in the same manner as set forth in this Chapter for a tentative map, except as hereinafter provided:
 - (a) At the time a vesting tentative map is filed it shall have printed conspicuously on its face the words "vesting tentative map". and
 - (b) At the time a vesting tentative map is filed, a Subdivider may be required to supply information requested by the Community Development Director, in addition to the requirements set forth in Chapter 6, Article 1.F, Application Forms and Fees.

c. Expiration.

- (1) The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period, and shall be subject to the same extensions established by this Chapter for the expiration of the approval or conditional approval of a tentative map.

5. Vesting of Development Rights.

a. Review Authority Action.

- (1) The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards described in Government Code Section 66474.2. However, if Section 66474.2 of the Government Code is repealed, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards in effect at the time the vesting tentative map is approved or conditionally approved.
- (2) Notwithstanding paragraph (1) above, a permit, approval, extension or entitlement may be made conditional or denied if any of the following are determined:
 - (a) A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.
 - (b) The condition or denial is required, in order to comply with state or federal law.

b. Time Limits and Extensions of Time on Vesting Tentative Maps.

- (1) The rights referred to herein shall expire if a final map is not approved prior to the expiration of the vesting tentative map as provided below. If the final map is approved, these rights shall last for the following periods of time:



- (a) An initial time period of two (2) years. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase is recorded.
 - (b) The initial time period set forth in paragraph (1) above shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, if such processing exceeds thirty (30) days, from the date a complete application is filed.
 - (c) A Subdivider may apply for a one (1) year extension at any time before the initial time period set forth in paragraph (1) above expires.
 - (d) If the Subdivider submits a complete application for a building permit during the periods of time specified in paragraphs (1), (2), and (3) above, the rights referred to herein shall continue until the expiration of that period, or any extension of that permit.
- c. **Development Inconsistent with Zoning Conditional Approval.**
 - (1) Whenever a Subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with this Title, that inconsistency shall be noted on the map. The city may deny such a vesting tentative map or approve it conditioned on the Subdivider obtaining the necessary change in this Title to eliminate the inconsistency. If the change in the Title is obtained, the approved or conditionally approved vesting tentative map shall, notwithstanding Section B.5.b.(1).(a) of this Article, confer the vested right to proceed with the development in substantial compliance with the change in this Title and the map, as approved.
 - (2) The rights conferred by this subdivision shall be for the time periods set forth in Section B.5.b.(1).(b) of this Article.
- d. **Applications Inconsistent with Current Policies.**
 - (1) Notwithstanding any provision of this section, the applicant may seek approvals or permits for development which depart from the ordinances, policies and standards and local agencies may grant these approvals or issue these permits to the extent that the departures are authorized under applicable law.

C. Final and Parcel Maps

1. Filing and Fees.

- a. Within the time limit designated in Section A and B above of this Article, and upon the accomplishment of all dedication by certification on the map and required construction of all public improvements, or the execution of an agreement and provision of surety, and the payment of all applicable fees and charges, the applicant may file with the Community Development Director, who shall approve, a final map or parcel map which shall substantially conform to the approved tentative map and all applicable provisions of the Subdivision Map Act. The appropriate statements as provided by the applicant in accordance with the provisions of the Subdivision Map



Act, shall be signed by the Community Development Director upon the final map or parcel map; and the final map or parcel map shall be filed with the Clerk of the County.

2. Multiple Final and Parcel Maps.

- a. Multiple final maps and multiple parcel maps may be filed if the Subdivider informs the Community Development Director in writing of his or her intention to file multiple final maps and multiple parcel maps, at the time the tentative map is filed or, if the Community Development Director and the Subdivider concur to the filing of multiple final maps and multiple parcel maps after the filing of the tentative map.
- b. Effect of Multiple Final and Parcel Maps
 - (1) The filing of a final map or parcel map on a portion of an approved or conditionally approved tentative map shall not invalidate any part of the requirements to provide for the construction of improvements as required to constitute a logical and orderly development of the whole subdivision.
- b. Survey Requirement
 - (1) At the time of making a survey for final map or parcel map, the engineer or surveyor shall set sufficient durable monuments to conform with City Standards so that another engineer or surveyor may readily retrace the survey. At least one (1) exterior boundary line of the land being subdivided be adequately monumented or referenced before the map is recorded.
 - (2) The monuments shall be approved by the Community Development Director and shall be per City Standards. Any monument or benchmark, as required by this section, which is disturbed or destroyed before acceptance of all improvements shall be replaced by the subdivider. The monuments shall be set at each corner and angle point in the exterior and interior boundaries (lot corners) of the subdivision, except wherein such monuments already exist in their proper positions. Monuments shall be set on street and alley center lines or offsets at all street intersections, beginnings and end of curves, angle points or as otherwise directed by the Community Development Director.
 - (3) Interior monuments need not be set at the time of the map is recorded, if the engineer or surveyor certifies on the map that monuments will be set on or before a specified date, and if the subdivider furnishes to the city security guaranteeing payment of the cost of setting such monuments in accordance with Section 66496 of the Subdivision Map Act.
- c. Within five (5) days after the final setting of monuments has been completed, the engineer or surveyor shall give written notice to the Subdivider and to the Community Development Director that the final monuments have been set in accordance with Section 66497 of the Subdivision Map Act.
- d. At the discretion of the Community Development Director, a parcel map may be compiled from recorded or filed data when sufficient recorded or filed data when sufficient recorded or filed survey monumentation presently exists to enable to retracement of the exterior boundary lines of the parcel map and the establishment of the interior parcel or lot lines of the parcel map.

2. Form and Content of Final Map and Parcel Map.

- a. The subdivider shall file the original and three (3) copies of the final map or parcel map and required accompanying data with the Community Development Director. The said



final map or parcel map shall be accompanied by filing fees as specified in the comprehensive fee schedule. The final map or parcel map shall be prepared by or under the direction of a registered civil engineer authorized to practice land surveying or licensed land surveyor, shall be based upon a survey, and shall conform to all of the following provisions:

- (1) It shall be legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film. Statements, certificates, affidavits, and acknowledgments may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.
- (2) The size of each sheet shall be eighteen inches by twenty-six inches (18" X 26") inches or four hundred sixty by six hundred sixty (460 X 660) millimeters. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one (1) inch or twenty-five (25) millimeters. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets and its relation to each adjoining sheet shall be clearly shown.
- (3) All survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines appearing on the map shall be shown, including bearings and distances of straight lines, and radii and arc length or chord bearings and length for all curves and any information which may be necessary to determine the location of the centers of curves and ties to existing monuments used to establish and subdivision boundaries.
- (4) Each lot shall be numbered. Each street shall be named or otherwise designated. The subdivision name/number shall be shown together with the description of the real property being subdivided. Exterior boundary of the land included within the subdivision shall be indicated by distinctive symbols and clearly so designated. The map shall show the definite location of the subdivision, and particularly its relation to surrounding surveys. If the map includes a "designated remainder" parcel, and the gross area of the "designated remainder" parcel or similar parcel is five (5) acres or more, that remainder parcel need not be indicated as a matter of survey, but only by deed reference to the existing boundaries of the remainder parcel. A parcel designated as "not a part" shall be deemed to be a "designated remainder" for purposes of this section. On and after January 1, 1987, no additional requirements shall be included that do not affect record title interests.
- (5) Any public streets or public easements to be left in effect after the subdivision shall be adequately delineated on the map. The filing of the final map or parcel map shall constitute abandonment of all public streets and public easements not shown on the map, provided that a written notation of each abandonment is listed by reference to the recording data or other official record creating these public streets or public easements and certified to on the map by the clerk of the legislative body or the designee of the legislative body approving the map. Before a public easement vested in another public entity may be abandoned pursuant to this section, that public entity shall receive notice of the proposed abandonment. No public easement vested in another public entity



shall be abandoned pursuant to this section if that public entity objects to the proposed abandonment.

3. Information on Final Maps and Parcel Maps.

- a. Each parcel shall be consecutively numbered. Each parcel shall have its area shown to the nearest one-hundredth (1/100) of an acre or nearest square foot. The exterior boundary of the land included within the parcel or parcels being created shall be indicated by a distinctive border applied to the reverse side of the tracings. Such border shall not interfere with the legibility of figures or other data. The map shall show the definite location of such parcel or parcels, and particularly the relationship to existing surveys.
- b. The final map or parcel map shall also contain the following information:
 - (1) The tentative map number and date of preparation.
 - (2) The net dimensions of each lot. No ditto marks shall be used.
 - (3) The names, locations and right-of-way widths of all abutting public streets.
 - (4) The proposed location, purpose and width of all proposed public roads and private access easements.
 - (5) The boundaries of any private easement, whether an easement or record or a prescriptive easement, shall be shown by means of a dotted line; and the name of the person owning the easement shall be shown on the map.
 - (6) Location and widths of easements for public utilities, if required.
 - (7) The location and widths of watercourses and areas subject to inundation, and location of selected flood lines within the parcels being created.
 - (8) Building setback lines, if applicable.
 - (9) A north point and graphic scale.
 - (10) Location or vicinity map at a minimum scale of one (1) inch equals one (1) mile.
 - (11) Names and addresses of the owners of the property being divided.

4. Statements and Acknowledgment.

- a. The title sheet of the map, below the title, shall show the name of the engineer or surveyor together with the date of the survey, the scale of the map and the number of sheets. The following statements, certificates, acknowledgments and description shall appear on the title sheet of final maps, and such statements may be combined where appropriate:
 - (1) Statement by parties holding title. A statement in accordance with the provisions of Section 66436 and 66445 of the Subdivision Map Act.
 - (2) Dedication Statement. A statement in accordance with Section 66439 and 66447 of the Subdivision Map Act.
 - (3) Engineer's or Surveyor's Statement. A statement in accordance with Section 66441 of the Subdivision Map Act.
 - (4) Soil Engineer's Statement. A statement referring to preliminary soils reports on file with the city in accordance with Section 66434.5 of the Subdivision Map Act.



- (5) Statement to be executed. A statement for execution by each of the following, as applicable:
 - (a) Community Development Director;
 - (b) Surveyor;
 - (c) Soil Engineer;
 - (d) Community Development Director;
 - (e) City Council;
 - (f) City Clerk;
 - (g) County Board of Supervisors;
 - (h) County Recorder;
 - (i) Owner.
- (6) Notation or Reference. Notation or reference to survey and map information required pursuant to Section 66434.2 of the Subdivision Map Act.

5. Accompanying Data.

- a. When a final map is submitted to the Community Development Director in accordance with this Title, it shall be accompanied by the following documents:
 - (1) Improvement Plans. The original tracings of detailed plans, cross sections and profiles of all improvements proposed to be installed as required by the provisions of this Chapter, and of all other improvements proposed to be installed by the Subdivider in, on, over, or under any street, right-of-way, easement or parcel of land dedicated by the map or previously dedicated, including the estimated cost thereof, shall be filed with the Community Development Director for his approval and signature. All such plans shall be prepared in accordance with the requirements of the Community Development Director. Plan sheets shall be twenty-four inches by thirty-six inches (24" X 36") and a plan and profile drawn to a scale of one inch equals fifty feet (1" = 50'), or an appropriate scale previously approved by the Community Development Director.
 - (2) Traverse Sheets. Calculation and traverse sheets in a form approved by the Community Development Director giving bearings and distances, coordinates, error of closure and areas within the boundary of the subdivision and blocks and lots shown on the final map.
 - (3) Design Data. Design data, assumptions and computations for proper analysis in accordance with sound engineering practice.
 - (4) Report and Guarantee of Title. The final map shall be accompanied by a current (within six (6) months of the final map filing date) report prepared by a duly authorized title company naming the persons whose consent is necessary for the preparation and recordation of such map, and for dedication of the streets, alleys and other public places shown on the map and certifying that, as of the date of the preparation of the report, the persons wherein named are all the persons necessary to give clear title to such subdivision. At the time of recording said map, following approval by the City Council, there shall be filed with the County Recorder a guarantee executed by a duly authorized title



company for the benefit and protection of the City showing that the persons consenting to the preparation and recordation of such map and offering for dedication the streets, alleys and other public places shown thereon are all the persons necessary to pass clear title to such subdivision and to the dedications shown thereon. The report should also include a statement of explanation of why any right-of-way or easement holders across the subdivision need not sign the map if they are not included as needed to pass a clear title.

- (5) Preliminary Soils Report. A preliminary soil report prepared by a civil engineer registered by the State of California, based upon adequate test borings or excavations. The fact that a soil report has been prepared shall be kept on file for public inspection by the City. The preliminary soil report may be waived by the Community Development Director if adequate existing data is available as to the soil qualities of the soils of the subdivision. If the preliminary soil report indicates the presence of critically expansive soils or other soil problems which, if not corrected, would lead to structural defects, a soil investigation of each lot in the subdivision may be required, prepared by a civil engineer registered by the State of California. The soil investigation shall recommend corrective action intended to prevent structural damage to each dwelling proposed to be constructed on expansive or unstable soil. The report shall be filed with the Building Department. If the preliminary soils report indicates the presence of naturally-occurring asbestos, a construction dust management plan shall be prepared.
- (6) Utility Statements. Statements from the various public utility companies authorized to serve in the area of the subdivision or division of land certifying that satisfactory provisions have been made to accommodate their facilities.
- (7) Improvement Agreements. All agreements, improvement security required by State law or this Chapter, and any offer(s) of dedication.
- (8) Approval by Community Development Director. Upon receipt of the final map and other data submitted therewith, the Community Development Director shall examine such to determine that the subdivision as shown is substantially the same as it appeared on the tentative map, and any approved alterations, that all provisions of this Chapter or any other ordinance and the Subdivision Map Act applicable at the time the application for the tentative map is deemed complete, and that he is satisfied that the map is technically correct. If the Community Development Director shall determine the final map is not in full conformity with the tentative map, he shall advise the Subdivider of the changes or additions that must be made for such purposes, and shall afford the Subdivider an opportunity to make such changes or additions. If the Community Development Director shall determine that full conformity therewith has been made, he shall approve such map in the case of a parcel map or shall so certify on said map and shall transmit said map to the City Council for approval in the case of a final map.

6. City Council Approval.

- a. The City Council shall, at the meeting at which it receives the final map for approval, or at its next regular meeting after the meeting at which it received the map, approve the map if it conforms to all the requirements of this Chapter and the Subdivision Map Act applicable at the time of approval or conditional approval of the tentative map and any rulings made thereunder.



- b. The City Council may reject any or all offers of dedication. In the event that all improvements required or conditions imposed upon approval under the terms of this Chapter or by law are not completed before the filing of the final map, the City Council may enter into an agreement with the Subdivider for posting improvement security as provided in this Chapter. The Community Development Director, upon the approval of the final map by the City Council, shall transmit the map to the Clerk of the Board of Supervisors, who shall record same.

7. Waiver of Requirements for Parcel Maps.

- a. The requirement for a parcel map may be waived if a finding is made by the City Engineer that the proposed division of land complies with all requirements of this Chapter as to area, improvement and design, drainage control, street dedications and improvements, sewer and water supply availability and environmental protection. No parcel map will be required for tentative maps approved under this section.
- b. Approval of an application for a waiver of the requirement of a parcel map shall automatically constitute approval for the issuance of a certificate of compliance pursuant to the provisions of Section 66499.35 of the Subdivision Map Act. When approval has been given to an application for a waiver of the requirement of a parcel map, the Community Development Director shall issue a certificate of approval, which shall be filed with the county recorder.



ARTICLE 4 REVERSION TO ACREAGE, PARCEL MERGERS AND LOT LINE ADJUSTMENT

A. Reversion to Acreage

1. Purpose.

- a. The purpose of this section is to establish procedures and standards, consistent with the requirements of the Subdivision Map Act, for the reversion of previously subdivided property to acreage.

2. Initiation of Proceedings.

- a. Proceedings for reversion to acreage may be initiated by the City Council on its own motion or by petition of all of the owners of record of the real property within the subdivision.

3. Form and Content of Petition.

- a. The petition shall be in a form prescribed by the Community Development Director and shall contain the following:
 - (1) A preliminary title report indicating the title to the real property within the subdivision both at the time of approval of the final subdivision map and the time of initiation of proceedings for reversion to acreage.
 - (2) One of the following:
 - (a) A notarized affidavit or declaration under penalty of perjury executed by all owners of an interest in the real property within the subdivision in which such owners state that they have consented to reversion; or
 - (b) A certificate executed by the Community Development Director stating that none of the improvements required to have been made within two years from the date the final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is the later
 - (3) Sufficient data to enable the legislative body to make all of the determinations and findings required by this Chapter, including a three hundred (300) foot radius map and property owners list.
 - (4) A final map which delineates dedications which will not be vacated and dedications which are a condition to reversion if applicable and which sufficiently describes all property to be reverted to acreage.
 - (5) Such other pertinent information as may be required by the Community Development Director.

4. Public Hearing.

- a. A public hearing shall be held on the proposed reversion to acreage. Notice of the time and place of any public hearing shall be given in conformance with the provisions of Chapter 6, Article 1.L, Public Hearings.

5. Required Findings.



- a. Subdivided real property may be reverted to acreage and a final map approved for recordation only if the City Council finds that:
 - (1) Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes if applicable. Such determination regarding dedicated public streets shall be made by the City Council in accordance with Division 9, Part 3 of the Streets and Highways Code of the State of California.
 - (2) Either:
 - (a) All owners of an interest in the real property within the subdivision have consented to reversion; or
 - (b) None of the improvements required to be made have been made within two (2) years from the date the final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is the later; or
 - (c) No lots shown on the final map or parcel map have been sold within five (5) years from the date such map was filed for record.

6. Conditions of Approval.

- a. As conditions of reversion, the following shall be required:
 - (1) Dedications or offers of dedication necessary for the purposes specified by this Chapter following reversion.
 - (2) Retention of all previously paid fees if necessary to accomplish the purposes of this Chapter.
 - (3) Retention of any portion of required improvement security or deposits if necessary to accomplish the purposes of this Chapter.

7. Effective Date.

- a. Reversion shall be effective upon the final map being filed for record by the county recorder, and thereupon all dedications and offers of dedication not shown thereon shall be of no further force or effect.

8. Deposits and Securities.

- a. When a reversion is effective, all fees and deposits shall be returned and all improvement security released, except those retained pursuant to this Chapter and the Coalinga Municipal Code.

B. Merger of Parcels.

1. Conditions under which contiguous parcels may merge.

- a. Two (2) or more contiguous parcels or units of land which have been subdivided under the provisions of the Subdivision Map Act or any prior law or ordinance regulating the division of land, or which were not subject to such provisions at the time of their creation, shall not merge simply by virtue of the fact such contiguous parcels or units are held by the same owner. No further proceeding under the provisions of the Subdivision Map Act or this Chapter shall be required for the purpose of sale, lease or financing of such contiguous parcels or units, except, however, the City may provide



for the merger of a parcel or unit with a contiguous parcel or unit held by the same owner if all of the following requirements are satisfied:

- (1) At least one (1) of the affected parcels is not developed with a structure, other than an accessory structure, for which a building permit was issued by the local agency, or which was built prior to the time such permits were required by the local agency.
- (2) With respect to any affected parcel, one (1) or more of the following conditions exists:
 - (a) Comprises less than five thousand (5,000) square feet in area at the time of the determination of merger.
 - (b) Was not created in compliance with applicable laws and ordinances in effect at the time of its creation.
 - (c) Does not meet current standards for sewage disposal and domestic water supply.
 - (d) Does not meet slope stability standards.
 - (e) Has no legal access which is adequate for vehicular and safety equipment access and maneuverability.
 - (f) Its development would create health or safety hazards.
 - (g) Is inconsistent with the applicable General Plan and any applicable specific plan, other than minimum lot size or density standards.

2. **Action to be taken by the City.**

a. Notification of Intention to Merge

- (1) Prior to recording a notice of merger, the Community Development Director shall cause to be mailed by certified mail to the current record owner of the property a notice of intention to determine status, notifying the owner that the affected parcels may be merged pursuant to standards specified in the merger ordinance, and advising the owner of the opportunity to request a hearing on determination of status and to present evidence at the hearing that the property does not meet the criteria for merger. The notice of intention to determine status shall be filed for record with the Fresno County Recorder on the date that notice is mailed to the property owner.

b. Request for Hearing

- (1) At any time within thirty (30) days after recording of the notice of intention to determine status, the owner of the affected property may file with the Community Development Director a request for a hearing on determination of status.

c. Procedure for Hearing

- (1) Upon receiving a request for a hearing on determination of status, the Community Development Director shall fix a time, date and place for a hearing to be conducted by the City Council, and shall so notify the property owner by certified mail. The hearing shall be conducted not less than thirty (30) days following the receipt of the property owner's request, but may be postponed or continued with the mutual consent of the Community Development Director



and the property owner.

d. Procedure for Determination Following Hearing.

- (1) At the hearing, the property owner shall be given the opportunity to present any evidence that the affected property does not meet the standards for merger specified in the merger ordinance. At the conclusion of the hearing, the City Council shall make a determination that the affected parcels are to be merged or are not to be merged and shall so notify the owner of its determination. A determination of non merger may be made whether or not the affected property meets the standards for merger specified in paragraphs b and c above. A determination of merger shall be recorded within thirty (30) days after conclusion of the hearing.

e. Determination When No Hearing is Requested.

- (1) If, within the thirty (30) day period specified in paragraph b above, the owner does not file a request for a hearing, the Community Development Director may, at any time thereafter, make a determination that the affected parcels are to be merged or are not to be merged.
- (2) A determination of merger shall be recorded with the Fresno County Recorder which specifies the names of the property owners and particularly describes the real property in question no later than ninety (90) days following the mailing of the notice required by paragraph c above.

f. Notice of Intention for Non merger

- (1) If, in accordance with paragraph d or e above, the Community Development Director or City Council determines that the subject property shall not be merged, it shall cause to be recorded a release of the notice of intention to determine status, and shall mail a clearance letter to the current owner of record.

3. **Property Owner Initiated Merger of Contiguous Parcels.**

a. Pursuant to Government Code Section 66499.20 , a property owner owning contiguous parcels is authorized to merge those contiguous legal parcels without requiring the property to be reverted to acreage. Such merger shall be accomplished in accordance with the following procedures:

- (1) The property owner shall file an application for merger with the Community Development Director, submit evidence of title to all parcels to be affected, submit a proposed certificate of compliance, and pay the processing fee established by resolution of the City Council. Mergers shall be in the form and contain the information required of a tentative map together with a legal description of the merged parcel.
 - (a) The Community Development Director and Community Development Director shall consider and approve the application if it is found that the parcel created by the merger will conform to the requirements of this code and applicable state law.
 - (b) The merger shall be evidenced by recording a certificate of compliance which lists the parcel numbers affected and is signed by the Community Development Director and Community Development Director. The certificate of compliance shall be recorded concurrently with any deed of



easement regarding the relocation or elimination of applicable easements. The certificate of compliance shall be recorded against each parcel that is merged.

4. **Certificate of Compliance.**

- a. Any person owning real property may request, and the Community Development Director shall determine, whether such real property complies with the provisions of the Subdivision Map Act and of this Chapter. Upon making such a determination, the Community Development Director shall cause a certificate of compliance to be filed for record with the county recorder. The certificate of compliance shall identify the real property and shall state that the division thereof complies with applicable provisions of the Subdivision Map Act and of this Chapter. The Community Development Director may impose a reasonable fee to cover the cost of issuing and recording the certificate of compliance.
- b. If the Community Development Director determines that such real property does not comply with the provisions of the Subdivision Map Act or of this Chapter, he may, as a condition to granting a certificate of compliance, impose such conditions as would have been applicable to the division of the property at the time the current owner of record acquired the property and which had been established at such time by the Subdivision Map Act or this Chapter. Upon making such a determination and establishing such conditions, the Community Development Director shall cause a conditional certificate of compliance to be filed for record with the county recorder. Such certificate shall serve as notice to the property owner who has applied for the certificate pursuant to this section, a grantee of the property owner, or any subsequent transferee or assignee of the property that the fulfillment and implementation of such conditions shall be required prior to subsequent issuance of a permit or other grant of approval for development of the property. Compliance with such conditions shall not be required until such time as a permit or other grant of approval for development of such property is issued by the City.

C. Lot Line Adjustments

1. Pursuant to Government Code Section 66412(d), a lot line adjustment between four (4) or fewer existing adjoining parcels, where the land taken from one (1) parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created, may be approved by the Community Development Director without the approval and filing of a parcel map. Such lot line adjustments shall be accomplished in accordance with the following procedures:
 - a. Applications for lot line adjustments shall be filed with the Community Development Director and shall be in the form and contain the information required of a tentative map together with legal descriptions of each parcel.
 - b. The property owner(s) or agent shall file an application for a lot line adjustment with the Community Development Director, submit evidence of title to all parcels to be affected, submit a proposed lot line adjustment map and legal description, and pay the processing fee established by resolution of the City Council.
 - c. The Community Development Director shall consider and approve the application if it is found that the parcels created by the lot line adjustment will conform to the requirements of the Coalinga General Plan, Zoning and Building Ordinances. Criteria to



- be considered include, but are not limited to, standards relating to lot width and depth and minimum lot area.
- d. The lot line adjustment shall be evidenced by recording a deed describing each affected parcel and a Resolution approved by the City Council. The deed and Resolution shall be recorded concurrently with any easement deed regarding the relocation or elimination of applicable easements.
2. The Community Development Director shall not impose any conditions on the approval of a lot line adjustment except to comply with the requirements of Section C.1 of this Article. Any improvements that are required to be installed or constructed shall be constructed pursuant to the requirements of this chapter.



ARTICLE 5 REQUIRED IMPROVEMENTS, DEDICATIONS, AND DESIGN STANDARDS

A. Required Improvements.

1. The improvements set forth in this chapter shall be the subdivision improvements required of all subdivisions, except where a variance has been granted from any such requirement pursuant to this title.
2. **Street Improvements.**
 - a. The following street improvements are required:
 - (1) Cross gutters,
 - (2) Curbs, gutters and driveway approaches,
 - (3) Sidewalks,
 - (4) Street name signs and traffic control signs,
 - (5) Street paving,
 - (6) Street trees.
 - b. These improvements shall conform to the Design Guidelines of the City of Coalinga when this document is published.
3. **Utility Improvements.**
 - a. The following utility improvements are required:
 - (1) Ornamental street lighting system,
 - (2) Sanitary sewage collection and pumping system,
 - (3) Water distribution to all lots and fire protection system (including fire flow and fire hydrants),
 - (4) Undergrounding of utilities, including but not limited to electric, communication, and cable television lines installed in and for the purpose of supplying service to any subdivision, in accordance with the utility's rules and regulations on file with the California Public Utilities Commission,
 - (5) Storm water drainage system necessary for the proper use and drainage of streets, highways and ways, and to the land being subdivided.
4. **Public Safety Improvements.**
 - a. The following public safety improvements are required:
 - (1) Fences along lot line adjacent to proposed or existing surface water drainage channels if any,
 - (2) Fences and landscaping along rear lot lines of lots backing upon streets or highways,



(3) Off-tract improvements, wherever such improvements are required for the general health, safety and welfare, and where conditions necessitating such improvements are caused or aggravated by the subdivision.

b. The City Council may require additional improvements if deemed necessary to ensure the health, safety, convenience and general welfare of the community.

5. Improvements Approval and Construction

a. Construction of Improvements shall not commence until plans and specifications for such work have been submitted to and approved by the City as part of the Tentative Map submission, and, if the Final Map is to be recorded, a Subdivision Improvement Agreement has been signed.

b. All improvements shall be inspected and approved by the Community Development Director or his authorized representative. The subdivider shall be responsible for the actions of his contractor. Twenty-four (24) hours minimum notice will be required prior to an inspection by City personnel.

6. Plan Check and Inspection Fees.

a. Subdivider shall be required to pay a plan check and inspection fee which shall include all charges for engineering and inspection services and rendered by the City including the cost of recording maps. The plan check and inspection fee shall be as indicated in the City Comprehensive Fee Schedule. The plan check fee shall be paid prior to commencement of plan checking by the City. The inspection fee shall be paid prior to any construction work requiring inspection.

7. Improvement Security.

a. Security

(1) The subdivider shall file, to assure his full and faithful performance of improvements construction, a bond or security for such sum as the Community Development Director deems sufficient to cover the cost of the improvements.

b. Security, Form, and Amount

(1) Such security shall be in the manner, form, and kind provided by the Subdivision Map Act and acceptable to the City Attorney. The security shall be in the amount of one hundred (100) percent of the estimated cost of the improvements, conditioned upon the faithful performance of his agreement by the subdivider, and in the additional amount of one hundred (100) percent of such sum securing the payment by the subdivider to his contractor, his subcontractors, and to persons renting equipment or furnishing labor or materials to them for improvements. The security provided shall guarantee maintenance and/or repair of all defects in required public improvements for a period of one (1) year following acceptance of said improvements by the City. In lieu of a one hundred (100) percent performance bond and one hundred (100) percent labor and materials bond, surety may be assured by the filing of a letter of credit, cash deposit, or deposit of negotiable bonds, which creates a trust fund in an amount equal to one hundred and ten (110) percent of the cost of the work estimated by the Community Development Director. Said trust fund shall be maintained in a financial institution subject to regulation by the state and federal government with the trust fund limited to the following conditions:



- (a) Ten (10) percent of the cost, representing a labor and materials deposit, to be retained for thirty-five (35) days after the filing of the notice of completion.
 - (b) Funds may be discharged from the balance of the surety account from time to time as work is completed, up to ninety (90) percent of value of work completed, with authorization of the Community Development Director until all work is completed and the notice of completion is filed; at which time the remaining funds shall be released thirty-five (35) days thereafter.
 - (c) Prior to final acceptance by the city of improvements, the subdivider shall provide the City with a one (1) year maintenance bond in the amount of five (5) percent of the estimated cost of improvements.
- c. Completion of Work by the City
 - (1) In the event the subdivider shall fail to complete all improvement work in accordance with the provisions of this Chapter and the City shall have completed the same, or if the subdivider shall fail to reimburse the City for the cost of incidental expenses or to cover the cost of replacement and the repair of existing streets or other improvements damaged in the development of the subdivision or requiring repair or replacement during the one (1) year guarantee period, the City shall demand performance of the agreement by the subdivider to do such work and reimburse itself for the cost of work agreed to be performed by the subdivider. If the amount of the surety bond or cash deposit exceeds all costs and expenses incurred by the City, the City shall release the remainder of such bond or certification, less the cost and expense incurred by the City. The subdivider shall be liable to the City for any costs additional to those secured in an action to be brought therefore by the City.
- d. Agreement for Installation of Improvements
 - (1) Prior to the approval by the City Council of the final map, the subdivider shall execute and file an agreement between the subdivider and the City, specifying a period of time, agreeable to the Community Development Director, which shall be not greater than one (1) year, within which he shall complete all improvement work to the satisfaction of the Community Development Director, and providing that if the subdivider shall fail to complete such work within such period, the City may complete the same and recover the full cost and expense thereof from the subdivider. The agreement shall also provide for inspection of all improvements by the Community Development Director or his authorized representative and reimbursement to the City by the subdivider for the cost of such inspection.
- e. Reimbursement Agreement.
 - (1) The City shall enter into an agreement for reimbursement to the subdivider. However, the subdivider shall be reimbursed only for that portion of the cost of such improvements equal to the difference between the amount it would cost the subdivider to install improvements to serve the subdivision only, and the actual cost of oversize improvements or in the case of Master Plan facilities, the City will pay the subdivider for the oversizing pursuant to the terms of an Oversizing Reimbursement Agreement, consistent with Article 2.E.2.b of this Chapter.



B. Dedications

1. When required as a condition for approval of a tentative map, the subdivider shall dedicate or make an irrevocable offer of dedication of land within the subdivision that is needed for streets, alleys, including access rights and abutter's rights, drainage easements, parks, and other easements and parcels of land intended for public use according to the standards listed below. In addition, the subdivider shall improve or agree to improve all streets and alleys, including access rights and abutters' rights, drainage, public utility easements and other public easements.
2. **Nature of Dedications.**
 - a. **Streets**
 - (1) The subdivider shall dedicate land for streets according to adopted City Standards. Partial streets shall be discouraged in developments except in those situations where warranted and when approved by the Community Development Director.
 - b. **Waiver of Direct Access Right**
 - (1) The Community Development Director may require that offers of dedication of streets include a waiver of direct access rights from any property shown on the final map as abutting thereon.
 - c. **Public Easements**
 - (1) The subdivider shall dedicate easements of at least ten (10) feet in width for all City utilities, including but not limited to natural gas, sanitary sewer, water, and drainage purposes, on each side of rear lot lines, along side lot lines, and in planting strips wherever necessary. Easements of different width may be required, based on the Community Development Director's determination.
 - d. **Drainage Facilities**
 - (1) In accordance with Government Code Section 66483, the City, as appropriate and as permitted by law, shall require payment of fees for purposes of defraying the costs of constructing planned drainage facilities if any part of the land division is located within a planned drainage area. If the subdivider installs planned drainage facilities, fees shall be reduced accordingly. Fees required pursuant to this section and associated with residential development shall be paid consistent with the provisions of Section 66007 of the California Government Code.
 - e. **Bicycle Paths and Pedestrian Trails**
 - (1) The subdivider shall dedicate or make an irrevocable offer of dedication of land that is needed to provide bicycle paths for the use, safety, and benefit of the residents of the subdivision.
 - (2) As stated in the Circulation Element of the City of Coalinga's General Plan, the subdivider shall also dedicate or make an irrevocable offer of dedication of land to contribute the City network of trails to provide safe and agreeable pedestrian access to parks, schools and major facilities.
 - f. **Transit Facilities**



- (1) When required as a condition for approval of a tentative map, the subdivider shall dedicate or make an irrevocable offer of dedication of land within the subdivision for local transit facilities such as bus turnouts, benches, shelters, landing pads and similar items that directly benefit the residents of a subdivision.
- g. Railroad and Grade Crossings
 - (1) The City Council shall review proposed subdivision plans with respect to existing railroad crossings and proposed or likely grade separations or other such facilities and shall require such changes as may be necessary to ensure that the design and improvement of the subdivision does not interfere with such future grade separations or other measures. The subdivider shall dedicate or make an irrevocable offer for dedication of the rights-of-way required for any grade separation or similar improvement that the General Plan Circulation Element proposes.
- h. Solar Access Easements
 - (1) At such time as the City has adopted solar access standards, and when required as a condition for approval of a tentative map, the subdivider shall dedicate or make an irrevocable offer of dedication of easements for the purpose of assuring that each parcel or unit in the subdivision for which approval is sought has the ability to receive sunlight across adjacent parcels or units in the subdivision for any solar energy system. The dimensions and locations of such easements shall be in accordance with any standards for solar access adopted by the City Council.
- i. Park and Recreations Areas
 - (1) As a condition of approval of a tentative map, the City shall require the subdivider to dedicate, make an irrevocable offer of dedication of land, or pay a fee in lieu thereof, or a combination of both, for neighborhood and community open space, park and recreational purposes. In order to conform to the policies of the General Plan and maintain existing standards for parks and recreation facilities, the park area required to be dedicated shall be equal to the ratio of the ultimate population of the subdivision to the current population of the City multiplied by the total park area within the City's planning area at the time of filing of the tentative but in no case shall be less than three (3) acres of park area per one thousand (1,000) persons nor more than five (5) acres per one thousand (1,000) persons who will live in the subdivision, calculated as follows:
 - (a) The ultimate population of the subdivision is based upon the approved residential density and the average household size for the type of unit;
 - (b) Total population of the City shall be as reported in the most recent available federal census;
 - (c) Current park acreage shall be the amount of neighborhood and community park acreage identified in the General Plan or any more recent records, maps, or reports.
- j. Elementary School Sites.
 - (1) When a subdivider develops one (1) or more subdivisions within one (1) or more school districts maintaining an elementary school, the Community



Development Director may be require the subdivider to dedicate to the school district or districts such lands as the district shall deem necessary, for the purpose of constructing facilities for the adequate provision of elementary school service.

- (2) Procedure.
 - (a) The requirement of dedication shall be imposed at the time of approval of the tentative map. If within thirty (30) days after the requirement of dedication is imposed by the City the school district does not offer to enter into a binding commitment with the subdivider to accept the dedication, the requirement shall be automatically terminated. The required dedication may be made any time, before, concurrently with, or up to sixty (60) days after the filing of the final map on any portion of the subdivision.
- (3) Payments to Subdivider
 - (a) The school district shall, if it accepts the dedication of land, repay the subdivider the original cost of the dedicated land, plus a sum equal to the total of the following:
 - i. Improvement Costs. The cost of any improvements to the dedicated land since acquisition by the subdivider;
 - ii. Assessed Taxes. The taxes assessed against the dedicated land from the date of the school district's offer to enter into the binding commitment to accept the dedication;
 - iii. Other Costs. Any other costs incurred by the subdivider to maintain the dedicated land, including interest costs incurred on any loan on the land.
- (4) Exceptions.
 - (a) The requirements for dedication shall not apply to a subdivider who has owned the land being subdivided for more than ten (10) years prior to the filing of the tentative map.

3. **Acceptance, Termination and Recording of Dedications.**

- a. Acceptance of Dedications.
 - (1) At the time the City approves a final map or parcel map, the City shall also accept subject to improvement, or reject, any offer of dedication. The City Council may accept said dedications pursuant to Section 1806 (c) of the Streets and Highways Code. The City Clerk shall certify or state on the map the City's action.
- b. Offers of Dedication.
 - (1) If at the time the final map is approved, any streets, paths, alleys, or storm drainage easements are rejected, the offer shall remain open and the City Council or Community Development Director may, by resolution at any later date and without any further action by the subdivider, rescind the City's action and accept and open the streets, paths, alleys or storm drain easements for public use which acceptance shall be recorded in the office of the county recorder. Dedications and acceptance or rejection of parcels of land for



elementary school sites, public utility and other easements on parcels of land not previously specified shall be in accordance with the provisions of the Subdivision Map Act.

c. Termination of Offers.

- (1) Offers of dedications may be terminated and abandoned in the same manner as prescribed for the summary vacation of streets by Part 3 (commencing with Section 8300) of Division 9 of the Streets and Highways Code.

d. Recording Dedications.

- (1) The City shall record a certificate with the county recorder for any dedication in fee for public purpose or for making public improvements or constructing public facilities, other than for open space, parks, or schools. The certificate shall be attached to the map and shall contain all of the following:
 - (a) The name and address of the subdivider dedicating the property.
 - (b) A legal description of the real property being dedicated.
 - (c) A statement that the City shall reconvey the property to the subdivider if the City makes a determination that the same public purpose for which the property was dedicated does not exist, or the property or any portion thereof is not needed for public utilities.

4. **Considerations In Lieu of Fees.**

- a. The City Council may allow any subdivider to furnish a consideration in lieu of payment of the fees mentioned in this Chapter, if the City Council finds that such consideration has a value not less than the fees that would otherwise be payable. The form of consideration in lieu of fees may include, but shall not be limited to, any of the following or a combination thereof:
 - (1) Construction of all or part of a bridge project or major thoroughfare project, as the case may be, for which the area of benefit was established.
 - (2) Dedication or conveyance of all or part of the site or right-of-way required for major construction of a bridge project or major thoroughfare project, as the case may be, for which the area of benefit was established.
- b. Value In Excess of Fees.
 - (1) If the City Council finds that the consideration in lieu of fees has a value in excess of the amount of fees that would be otherwise payable, the City Council may enter into an agreement with the party furnishing such consideration for reimbursement of the amount of such excess from moneys, then in or which may later accrue to, the fund into which such party would have been required to pay fees but for such consideration in lieu of fees, and to reimburse such party from such fund in accordance with such agreement.

C. Design and Construction Standards

1. **Conformance Requirement.**

- a. All improvements shall conform to standard specifications, designs and details as prepared by the administrative staff and approved by the City Council, or in the event no official or standard plan, specification, design, detail or regulation has been



adopted by the City regarding the installation of a particular improvement, then the improvement shall conform to the plan, specification, design, detail or regulation then set forth by the administrative staff and approved by the City Council.

2. Streets and Highways.

- a. The street and highway design shall conform both in width and alignment with any general plan circulation element, precise street plans and other precise plans adopted by the City Council, and right-of-way for any such street or highway indicated on the general plan or precise plans shall be dedicated to the City by the subdivider.
- b. Streets and highways not otherwise designated on the circulation element of the general plan shall not be less than those set forth in this section, except where it can be shown by the subdivider that the topography of the land or other physical constraints are such as to justify narrower width. Increased widths may be required for bicycle lanes and, when determined necessary, by the City Council in the public interest. Approval or determination of street classification shall be made by the City Council.
 - (1) Major arterial rights-of-way shall not be less than one hundred sixteen (116) feet in width.
 - (2) Minor arterial rights-of-way shall not be less than ninety-four (94) feet in width.
 - (3) Collectors without on-street parking rights-of-way shall not be less than fifty-three (53) feet in width.
 - (4) Collectors with median and without on-street parking rights-of-way shall not be less than sixty-five (65) feet in width.
 - (5) Collectors with on-street parking rights-of-way shall not be less than sixty-seven (67) feet in width.
 - (6) Local residential rights-of-way shall not be less than forty-seven (47) feet in width.
 - (7) Local commercial street rights-of-way shall not be less than sixty (60) feet in width.
 - (8) Cul-de-sac or other dead-end street serving less than ten (10) homes shall not be less than forty-seven (47) feet in width.
- c. Relationship to Existing Streets
 - (1) The street system in the proposed subdivision shall relate functionally to the existing streets in the area adjoining the subdivision and be designed to maximize access points to existing local and collector streets.
- d. Center Lines
 - (1) The center lines of all streets, wherever practicable, shall be the continuations of the center lines of existing streets, or shall be offset at least one hundred fifty (150) feet.
- e. Intersections
 - (1) Each street intersection shall be as near to a right angle as is practicable, and no intersection of streets at angles less than sixty (60) degrees shall be approved, unless necessitated by topographical conditions as determined by the



Community Development Director.

- f. Corner Cut-Offs
 - (1) At street intersections, the block corners shall have a corner cut-off sufficient to accommodate a City Standard Street Intersection Return, inclusive of a wheelchair ramp.
- g. Cul-de-Sac or Dead-End Streets
 - (1) Cul-de-sac or dead-end street shall be no more than six hundred (600) feet in length and shall have a turnaround having a minimum radius of 47 feet, measured to the property line, and minimum of forty (40) feet to curb face unless the Community Development Director determines that such turnaround is not necessary.
 - (a) Culs-de-sac and dead end streets shall be prohibited in R districts except where necessary to give access to or permit satisfactory future development of adjoining land. If culs-de-sac and dead end streets cannot be avoided, bicycle and pedestrian connections shall be provided from the cul-de-sac or dead end street to nearby public areas and main streets.
 - (b) Culs-de-sac and dead end streets shall be avoided in all other districts. If culs-de-sac and dead end streets cannot be avoided, bicycle and pedestrian connections shall be provided from the cul-de-sac or dead end street to nearby public areas and main streets.
- h. Curve Radius
 - (1) The center line curve radius on all streets shall be designed in accordance with acceptable safe engineering practices. In no case shall the curve radius for an arterial be less than five hundred (500) feet. Center line curve radius on all other streets shall not be less than two hundred (200) feet.
- i. Frontage Streets
 - (1) When any lots front or side on any arterial, collector, expressway or freeway, the subdivider may be required to dedicate and improve a frontage street to provide ingress to and egress from such lots. Residential properties shall not front onto and take access to/from arterial or collector streets.
- j. Private Roads and Alleys
 - (1) Private roads and alleys shall not be permitted unless a Conditional Use Permit is approved by the City Council and, if approved, all private roads or alleys shall be constructed to City standards.
- k. Grades of Streets.
 - (1) Streets shall not be less than 0.2 percent and not greater than seven (7) percent, unless because of topographical conditions or other exceptional conditions the Community Development Director determines that a grade less than 0.2 percent, or in excess of seven (7) percent, is necessary.
- l. Fire Hydrants
 - (1) The position of any street within twenty (20) feet of a fire hydrant shall not have a grade in excess of seven (7) percent to allow for the positioning of a fire



suppression unit.

m. Access on Arterials

- (1) Arterial streets shall not be used to provide direct access to individual single-family residential lots. When the rear or side of any lot borders an arterial, the subdivider may be required to execute and deliver to the City an instrument prohibiting the right of vehicular ingress and egress from said arterial to said lot.

n. Access on Collectors

- (1) The use of a collector as primary direct access to individual single-family residential lots shall not be allowed.

3. **Alleys.**

a. The City Council, for any one of the following reasons, may require alleys to be constructed to City standards):

- (1) Unusual size, shape or topographical character of the property to be subdivided.
- (2) The relationship to existing or proposed commercial, industrial or high density residential development or adjacent railroad right-of-way.
- (3) The special nature of the design or density of a residential subdivision where dwellings are grouped in such a manner as to require access from other than the street frontage.
- (4) The need to maintain continuity of existing alleys where the property to be subdivided is located immediately between existing residential blocks where alleys are provided.

b. Residential alleys shall have a minimum dedicated width of twenty (20) feet.

c. Alleys shall be provided where needed to serve existing or proposed commercial or industrial areas, and shall have a minimum dedicated width of thirty (30) feet, with adequate provisions for ingress and egress.

d. A twenty (20) foot corner diagonal cutoff, measured along the property lines from the point of intersection, will be required where two (2) alleys intersect. An ADA compliant accessibility ramp shall be constructed pursuant to the City design standards.

e. Alleys shall be so laid out and aligned as to provide reasonable access for utilities and other services.

f. Dead-end alleys shall be prohibited.

4. **Pedestrian Ways.**

a. Pedestrian ways ten (10) feet or more in width may be required:

- (1) Through the middle of blocks that are more than six hundred (600) feet in length;
- (2) To connect culs-de-sac;
- (3) To provide access to playgrounds, parks, schools, shopping centers, or similar community facilities; and/or



- (4) To provide access to trails or bikeways shown in the General Plan.
- b. The subdivider shall install paving, landscaping, and fences as approved by the Planning Commission or City Council, unless otherwise waived.
- 5. Bikeways.
 - a. Bikeways shall be required in all locations shown in the General Plan or as approved by the Planning Commission or City Council. Bikeway width, paving, landscaping, fencing, and signs shall be as approved by the City Council.
- 6. Street Names.
 - a. All street names shall be approved by the City Council. Duplication of existing names shall not be allowed, unless the streets are approximately in alignment with existing streets and not so far removed as to be confusing.
 - b. Names of through streets in a north-south alignment shall be followed by the designation "street," and the names of through streets in an east-west alignment shall be followed by the designation "avenue."
 - c. Cul-de-sac streets in a north-south alignment shall be followed by the designations of either "place," "way" or "drive," and cul-de-sac streets in an eastwest alignment shall be followed by the designations of either "lane," "circle" or "court."
- 7. Blocks.
 - a. Block Length.
 - (1) Blocks shall not exceed six hundred (600) feet in length, unless existing adjacent property alignment, topographic, or traffic conditions justify a variation. Blocks longer than six hundred (600) feet in length shall provide midblock pedestrian crossings so that there is no more than six hundred (600) feet of continuous block without a pedestrian crossing. Blocks in the HZ Overlay zone are exempt from the block length limitations and requirement for mid-block crossings.
 - (2) Block Width. The width of each block shall be sufficient for an ultimate layout of two (2) tiers of lots, of a size required by the provisions of this Chapter, unless the conditions justify or make necessary a variation from this requirement.
- 8. Lots.
 - a. Lot Width.
 - (1) Each residential lot or parcel shall have frontage width of not less than that required by Chapter 2 of this Title, Zoning Districts and Allowable Uses.
 - b. Lot Depth.
 - (1) Lot depths shall not exceed two and one-half (2.5) times the proposed lot width except where existing topography makes such dimensions infeasible.
 - c. Lot Area.
 - (1) The area of all lots shall comply with the requirements of this Title relative to each particular Zoning District. A variety of lot and home sizes shall be provided.
 - d. Lot Frontage.
 - (1) Lots shall have a single frontage on a street; double frontage lots or lots without street frontage will not be permitted except where, in the opinion of the City



Council, topographic or unusual physical conditions justify a deviation from this rule.

e. Side Lines.

- (1) The side lines of lots shall, wherever practicable, be required to run at right angles or radially to the street upon which the lot faces.

f. Lot Numbering.

- (1) Lot numbers shall begin with the numeral "1", and shall continue consecutively through all of the units of the tract with no omissions or duplications, and no block numbers shall be used.

g. Division of Lots.

- (1) No lot shall be divided by a County, City, school, or any other taxing district boundary lines.

h. Suitability of Lots.

- (1) All lots shall be suitable for the purpose for which they are intended to be used. Land subject to flooding or deemed by the Planning Commission or City Council to be uninhabitable shall be indicted on the final map.

i. Land Remnants.

- (1) All remnants of below-minimum size left over after the subdivision of a larger tract must be added to adjacent lots rather than allowed to remain as unusable parcels.

j. Walls and Fences.

- (1) Plans and specifications for required walls or fences and landscaping shall be submitted to and approved by the Community Development Director.

9. **Access Limitation Strips.**

- a. A one (1) foot access limitation strip shall be provided at the dead end of a stubbed street or at the edge of a partial width street, and shall be offered for dedication to the City for future street purposes.
- b. Access limitation strips shall be designated on the final map of the subdivisions and shall be specifically referred to in dedication and acceptance certificates.

10. **Improvement Extension and Maintenance.**

- a. Each subdivision shall provide for the extension of improvements such as but not limited to lighting, common landscape areas, including pocket parks, perimeter walls, drainage systems beneficial to specific subdivision, drainage reservoirs, and open space areas, and the maintenance of such facilities through appropriate mechanisms as approved by the City Attorney. If a Landscaping and Lighting Maintenance District, Benefit Assessment District, or similar district is required, the following standards apply:
 - (1) Prior to the approval of improvement plans for a development, the applicant shall submit the following information for the establishment of a landscaping and lighting maintenance district, the extension of the subject improvements into the assessment area, and the maintenance of the improvements once constructed:



- (a) A petition on a form provided by the Community Development Director requesting to have the subdivision placed in a district at the time the final map is approved by the city.
 - (b) Completed and approved landscaping and lighting improvement plans, and legal description.
- (2) The district shall be established, or the annexation into an existing district concluded, and improvements completed and accepted concurrently with the other improvements in the subdivision.
- (3) Exclusive of assessments for a district, the applicant shall pay all service fees and maintain all new district improvements in a safe and healthy manner for the greater of a ninety (90) day plant establishment period following acceptance of the subdivision improvements, or until assessment begins for the district.

11. Waiver of Right to Protest District Formation.

- a. Prior to final map approval, each subdivider shall record a document waiving their right to protest a new assessment or an assessment increase equal to or less than a CPI adjustment for a City-wide Landscaping and Lighting Maintenance District or other maintenance district when at least fifty-one (51) percent of the City is already in such district under the provisions of Government Code Section 53753.

12. Grading and Erosion Control.

- a. Every map approved pursuant to this Chapter shall be conditioned on compliance with the requirements for grading and erosion control, including the prevention of sedimentation or damage to off-site property, set forth in Appendix J of California Building Code of the most recently adopted edition. Steep terrain and other topographical features may limit the abilities of a subdivider to perform mass grading operations. At the discretion of the Community Development Director, individual grading plans for each individual lot may be submitted with the building permit in lieu of a mass grading plan normally submitted with the improvement plans.

13. Protection of Natural Features and Trees.

- a. Natural Features. Significant rock outcroppings and other unusual land forms shall be shown and identified on the tentative map and on improvement and landscape plans.
- b. Trees.
 - (1) All existing trees six (6) inches in diameter or over shall be shown on the tentative map with a notation as to the size, species and dripline. Trees that are part of an agricultural crop may be shown as the outer extent of the planting with a notation as to the species and average tree size and dripline.
 - (2) Existing trees six (6) inches or over in diameter may be required to be preserved. In cases where tree preservation is required, all grading and necessary tree trimming shall be conducted in accordance with an arborist's recommendations for tree preservation.
 - (3) Trees within a proposed public right-of-way shall be removed only for good cause to protect the public safety or to allow the installation of adequate public facilities as may be approved by the Community Development Director.

14. Storm Water Management Plan.



- a. Every map approved pursuant to this Chapter shall be conditioned to comply with the requirements of the City's Storm Water Management Plan, which includes measures that control construction site run-off and post-construction run-off.

15. Watercourses.

- a. In accordance with Sections 66478.1 through 66478.10 inclusive of the Subdivision Map Act, if the land division will front upon a public waterway, river, or stream, as defined in Section 66478.4(c), access routes and easements along the bank shall be provided as follows:
 - (1) The land division shall provide, or have available, reasonable public access by fee or easement from a public highway to that portion of the bank of such river or stream bordering or lying within the proposed land division, as determined by the City Council in accordance with Section 66478.5 of the California Government Code;
 - (2) The land division shall provide for a dedication of a public easement along a portion of the bank of such river or stream bordering or lying within the proposed land division, as determined by the City Council in accordance with Section 66478.5 of the California Government Code; and
 - (3) The City Council shall determine the governmental entity to which such access route or easement shall be dedicated, and all dedications shall be in accordance with Section 66478.6 of the California Government Code.
- b. In accordance with Section 66478.12 of the California Government Code, if the land division will front upon any lake or reservoir that is owned in part or entirely by any public agency, including but not limited to the United States, State of California, or the City of Coalinga, the land division shall be provided with or have available reasonable access by fee or easement from public highways to the water of the lake or reservoir upon which the land division borders either within the land division or a reasonable distance from the land division, as determined by the City Council in accordance with said statute. The City Council shall determine the governmental entity to which such dedication shall be made.
- c. If a land division is traversed by a river, stream, or creek, the subdivider shall leave such river, stream, or creek in its natural condition whenever practical. Sufficient right-of-way shall be dedicated to the City or other public entity and improved for flood control purposes as necessary to accommodate flows of water that would be generated by a flood of one hundred (100) year frequency. In the event that a land division is to front upon a river, stream, or creek, the provisions of this paragraph shall apply to that portion of the bank thereof bordering or lying within the proposed land division. The City Council shall determine the governmental entity to which such dedication shall be made.
- d. The City Council may disapprove a tentative map because of flood hazard and inundation, and require protective improvements to be constructed as a condition precedent to approval of the map.

16. Drainage Reservoirs.

- a. Temporary drainage reservoirs will only be allowed in areas where it has been determined by the Community Development Director that it is not practical to implement the intent of the latest adopted version of the Storm Drain Master Plan. Landscape and irrigation systems shall be installed as approved by the Community



Development Director. Maintenance of these facilities shall be part of the maintenance district created for the benefit of the subdivision.

- b. Temporary drainage reservoirs may be approved until such time as Storm Drain Master facilities are available for connection and shall be dedicated to the City as an easement.
- c. Drainage Reservoirs designated in the Storm Drain Master Plan shall be considered permanent facilities and title of the land shall be held by the City in fee. Property acquisitions shall be in the form of a dedication or purchased in accordance with the City's Storm Drain Master Plan and City's Property and Right-of-Way Acquisitions Policy and Procedures Manual. Landscaping and irrigation systems shall be installed as approved by the Community Development Director.



ARTICLE 6 CONDOMINIUM CONVERSIONS

A. Findings and Purposes

1. The City Council finds that it is desirable to maintain a balanced housing program to accommodate the needs of all segments of its citizenry. The purpose of this article is to:
 - a. Establish regulations in conformance with the housing element of the City's general plan relating to the conversion of existing multiple-dwelling residential apartment units to condominiums;
 - b. Ensure a reasonable balance of rental and ownership housing in the City and a variety of individual choices of the tenure, type, price, and location of housing
 - c. Maintain a supply of rental housing for low and moderate income persons; and
 - d. Mitigate the displacement of long-term residents who may be required to relocate from the community due to a shortage of replacement rental housing.
2. The City Council finds that when the number of vacant apartments offered for rent or lease is less than three (3) percent of the total number of apartment units in the City, or when the number of vacant apartments offered for rent at similar rental rates and of a similar type is less than fifty (50) percent of the total number of the apartments to be converted to condominiums, a housing shortage exists which is inconsistent with the purposes of this article and with the goals and objectives established by the housing element of the general plan. The City Council also finds that the conversion of existing apartment buildings into condominiums diminishes the supply of rental housing and displaces residents who are forced to move outside the City when a housing shortage exists. For such reasons, condominium conversions will be permitted only when no housing shortage exists and when the conversion is consistent with the purposes of this article. No application for the approval of a tentative map for a condominium conversion may be filed while such housing shortage exists.

D. Definitions

1. For the purposes of this article, unless otherwise apparent from the context, certain words and phrases used in this article are defined as follows:
 - a. *Apartment*. "Apartment" shall mean a rental dwelling unit in a structure designed or used to house two (2) or more families living independently of each other.
 - b. *Condominium*. "Condominium" shall mean a separately owned dwelling unit in a building containing two (2) or more units, as defined in Section 783 of the Civil Code of the State.

E. Documents required

1. **Tentative Map.**
 - a. An applicant for the approval of a condominium conversion shall provide the City with a tentative map as described in Article 3-A of this Chapter.
2. **Economic and Demographic Information.**



- (1) An applicant for the approval of a condominium conversion shall also provide the City with specific information concerning the economic and demographic characteristics of the project.

3. **Structural Report.**

- a. The following reports shall be submitted to the City by an applicant:
 - (1) A report detailing the structural condition of each building and structure on the property, including foundations, electrical, plumbing, utilities, walls, roofs, ceilings, windows, recreational facilities, sound transmission of each building, mechanical equipment, parking facilities and appliances, with specific reference to the extent any condition existing on the property is unsafe or dangerous, and proposed corrective measures to be employed;
 - (1) A structural pest report, prepared by a licensed structural pest control operator, relating to the presence or absence of wood-destroying pests or organisms; and
 - (2) A report showing that the wall separation and the floor and ceiling separation between the units meet the soundproof standards of the current Uniform Building Code requirements adopted by the City.
- b. If such report shows that such standards are not met, the applicant shall enter into an agreement with the City, secured in the manner provided in Sections 66499 through 66499.10 of the Government Code of the State, to correct the conditions within a stated period of time. Alternately, the City may require the applicant to enter into an agreement in recordable form providing that no sale of a condominium may close until the soundproof standards are met or until cash in the amount of the cost of the improvements is on deposit and guaranteed for expenditure for such purpose.

4. **Declarations of covenants, conditions and restrictions.**

- a. At the time of filing the tentative map, the applicant shall provide a declaration of covenants, conditions, and restrictions for the condominium conversion which declaration shall include:
 - (1) An agreement for the maintenance of common areas, including facilities and landscaping, together with an estimate of the initial assessment fees anticipated for the maintenance;
 - (2) Access for Construction, Maintenance, or Repairs. Each Owner and the Homeowners' Association shall have an easement for entry upon any privately owned unit, where necessary, in connection with construction, maintenance, or repair for the benefit of the Common Area or the owners of the units in common;
 - (3) Provisions for the maintenance of vehicular access areas within the project and of all utility lines and services for each unit;
 - (4) Right to Terminate Management and Maintenance Contracts. Unless otherwise prohibited by law, or any local, state, or federal regulation, reference shall be made to the Homeowners' Association's right to terminate the contract of any person or organization engaged by the developer to perform management or maintenance duties three (3) months after the Homeowners' Association assumes control of the project, or at that time renegotiate any such contracts; and



- (5) Amendments to Covenants, Conditions, and Restrictions. A statement that the covenants, conditions, and restrictions shall not be amended, modified, or changed without first obtaining the written consent of the City.

5. **Other required information.**

- a. In addition to the information required by this article, the applicant may be required to submit other information which, in the opinion of the Community Development Director, will assist in determining whether the proposed conversion is consistent with the purpose of this article.

6. **Filing Fees.**

- a. A filing fee fixed by the City Council shall be submitted with the documents listed above.

F. Design and Construction Standards

1. No application for a condominium conversion may be approved unless the project meets the following standards:
 - a. *Insulation.* Each unit shall conform to the current noise and energy insulation standards under the Uniform Building Code as adopted by the City or other applicable laws or regulations. If the current standards cannot reasonably be met, the City may vary the standards where permitted by law to do so, and in this event the City shall require the applicant to notify potential buyers of the deficiency. However, soundproof standards may not be waived or varied, and the procedures set forth in Section E.3 of this Article shall be followed.
 - b. *Fire safety.* Each unit shall meet the City standards for one-hour fire separation between the common walls of individual units, including the attic space. Each unit shall have at least one approved smoke detector, capable of detecting products of combustion other than heat, which is installed in accordance with City requirements.
 - c. *Utilities.* Each dwelling unit shall be separately metered for gas, electricity and water, unless the City approves a plan for the equitable sharing of communal metering. Separate water shut-off valves shall be provided for each unit or for each individual fixture.
 - d. *Recycling and trash areas.* Each area for recycling and trash placement and pickup shall be adequately designated. All recyclables and refuse shall be removed on a regularly scheduled basis from the premises.
 - e. *Vibration mitigation.* Permanent mechanical equipment which the Building Inspector determines is a potential source of vibration or noise shall be shock-mounted or otherwise mounted in a manner approved by the Building Inspector to lessen the transmission of vibration and noise.
 - f. *Directories.* Addresses for all units and directory maps, if found by the City to be necessary, shall be prominently displayed at appropriate places of public or private access within or adjacent to the project.
 - g. *Laundry facilities.* There shall be provisions in each dwelling unit for a washer and dryer, or a laundry room with one washer and one dryer shall be provided for every four (4) dwelling units.

G. Tenant Provisions



1. Notice to tenants shall be provided as required in Section 66427.1 of the Subdivision Map Act. At least three (3) days before any hearing or action on a proposed tentative map for a conversion, the Community Development Department shall provide a copy of the staff report to the subdivider and to each tenant of the property:
 - a. *Notice of Intent.* The subdivider shall deliver a notice of intent to convert to each tenant at least sixty (60) days prior to filing of the tentative map. The form of the notice shall follow the requirements of Section 66452.9 of the Subdivision Map Act and be approved by the Community Development Director.
 - b. *Notice of Public Report.* Each tenant shall receive ten (10) days' written notice that an application for a public report will be or has been submitted to the Department of Real Estate and that such report will be available on request.
 - c. *Notice of Final Map Approval.* Each tenant shall receive written notification within 10 days of approval of a final map for the proposed conversion.
 - d. *Tenant's Right to Purchase.* Any present tenant shall be given notice of an exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant. The right shall run for a period of not less than ninety (90) days from the date of issuance of the subdivision public report unless the tenant gives prior written notice of his or her intention not to exercise the right. Evidence of receipt by each tenant shall be submitted prior to approval of the final map.
 - e. *Vacation of Units.* Each tenant not in default under the obligations of the rental agreement or lease under which he/she occupies his/her unit shall be given one hundred eighty (180) days' written notice of intention to convert his or her unit prior to termination of tenancy. The subdivider shall notify each tenant immediately prior to the time of final map approval of the anticipated date required to vacate the unit. Evidence of receipt by each tenant shall be submitted prior to approval of the final map.
 - f. *No Increase in Rents.* The rents charged tenants at the time when a completed tentative map application was accepted by the Community Development Department shall not be increased for two (2) years from that acceptance time, or until the unit is sold or the subdivision is denied, withdrawn or reverted to acreage. The increase in rent on a unit which has been vacated after receipt of the application by the Community Development Department shall not be subject to control.
 - g. *Notice to New Tenants.* At least thirty (30) days prior to the filing of the tentative map, the subdivider shall give notice of the filing of the map to each person applying after such date for rental of a unit immediately prior to acceptance of any rent or deposit. The notice shall be in the form outlined in Section 66452.8(b) of the Subdivision Map Act and shall advise the prospective tenant that notice will be provided at least one hundred eighty (180) days prior to the actual conversion. If the subdivider fails to give notice in accordance with this section, he or she shall pay to each prospective tenant who becomes a tenant and who was entitled to such notice and who does not purchase his or her unit, an amount equal to two (2) times monthly rent for moving expenses.

H. Findings justifying approval

1. The City shall deny the approval of an application for a condominium conversion unless the City finds that:



- a. The proposed conversion is compatible with the objectives, policies, elements, and programs established by the general plan and any applicable specific plan;
- b. The design and improvement of the project is consistent with the general plan and applicable specific plans;
- c. The design of the project creates an acceptable balance between, and provides reasonable relationships among, the structures and their units, private yard areas, open spaces, parking areas, and recreational facilities;
- d. The proposed conversion is consistent with the purpose of this article; and
- e. The proposed conversion is consistent with the health, safety and welfare of the residents of the City.

I. Conditions

- 1. The City may impose any conditions it considers necessary to ensure that the project will conform to the requirements of this article.



ARTICLE 7 CORRECTIONS, EXCEPTIONS, APPEALS

A. Exceptions

1. Exceptions.

- a. Exceptions to regulations pertaining to lot depth, reverse corner lots, street length and width, and double frontage lots may be authorized by the review authority following a public hearing at which the tentative map is also considered.
- b. A request for such exceptions shall be made by the Subdivider and filed with the application for the proposed land division.

2. Exceptions Requiring Conditional Use Permit Approval.

- a. Modifications to any other requirements and regulations set forth in this Title as it pertains to lot design shall be subject to the approval of a Conditional Use Permit.
- b. Application for any such modification shall be made in writing by the Subdivider in the form of a Conditional Use Permit application, stating fully the grounds of the application and the facts relied upon by the Subdivider. Such application shall be filed with the tentative map of the proposed land division.
- c. The City Council shall approve, conditionally approve or disapprove the application for a Conditional Use Permit pertaining to a tentative map following a public hearing held concurrently with the proposed tentative map. If in the opinion of the Community Development Director and Community Development Director the on- and/or off-site improvements, phasing and/or type of improvements necessitate it, a development agreement may be required between the City and the Subdivider.

3. Required Findings. In order to approve an exception, the review authority must make all of the following findings:

- a. There are special circumstances or conditions affecting the property that make it impractical to conform to all of the provisions prescribed by this Chapter provided, however, that no exceptions may be granted to any requirements imposed by the Subdivision Map Act or any other applicable provision of State law;
- b. That the modification is necessary for the preservation and enjoyment of a substantial property right of the petitioner;
- c. That the granting of the modification will not be detrimental to the public welfare or injurious to other property in the territory in which such property is situated;
- d. That the exception is appropriate for the proper design and/or function of the subdivision; and
- e. That the granting of the exception is consistent with the General Plan.

4. Remainder Parcels.

- a. The Subdivider may designate a remainder parcel which is not divided for the purpose of sale, lease, or financing. For a designated remainder parcel, the fulfillment of construction requirements for improvements, including the payment of fees associated with any deferred improvements, shall not be required until a permit or other grant of approval for development of the remainder parcel is issued or until the



construction of the improvements, including the payment of fees associated with any deferred improvements, is required pursuant to an agreement between the Subdivider and the City unless the parcel is included within the boundaries of a benefit assessment district or community facilities district or the City determines that fulfillment of the construction requirements is necessary for reasons of the public health and safety or as a prerequisite necessary to the orderly development of the surrounding area.

B. APPEALS

1. Decisions that are subject to appeal under the Subdivision Map Act or the provisions of this Chapter shall be filed and processed in accordance to Chapter 6, Article 1.O, Appeals. The decision of the City Council is final.

C. AMENDMENTS AND CORRECTIONS

1. Method and Purpose of amendment.

- a. After a final map or parcel map is filed in the office of the county recorder, it may be amended by a certificate of correction or an amending map for any of the following purposes:
 - (1) To correct any error in any course or distance shown on the final map;
 - (2) To show any course of distance that was omitted from the final map;
 - (3) To correct an error in the description of the real property shown on the map;
 - (4) To indicate monuments set after the death, disability or retirement from practice of the engineer or surveyor charged with responsibilities for setting monuments;
 - (5) To show the proper location or character of any monument which has been changed in location or character originally which was originally shown at the wrong location or incorrectly as to its character; or
 - (6) To correct any other type of map error or omission as approved by the Community Development Director, which does not affect any property right. Such errors or omissions may include, but are not limited to lot numbers, acreage, street names, and identification of adjacent record maps.
- b. As used in this section, "error" does not include changes in courses or distances from which an error is not ascertainable from the data shown on the final or parcel map.

2. Procedure.

- a. The amending map or certificate of correction shall be prepared and signed by a registered civil engineer or licensed land surveyor and shall set forth in detail the corrections made, show the names of the present fee owners of the property affected by the correction or omission.
- b. The Community Development Director shall examine and certify the amending map or certificate of correction if he finds that the corrections fall under the description of Section C.1 of this Article.
- c. The Community Development Director shall cause the amending map or certificate of correction certified by him to be filed in the office of the county recorder. The



subdivider shall be required to reimburse the City for any fees or costs incurred for such filing.



ARTICLE 8 COMPLIANCE AND ENFORCEMENT

A. PROHIBITED TRANSACTIONS

1. No person shall sell, lease, or finance any parcel or parcels of real property or commence construction of any building for sale, lease or financing thereon, except for model homes, or allow occupancy thereof, for which a final map or parcel map is required by the "Subdivision Map Act" or by this title, until such map thereof, in full compliance with the provisions of the "Subdivision Map Act" and this title has been filed for record by the county recorder.
2. No person shall make any conveyance of any part of a division of real property for which a final or parcel map is required by the "Subdivision Map Act" or by this title by parcel or block number, initial or other designation, unless and until such map has been filed for record by the county recorder.
3. This section does not apply to any parcel or parcels of a subdivision offered for sale or lease, contracted for sale or lease, or sold or leased in compliance with or exempt from any law, including this title, regulating the design and improvement of subdivisions in effect at the time the subdivision was established.
4. Nothing contained in this Chapter shall be deemed to prohibit an offer or contract to sell, lease or finance real property or to construct improvements thereon where such sale, lease or financing, or the commencement of such construction, is expressly conditioned upon the approval and filing of a final subdivision map or parcel map, as required by the "Subdivision Map Act" or by this Chapter.

B. VOIDABILITY OF DEEDS OR CONTRACTS

1. Any deed of conveyance, sale or contract to sell real property which has been divided, or which has resulted from a division, in violation of the provisions of the "Subdivision Map Act" or of this title is voidable in the same manner and to the extent provided in the "Subdivision Map Act."

C. PREREQUISITE TO BUILDING PERMIT ISSUANCE

1. Compliance with the provisions of this title is a condition precedent to the issuance of a building permit by the City for the erection, construction, enlargement, alteration, repair, improvement, removal, conversion or demolition of any building or structure on any lot or parcel of land in the City.

D. PREREQUISITE TO MAINTENANCE

1. Compliance with the provisions of this title is a condition precedent to City maintenance of streets of all subdivisions, the improvements of which have not been accepted, and from all areas offered for dedication to the public which have not been accepted.

E. COMMENCEMENT OF CONSTRUCTION WORK



1. Subdivision improvement work shall not be commenced until after the final map or parcel map is approved and not until after all plans and profiles for such work have been submitted to and approved by the Community Development Director.

F. FINAL INSPECTION OF BUILDINGS

1. There shall be no final inspection of buildings until curb, gutter, sidewalk, driveway approach, pavement and underground utilities are in place and all required electroliers are installed and connected to electrical circuits from the subdivision entrance to and including the lot in question. Final inspection of all residential, commercial and industrial units shall be withheld until all underground utilities, curb and gutter, sidewalk, electroliers, and required pavement are installed from an existing improved street to and including the frontage of the lot in question.

G. CONDITIONS OF APPROVAL

1. No permit shall be issued or approval granted where such permit or approval is necessary to develop any real property, where such property has been divided, or has resulted from a division, in violation of the provisions of the "Subdivision Map Act" or of this title if the person or body having authority to issue such permit or grant such approval finds that development of such real property is contrary to the public health or safety.
2. The authority to deny such a permit or such approval shall apply whether the applicant was the owner of record at the time of such violation or whether the applicant is either the current owner of record or a vendee of the current owner of record pursuant to a contract of sale of the real property with, or without, actual or constructive knowledge of the violation at the time of the acquisition of his or her interest in such real property.
3. If a permit is issued or approval is granted for the development of such real property, only those conditions may be imposed which would have been applicable to the division of the property at the time the applicant acquired his or her interest in such real property, and which has been established at that time by the "Subdivision Map Act" or by this title, except as follows:
 - a. Where the applicant was the owner of record at the time of the initial violation of the provisions of the "Subdivision Map Act" or of this title, who, by a grant of the real property created a parcel or parcels in violation of the "Subdivision Map Act" or of this title, and such person is the current owner of record of one or more of the parcels which were created as a result of the grant in violation of the "Subdivision Map Act" or of this title, then conditions may be imposed as would be applicable to a current division of the property.
 - b. If a conditional certificate of compliance has been filed for record pursuant to this Chapter, only such conditions stipulated in that certificate shall be applicable.

H. CERTIFICATE OF COMPLIANCE

1. Any person owning real property or a vendee of such person pursuant to a contract of sale of such real property may request, and the Community Development Director shall determine,



whether such real property complies with the provisions of the "Subdivision Map Act" and of this title.

2. Upon making such a determination the Community Development Director shall cause a certificate of compliance to be filed for record with the county recorder. The certificate of compliance shall identify the real property and shall state that the division thereof complies with applicable provisions of the "Subdivision Map Act" and of this title. Prior to the recordation of the certificate of compliance the applicant shall pay to the City any fee required for issuance and recording of such certificate.
3. If the Community Development Director determines that such real property does not comply with the provisions of the "Subdivision Map Act" or of this title, he shall issue a certificate of compliance only if the real property has been approved for development pursuant to Section 18.38.070. Otherwise, he shall issue a conditional certificate of compliance.
4. The Community Development Director, as a condition to granting a certificate of compliance, may impose such conditions as would have been applicable to the division of the property at the time the applicant acquired his or her interest, and which had been established at such time by the "Subdivision Map Act" or by this title, except as provided in Section H.5, Certificate of Compliance, of this Article.
5. Where the applicant was the owner of record at the time of the initial violation of the provisions of the "Subdivision Map Act" or of this title who, by a grant of the real property created a parcel or parcels in violation of the "Subdivision Map Act" or of this title, and such person is the current owner of record of one or more of the parcels which were created as a result of the grant in violation of the "Subdivision Map Act" or of this title, then the Community Development Director may impose such conditions as would be applicable to a current division of the property.
6. Upon making a determination and establishing such conditions, the Community Development Director shall cause a conditional certificate of compliance to be filed for record with the county recorder. Such certificate shall serve as notice to the property owner or vendee who applied for the certificate pursuant to this section, a grantee of the property owner, or any subsequent transferee or assignee of the property that the fulfillment and implementation of such conditions shall be required prior to subsequent issuance of a permit or other grant of approval for development of the property.
7. Compliance with such conditions shall not be required until such time as a permit or other grant of approval for development of such property is issued by the Community Development Director.
8. A certificate of compliance shall be issued for any real property which has been approved for development upon request by the person owning the real property or a vendee of such person pursuant to a contract of sale. As used herein, "real property which has been approved for development" shall mean:
 - a. Real property with respect to which improvements have been completed prior to the time a permit or grant of approval for development was required by this Title or the Coalinga Municipal Code, in effect at the time of the improvement, or



- b. Real property with respect to which improvements have been completed in reliance upon a permit or grant of approval.
- 9. A recorded final map or parcel map shall constitute a certificate of compliance with respect to the parcels of real property described.
- 10. An official map prepared pursuant to Section 66499.52(b) of the Government Code shall constitute a certificate of compliance with respect to the parcels of real property described and may be filed for record, whether or not the parcels are contiguous, so long as the parcels are within the same section, or, with the approval of the Community Development Director, within contiguous sections of land.

I. NOTICE OF INTENT TO RECORD NOTICE OF VIOLATION

- 1. Whenever the Community Development Director has knowledge that real property has been divided in violation of the provisions of the "Subdivision Map Act" or of this title, he shall cause to be mailed by certified mail to the then current owner of the property a notice of intention to record a notice of violation.
- 2. The notice of intent shall:
 - a. Describe the real property in detail;
 - b. Name the owners thereof;
 - c. State that an opportunity will be given to the owner to present evidence;
 - d. Specify a time, date, and place for a meeting at which the owner may present evidence to the Community Development Director why the notice should not be recorded;
 - e. Contain a description of the violations; and
 - f. Contain an explanation as to why the subject parcel is not lawful under subdivision (a) or (b) of Section 66412.6 of the Government Code.
- 3. The meeting specified in Section I.2.d of this Article shall take place no sooner than thirty (30) days and no later than sixty (60) days from the date of mailing of the notice of intention.
- 4. If, within fifteen days of receipt of the notice, the owner of the real property fails to inform the Community Development Director of his or her objection to the recording of the notice of violation, the Community Development Director shall cause the notice of violation to be recorded with the county recorder.
- 5. If, after the owner has presented evidence, it is determined that there has been no violation, the Community Development Director shall cause to be mailed a clearance letter to the then owner of record.
- 6. If, however, after the owner has presented evidence, the Community Development Director determines that the property has in fact been illegally divided, the Community Development Director shall cause the notice of violation to be recorded with the county recorder.
- 7. The notice of violation, when recorded, shall be deemed to be constructive notice of the violation to all successors in interest in such real property.



8. For purposes of Section I.2.f of this Article, a subject parcel is lawful under subdivisions (a) or (b) of Section 66412.6 of the Government Code in either of the following situations:
 - a. The subject parcel was created prior to March 4, 1972, and resulted from a division of land in which fewer than five parcels were created if at the time of the creation of the parcel there was no ordinance in effect which regulated divisions of land creating fewer than five parcels.
 - b. The subject parcel was created prior to March 4, 1972, and any subsequent purchaser acquired that parcel for valuable consideration without actual or constructive knowledge of a violation of the "Subdivision Map Act" or of this title.
 - c. In either of the said situations, it is conclusively presumed under the "Subdivision Map Act" that such parcel or parcels have been lawfully created.





CHAPTER 8 FLOODPLAIN MANAGEMENT

Article 1	Statutory Authorization, Findings of Fact, Purpose, and Methods
Article 2	Definitions
Article 3	General Provisions
Article 4	Administration
Article 5	Provision for flood hazard reduction
Article 6	Variance Procedure

ARTICLE 1 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

A. Statutory Authorization (*ordinance from existing code, eff. June 5 2004*)

1. The Legislature of the State of California has in Government Code Sections 65302, 65560 and 65800 conferred upon local government units authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council adopts the following floodplain management regulations.

B. Findings of Facts (*ordinance from existing code, eff. June 5 2004*)

1. The flood hazard areas of the City are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
2. These flood losses are caused by uses that are inadequately elevated, floodproofed or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards, which increase flood heights and velocities also contribute to the flood loss.

C. Statement of Purpose (*ordinance from existing code, eff. June 5 2004*)

1. It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:
 - a. To protect human life and health;
 - b. To minimize expenditure of public money for costly flood control projects;
 - c. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - d. To minimize prolonged business interruptions;
 - e. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, and streets and bridges located in areas of special flood hazard;
 - f. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;
 - g. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
 - h. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

D. Methods of Reducing Flood Losses (*ordinance from existing code, eff. June 5 2004*)

1. In order to accomplish its purposes, this chapter includes methods and provisions for:
 - a. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
 - b. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
 - c. Controlling the alteration of natural floodplains, stream channels, and natural



- protective barriers, which help accommodate or channel floodwaters;
- d. Controlling fill, grading, dredging, and other development which may increase flood damage; and
- e. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.



ARTICLE 2 DEFINITIONS

A. **Scope** (*ordinance from existing code, eff. June 5 2004*)

1. Unless specifically defined in this article, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application

B. **Definitions** (*ordinance from existing code, eff. June 5 2004*)

1. "Accessory use" means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.
2. "Alluvial fan" means a geomorphologic feature characterized by a cone or fan-shaped deposit of boulders, gravel and fine sediments that have been eroded from mountain slopes, transported by flood flows and then deposited on valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.
3. "Apex" means the point of highest elevation on an alluvial fan, which on undisturbed fans is generally the point where the major stream that formed the fan emerges from the mountain front.
4. "Appeal" means a request for a review of the Floodplain Administrator's interpretation of any provision of the ordinance codified in this chapter.
5. "Area of shallow flooding" means a designated AO or AH zone on the flood insurance rate map (FIRM). The base flood depths range from one (1) to three (3) feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
6. "Area of special flood hazard." See "Special flood hazard area".
7. "Base flood" means a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood"). Base flood is the term used throughout this chapter.
8. "Basement" means any area of the building having its floor subgrade (below ground level) on all sides.
9. "Building". See "Structure".
10. "Development" means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
11. "Encroachment" means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.
12. "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
13. "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
14. "Flood, flooding or floodwater" means:



- a. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows); and
 - b. The condition resulting from flood-related erosion.
- 15. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows); and
 - 16. The condition resulting from flood-related erosion.
 - 17. "Flood boundary and floodway map (FBFM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the area of special flood hazards and the floodway.
 - 18. "Flood hazard boundary map" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated the areas of flood hazards.
 - 19. "Flood insurance rate map (FIRM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
 - 20. "Flood insurance study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood insurance rate map, the flood boundary and floodway map, and the, water surface elevation of the base flood.
 - 21. "Floodplain" or "flood-prone area" means any land area susceptible to being inundated by water from any source (see "flooding").
 - 22. "Floodplain Administrator" is the individual appointed to administer and enforce the floodplain management regulations.
 - 23. "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.
 - 24. "Floodplain management regulations" means this chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of Police power which control development in flood-prone areas. This term describes Federal, State or local regulations in any combination which provide standards for preventing and reducing flood loss and damage.
 - 25. "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. (Refer to FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93 for guidelines on dry and wet floodproofing.)
 - 26. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. Also referred to as "regulatory floodway".
 - 27. "Floodway fringe" is that area of the floodplain on either side of the designated floodway where encroachment may be permitted.
 - 28. "Fraud and victimization" as related to Article 6, Variance Procedure, of this chapter means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the Planning Commission will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty (50) to one hundred (100) years. Buildings that are permitted to be



- constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.
29. "Governing body" is the local governing unit, i.e., County or municipality, that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry. Unless the context requires otherwise, the governing body for purposes of this chapter is the City acting through its City Council.
30. "Hardship" as related to Article 6, Variance Procedure, of this chapter means the exceptional hardship that would result from a failure to grant the requested variance. The City requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means, without granting a variance, even if the alternative is more expensive or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.
31. "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
32. "Historic structure" means any structure that is:
33. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
34. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district registered historic district;
35. Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of Interior; or
36. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved State program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in States without approved programs
37. "Levee" means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.
38. "Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.
39. "Lowest floor" means the lowest floor of the lowest enclosed area, including basement (see "Basement" definition).
40. An unfinished or flood resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided it conforms to applicable nonelevation design requirements, including but not limited to:
41. The wet floodproofing standard in Chapter 8, Article 5.A.1 of the Zoning Code;
42. The anchoring standards in Chapter 8, Article 5.A.1 of the Zoning Code;
43. The construction materials and methods standards in Chapter 8, Article 5.A.1 ; and the standards for utilities in Chapter 8, Article 5.B of the Zoning Code.
44. For residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements (see "Basement" definition). This prohibition includes below-grade garages



- and storage areas.
45. "Manufactured home" means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".
 46. "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.
 47. "Market value" shall be determined by estimating the cost to replace the structure in new condition and adjusting that cost figure by the amount of depreciation which has accrued since the structure was constructed. The cost of replacement of the structure shall be based on a square foot cost factor determined by reference to a building cost estimating guide recognized by the building construction industry. The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and functional obsolescence as approved by the Floodplain Administrator, but shall not include economic or other forms of external obsolescence. Use of replacement costs or accrued depreciation factors difference from those contained in recognized building cost estimating guides may be considered only if such factors are included in a report prepared by an independent professional appraiser and supported by a written explanation of the differences.
 48. "Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.
 49. "New construction", for floodplain management purposes, means structures for which the start of construction commenced on or after the effective date of floodplain management regulations adopted by this community, and includes any subsequent improvements to such structures.
 50. "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by this community.
 51. "Obstruction" includes, but is not limited to any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water or its likelihood of being carried downstream.
 52. "One hundred year flood" or "100-year flood"—See "Base flood" definition.
 53. "Public safety and nuisance" as related to Article 6, Variance Procedure, of this chapter means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal or basin.
 54. "Recreational vehicle" means a vehicle which is:
 - a. Built on a single chassis;
 - b. Four hundred (400) square feet or less when measured at the largest horizontal projection;
 - c. Designed to be self-propelled or permanently towable by a light duty truck; and
 - d. Designed primarily not for use as a permanent dwelling but as temporary living



quarters for recreational, camping, travel, or seasonal use.

55. "Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.
56. "Remedy a violation" means to bring the structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this chapter or otherwise deterring future similar violations, or reducing State or Federal financial exposure with regard to the structure or other development.
57. "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
58. Sheet flow area. See "Area of shallow flooding".
59. "Special flood hazard area (SFHA)" means an area in the floodplain subject to a one (1) percent or greater chance of flooding in any given year. It is shown on an FHBM or FIRM as zone A, AO, A1-A30, AE, A99, AH.
60. "Start of construction" includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affect the external dimensions of the building.
61. "Structure" means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.
62. "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.
63. "Substantial improvement" means any reconstruction, rehabilitation, addition, or other proposed new development of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either
64. Any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
65. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".
66. "Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.
67. "Violation" means the failure of a structure or other development to be fully compliant with this chapter. A structure or other development without the elevation certificate, other



certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

68. "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.
69. "Watercourse" means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.



ARTICLE 3 GENERAL PROVISIONS *(ordinance from existing code, eff. June 5 2004)*

A. Lands to which this chapter applies

1. This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City.

B. Basis for establishing the areas of special flood hazard

1. The areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) originally dated December 29, 1990, and revised as of July 16, 1996, and accompanying Flood Insurance Rate Map (FIRM), originally dated June 17, 1991, and revised as of July 16, 1996, and all subsequent amendments and/or revisions, are adopted by reference and declared to be a part of this chapter.
2. This FIS and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the City Council by the Floodplain Administrator. The study, FIRM and FBLM are on file at City Hall, 155 West Durian Avenue, Coalinga, California 93210.

C. Basis for establishing the areas of special flood hazard

1. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations.
2. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the City from taking such lawful action as is necessary to prevent or remedy any violation.

D. Abrogation and greater restrictions

1. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where the ordinance codified in this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

E. Interpretation

1. In the interpretation and application of this chapter, all provisions shall be:
 - a. Considered as minimum requirements;
 - b. Liberally construed in favor of the governing body; and
 - c. Deemed neither to limit, nor repeal any other powers granted under State statutes.

F. Warning and disclaimer of liability

1. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes.
2. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such area will be free from flooding or flood damages.
3. This chapter shall not create liability on the part of the City, any officer or employee thereof, the State of California, or the Federal Insurance Administration, Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.



G. Severability

1. This chapter and the various parts thereof are declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance codified in this chapter as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.



ARTICLE 4 ADMINISTRATION (*ordinance from existing code, eff. June 5 2004*)

A. Establishment of Development Permit

1. A development permit shall be obtained before any construction or other development begins within any area of special flood hazard established in Chap.8 Art.3-B. Application for a development permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:
 - a. Site plan, including but not limited to:
 - (1) For all proposed structures, spot ground elevations at building corners and twenty-foot or smaller intervals along the foundation footprint, or one-foot contour elevations throughout the building site;
 - (2) Proposed locations of water supply, sanitary sewer and utilities;
 - (3) If available, the base flood elevation from the flood insurance study and/or flood insurance rate map; and
 - (4) If applicable, the location of the regulatory floodway.
 - b. Foundation design detail, including but not limited to:
 - (1) Proposed elevation, in relation to mean sea level, of the lowest floor (including basement) of all structures;
 - (2) For a crawlspace foundation, location and total net area of foundation openings as required in Article 5.A.1 of this chapter and FEMA Technical Bulletins 1-93 and 7-93; and
 - (3) For foundations placed on fill, the location and height of fill, and compaction requirements (compacted to ninety-five (95) percent using the Standard Proctor Test method);
 - c. Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in in Article 5.A.1 of this chapter and FEMA Technical Bulletin TB 3-93; and
 - d. All appropriate certifications listed in Article 4.A.1 of this chapter; and
 - e. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

B. Designation of the flood plan administrator

1. The City Manager or his or her designated representative is appointed the Floodplain Administrator to administer, implement, and enforce this chapter by granting or denying development permits in accord with its provisions.
 - a. *Base flood elevation changes due to physical alterations:*
 - b. Within six (6) months of information becoming available or project completion, whichever comes first, the floodplain administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a letter of map revision (LOMR).
 - c. All LOMR's for flood control projects are approved prior to the issuance of building permits. Building permits must not be issued based on conditional letters of map revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.



2. Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.

C. Duties and responsibilities of the floodplain administrator

1. The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to:
 - a. *Permit review.*
 - (1) Review all development permits to determine that the permit requirements of this chapter have been satisfied;
 - (2) All other required State and Federal permits have been obtained;
 - (3) The site is reasonably safe from flooding; and
 - (4) Until a regulatory floodway is adopted, no new construction, substantial development, or other development (including fill) shall be permitted within zones A1-30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the City of Coalinga;
 - b. *Review, use and development of other base flood data.*
 - (1) When base flood elevation data has been provided in accordance with Article 3.B, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal or State agency, or other source, in order to administer Article 5. Any such information shall be submitted to the City Council for adoption; or
 - (2) If no base flood elevation data is available from a Federal or State agency or other source, then a base flood elevation shall be obtained using one of two (2) methods from the FEMA publication "Managing Floodplain Development in Approximate Zone A Areas - A Guide for Obtaining and Developing Base (100-year) Flood Elevations," dated July 1995, in order to administer Article 5:
 - (a) **Simplified method:** one-hundred-year or base flood discharge shall be obtained using the appropriate regression equation found in a U.S. Geological Survey publication, or the discharge-drainage area method; and base flood elevation shall be obtained using the Quick-2 computer program developed by FEMA; or
 - (b) **Detailed method:** the 100-year or base flood discharge and the base flood elevation shall be obtained using detailed methods identified in FEMA Publication 265, published in July 1995 and titled: "Managing Floodplain Development in Approximate Zone A Areas - A Guide for Obtaining and Developing Base (100-year) Flood Elevations".
 - c. *Notification of other agencies.*
 - (1) In alteration or relocation of a watercourse:
 - (a) Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;
 - (b) Submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency; and
 - (c) Assure that the flood-carrying capacity within the altered or relocated portion of said watercourse is maintained.
 - d. *Documentation of floodplain development.*
 - (1) Obtain and maintain for public inspection and make available as needed:
 - (a) Certification required by Article 5.A.1 and 5.D (lowest floor elevations) of



- this chapter;
- (b) Certification required by Article 5.A.1 (elevation or floodproofing of nonresidential structures);
- (c) Certification required by Article 5.A.1 (wet floodproofing standards) of this chapter;
- (d) Certification required by Article 5.C.2 (subdivision standards) of this chapter; and
- (e) Certification required by Article 5.F.1 of this chapter (floodway encroachments).
- e. *Map determinations.*
 - (1) Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards. Where there appears to be a conflict between a mapped boundary and actual filed conditions, grade and base flood elevations shall be used to determine the boundaries of the special flood hazard area. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretations as provided in Article 6.
- f. *Remedial action.*
 - (1) Take action to remedy violations of this chapter as specified in Chapter 8, Article 3.C.

D. Appeals

1. The Planning Commission of the City shall initially hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this chapter, subject to rights of further appeal to the City Council as provided in the Chapter 6, Article 1.O, Appeals.



ARTICLE 5 PROVISION FOR FLOOD HAZARD REDUCTION

A. Standards of Construction (§2, Ord. 694, eff. June 5, 2004; Ord. No.743, § 5, eff. January 18, 2009)

1. In all areas of special flood hazards the following are required:
 - a. *Anchoring.*
 - (1) All new construction and substantial improvements of structures, including manufactured homes, shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - (2) All manufactured homes shall meet the anchoring standards of Chapter 8, Article 5.D.
 - b. *Construction materials and methods.*
 - (1) All new construction and substantial improvements shall be constructed:
 - (a) With flood resistant materials, and utility equipment resistant to flood damage for areas below the base flood elevation;
 - (b) Using methods and practices that minimize flood damage;
 - (c) With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and
 - (d) If within zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
 - c. *Elevation and flood proofing* (See Chapter 8 Article 2.B, Definitions for "Basement", "Lowest floor", "New construction", "Substantial damage" and "Substantial improvement")
 - (1) Residential construction, new or substantial improvement, shall have the lowest floor, including basement;
 - (a) In an AO zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least two (2) feet above the highest adjacent grade if no depth number is specified. (The State of California recommends that in AO zones without velocity the lowest floor be elevated above the highest adjacent grade to a height exceeding the depth number specified in feet on the FIRM by at least two (2) feet, or elevated at least four (4) feet above the highest adjacent grade if no depth number is specified.)
 - (b) In an A zone, elevated to or above the base flood elevation, said base flood elevation shall be determined by one of the methods on Chapter 8, Article 4.C.2 of this ordinance. (The State of California recommends the lowest floor be elevated at least two (2) feet above the base flood elevation, as determined by the community.)
 - (c) In all other zones, elevated to or above the base flood elevation. (The State of California recommends the lowest floor be elevated at least two (2) feet above the base flood elevation.) Upon completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor and verified by the Community Building Inspector of the City to be properly elevated. Such certification and verification shall be provided to the Floodplain



Administrator.

- (2) Nonresidential construction, whether new construction or substantial improvement, shall either be elevated to conform with subsection (c)(1) of this section or, together with attendant utility and sanitary facilities;
 - (a) Be flood proofed below the elevation recommended under subsection (c)(1) of this section so that the structure is watertight with walls substantially impermeable to the passage of water;
 - (b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects buoyancy; and
 - (c) Be certified by a registered professional engineer or architect that the standards of subsection (c)(2) of this section are satisfied. Such certification shall be provided to the Floodplain Administrator.
- (3) All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must exceed the following minimum criteria:
 - (a) Have a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices, provided that they permit the automatic entry and exit of floodwater; or
 - (b) Be certified by a registered professional engineer or architect.
- (4) Manufactured homes shall also meet the standards in Chapter 8, Article 5.D.

B. Standards for Utilities (*§ 2, Ord. 694, eff. June 5, 2004*)

1. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:
 - a. Infiltration of floodwaters into the systems; and
 - b. Discharge from systems into floodwaters.
2. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

C. Standards for Subdivisions (*§ 2, Ord. 694, eff. June 5, 2004; Ord. No. 743, § 6, eff. January 18, 2009*)

1. All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood.
2. All subdivision plans will provide the elevation of proposed structure(s) and pad(s). If the site is filled above the base flood elevation, the lowest floor and pad elevations shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.
3. All subdivision proposals shall be consistent with the need to minimize flood damage.
4. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
5. All subdivisions shall provide adequate drainage to reduce exposure to flood hazards.



6. All new subdivisions proposals and other proposed development, including proposals for manufactured home parks and subdivisions, greater than fifty (50) lots or five (5) acres, whichever is the lesser, shall:
 - a. Identify the special flood hazard areas (SFHAA) and base flood elevations (BFE).
 - b. Identify the elevations of lowest floors of all proposed structures and pads on the final plans.
 - c. If the site is filled above the base flood elevation, the following as-built information for each structure shall be certified by a registered civil engineer or licensed land surveyor and provided as part of an application for a letter of map revision based on fill (LOMR-F) to the Floodplain Administrator:
 - (1) Lowest floor elevation.
 - (2) Pad elevation.
 - (3) Lowest adjacent grade.

D. Standards for manufactured homes. (*§ 2, Ord. 694, eff. June 5, 2004; Ord. No. 743, § 7, eff. January 18, 2009*)

1. All manufactured homes that are placed or substantially improved within zones A1-30, AH, and AE on the community's flood insurance rate map, on sites located:
 - a. Outside of a manufactured home park or subdivision;
 - b. In a new manufactured home park or subdivision;
 - c. In an expansion to an existing manufactured home park or subdivision; or
 - d. In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred substantial damage (see "substantial damage" definition) as a result of a flood, shall be elevated on a permanent foundation such that the lowest floor is elevated to or above base flood elevation (the State of California recommends at least two (2) feet above the base flood elevation) and be securely fastened to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
2. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within zones A1-30, AH, and AE on the community's flood insurance rate map that are not subject to the provisions of Chapter 8, Article 5.D.1 will be securely fastened to an adequately anchored foundation to resist flotation collapse and lateral movement, and will be elevated so that either:
 - a. The lowest floor of the manufactured home is at or above the base flood elevation (the State of California recommends at least two (2) feet above the base flood elevation); or
 - b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade.
 - c. Upon completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, and verified by the community building inspector, to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.
3. Manufactured homes placed within manufactured home parks or subdivisions shall meet the standards in Chapter 8, Article 5.D. All manufactured homes in special flood hazard areas shall meet the anchoring standards in Chapter 8, Article 5.A.1, construction materials and methods requirements in Article 5.A.1 and flood openings requirements in Article 5.A.1.

E. Standards for recreational vehicles. (*§ 2, Ord. 694, eff. June 5, 2004*)



1. All recreational vehicles placed on sites within zones A1-30, AH and AE on the community's flood insurance rate map will either:
 - a. Be on the site for fewer than one hundred eighty (180) consecutive days, and be fully licensed and ready for highway use; a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions; or
 - b. Meet the permit requirements of Article 4 of this chapter and the elevation and anchoring requirements for manufactured homes in Chapter 8, Article 5.D.1.

F. Floodways. (*§ 2, Ord. 694, eff. June 5, 2004*)

1. Located within areas of special flood hazards established in Chapter 8, Article 3.B are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:
 - a. Encroachments, including fill, new construction, substantial improvement and other new development, are prohibited unless certification by a registered professional engineer or architect is provided, demonstrating that encroachments will not result in any increase in the base flood elevation during the occurrence of the base flood discharge.
 - b. If subsection (a) of this section is satisfied, all new construction, substantial improvement and other proposed new development shall comply with all other applicable flood hazard reduction provisions of this Article 5.



ARTICLE 6 VARIANCE PROCEDURE

A. Nature of variances (*§ 2, Ord. 694, eff. June 5, 2004*)

1. The issuance of a variance is for floodplain management only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance.
2. The variance criteria set forth in this article are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.
3. It is the duty of the City to protect its citizens from flooding. This need is so compelling, and the implications of the cost of insuring a structure built below flood level are so serious, that variances from the flood elevation or other requirements in this chapter are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this chapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

B. Appeal Board (*§ 2, Ord. 694, eff. June 5, 2004*)

1. The Planning Commission shall initially hear and decide appeals and requests for variances from the requirements of this chapter with rights of appeal to the City Council with time limits as set forth in Section 9-2. 1109.
2. The Planning Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this chapter.
3. In passing upon requests for variances, the Planning Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:
 - a. The danger that materials may be swept onto other lands to the injury of others;
 - b. The danger to life and property due to flooding or erosion damage;
 - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
 - d. The importance of the services provided by the proposed facility to the community;
 - e. The necessity to the facility of a waterfront location, where applicable;
 - f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - g. The compatibility of the proposed use with existing and anticipated development;
 - h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - i. The safety of access to the property in time of flood for ordinary and emergency vehicles;
 - j. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site; and



- k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical and water system, and streets and bridges.

C. Conditions for variances (*§ 2, Ord. 694, eff. June 5, 2004*)

1. Generally, variances may be issued for new construction, substantial improvement and other proposed new development to be erected on a lot of one-half-acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of Articles 4 and 5 of this chapter have been fully considered. As the lot size increases beyond one-half-acre, the technical justification required for issuing the variance increases.
2. Variances may be issued for the repair or rehabilitation of "Historic structures" (as defined in Article 2 of this chapter) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
3. Variances shall not be issued within any designated floodway or mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the "minimum necessary" considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this ordinance. For example, in the case of variances to an elevation requirement, this means the Planning Commission need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the Planning Commission believes will both provide relief and preserve the integrity of the local ordinance.
5. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:
 - a. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage; and
 - b. Such construction below the base flood level increases risks to life and property.
 - c. It is recommended that a copy of the notice shall be recorded by the Floodplain Administrator in the Office of the Fresno County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.
6. The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Insurance Administration, Federal Emergency Management Agency.
7. Variances shall only be granted if the Planning Commission and City Council make all of the findings listed in Chapter 6, Article 7.C.1, as well as the following findings:
 - a. Showing of good and sufficient cause;
 - b. Determination that failure to grant the variance would result in exceptional "hardship" (as defined in Article 2 of this Chapter) to the applicant; and
 - c. Determination that the granting of a variance will not result in increased flood heights or net fill, additional threats to public safety, extraordinary public expense, create "nuisances" (as defined in Article 2 of this chapter), cause "fraud or victimization" (as defined in Article 2 of this Chapter) of the public, or conflict with existing local laws or ordinances.
 1. Net fill are defined by any material brought on to a project site within a flood plain area that would displace flood waters. All fill shall be offset by the removal of a like amount of material. This material may be removed from a portion of the project site; or it may be removed from a site in the immediate area where



the removal of compensating material from the off-site location can be determined, to the satisfaction of the City Public Works Director, to result in a reasonable equivalence of hydrology and hydraulics to the situation before the development. For purposes of compliance, one or more individual parcels or an entire reach may demonstrate a “zero net fill” balance.

8. Variances may be issued for new construction, substantial improvement and other proposed new development necessary for the conduct of a functionally dependent use, provided that the provisions of subsections (a) through (e) of this section are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood, does not result in additional threats to public safety and does not create a public nuisance.
9. The Planning Commission shall consider the following factors and may attach further conditions to the granting of variances as it deems necessary to further the purposes of this Chapter:
 - a. The danger that materials may be swept onto other lands to the injury of others;
 - b. The danger to life and property due to flooding or erosion damage;
 - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
 - d. The importance of the services provided by the proposed facility to the community;
 - e. The necessity to the facility of a waterfront location, where applicable;
 - f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - g. The compatibility of the proposed use with existing and anticipated development;
 - h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - i. The safety of access to the property in time of flood for ordinary and emergency vehicles;
 - j. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site; and
 - k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical and water system, and streets and bridges.



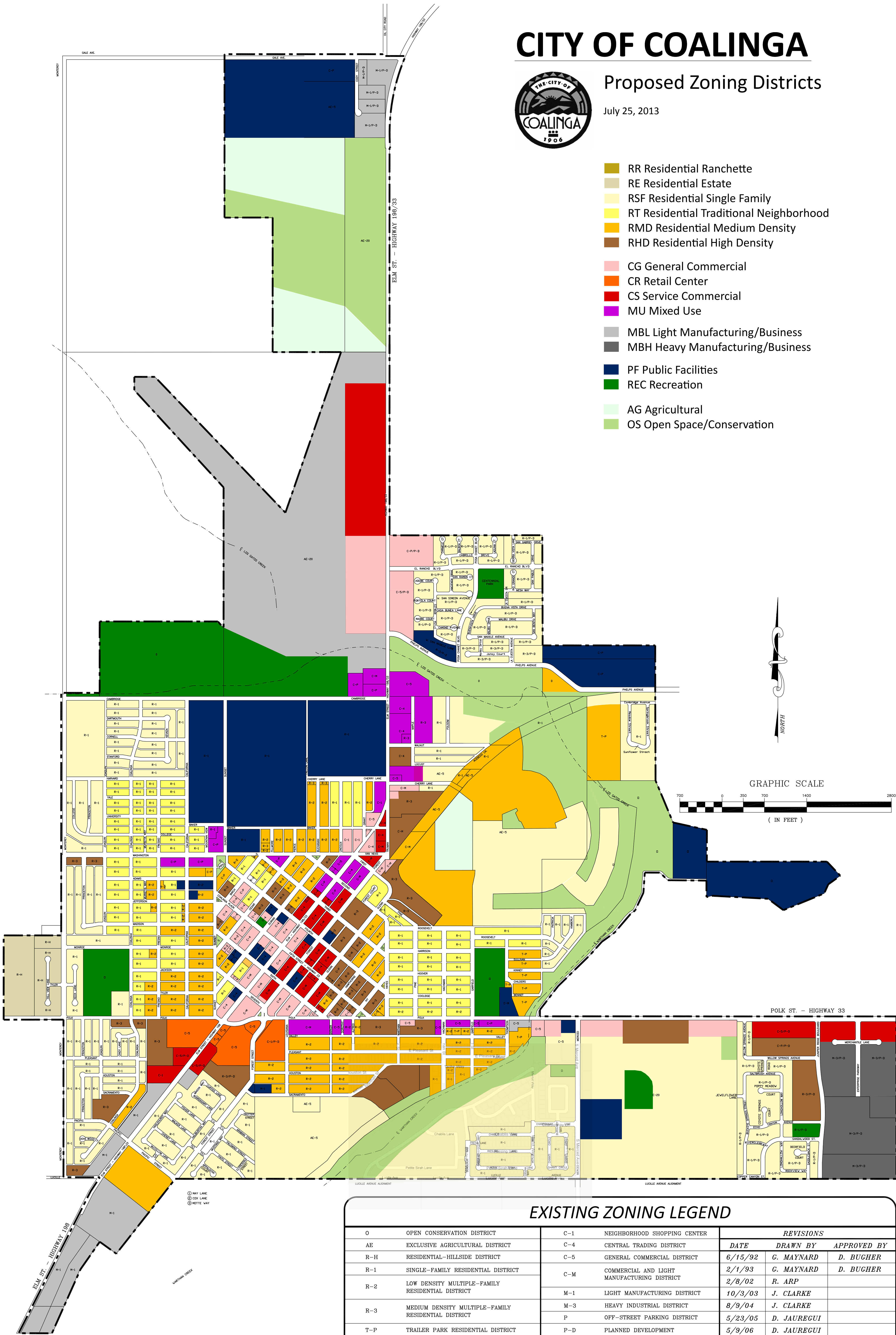
CITY OF COALINGA



Proposed Zoning Districts

July 25, 2013

- RR Residential Ranchette
- RE Residential Estate
- RSF Residential Single Family
- RT Residential Traditional Neighborhood
- RMD Residential Medium Density
- RHD Residential High Density
- CG General Commercial
- CR Retail Center
- CS Service Commercial
- MU Mixed Use
- MBL Light Manufacturing/Business
- MBH Heavy Manufacturing/Business
- PF Public Facilities
- REC Recreation
- AG Agricultural
- OS Open Space/Conservation



EXISTING ZONING LEGEND

		REVISIONS		
		DATE	DRAWN BY	APPROVED BY
O	OPEN CONSERVATION DISTRICT	6/15/92	G. MAYNARD	D. BUGHER
AE	EXCLUSIVE AGRICULTURAL DISTRICT	2/1/93	G. MAYNARD	D. BUGHER
R-H	RESIDENTIAL-HILLSIDE DISTRICT	2/8/02	R. ARP	
R-1	SINGLE-FAMILY RESIDENTIAL DISTRICT	10/3/03	J. CLARKE	
R-2	LOW DENSITY MULTIPLE-FAMILY RESIDENTIAL DISTRICT	8/9/04	J. CLARKE	
R-3	MEDIUM DENSITY MULTIPLE-FAMILY RESIDENTIAL DISTRICT	5/23/05	D. JAUREGUI	
T-P	TRAILER PARK RESIDENTIAL DISTRICT	5/9/06	D. JAUREGUI	
C-P	ADMINISTRATIVE & PROFESSIONAL OFFICE	11/2/07	D. JAUREGUI	
C-1	NEIGHBORHOOD SHOPPING CENTER			
C-4	CENTRAL TRADING DISTRICT			
C-5	GENERAL COMMERCIAL DISTRICT			
C-M	COMMERCIAL AND LIGHT MANUFACTURING DISTRICT			
M-1	LIGHT MANUFACTURING DISTRICT			
M-3	HEAVY INDUSTRIAL DISTRICT			
P	OFF-STREET PARKING DISTRICT			
P-D	PLANNED DEVELOPMENT			
S-P	SPECIFIC PLAN			
CITY LIMITS		DRAWING NO. C:\PLANNING\ZONING.DWG		
RDA PLAN PROJECT AREA				

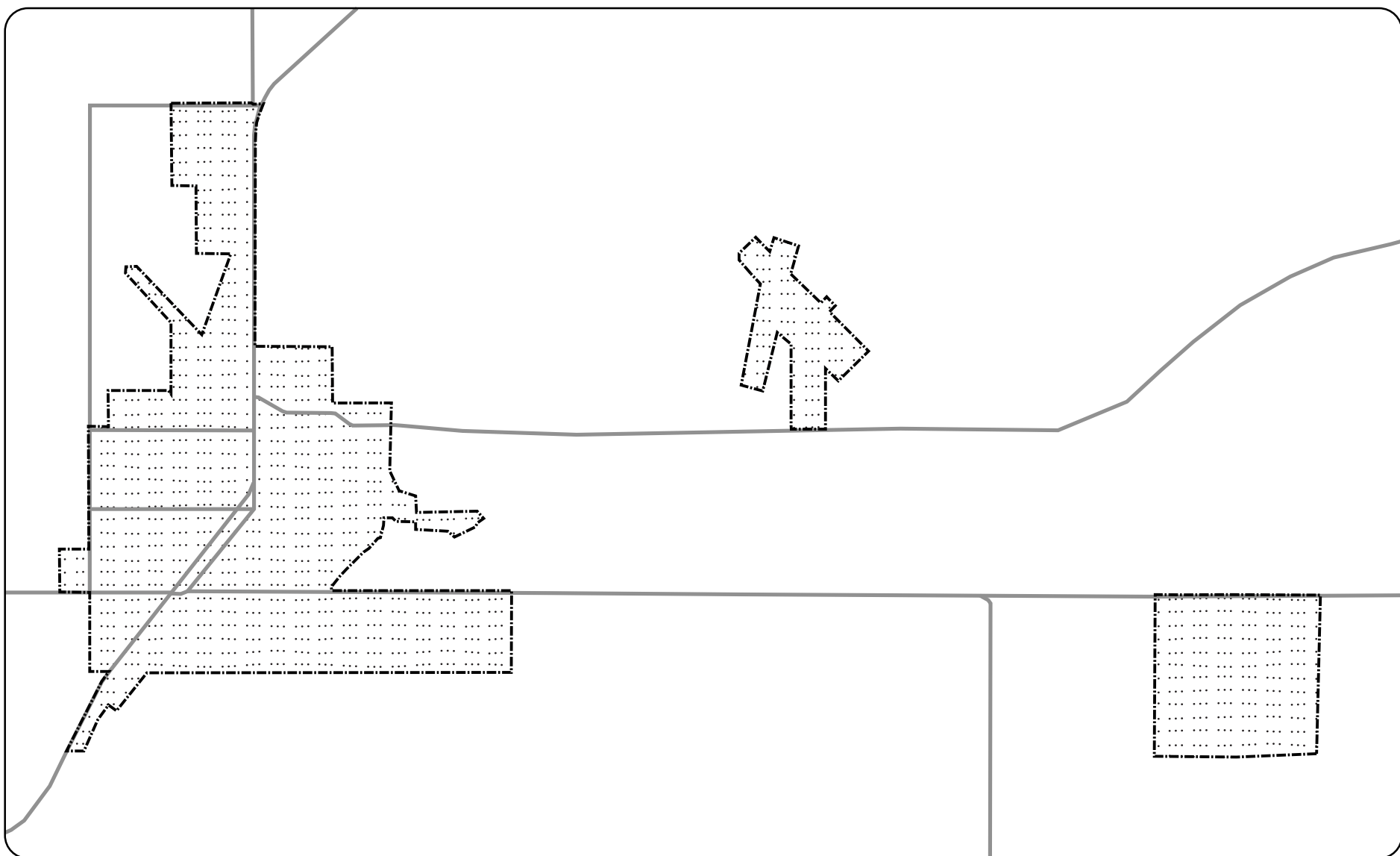
CITY OF COALINGA



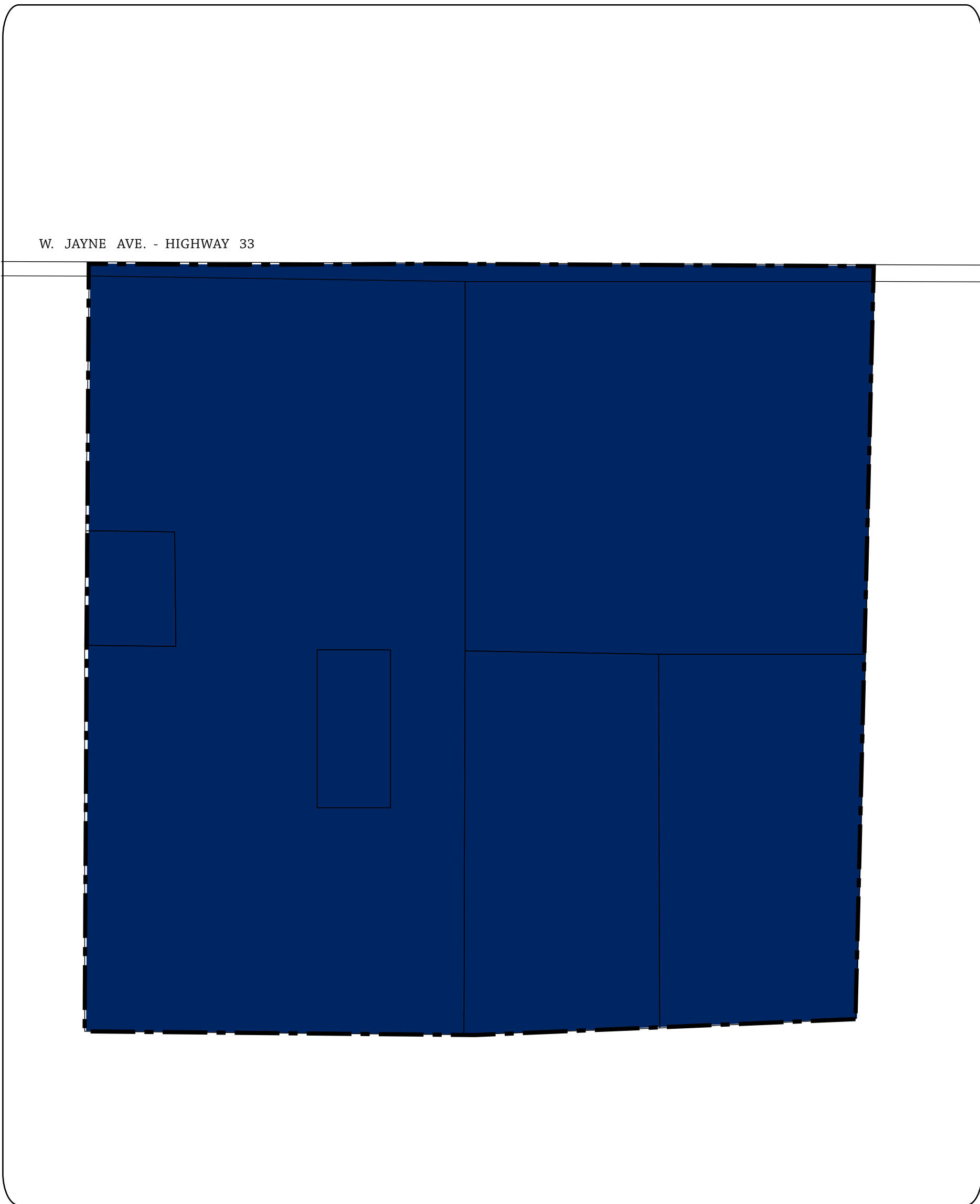
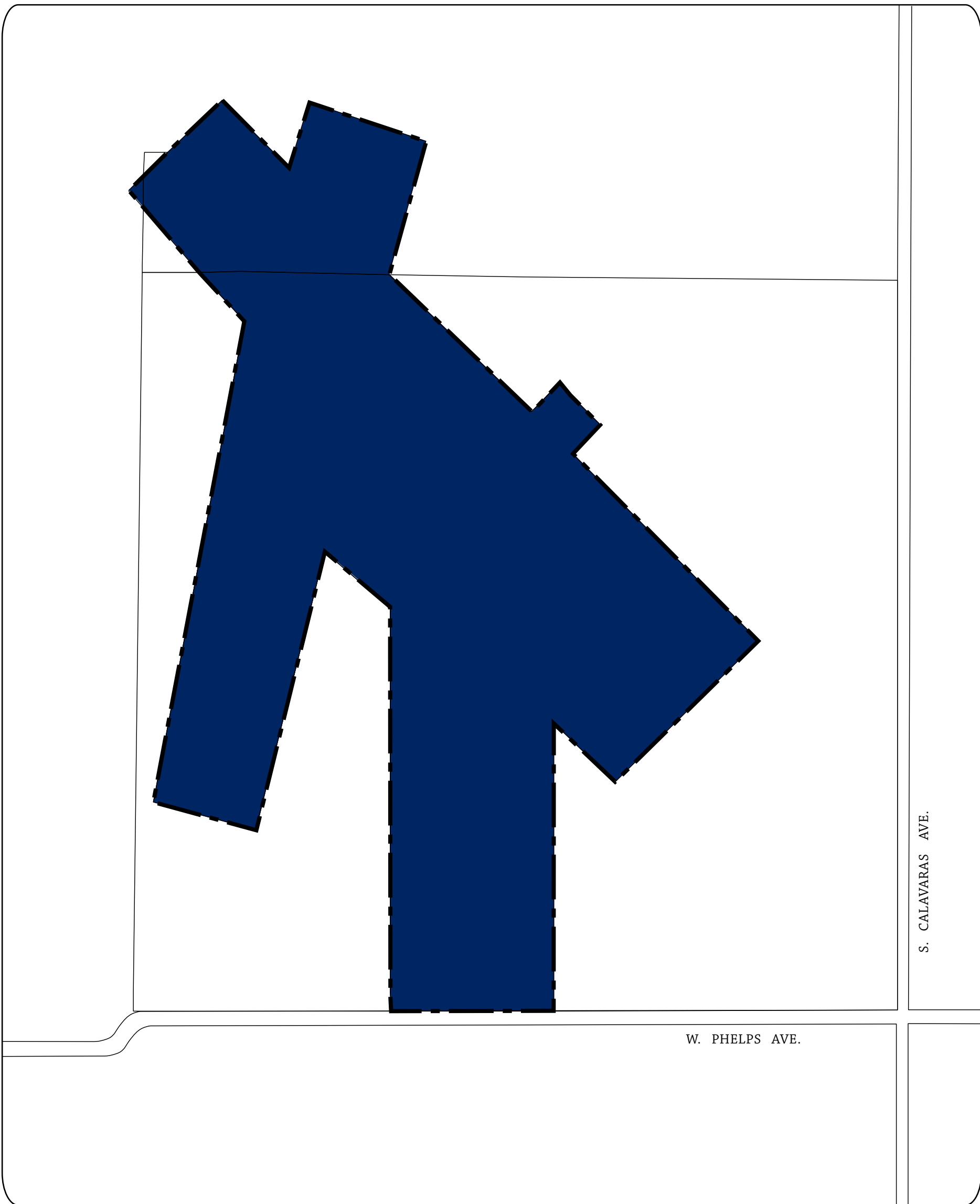
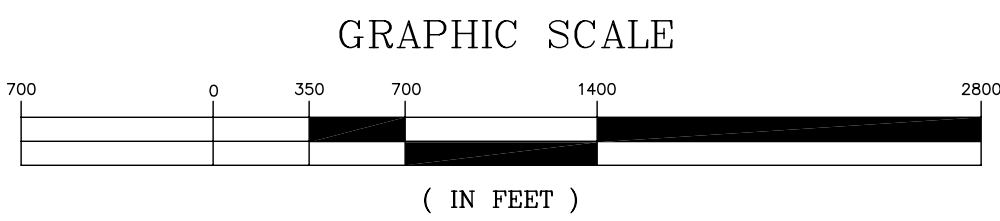
Proposed Public Facilities and Recreation Zoning Districts

July 25, 2013

■ PF Public Facilities



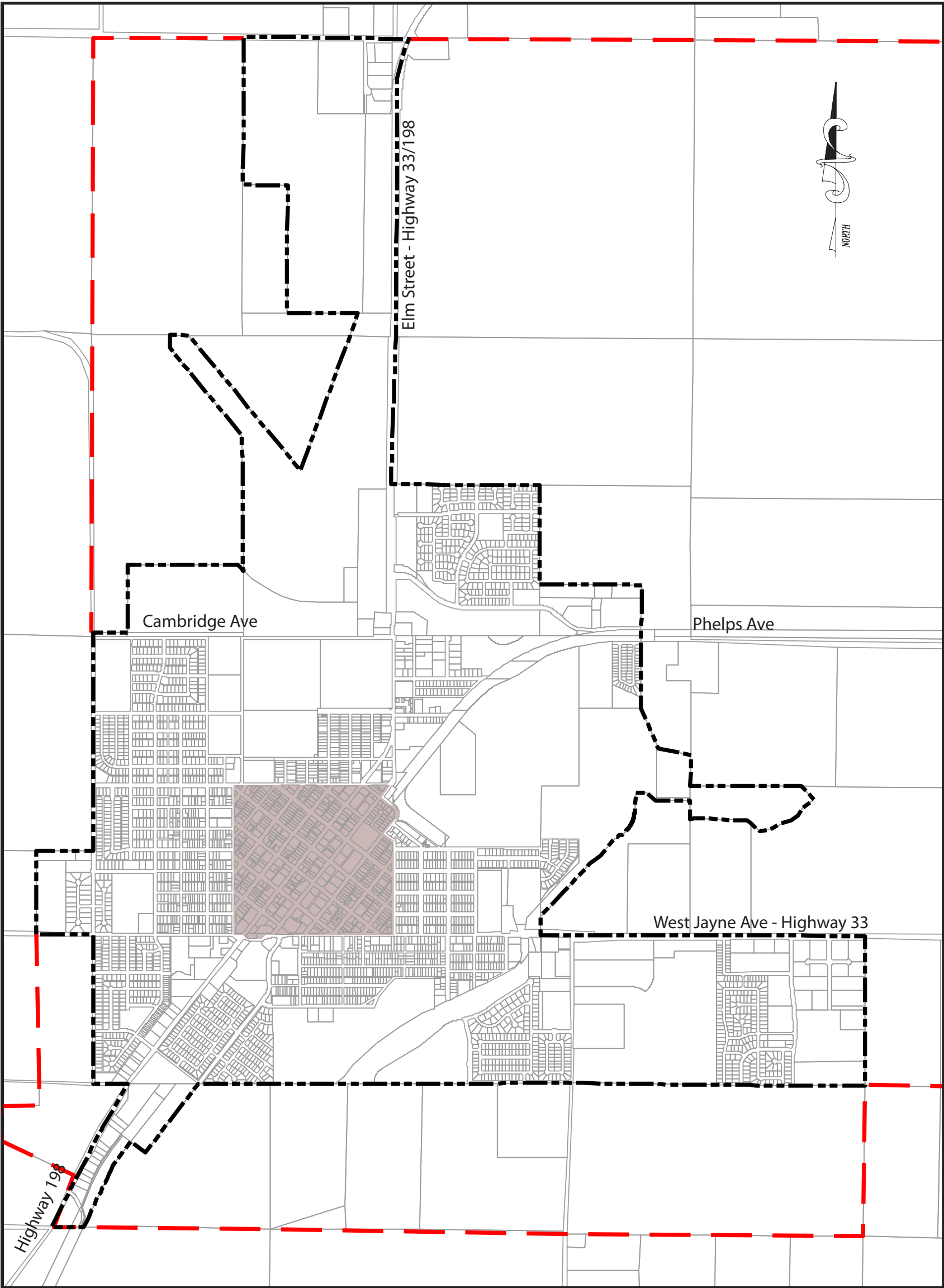
Areas within City Limits
Highways and Major Roads





City of Coalinga

Downtown District Overlay Map
September 13, 2013



0 .125 .25 .5 1 Mile

Source: City of Coalinga General Plan 2009

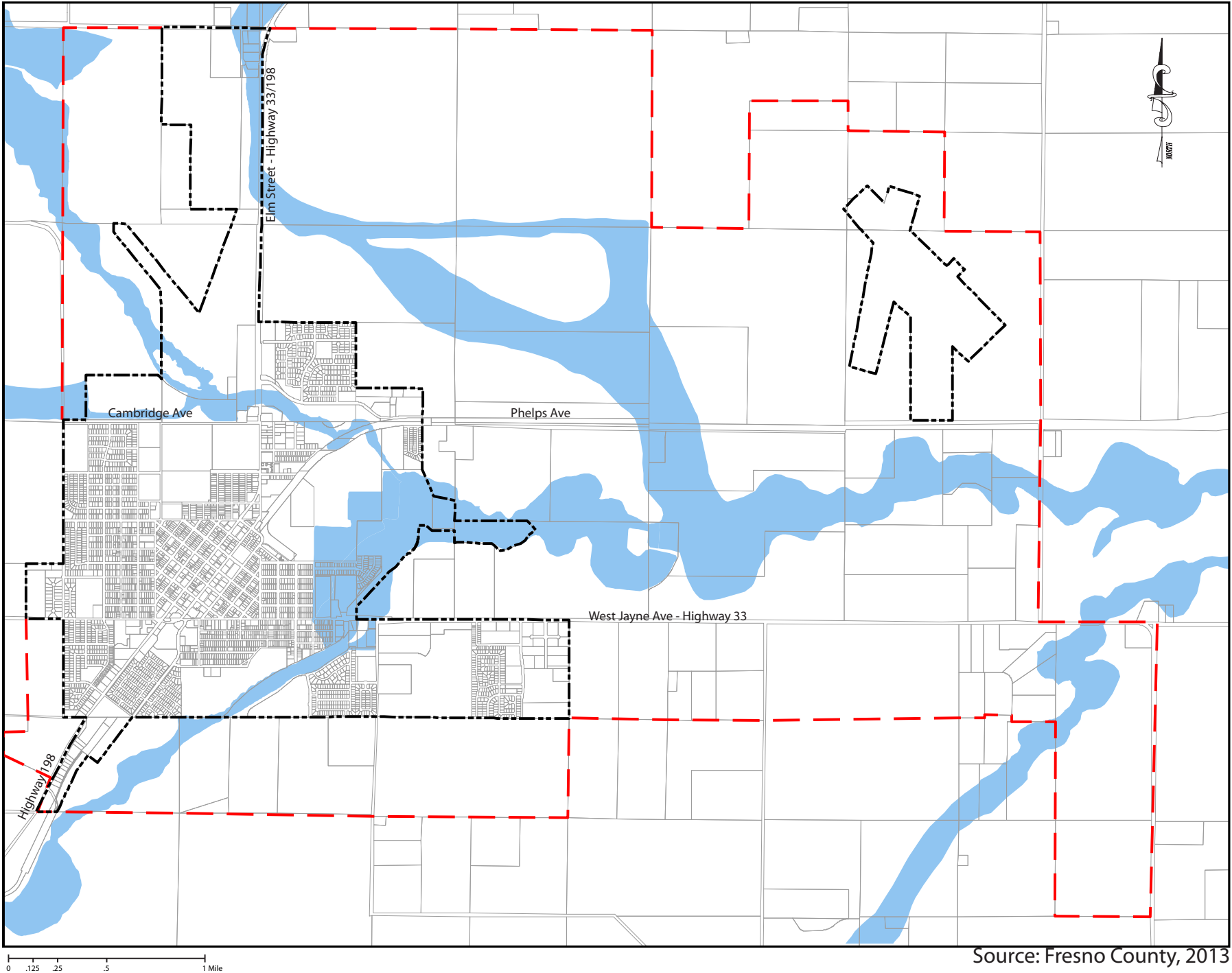
-  Downtown District Overlay
-  Sphere of Influence
-  City Limits



City of Coalinga

Flood Hazard Overlay Map

September 13, 2013



Source: Fresno County, 2013

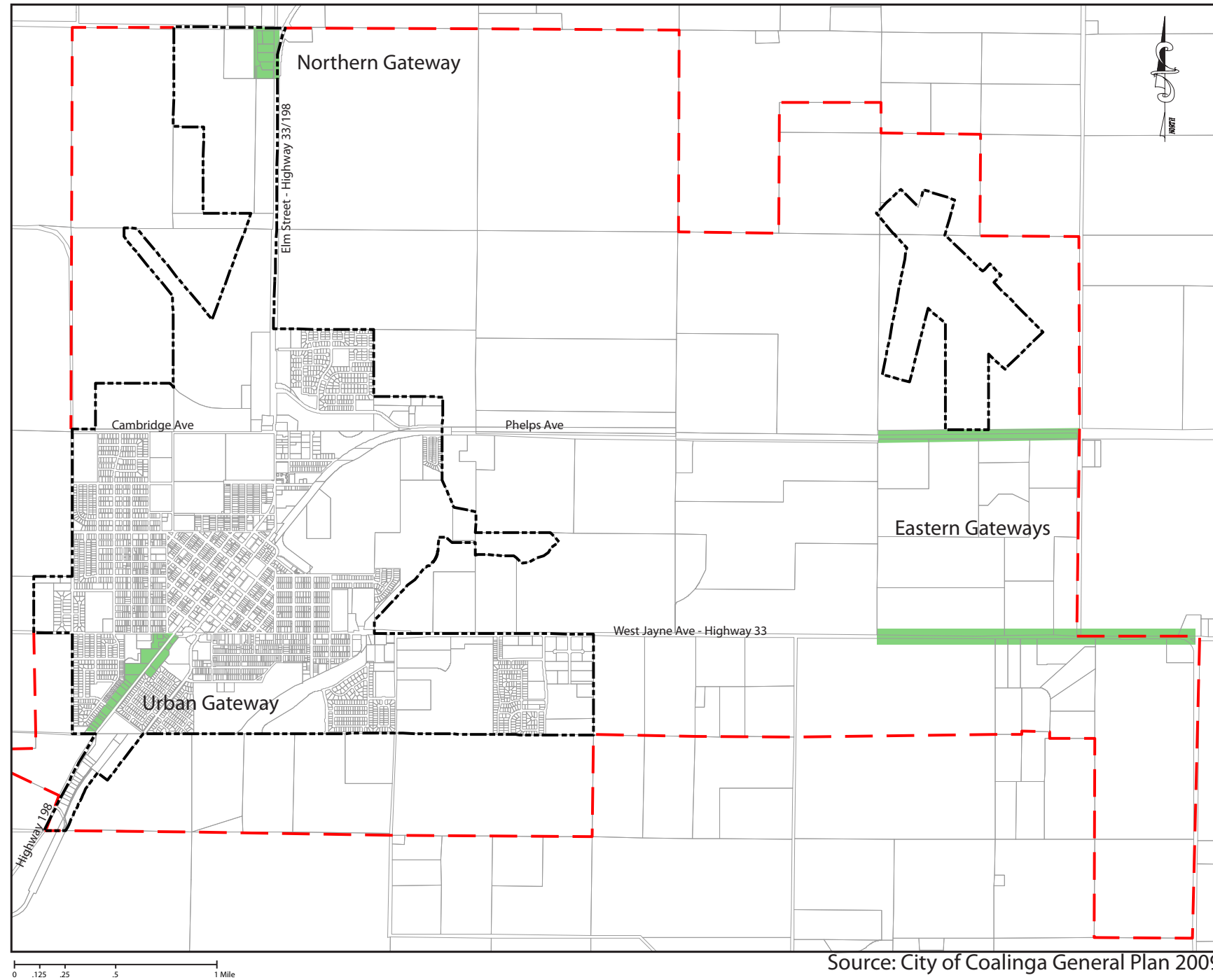
-  Flood Hazard Overlay
-  Sphere of Influence
-  City Limits



City of Coalinga

Gateway Overlay Map

September 13, 2013



Source: City of Coalinga General Plan 2009

 Gateway Overlay

 Sphere of Influence

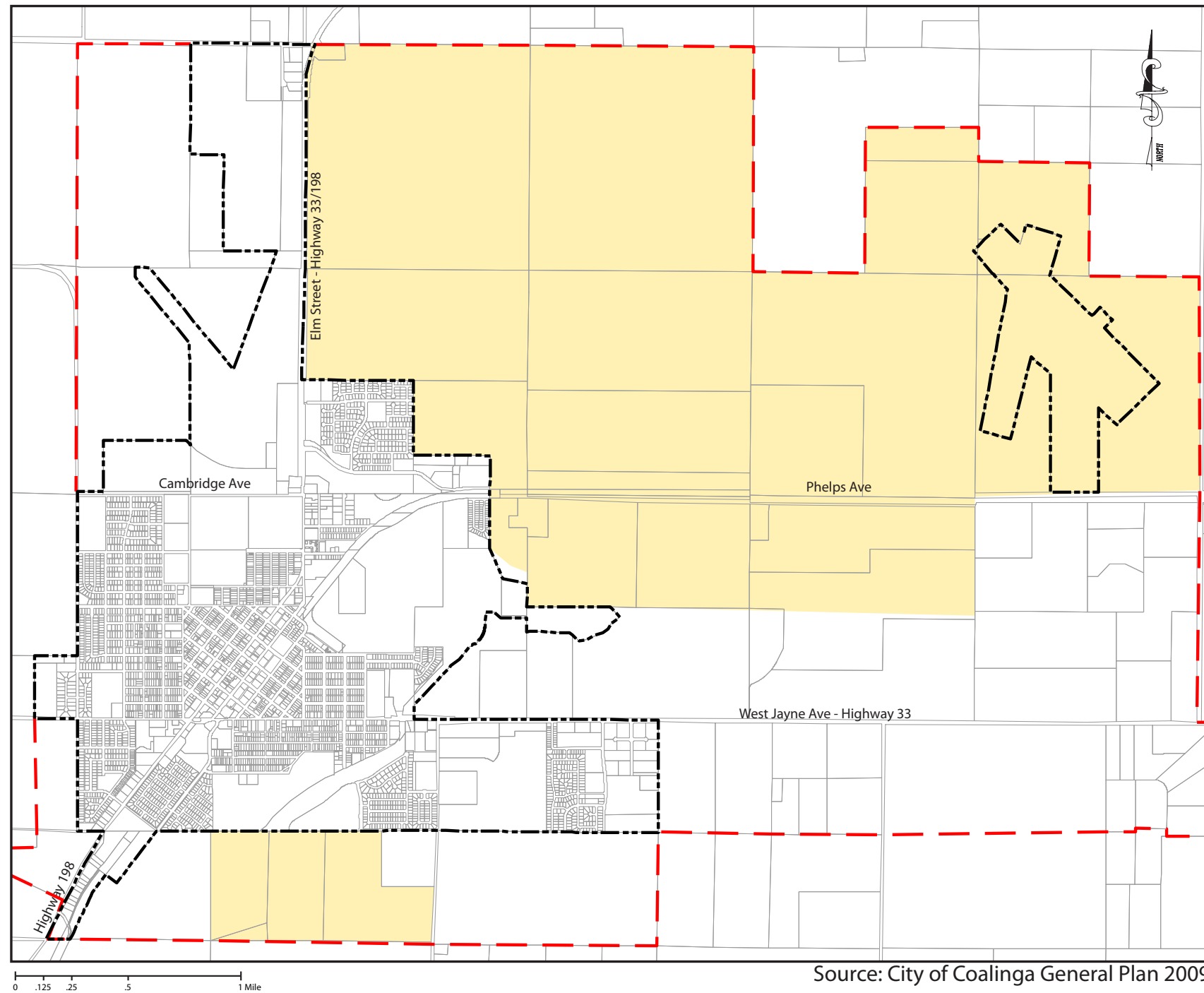
 City Limits



City of Coalinga

Master Plan Overlay Map

September 13, 2013



Source: City of Coalinga General Plan 2009

 Master Plan Overlay

 Sphere of Influence

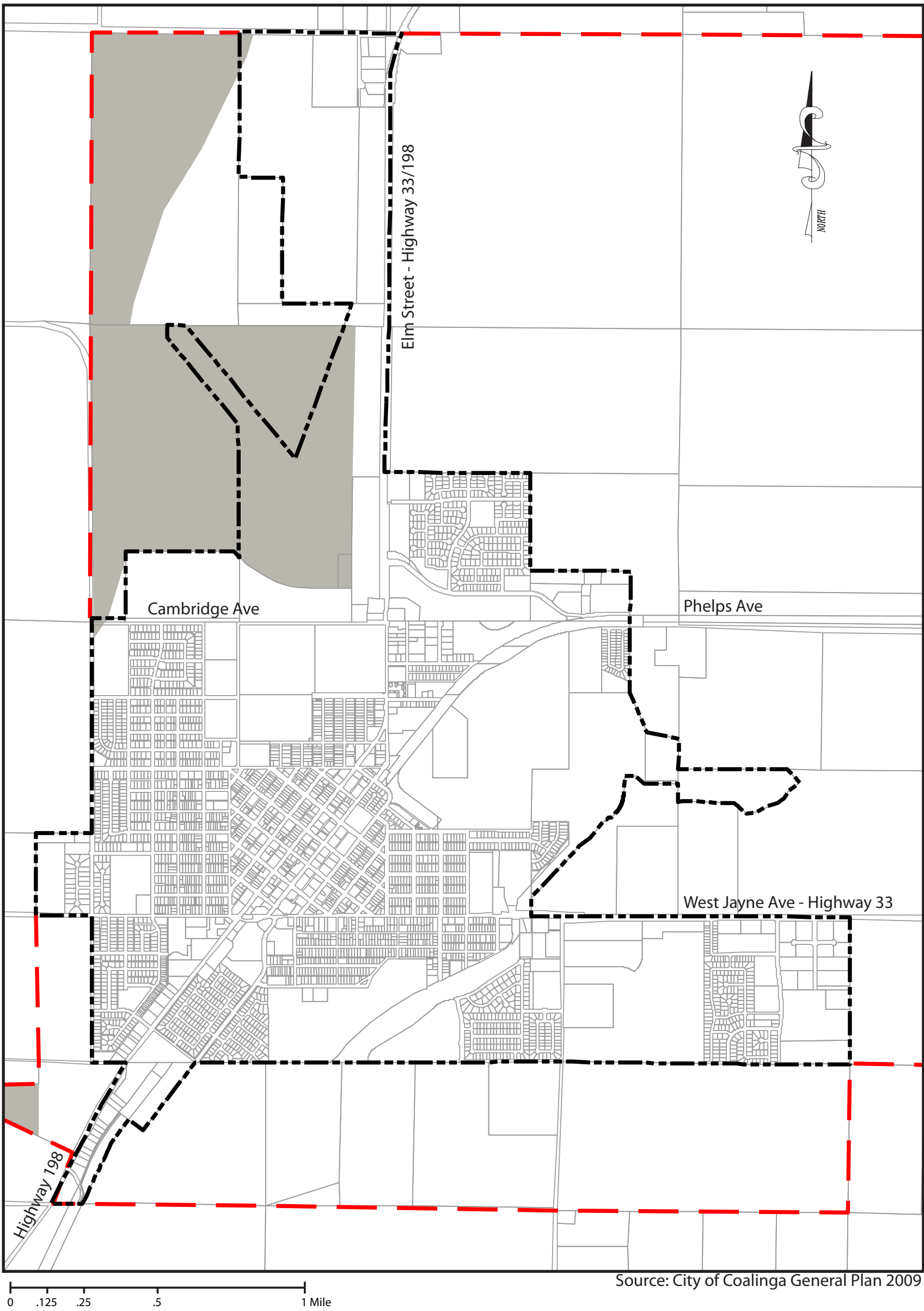
 City Limits



City of Coalinga

Resource Extraction Overlay District Map

September 13, 2013



Source: City of Coalinga General Plan 2009

-  Resource Extraction Overlay District
-  Sphere of Influence
-  City Limits



Memorandum

September 1~~3~~⁴, 2013

TO: Sean Brewer, Assistant Community Development Director,
City of Coalinga

FROM: Geoff I. Bradley, AICP, Principal, Metropolitan Planning Group
Karen Hong, Associate Planner, Metropolitan Planning Group

SUBJECT: Response to Blueprint Audit of Zoning Ordinance Update

The Fresno Council of Governments issued an Audit of the draft Coalinga Zoning Ordinance in Spring 2013 on behalf of the eight Councils of Government involved in the San Joaquin Valley Blueprint.

M-Group's responses to the 28 recommendations from the Audit are outlined in the document below. An additional response to the recommendations for the 2025 General Plan is included at the end of this memo.

1. *Clarify the requirements for small lot residential development in the RT zone and consider adopting standards for small lot development to include design, circulation, amenities, and walkability features.*

Response: Such standards are already in place for both single-family (via the Subdivision Chapter) and multi-family housing. Also, the Design Guidelines to be prepared for Coalinga in 2014 will address additional design standards.

2. *Adopt and implement a Density Bonus Ordinance that allows an increase in density for housing restricted to low and moderate-income families in accordance with state statutes. Consider incentives such as fee reductions, density bonuses, or reductions in zoning standards to new housing developments that demonstrate high-quality design, or creative design solutions, or provide amenities of community benefit.*

Response: The Density Bonus Ordinance has been included as Chapter 6, Article 13, Density Bonus.

3. *Consider architectural review for future projects in multifamily zones with requirements to utilize architectural styles that are historic to the San Joaquin Valley – such as Spanish, Craftsman, Victorian, Tudor, etc.*

Response: This item will be addressed by the Design Guidelines. The City will need to decide on a policy direction to either encourage the creation of buildings that replicate historic styles (“faux historic”), or require designs that keep the elements of historical styles but also incorporate modern building styles and elements.

4. *The AG district could be considered for combining with the OS district with agriculture as a permitted use.*

Response: This comment seems to suggest that AG could be combined with OS to allow both uses in a combined AG-OS Zoning District. This would be a policy decision.

5. *Consider a 7,000 square foot minimum district to create a wider range of single family housing types.*

Response: Chapter 7, Article 5.C.8.c, Lot Area (p38), and Chapter 3, Article 5.C.2, Open Space and Amenities (p20), require a variety of lot and home sizes for Subdivisions and Planned Developments respectively.

6. *Review the proposal to increase the maximum density in the RT district to 8 to 10 units/acre to facilitate zero-lot line development, townhouses, and garden apartments. This density range would be consistent with the Residential Medium Density land use category.*

Response:

The Residential Traditional Neighborhood (RT) District is a variation of the Single-Family Zoning Designation meant to accommodate low to medium densities and more varied forms of residential development, including small-lot single-family homes and detached zero lot line developments. The intent was not to include multi-family development in this District. See Chapter 2, Article 2.A.2.d, p6, and Table 2.3, p7 and 8 for details on the RT District.

7. *Within the proposed RS-5 and RT districts a back yard setback of a minimum of 10 feet should be considered to allow maximum flexibility of placement of the building footprint on smaller lots.*

Response: The rear yard setbacks for the majority of districts is 15 feet. Only RR has a rear yard setback of 20 feet. Changing the rear yard setback of RT to 10 feet would make it inconsistent with the other Residential Districts.

8. *Section 9.05.004 - Design and Architectural Review, should be renamed Site Plan Review.*

Response: M-Group proposes to rename the “Site Plan Review” process to “Site Plan and Architectural Review”, to reflect the new emphasis on design review per the standards in the Zoning Ordinance.

9. *Section 9.05.005 Conditional Use Permits, and Section 9.05.007 Variances should be clarified to state that hearings are held before the Planning Commission with appeal to the City Council.*

Response: This has been clarified in Articles 5 and 7 of Chapter 6.

10. *Consider expanding the requirements of Section 9-2.204 that deal with pedestrian access to all commercial and multifamily zone districts.*

Response: Walkability requirements have been added for multi-family Zoning Districts, commercial, mixed-use, Manufacturing Business (Light) Zoning Districts, Public Facilities and Recreation Districts.

Chapter 2, Article 2.C.3.d.(4), p15 and 16

Chapter 2, Article 3.C.2.f, p28

Chapter 2, Article 3.C.3.c, p29

Chapter 2, Article 4.D.2 and Article 4.D.3, p42

Chapter 2, Article 5.C.2.c, p47 and 48

11. *Particular emphasis should be paid to reducing walls between uses to allow direct pedestrian access where appropriate, and to requiring pedestrian access easements between commercial developments.*

Response: Pedestrian access is required at the shared property line for Commercial properties adjacent to each other. See Chapter 2, Article 3.2.c, p24.

12. *Consider “walkability” features for single family subdivisions and small-lot single family planned developments to include trail connections, open-ended cul de sacs, and through streets within the project.*

Response: Walkability requirements have been added in accordance with the provisions laid out in Chapter 4, Article 3.E.1.d, p26. See Chapter 3, Article 5.C.2.b, p20, and Chapter 7, Article 5.C.4, p39 and 40, for Planned Developments and Subdivisions respectively.

13. *Commercial developments with large parking lots could be required to provide covered/shaded pedestrian pathways through the parking lot to connect stores to the street.*

Response: Requirements for Pedestrian connections have been added in conjunction with Landscaping requirements. See Chapter 4, Article 3.E.1.d, p26.

14. *Consider amendment of the 2025 Coalinga General Plan land use element for appropriate policies to encourage walking and alternative forms of transportation. The policies and guidelines could be incorporated into the zoning ordinance to make them easier to use and to be consistent with the General Plan.*

Response: See response to comments on the General Plan at the end of this Memo.

15. *As the City updates the zoning ordinance, it should take every opportunity to invite public participation and involvement in the update, and should convene a committee of interested citizens to work with staff on updating the ordinance.*

Response: The City has held several Planning Commission public hearings to date to review the draft Zoning Ordinance text, and will hold workshops with the City Council, which are open to the public, to review and discuss the draft Zoning Ordinance text.

16. *The updated ordinance should clarify the public hearing process for discretionary permits and require public hearings only for projects that have a realistic potential to impact the surrounding neighborhood.*

Response: Chapter 6 lays out the requirements for the public hearings and is in line with the principle stated in the comment.

17. *The City should review the design guidelines that are contained within the ordinance for consistency and compatibility, particularly with regard to single family and multifamily development.*

Response: There are design guidelines for multi-family development and signs in the new text. The City will work on a larger set of design guidelines in 2014.

18. *The City should consider development of commercial design guidelines and incorporating the guidelines into the zoning ordinance. Design guidelines are being prepared for several cities as part of the Blueprint Integration Project and will be available for Coalinga's review and potential use.*

Response: The City has adopted Downtown Design Guidelines, and plans to begin work on a larger set of design guidelines in 2014.

Chapter 2, Article 2.C.2.3, Residential Multi-Family Development Regulations, p13, contains guidelines on design issues such as building facades, entrances, and architectural articulation. Commercial, Single-Family and Multi-Family Residential Design Guidelines will be completed in 2014.

19. *A design review process should be identified, whether to occur at the staff level or to include a review committee or the Planning Commission.*

Response: This would be tied in with the Site Plan Review process. Also see Comment #8.

20. *General Plan policy to encourage mixed use could be expanded. The downtown should also be a primary location for mixed use, either by changing proposed zoning to MX, or by expanding mixed use provisions within the currently proposed CG district.*

Response: The new Mixed-use (MX) Zoning District has been included in the Zoning Ordinance Update. See Chapter 2, Article 3, Commercial and Mixed Use Districts, p17.

21. *The draft zoning ordinance should strive to simplify mixed use project approval to the greatest extent possible. In particular, mixed use should be considered a permitted use rather than a conditional use in most cases to be implemented through site plan review.*

Response: Permitted uses in the CG and CS Districts are generally allowed in the MX Zoning District. Multi-family housing is also allowed by-right in the MX Zoning District, but as a use secondary to a primary commercial use.

22. *Draft zoning ordinance Section 9.02.003 MX Mixed-Use should be clarified to resolve the following issues:*

- *Is a maximum of 15 units/acre sufficient in a downtown setting or for typical mixed use residential components;*
- *Can stand-alone multifamily uses be developed in the MX district or must they be developed as an accessory to a primary use;*
- *Should all mixed use development be subject to design review regardless of location (outside the Downtown Overlay District);*
- *Should mixed use provisions be expanded to the downtown in the CG zone district.*

Response:

The suggested change in density is a policy decision that would first amend the General Plan, with subsequent revisions to the Zoning Ordinance. Typically, 15 units per acre is insufficient in a downtown setting and for mixed-use developments. The density that encourages and supports such development is usually higher at 20 – 25 units per acre, or more. A lower residential density will usually not support the retail or commercial uses on the site and therefore reduce the likelihood of an economically viable development. Developers may also face challenges obtaining financing. If no change is made to the General

Plan, it is reasonable to expect that existing land use patterns in Coalinga will continue on lands zoned for mixed-use.

All mixed-use development would be subject to design review regardless of location. Projects will be processed via the Site Plan Review process, which will include design review. Lastly, mixed-use provisions have already been expanded to the downtown in the proposed Zoning Map.

23. *The ordinance could be revised to address the following issues related to providing a variety of transportation options:*

- *Parking requirements should be reviewed to reduce the number of spaces required for commercial and industrial uses, where practical.*
- *Parking standards for electric and hybrid vehicles should be added.*
- *Standards for pedestrian pathways contained in Section 9-2.204 should be expanded to other commercial zone districts and considered for larger commercial developments, especially pathways to connect individual sites.*

Response: Parking requirements have been updated to reflect current trends, and generally reduced from existing standards in Chapter 4, Article 3.F, p28 and 29. Definitions have been added in Chapter 1, Article 2, Definitions.

(Reference was made to the Electric Vehicle Guidelines prepared by the Bay Area Climate Collaborative (BACC), aimed at providing guidance to local governments on planning for electric vehicles. The Guidelines recommended that parking facilities for “Retail, eating and drinking establishments” include electric vehicle charging stations for 1% of total parking spaces.)

24. *To improve the acceptance and feasibility of more compact development, the City’s should consider design guidelines to be incorporated into the zoning ordinance. Design guidelines are being prepared for several cities as part of the Blueprint Integration Project and will be available for Coalinga’s review and potential use.*

Response: Chapter 2, Article 2.C.2.3, Residential Multi-Family Development Regulations, p13, contains guidelines on open space requirements. A set of Design Guidelines will be completed in 2014.

25. *Consider providing incentives for infill development (also please see recommendations for Principle 6, Mix Land Uses).*

Response: The majority of projects in the City of Coalinga would be considered infill. Chapter 6, Code Administration, clearly documents the requirements and procedures for the processing for project applications. This would therefore

provide development certainty for applicants. Lastly, infill projects are often categorically exempt from CEQA, according to State guidelines.

26. *The draft zoning ordinance's list of permitted uses should be reviewed and updated as necessary to remain current, yet flexible. The Director should maintain the ability to add uses as an administrative function.*

Response: The permitted uses have been updated to be consistent with current trends with room for flexibility. Chapter 6, Article 3, Determination of Unspecified Uses, currently proposes that the Community Development Director would make a recommendation to the Planning Commission regarding new uses. This is a policy decision for the City.

27. *In addition, uses that require Conditional Use Permits (public hearings) should be considered for Site Plan Review or even administrative review. This would shorten processing times for applicants.*

Response: Currently, all CUPs are to be reviewed and approved by the Planning Commission. This is a policy decision for the City. As the City grows, the administrative review of some CUPs will facilitate application processing.

28. *In the interest of updating the zoning ordinance to reflect current circumstances, all references, if any, to redevelopment should be deleted. Any future agency and accompanying functions, should it materialize, may be added in at a later date.*

Response: Chapter 1, Article 2, Definitions, contains a definition explaining that the City of Coalinga is the successor agency for the Redevelopment Agency. Other Chapters have been checked and no references to the Redevelopment Agency exist.

Audit Recommendations for the 2025 Coalinga General Plan

1. *The City would benefit from a review of low density residential designations in the SOI expansion area during the next general plan update and a more realistic appraisal of the SOI expansion area.*
2. *A review should also be undertaken concerning the mix of single family vs. multifamily development in the long term.*
3. *Consider development potential within the existing SOI before requesting an expansion through Fresno LAFCO. At a 3% average annual growth rate, the existing city limits have sufficient land for 15 years of growth while the proposed SOI expansion area would accommodate 50 years of anticipated growth.*
4. *There are many goals, objectives and policies in the 2025 General Plan that, if implemented, can help establish Coalinga as a memorable, attractive city. The City could take further steps by refining standards in the zoning ordinance and also by creating and adopting overall design guidelines in addition to those adopted for the downtown area.*
5. *The General Plan establishes a framework to promote a variety of transportation methods – including walking, cycling and transit. The City will need to ensure that recommended plans are prepared and that these policies are converted to standards within the Zoning Ordinance and Standards and Specifications.*
6. *The General Plan has an extensive list of policies to encourage protection of natural resources. The City must prioritize and determine which, if any, of the many recommended studies are feasible to undertake. This may best be accomplished through the annual report on the General Plan required by Section 65400 (2) of the State Planning and Zoning Laws. This report can provide a framework within which to review the status and feasibility of policies intended to implement the General Plan.*

Response: Most of the General Plan recommendations will need to be reviewed by the Planning Commission and City Council for a policy decisions. These items are not within the purview of the Zoning Ordinance Update. The goal of the Zoning Ordinance Update is to be consistent with the existing General Plan. Should the Planning Commission and City Council decide to make any of these changes, a General Plan Text Amendment is first required, with subsequent changes to the Zoning Ordinance.

Recommendations #4 and #5 have already been incorporated into the Zoning Ordinance Update. See Chapter 4, Article 3.G, Alternative Modes of Transportation. The Open Space, Agricultural Districts, and the Resource Extraction Overlay, protect natural resources within the City.

STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE AUTHORITY

Subject: Discussion of Zoning Ordinance Update
Meeting Date: December 18, 2013
From: Rene A. Ramirez, City Manager
Prepared by: Sean Brewer, Assistant Community Development Director

I. RECOMMENDATION:

Staff is seeking Council comments and direction regarding the working draft of the Zoning Code Update in which the Planning Commission, Staff and the City's Consultant's (M-Group) have been preparing and discussing.

Staff understands that there is a lot of information to review and we will attempt to get through as much of the text as possible and if a subsequent workshop is needed we will plan to schedule another to complete discussions prior to the release of an official public review draft.

II. BACKGROUND:

The information provided in the the discussion section summarizes, by chapter, the major issues that the City of Coalinga's Comprehensive Zoning Ordinance Update addresses. The Zoning Ordinance Update implements the sustainable and smart growth vision of the City's 2025 General Plan, including new Zoning Districts to implement the Land Use Element. The Zoning Ordinance Update also presents an opportunity for the City to update its Ordinance language, align with State laws, and reorganize the document for easier comprehension. Modifications to implement Housing Element programs to comply with State Law have been included, to allow the City to qualify for a Streamlined Housing Element Update process in the 2014-2022 update cycle.

Lastly, as part of the Sustainable Communities Grant the collaborated with Fresno COG and their circuit planners provided an audit of the draft zoning ordinance of the City of Coalinga to determine the draft ordinance's consistency with the 12 smart-growth principles of the San Joaquin Valley Blueprint.

The audit was prepared in accordance with the San Joaquin Valley Blueprint Integration Project under the auspices of a Proposition 84 grant administered by the Fresno Council of Governments, on behalf of the eight Councils of Government involved in the San Joaquin Valley Blueprint. Our consultants have reviewed the audit conducted by the Council of Governments and provided a memo (attached) identifying the changes and/or consistency that the draft ordinance exhibits. There are also recommendations for future General Plan Amendments to align with the blueprint.

III. DISCUSSION:

The main highlights of the Zoning Ordinance Update are organized by Chapter headings below. All Chapters are attached for your review and comment. The summaries below will help in your facilitation of the content provided in the attachments. Each Chapter will have it's own item on the workshop agenda so that the Council and Commission will have the opportunity to review and comment 1 chapter at a time.

Chapter 1: Introduction

This section lays out the goals and objectives of the Zoning Ordinance, as well as the 12 Smart Growth Principles of the San Joaquin Valley Blueprint that the Zoning Ordinance implements. The Definitions section now includes Use Classifications (i.e. definition of land uses allowed in a specific Zoning District) for ease of reference.

Chapter 2: Zoning Districts and Allowable Land Uses

The Zoning Districts implement the Land Uses laid out in the General Plan Update, for example, the new Mixed Use Zoning District, which implements the Mixed Use Land Use designation in the General Plan. Tables showing permitted uses and general development standards help readers to know at a glance which uses are allowed, and what the development standards are. In particular, transitional setbacks between Residential and Commercial or Manufacturing Districts have been described and illustrated. Please note that height limits are based on the height limits of existing Zoning, but are not a direct match to existing heights due to the inclusion of new Zoning Districts. The height limit for Residential High Density (RHD) is now at 50 feet to support the density range prescribed in the General Plan, while allowing flexibility in building design.

Chapter 3: Special Districts and Overlays

This chapter implements the Special and Overlay Districts in the General Plan, including the Downtown District Overlay, Flood Hazard Overlay, Gateway Overlay, Master Plan Overlay, Planned Development District, and Resource Extraction Overlay. The Downtown District and Gateway Overlays are tools to focus on building and streetscape design of specific areas in the City. The Flood Hazard Overlay addresses environmental constraints, and the Resource Extraction Overlay acknowledges and protects existing resource extraction activities.

The Master Plan Overlay and Planned Development District are important tools that guide the development of larger land areas and properties according to smart growth principles. Key features of these tools include the push to preserve or create open space, cluster rather than spread out development, provide connections to the rest of the City, and require fiscal impact analyses to identify long-term costs and benefits to the City. These tools are also tied to the requirements of base districts in the Zoning Ordinance to avoid creating mini zoning-codes out of every new Planned Development or Master Plan application.

Chapter 4: Development Standards and Signage

Measurement standards have been described and illustrated to assist applicants and property owners to determine measurements such as building height and lot coverage. This Chapter also takes the City requirements for various aspects of a development project, such as landscaping, lighting, and screening, and groups them into a single go-to section under Development Standards. These standards are currently described in separate sections of the existing Zoning Ordinance.

The Sign Ordinance warrants additional discussion due to First Amendment rights and free speech issues. The City has expressed a desire to ban sign twirlers, as well as §220;all vehicles and bicycles utilized to tow signage and/or billboards for the sole purpose of advertising&S221;, due to traffic safety and aesthetic concerns. M-Group has included language in the text for both of these items, and has provided research earlier on the subject of sign twirlers to indicate what neighboring cities are doing in this regard. However, M-Group advises the City to move forward cautiously with this section to avoid triggering First Amendment rights and free speech issues. M-Group will work closely with the City Attorney to refine this section.

Chapter 5: Specific Uses

This section details such requirements for specific uses, including findings for approval and standards for operations. The text has been updated to include Golf Courses and Country Clubs, Solar Power Generating Facilities, Housing Element requirements for Emergency Shelters and Single Room Occupancy facilities.

The Telecommunication facilities section is consistent with the 2012 Job Creation Act to streamline approvals for qualifying modifications to telecommunication facilities.

Chapter 6: Code Administration

Chapter 6 provides guidance to public administrators as well as interested applicants on the required process and City's expectations for various planning applications. A chart clearly shows the approving authorities for different types of projects. Criteria, findings, and potential conditions of approval are included for development certainty and the predictability of outcomes. The environmental review process is also explained in this section.

Chapter 7: Subdivisions

This chapter was updated to be consistent with the latest Subdivision Map Act, and provides guidance on the subdivision process. Smart growth principles and basic design standards have been included in this chapter.

Chapter 8: Floodplain Management Ordinance

This chapter was reorganized based on the existing Floodplain Management Ordinance. The purpose is to provide review standards for proposed development within flood zones.

IV. ALTERNATIVES:

None

V. FISCAL IMPACT:

None

ATTACHMENTS:

File Name	Description
Table of Contents.pdf	Table of Contents
Chapter 1 - Introduction.pdf	Chapter 1 - INTRODUCTION
Chapter 2 - Base Zoning Districts.pdf	Chapter 2 - BASE ZONING DISTRICTS
Chapter 3 - Special Districts and Overlays.pdf	Chapter 3 - SPECIAL DISTRICTS AND OVERLAYS
Chapter 4 - Additional Use and Development Regulations.pdf	Chapter 4 - ADDITIONAL USE AND DEVELOPMENT REGULATIONS
Chapter 5 - Standards for Specific Uses and Activities.pdf	Chapter 5 - STANDARDS FOR SPECIFIC USES AND ACTIVITIES
Chapter 6 - Code Administration.pdf	Chapter 6 - CODE ADMINISTRATION
Chapter 7 - Subdivisions.pdf	Chapter 7 - SUBDIVISIONS
Chapter 8 - Floodplain Management.pdf	Chapter 8 - FLOODPLAIN MANAGEMENT
Coalinga Zoning Map 7.25.2013.pdf	Zoning Map
Coalinga Downtown District Overlay Map 9.13.2013.pdf	Downtown District - Overlay Map
Coalinga Flood Hazard Overlay Map 9.13.2013.pdf	Flood Hazard - Overlay Map
Coalinga Gateway Overlay Map 9.13.2013.pdf	Gateway - Overlay Map
Coalinga Master Plan Overlay Map 9.13.2013.pdf	Master Plan - Overlay Map
Coalinga Resource Extraction Overlay Map 9.13.2013.pdf	Resource Extraction - Overlay Map
Blueprint Audit Response 9.13.13.doc	Blueprint Integration Response