

# Kingsburg Form-Based Code



**Development Code Update  
Final Draft**

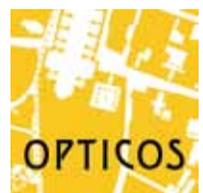
February 2012

**Prepared For:**

**City of Kingsburg, California**

**Prepared By:**

**Funded By:  
Caltrans CBTP Grant Program**



Opticos Design, Inc.  
Berkeley, California

# Kingsburg Form-Based Code

Kingsburg, CA

Prepared For

City of Kingsburg

Prepared By

Opticos Design, Inc.

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# Preamble

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# Preamble: Zoning to support Pedestrian Friendly Communities

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## Sections:

P.010	Introduction
P.020	Form-Based Codes
P.030	The Rural-to-Urban Transect
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P.060	How to Use the Development Code

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## **P.010 Introduction**

This Development Code, adopted in (Month) 20XX (See Section X-X.X.XXX, Effective Date), replaces the former 1982 zoning code. This Development Code intends to reinforce the unique character of Kingsburg, rather than taking a “one-size-fits-all” approach used by most conventional zoning codes.

The foundation for this Code began in 2006 when the City completed the community-driven Kingsburg Downtown Revitalization Plan. While this process focused primarily on the revitalization of the historic core of the City, comprising the “Swedish Village” and its surrounding neighborhoods, it provided an opportunity for the community to discuss and identify several common goals, including the preservation of Kingsburg’s unique character, and a desire to maintain the significance and centrality of the Downtown as the community grows.

The notion of “pedestrian friendly community” was a common thread of the 2006 Plan. This concept recognizes that well-designed environments conducive to walking and bicycling do much to foster community identity, encourage economic vitality, and maintain public health, and that places within Kingsburg should be of a scale that is primarily pedestrian-oriented in nature.

The process also identified many of the shortcomings of the former zoning code that did not support this notion of “pedestrian friendly community.” As a document that primarily emphasized the separation of land uses, it was relatively unable to promote the revitalization and preservation of mixed-use places such as the downtown area and its adjacent neighborhoods, nor could it ensure new neighborhoods at the City’s edge would be walkable and well-connected to the downtown.

In the early phases of rewriting the code the existing physical form of the City was analyzed, documented, and assessed at a macro and micro scale (i.e. citywide and locally, respectively). The results of this analysis helped to classify the different types of places in Kingsburg and their subsequent zone districts and standards. While some places in Kingsburg are conducive to “pedestrian friendly community,” other locations, such as the large-format commercial and industrial districts along the Highway 99 corridor will remain auto-oriented for quite some time.

First and foremost, the regulatory framework of this Code preserves, enhances, and creates “pedestrian friendly community” by reinforcing the unique character of Kingsburg places and providing “place-based” regulations where appropriate. In locations where pedestrian-oriented patterns are not predominant, it provides appropriate tools to maintain driveable, suburban patterns, while enabling their gradual evolution into more walkable places.

Throughout the process of rewriting and updating the former zoning code, residents, City decision makers, and many other stakeholders and interested persons were engaged to help guide and develop the new Development Code.

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**P.020 Form-Based Codes**

Form-Based Codes are an alternative approach to zoning that reinforces walkable, sustainable, mixed-use environments and development and builds upon the character of a place.

“Form-Based Codes foster predictable built results and a high-quality public realm by using physical form (rather than the separation of uses) as the organizing principle for the code. These codes are adopted into city or county law as regulations, not mere guidelines. Form-Based Codes are an alternative to conventional zoning.”

~ *Form-Based Codes Institute*

This Kingsburg Development Code combines both form-based and conventional elements. Form-based regulations are integrated into the overall Zoning Code and are primarily utilized in situations that promote the preservation, creation, and evolution of walkable places, while conventional regulations are retained to maintain standards for suburban and auto-oriented districts. Over time, this Code enables the increased applicability of form-based regulations, and envisions the future transition and transformation of suburban places into walkable urban locations.

**A. Integration of the Form-Based Code into the Development Code**

1. Form-Based Code components are integrated throughout the Development Code. The following Divisions provide the standards typically found in a Form-Based Code:
  - a. Transect zones provide the basic building form standards and list the allowed building types and permitted uses within a zone. See Chapter 3-20 (Transect Zones).
  - b. Building types provides a fine level of details about the appropriate massing and form of buildings within a zone. See Chapter 4-20 (Specific to Building Types).
  - c. Private frontage types provide details on how a building relates to the street or public realm. See Chapter 4-30 (Specific to Private Frontages).
  - d. Thoroughfare types provide the components of a thoroughfare that can be used to create walkable streets that balance the needs of vehicles, pedestrians and bicyclists. See Article 5 (Specific to Thoroughfares).
  - e. Civic spaces provide standards for a broad range of civic spaces and opens space. See Article 6 (Specific to Civic Spaces).
2. In addition, throughout the Development Code sections are broken down into standards that are applicable to all zones, applicable to non-transect zones and applicable to transect zones. This framework allows standards to be calibrated to walkable urban areas and drivable suburban areas. Examples of divisions that contain standards specific to drivable suburban and walkable urban areas include but are not limited to Division 4-40 (Specific to Parking), Chapter 4-50 (Landscaping, Fencing and Screening), and Chapter 4-60 (Specific to Signage).
3. The Development Code lays out a process of applying the Form-Based Code and transect regulations to other parcels within the City. Chapter 2-20 (Traditional Neighborhood Community Plans) provides the standards and process by which transect zones can be applied to other parts of the City.

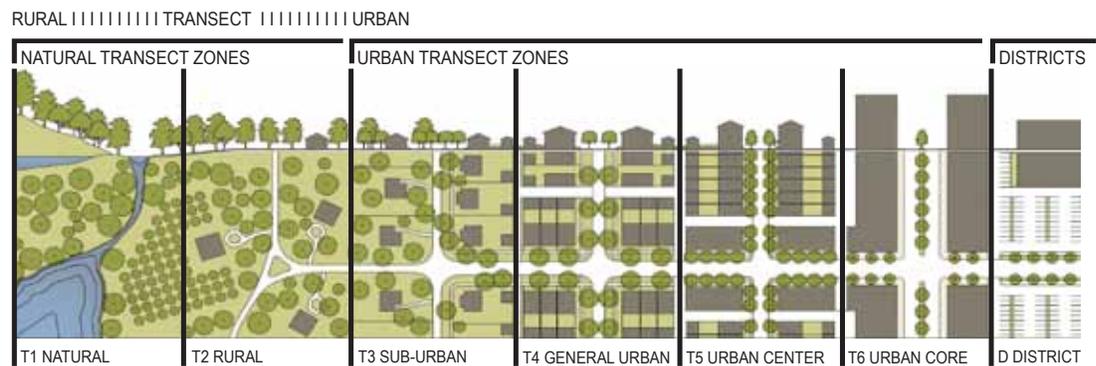
**P.030 The Rural-to-Urban Transect**

The Transect is an organizing principle often used in Form-Based Coding that focuses first on the intended character and type of place and second on the mix of uses within. This differs from the framework found in conventional or Euclidean zoning in which use, rather than form, is the primary focus. Transect-based zone districts are used to regulate the preservation, evolution, and creation of walkable places.

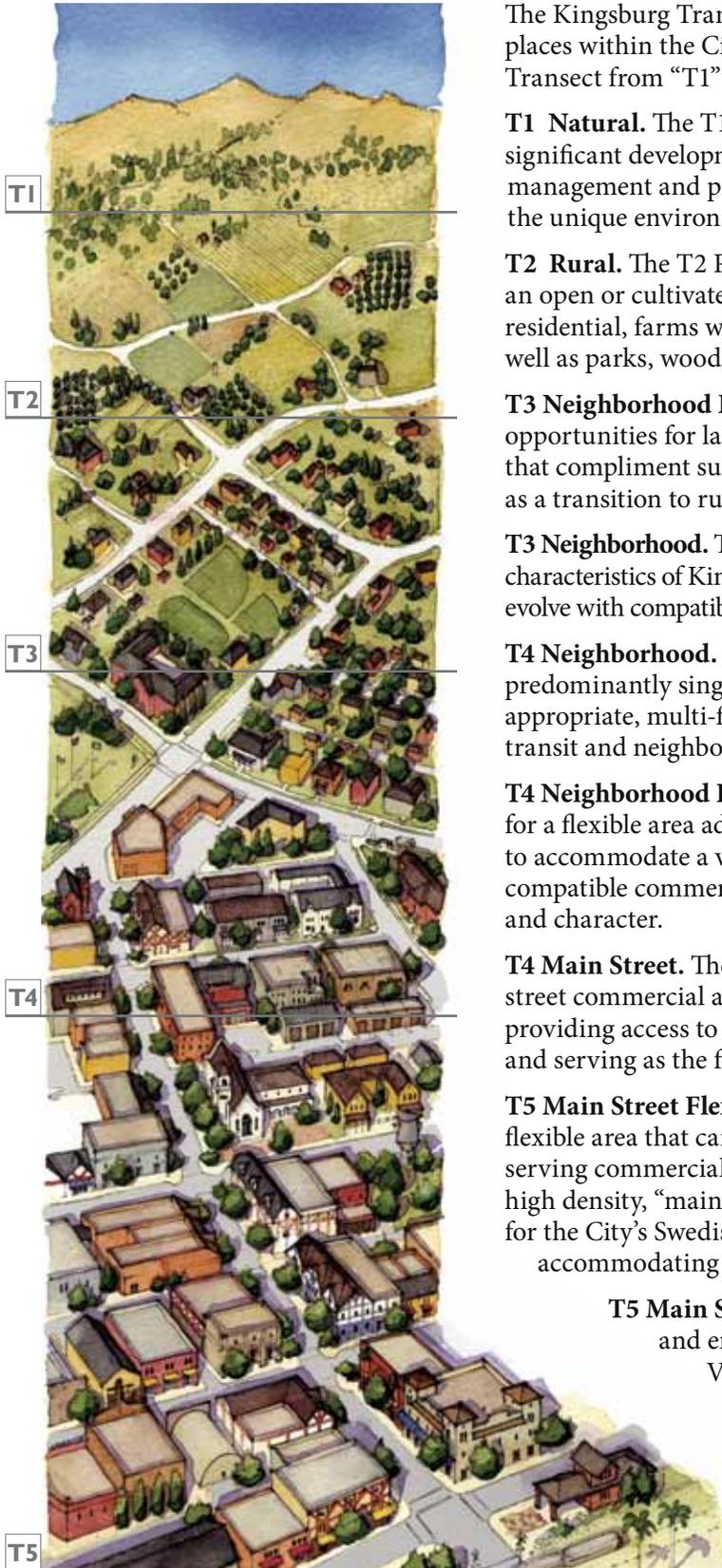
“The Rural-to-Urban Transect is a means for considering and organizing the human habitat in a continuum of intensity that ranges from the most rural condition to the most urban. It provides a standardized method for differentiating between the intentions for urban form in various areas using gradual transitions rather than harsh distinctions. The zones are primarily classified by the physical intensity of the built form, the relationship between nature and the built environment, and the complexity of uses within the zone.”

~ Form-Based Codes Institute

The model transect for American cities is divided into six transect zones or T-zones: Natural (T1), Rural (T2), Sub-urban (T3), General Urban (T4), Urban Center (T5), and Urban Core (T6), together with a Special District (SD) designation for areas with specialized purposes (e.g., heavy industrial, transportation, entertainment, or university districts, among other possibilities).



P.040 The Kingsburg Transect



The Kingsburg Transect has been defined to respond to the forms of places within the City, and covers the range of the Rural-to-Urban Transect from “T1” to “T5” as follows:

**T1 Natural.** The T1 Natural Zone provides for lands without significant development of any kind intended to promote the management and preservation of habitat types that form a part of the unique environmental characteristics of the City.

**T2 Rural.** The T2 Rural Zone provides for sparsely settled lands in an open or cultivated state at the City’s edge. It may include large-lot residential, farms where animals are raised or crops are grown, as well as parks, woodlands, grasslands, trails, and open space areas.

**T3 Neighborhood Edge.** The T3 Neighborhood Edge Zone provides opportunities for large-lot single-family residences at the City’s edge that compliment surrounding residential neighborhoods and serve as a transition to rural areas.

**T3 Neighborhood.** The T3 Neighborhood Zone builds upon the unique characteristics of Kingsburg’s existing neighborhoods, allowing them to evolve with compatible, medium-density building types.

**T4 Neighborhood.** The T4 Neighborhood Zone provides a walkable, predominantly single-family neighborhood that integrates appropriate, multi-family housing types within walking distance to transit and neighborhood-serving commercial areas.

**T4 Neighborhood Flex.** The T4 Neighborhood Flex Zone provides for a flexible area adjacent to Kingsburg’s downtown that can evolve to accommodate a variety of medium-density building types and compatible commercial uses while maintaining its existing form and character.

**T4 Main Street.** The T4 Main Street Zone integrates vibrant main-street commercial and locally-serving retail into neighborhoods, providing access to day-to-day amenities within walking distance and serving as the focal point for the neighborhood.

**T5 Main Street Flex.** The T5 Main Street Flex Zone provides a flexible area that can accommodate a broad range of neighborhood serving commercial, service, and residential uses in a medium-to-high density, “main street” form. This Zone provides the ability for the City’s Swedish Village to mature and expand over time, accommodating a range of building types.

**T5 Main Street.** The T5 Main Street Zone reinforces and enhances the vibrant, walkable urban Swedish Village and enables its evolution into a complete neighborhood that provides locally and regionally serving retail and entertainment uses, civic and public uses, and a variety of urban housing choices.

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**P.050 Using the Transect**

The Transect can be applied at various scales across the City to meet the following principles:

**A. The City-Guiding Principles**

1. Preserve and enhance community character;
2. Encourage appropriately-scaled infill and development;
3. Encourage a system of trails and bicycle routes that supports and maintains the centrality of the Swedish Village within the greater community;
4. Preserve agriculture and open space at edges, maintaining a clear boundary;
5. Reinforce a pattern of walkable neighborhoods: support existing walkable neighborhoods and retrofit those that are not walkable where feasible; and
6. Support a range of vibrant human habitats along the transect.

**B. The Neighborhood-Guiding Principles**

1. Support a diversity of housing choices at the appropriate location along the transect;
2. Encourage and incubate small local businesses;
3. Place services within a safe, comfortable walking distance of homes; and
4. Create a framework of well-designed streets that are safe and secure for pedestrians and bicyclists.

**C. The Block and Building-Guiding Principles**

1. Build upon and reinforce the unique characteristics of Kingsburg;
2. Ensure that each building plays a role in creating a better whole, not just a good building;
3. Meet the changing needs of residents;
4. Ensure that architecture and landscape grow from local climate, history, culture, and building practice; and
5. Put civic buildings in important locations and make sure their form is appropriate to their civic stature.

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**P.060 How to Use the Development Code****A. Organization**

The following text is intended to give a brief overview of the overall Development Code.

1. **Preamble.** The preamble introduces an overview of Kingsburg's urban form and character. It also provides an overview of the various parts of the Code and illustrates how to use it.
2. **Article 1: Intent and Applicability.** Article 1 establishes the legal foundation for the Code document and includes the purpose, authority, jurisdiction, rules of interpretation, and severability.
3. **Article 2: General to All.** Article 2 provides general regulations including standards utilized in the creation of community-scaled projects and Traditional Neighborhood Community Plans as well as the Right to Farm Ordinance.
4. **Article 3: Specific to Zones.** Article 3 contains regulations and allowable land uses for non-transect zones, transect zones and overlay zones. The application of the transect zones are intended to reinforce a walkable, transit-supportive urban environment, and the non-transect zones are for more drivable, suburban environments.
5. **Article 4: Supplemental to Zones.** Article 4 establishes development standards for topics such as building types, frontages, parking, landscaping and signage. These standards supplement the regulations in Article 3. This Article also contains regulations that apply to specific uses permitted within the zones.
6. **Article 5: Specific to Thoroughfares.** Article 5 establishes a collection of pre-approved street designs intended to be used in the creation of new streets and the transformation of existing streets to reinforce a pedestrian-oriented environment in transect zones. These thoroughfare standards supplement other City approved street standards.
7. **Article 6: Specific to Civic Spaces.** Article 6 establishes a collection of pre-approved civic space types intended to be integrated into medium and large projects in the transect zones.
8. **Article 7: Permits and Approvals.** Article 7 provides the detailed process by which development will be permitted by the City and the requirements related to specific types of submittals. It also provides the enforcement procedures.
9. **Article 8: Subdivision Procedures.** Article 8 provides the detailed process by which land is subdivided within the City and the requirements related to specific types of submittals.
10. **Article 9: Definitions of Terms and Uses.** Article 9 provides the definitions used throughout this Code.
11. **Article 10: Maps.** Article 10 provides the Zoning Map and Regulating Plan, in addition to a selection of other maps illustrating the standards of this Code.

B. Steps for Using the Zoning Code

In graphic form, this section illustrates the basic steps a user would follow in using the Zoning Code.

## Building-Scaled Projects

Step	Instructions	Code	Title
	Find the zone for your parcel	Article 10	Maps
	Comply with the applicable standards in General to All	Article 2	General to All
	Comply with the standards specific to your zone	Article 3	Specific to Zones
	If applying a transect zone, select Building Type(s) from the allowable list in the zone, and comply with the standards for that Building Type(s)	Chpt 4.10	Specific to Building Types
	If applying a transect zone, select Private Frontage Type(s) from the allowable list in the zone, and comply with the standards for that Private Frontage Type(s)	Chpt 4.20	Specific to Private Frontages
	If the selected use has additional regulations (noted in the Allowable Uses table), comply with the standards for that Use	Chpt 4.30	Specific to Uses
	Comply with the supplemental standards that apply to all zones	Chpt 4.40 Chpt 4.50 Chpt 4.60	Supplemental to Zones
	Follow the procedures and comply with the requirements for a permit application	Article 7	Permits and Approvals
	If you want to subdivide your property, follow the procedures and comply with the requirements in Subdivision Procedures	Article 8	Subdivision Procedures

## Community-Scaled Projects

Step	Instructions	Code	Title
	Find the zone for your parcel	Article 10	Maps
	Comply with the applicable standards in <b>General to All</b>	Article 2	<b>General to All</b>
	If preparing a Traditional Neighborhood Community Plan (TNCP), apply transect zones and comply with the standards for Traditional Neighborhood Community Plans	Chpt 2.20	Traditional Neighborhood Community Plans
	If preparing a TNCP, comply with the standards in <b>Specific to Thoroughfares and Specific to Civic Spaces</b>	Article 5 Article 6	<b>Specific to Thoroughfares</b> <b>Specific to Civic Spaces</b>
	Follow the procedures and comply with the requirements for a permit application	Article 7	Permits and Approvals
	If you want to subdivide your property, follow the procedures and comply with the requirements in <b>Subdivision Procedures</b>	Article 8	<b>Subdivision Procedures</b>
	Follow the process for subsequent <b>Building-Scaled Projects</b>	Page P7	<b>Building-Scaled Projects</b>

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# Article I: Intent

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## Contents:

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# Chapter I.10: Purpose

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## Sections:

1.10.010 Purpose of the Development Code [17.04.020]

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### **I.10.010 Purpose of the Development Code [17.04.020]**

- A. Title 17 of the Kingsburg Municipal Code constitutes the City of Kingsburg ("City") Development Code. The Development Code is declared to be consistent with the Kingsburg General Plan, as required by Government Code Sections 65000 et seq, California Statutes. A primary purpose of this Development Code is to implement the General Plan.
- B. The Development Code is adopted to preserve, protect and promote the public health, safety, peace, comfort, convenience, prosperity and general welfare. More specifically, the Development Code is adopted to achieve the following objectives:
  - 1. To guide the development of the City in such a manner as to achieve progressively the general arrangement of land uses described and depicted in the General Plan and to foster a wholesome, serviceable and attractive living environment, the beneficial development of areas which exhibit conflicting patterns of use, and the stability of existing land uses;
  - 2. To provide neighborhoods with a variety of housing types to serve the needs of a diverse population;
  - 3. To promote the greater health benefits of a pedestrian-oriented environment;
  - 4. To reinforce the character and quality of downtown neighborhoods;
  - 5. To remove barriers and provide incentives for walkable urban projects;
  - 6. To protect and promote appropriately located commercial and industrial activities in order to preserve and strengthen the City's economic base.
  - 7. To protect and enhance real property values and the City's natural beauty and setting; and
  - 8. To provide and protect open space in accordance with policies of the open space element of the General Plan, including avoiding the premature development of prime agricultural lands.

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# Chapter 1.20: Authority and Application

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## Sections:

- 1.20.010 Authority for the Development Code
- 1.20.020 Responsibility for Administration
- 1.20.030 Applicability of the Development Code [17.04.040]

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### **1.20.010 Authority for the Development Code**

This Development Code is enacted based on the authority vested in the City of Kingsburg by the State of California, including but not limited to: the California Constitution; the Planning and Zoning Law (Government Code Sections 65000 et seq.); and the California Environmental Quality Act (Public Resources Code Sections 21000 et seq.).

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### **1.20.020 Responsibility for Administration**

- A. **Responsible bodies and individuals.** This Development Code shall be administered by: the Kingsburg City Council; the Planning Commission; the Planning Director, hereafter referred to as the “Director;” and the Kingsburg Planning Department. See also section 1.30.030 (Applicability of the Development Code).
- B. **Exercise of discretion.** In the event that a provision of this Development Code allows the Review Authority (responsible body or individual) to exercise discretion in the application of a specific standard or requirement, but does not identify specific criteria for a decision, the following criteria shall be used in exercising discretion:
  - 1. The proposed project complies with all applicable provisions of this Development Code;
  - 2. The exercise of discretion will act to ensure the compatibility of the proposed project with its site, surrounding properties, and the community; and
  - 3. The decision is consistent with the General Plan.

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### **1.20.030 Applicability of the Development Code [17.04.040]**

This Development Code applies to all land uses, subdivisions, and development within the City, as follows:

- A. **New land uses or structures, changes to land uses or structures.** It shall be unlawful and a violation of this Development Code for any person to establish, construct, reconstruct, alter, or replace any land use or structure, except in compliance with the general requirements for development and land use requirements of Article 3 and Chapter 7.100 (Nonconforming Provisions). No Planning Permit, Building Permit, or Grading Permit shall be issued by the City unless the proposed construction complies with all applicable provisions of this Development Code.

- B. **Subdivisions.** Any subdivision of land proposed within the City after the effective date of this Development Code shall be consistent with the minimum lot size requirements of Article 2 (General to All), Article 3 (Specific to Zones), Article 8 (Subdivision Procedures), and all applicable requirements of this Development Code.
- C. **Minimum requirements.** The provisions of this Development Code shall be minimum requirements for the promotion of the public health, safety, and general welfare. When this Development Code provides for discretion on the part of a City official or body, that discretion may be exercised to impose more stringent requirements than set forth in this Development Code, as may be determined by the Review Authority to be necessary to promote appropriate land use and development, environmental resource protection, and the other purposes of this Development Code.
- D. **Property owned by Federal or State agencies.** The provisions of this Development Code shall not apply to property owned by the United States of America or any of its agencies; by the State of California or any of its agencies or political subdivisions or any local agency not required to comply with this code by State law; or by any other city, county or rapid transit district. All exempt agencies are urged to submit their proposed projects to the permit and reviews procedures set forth in this code and to cooperate in meeting the goals and objectives of this Development Code and the Kingsburg General Plan.
- E. **City of Kingsburg.** The City will comply with the standards of this Development Code, except that it may exempt a particular project of the City from the application of this Development Code where the City Council determines the exemption is necessary to further the health, safety, or general welfare of the residents of Kingsburg.
- F. **Conflicting Requirements**
1. **Development Code Requirements.** If different requirements within this Development Code conflict, the provisions of Article 3 (Specific to Zones) control over Article 4 (Supplemental to Zones), and the provisions of Chapter 4.30 (Specific to Uses) control over Articles 3 and other the other chapters in Article 4.
  2. **Development Code and Municipal Code provisions.** If a conflict occurs between requirements of this Development Code and requirements of the Kingsburg Municipal Code or other regulations of the City, the most restrictive shall apply.
  3. **Development agreements or specific plans.** If a conflict occurs between the requirements of this Development Code and standards adopted as part of any development agreement or applicable specific plan, the requirements of the development agreement or specific plan shall apply.
  4. **Private agreements.** This Development Code applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development, land use, or land than a private agreement or restriction (for example, CC&Rs).
- G. **Effect of Development Code changes on projects in progress.** A planning permit application that has been accepted by the Department as complete in compliance with Section 7.010.050 (Initial Review of Application) before the effective date of this Development Code shall be processed in compliance with the requirements in effect when the application is accepted as complete.
- H. **Other requirements may apply.** Nothing in this Development Code eliminates the need for obtaining any other permits required by the City, or any permit, approval or entitlement required by any other applicable special district or agency, and/or the regulations of any State, or Federal agency.

# Chapter I.30: Rules of Interpretation

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## Sections:

1.30.010	Interpretation [17.04.050]
1.30.020	Authority
1.30.030	Rules
1.30.040	General Terminology

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### **I.30.010 Interpretation [17.04.050]**

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

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### **I.30.020 Authority**

The Director has the authority to interpret any provision of this Development Code. Whenever the Director determines that the meaning or applicability of any Development Code requirement is subject to interpretation, the Director may issue an official interpretation. The Director may also refer any issue of interpretation to the Commission for their determination.

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### **I.30.030 Rules**

- A. **Language.** The following rules of construction shall apply unless inconsistent with the plain meaning of the context of this Development Code:
1. **Shall and Should.** the words “shall,” “must,” “will,” “is to,” and “are to” are always mandatory. “Should” is not mandatory but is strongly recommended; and “may” is permissive.
  2. **Tense.** The present tense includes the past and future tenses; and the future tense includes the present.
  3. **Number.** The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise.
  4. **Including.** The words “includes” and “including” shall mean “including but not limited to . . .”.
  5. **Gender.** The masculine shall include the feminine and the neuter.

6. **Headings.** In the event that there is any conflict or inconsistency between the heading of an article, section or paragraph of this Development Code and the context thereof, the said heading shall not be deemed to affect the scope, meaning or intent of such context.
- B. **Time limits.** Whenever a number of days is specified in this Development Code, or in any permit, Condition of Approval, or notice provided in compliance with this Development Code, the number of days shall be construed as consecutive calendar days. A time limit shall extend to 5 p.m. on the following working day where the last of the specified number of days falls on a weekend or holiday.
- C. **Zoning Map boundaries.** See Chapter 10.20 (Zoning Map).
- D. **Allowable uses of land.** See Article 3 (Specific to Zones).
- E. **State law requirements.** Where this Development Code references applicable provisions of State law (for example, the California Government Code, Subdivision Map Act, or Public Resources Code), the reference shall be construed to be to the applicable State law provisions as they may be amended from time to time.

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**I.30.040****General Terminology**

- A. The word "City" means the City of Kingsburg, California.
- B. The words "Secretary to the Planning Commission" and "Secretary" mean the Secretary to the Planning Commission of the City of Kingsburg.
- C. The word "Director" means the Planning and Development Director or his or her duly appointed designee.

# Article 2: General to All

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## **Chapter 2.10: Traditional Neighborhood Community Plans**

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### **Sections:**

2.10.010	Purpose
2.10.020	Applicability
2.10.030	Traditional Neighborhood Community Plan (TNCP) Requirements
2.10.040	Pedestrian Sheds
2.10.050	Transect Zones
2.10.060	Thoroughfares
2.10.070	Civic Buildings and Civic Spaces
2.10.080	Neighborhood Centers/Main Streets
2.10.090	Mix of Building Types
2.10.110	Incentives
2.10.120	Applications and Processing

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### **2.10.010 Purpose**

The purpose of this Chapter is to provide standards for applying the Form-Based Code in a manner that will create new walkable urban neighborhoods and other places within the City of Kingsburg.

Traditional Neighborhood Community Plans (TNCP) are intended to create and reinforce pedestrian friendly environments with a mix of housing, civic, retail and service choices within a compact, walkable, and transit-ready environment.

This Chapter shall be used to achieve the following goals and objectives:

- A. Improve the built environment and human habitat.
- B. Promote development patterns that support safe, effective, and multi-modal transportation options, including auto, pedestrian, bicycle, and ultimately transit, and therefore minimize vehicle traffic by providing for a mixture of land uses, walkability, and compact community form.
- C. Provide neighborhoods with a variety of housing types to serve the needs of a diverse population.
- D. Remove barriers and provide incentives for walkable urban projects.
- E. Promote the greater health benefits of a pedestrian-oriented environment.
- F. Reinforce the character and quality of downtown and adjacent neighborhoods.
- G. Reduce the creation of sprawling, auto-dependent development.
- H. Protect and enhance real property values.
- I. Reinforce the unique identity of Kingsburg that builds upon the local context, climate, and history.

**2.10.020 Applicability**

- A. The owner of a parcel, or abutting parcels, consisting of 10 acres or more of contiguous lots within an area subject to the Traditional Neighborhood Community Plan Overlay may apply to prepare a TNCP. In consultation with the Planning Department, a TNCP must assign transect zones, civic zones, thoroughfares, special districts and/or special requirements as provided in this Chapter. The TNCP shall connect and blend with the scale and character of the surrounding urbanism.
- B. For a site less than 10 acres or any area designated by the City Council for redevelopment, a TNCP may be prepared by the parcel owner if the Director determines that:
  - 1. The goals and objectives of this Chapter can be achieved with the smaller site; or
  - 2. The project will provide an appropriate and logical extension of an existing transect zone or zones or existing pedestrian friendly environment.
- C. In the event that any of the standards in this Chapter conflict with other standards in this Code the standards in this Chapter override.

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**2.10.030 Traditional Neighborhood Community Plan (TNCP) Requirements**

Each TNCP shall:

- A. Be structured with pedestrian sheds to determine the scale and center. See Section 2.10.040 (Pedestrian Sheds).
- B. Allocate transect zones as per Table 2.10.A (Required Allocation Mix of Transect Zones) referencing the standards in Chapter 3.20 (Transect Zones).
- C. Lay out a thoroughfare network according to the standards in Section 2.10.060 (Thoroughfares) and Table 2.10.B (Block Size) referencing the standards in Chapter 5.10 (Specific to Thoroughfares).
- D. Allocate civic spaces and civic buildings according to the standards in Section 2.10.070 (Civic Buildings and Civic Spaces) referencing the standards in Chapter 6.10 (Civic Space Standards).
- E. Provide Neighborhood Centers/Main Streets to meet the standards in Section 2.10.080 (Neighborhood Centers/Main Streets).
- F. Provide a mix of Building Types to meet the standards in Section 2.10.090 (Mix of Building Types) referencing the standards in Chapter 4.10 (Specific to Building Types).
- G. Have all lots facing a vehicular thoroughfare, except that 20% of the lots within each Transect Zone may face a pedestrian passage or a courtyard.
- H. Connect and blend with the scale and character of the surrounding pedestrian friendly community.
- I. The TNCP shall be calibrated to suit specific topographical, environmental, site layout, and design constraints unique to the site or its location within the City; yet each TNCP will be consistent in terms of structure and content based on the provisions of this Chapter.
- J. All TNCPs shall maintain and support the City's design traditions and unique architectural vernacular, including compliance with the additional requirements of any applicable Design Overlay described in Chapter 3.40 (Overlay Zones).
- K. Meet the standards of this Chapter.

**2.10.040 Pedestrian Sheds**

Pedestrian sheds are useful in planning as they provide an understanding of how far a typical pedestrian might be willing to walk. They are based on the understanding that most people are willing to walk up to five minutes before they will choose to drive and up to ten minutes to a major destination or transit stop. TNCPs use pedestrian sheds to define the boundaries and the relationship of development patterns to create pedestrian friendly environments. A TNCP shall either create a new pedestrian shed(s) or build upon an existing pedestrian shed(s).

A. Pedestrian sheds shall be centered on a neighborhood center or a main street.

**B. Types of Pedestrian Sheds**

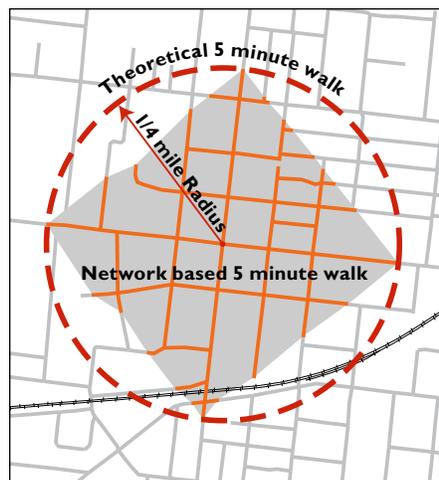
1. **Standard Pedestrian Shed.** A pedestrian shed that is based on a one-quarter mile (1320 feet) radius around a node. Standard pedestrian sheds are useful in planning neighborhoods. See diagram below.
2. **Linear Pedestrian Shed.** A pedestrian shed that is based on a one-quarter mile (1320 feet) radius around a series of block lengths. Linear pedestrian sheds are useful in planning neighborhood main streets or neighborhoods with multiple nodes. See diagram below.

**C. Maximum Size of Pedestrian Shed**

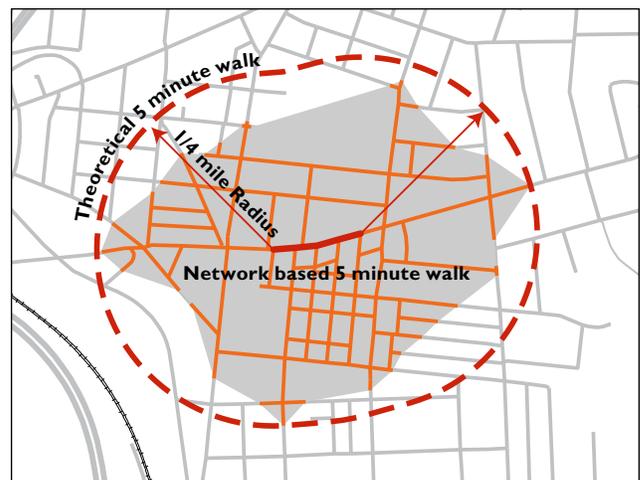
1. Individual standard pedestrian sheds shall be no more than 160 acres.
2. Linear pedestrian sheds shall be no more than 200 acres. The site or any plan may be smaller than its associated pedestrian shed.

D. Remnants of the site outside the pedestrian sheds shall meet the following requirements:

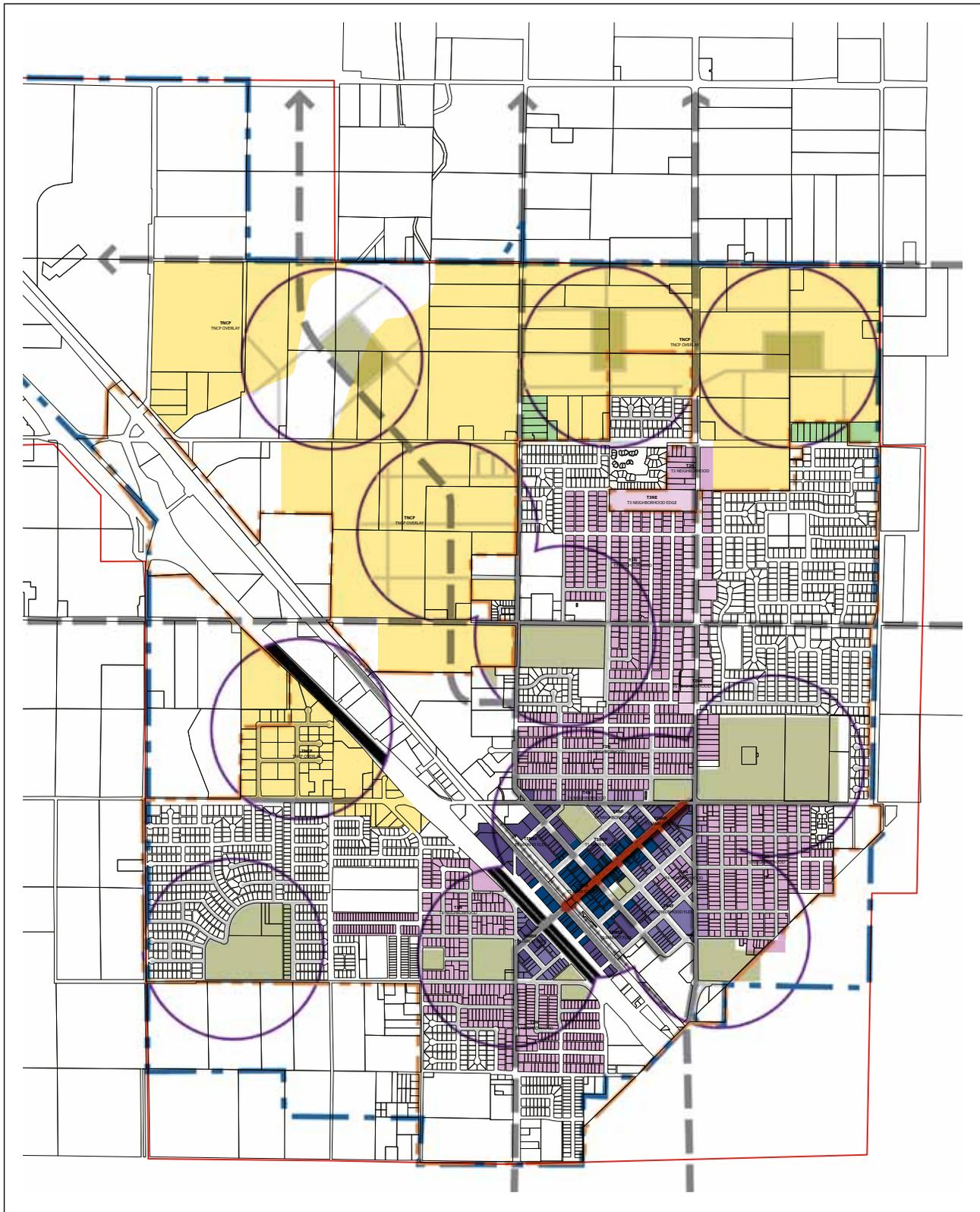
1. Remnant areas outside of a pedestrian shed shall be assigned transect zones, civic spaces, or special districts; and
2. If the remnant areas assigned as T3, T4 and T5 transect zones exceed 35 acres, an additional pedestrian shed shall be created to encompass these remnant areas.



*Standard Pedestrian Shed*



*Linear Pedestrian Shed*



*Kingsburg Regulating Plan with pedestrian sheds (image above is an illustrative example and is non-regulatory).*

- E. The pedestrian shed shall be mapped on the regulating plan.

**2.10.050 Transect Zones**

**A. General**

- 1. Transect Zones established in Chapter 3.10(Establishment and Designation of Zone Districts) and regulated in Chapter 3.20 (Transect Zones) shall be used for the regulating plan.
- 2. Any modifications or additions to the transect zones in Chapter 3.20 (Transect Zones) shall be done as part of a process of public consultation and are subject to the approval of the City Council. Metrics shall be recorded in a similar format to what exists within this Code.

**B. Allocation of Transect Zones**

- 1. Community plans for complete new neighborhoods and smaller infill sites over 10 acres shall assign and map transect zones to each pedestrian shed according to the percentages allocated in the table below.

**Table 2.10.A: Required Allocation Mix of Transect Zones**

Transect Zone	Percentage of Land Assign to Zone	
	Minimum	Maximum
<b>Traditional Neighborhood Development 10 acres or more</b>		
T3 Neighborhood	No min.	65% max.
T4 Neighborhood (T4N)	25% min.	70% max.
T4 Neighborhood-Flex (T4N-Flex)	10% min.	50% max.

- 2. For sites 10 acres or less, the Director shall determine the appropriate mix of transect zones and the location of the center of the pedestrian shed for the area, in order to determine the appropriate intensity for the site based on existing conditions. For these sites, property owners shall submit a letter of intent to apply a TNCP to their site to the Director, and a pre-application meeting shall be held prior to preliminary review. Following this meeting, and upon the further review of the project area, the Director shall make this determination.
  - a. The criteria for this selection are as follows:
    - (1) Scale and uses adjacent to site;
    - (2) Ability of site to create a complete walkable neighborhood;
    - (3) Existing zoning and entitlement of property;
    - (4) Size of the site;
    - (5) Site constraints and opportunities;
    - (6) Proximity to existing or future transit stops; and/or
    - (7) Role of this site in the Smart Growth strategy for the larger city based on sector mapping or macro scale analysis.

3. The Director may approve a variance for up to 15% for the transect zone allocation within Table 2.10.A (Required Allocation Mix of Transect Zones) as long as the proposed regulating plan meets the objectives of this Chapter.

**C. Transect Organization**

Transects shall be organized in a manner that responds appropriately to a site's context. More intense transect zones shall be organized around neighborhood centers and neighborhood main streets in visible and accessible locations suitable for greater intensities, typically at or near the center of a pedestrian shed (see Section 2.10.080 [Section Name]).

**D. Transition of Transect Zones**

When applying transect zones, transitions between transect zones shall be implemented as follows:

1. Transitions between transect zones containing the main street designation (T5MS, T5MSF) and any abutting zones shall occur within the block or across alleys and may not occur across a street.
2. Transitions between transect zones containing the neighborhood designation (T4N, T4NE, T3N, T3NE) are encouraged to occur within the block or across alleys, but may occur across a street.

**2.10.060 Thoroughfares**

Thoroughfares define the public streets that refine pedestrian sheds into pedestrian friendly environments. Care should be taken in the layout and sizing of thoroughfares, as wide thoroughfares and a lack of connectivity reduce the pedestrian friendliness of the area.

**A. Design**

1. Thoroughfares shall consist of vehicular lanes and public frontages and meet the standards established in Chapter 5.10 (Thoroughfare Standards).
2. Thoroughfares shall be selected from:
  - a. Predefined thoroughfare assemblies found in Section 5.10.080 (Thoroughfare Assemblies), which are allowed by right.
  - b. Thoroughfares that meet the standards found in Table 5.10.090.A (Thoroughfare Formulas) and use only the predefined components in Tables 5.10.090.B-H, which are allowed By Right or By Review as follows (Thoroughfares allowed By Review are allowed if approved by the Director and City Engineer):
    - (1) If all of the selected predefined components are allowed By Right, the thoroughfare is allowed By Right.
    - (2) If one or more of the selected predefined components is allowed By Review, the thoroughfare is allowed By Review.
  - c. Thoroughfares that meet the standards found in Table 5.10.090.A (Thoroughfare Formulas) but do not use only the predefined components in Tables 5.10.090.B-H are allowed if approved by the Director, City Engineer, Fire Department, and Solid Waste.

3. Thoroughfares that pass from one transect zone to another shall adjust their public frontages to match the character of the transect zone. For example, while a thoroughfare within an urban transect zone with retail shops may have wide sidewalks with trees in tree grates, it may transition to a narrower sidewalk with a planting strip within a less urban transect zone with various residential building types.
4. The thoroughfare network shall be mapped on a regulating plan and shall indicate the layout of thoroughfares and the block network according to standards established in Subsections B and C below.

**B. Block Size**

Individual block faces and the total block perimeter shall follow the standards established in the table below.

<b>Table 2.10.B: Block Size</b>		
<b>Transect Zone</b>	<b>Block</b>	
	<b>Face Length</b>	<b>Perimeter Length</b>
T1 Natural and T2 Rural	No maximum	No maximum
T3 Neighborhood Edge	No maximum	No maximum
T3 Neighborhood	800 ft. max.	2,400 ft. max.
T4 Neighborhood and Neighborhood Flex	600 ft. max.	2,000 ft. max.
T5 Main Street and Main Street Flex	600 ft. max.	1,800 ft. max.

**C. Connectivity**

**1. Interconnected Thoroughfares.**

- a. Proposed thoroughfares shall be interconnected and shall connect with adjacent thoroughfares external to the site to provide multiple routes for pedestrian and vehicle trips from, to, and within the site.
- b. Thoroughfares shall terminate/connect to other thoroughfares. Thoroughfares shall not terminate on alleys and lanes.

**2. Thoroughfare Extensions and Thoroughfare Stubs**

- a. Where a plan adjoins non-subdivided land, thoroughfares shall be extended to the adjacent non-subdivided land, as prescribed by the maximum block length requirements to provide access to the non-subdivided land in the event of its future subdivision.
- b. Where a plan adjoins developed or entitled parcels, thoroughfares shall connect to existing or entitled thoroughfare right-of-ways and stubs.

**3. Dead-End Thoroughfares and Cul-de-Sacs**

- a. Thoroughfares shall not include dead-end thoroughfares or cul-de-sacs except where through-streets cannot be provided because of an environmental feature requiring protection and/or preservation (e.g., a creek channel).
- b. The length of a dead-end thoroughfare shall not exceed 300 feet, as measured from the center of the closest intersection to the center of the cul-de-sac bulb, and these thoroughfares shall provide a suitable turn-around designed to the satisfaction of the Director.

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**2.10.070 Civic Buildings and Civic Spaces**

Civic buildings and civic spaces provide important gathering places for communities and access to outdoor activities. The civic buildings and civic spaces should be carefully located within the pedestrian shed and accessible to all. The following standards shall be met for providing and locating civic buildings and civic spaces.

**A. General**

1. TNCPs shall designate civic spaces and civic buildings on a regulating plan.
2. Public access and visibility along public parks, civic uses, and natural open spaces, including creeks and drainages, shall be maintained through the use of single-loaded frontage streets (those with development on one side and open space on the other), bike and pedestrian paths, or other methods of frontage, as appropriate to transect zone that provide similar access and visibility to the open space.
3. The design of civic spaces shall meet the standards set forth in Chapter 6.10 (Civic Space Standards).

**B. Civic Space Allocation**

1. Projects shall set aside a minimum of five percent of the project area as civic space. This number shall be calculated after street right-of-ways are subtracted from the project area. The following are exceptions:
  - a. For sites less than four acres, no civic spaces are required.
  - b. For sites less than eight acres and within 1,500 feet of an existing public park of at least one acre, no civic spaces beyond the playground requirements of Subsection 3 below are required.
2. For sites greater than ten acres, the required amount of civic space should be distributed throughout the neighborhood as multiple smaller civic spaces.
3. Each residential lot shall be within 1/2 mile of an existing or proposed playground or tot lot.

**C. Civic Building Allocation**

1. Sites greater than four acres or providing 100 units or more shall provide an indoor public meeting space. This may be a freestanding building or integrated within another building. This requirement may be waived if an existing public meeting space is located within 1,500 feet of the site.
2. Schools that are integrated into the regulating plan shall have the designated center of the pedestrian shed located near the school.

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**2.10.080 Neighborhood Centers/Main Streets**

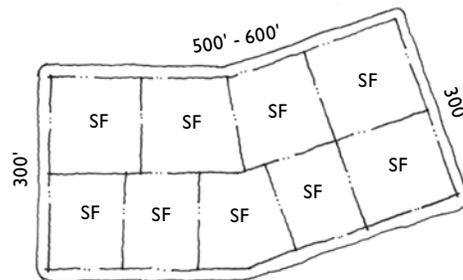
- A. Neighborhood centers/main streets shall be located near the center of each pedestrian shed.
- B. Main streets shall be located as follows:
  - 1. Along both sides of a thoroughfare; and
  - 2. Along a primary through-thoroughfare; or
  - 3. Perpendicular to and directly engaging a primary through-thoroughfare.
- C. Neighborhood centers shall include:
  - 1. One or more civic buildings and/or uses; and
  - 2. One or more civic spaces.
  - 3. Limited retail or service uses may also be incorporated.

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**2.10.090 Mix of Building Types**

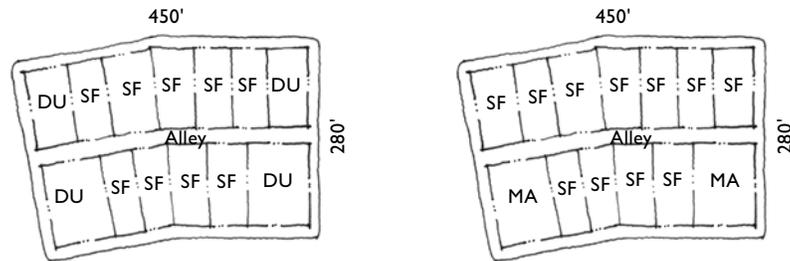
A mix of building types introduces variety into the character of TNCPs. Blocks shall provide a diversity of residential and mixed-use building types in a manner that fulfills the intent of each transect zone as they are described in Chapter 3.20 (Transect Zones) and the following formulas below. In the event that blocks are composed of more than one transect zone, the minimum mixing requirements of the most intense transect zone shall apply across the block.

- A. Blocks within the T2 or T3NE Transect Zones are intended to be composed of single-family/unit building types and shall have no minimum mixing requirement.



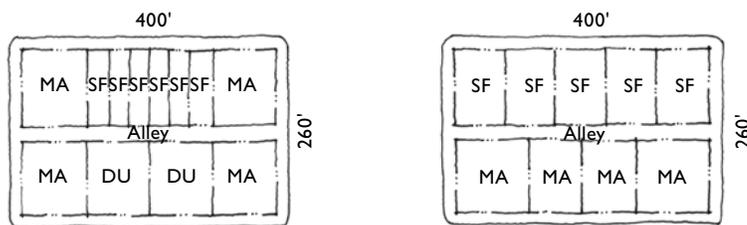
*Above: Diagram illustrates a typical block within the T2 or T3NE Transect Zone composed of single-family/unit building types*

- B. Blocks within the T3N Transect Zone are intended to be primarily composed of single-family/unit and duplex building types, while accommodating limited multi-family building types that are compatible with single-family/unit form.
  - a. Blocks within the T3N Transect Zone shall provide a minimum of two distinct building types per block.
  - b. At least 50 percent of the residential units on a block shall be located within single-family/unit and/or duplex building types.



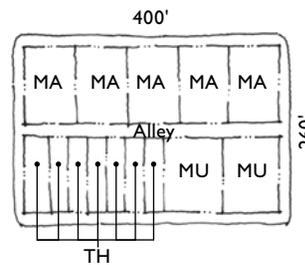
**Above:** Diagrams illustrate two typical building type distributions in the T3N Zone District. **Left:** Block with nine single family building types (SF) and four duplexes (DU), one at each block corner. **Right:** Block with eleven single-family building types and two mansion apartments (MA) placed at two respective corners. In both cases, at least 50% of the residential units on the block are within single-family and/or duplex building types.

- C. Blocks within the T4N Transect Zone are intended to provide a mix of single-family/unit, duplex and multi-family/unit types.
  - a. Blocks within the T4N Transect Zone shall provide a minimum of two distinct building types per block.
  - b. No block may be entirely composed of single-family/unit building types.



**Above:** Diagrams illustrate two typical building type distributions in the T4N Transect Zone. **Left:** Block with six small-lot single-family/unit building types (SF), four mansion apartment buildings (MA) and two duplexes (DU) **Right:** Block with 5 single-family/unit building types (SF) and four mansion apartments (MA).

- D. Blocks within the T4NF or T5MSF Transect Zone are intended to provide the greatest diversity of building types.
- Blocks within the T4NF or T5MSF Transect Zone shall provide a minimum of three distinct building types per block.
  - No more than 50 percent of the residential units on a block shall be located within single-family/unit or duplex building types.



*Above: Diagram illustrates typical building type distributions in the T4NF or T5MSF Transect Zone. Block includes five mansion apartment buildings (MA), seven townhome buildings (TH), and two main street mixed-use buildings (MU).*

### 2.10.110 Incentives

To encourage the use of the TNCPs, the City Council may grant the following incentives, to the extent authorized by State law:

- A request for rezoning may occur concurrent with the request for a General Plan amendment to the Traditional Neighborhood Community Plan land use designation.
- An application for a TNCP may be considered together with an application for a tentative map or other subdivision action. This has the advantage of reducing the amount of time required for project review.
- Following approval of the TNCP, all subsequent applications for site plan and architectural review may be reviewed and processed administratively through the Director.

### 2.10.120 Applications and Processing

- Submittal Requirements.** Submittal requirements for each step in the approvals process can be found in the City of Kingsburg's TNCP submittal requirements handout.
- Pre-Application Meetings.** Pre-application meetings allow potential applicants to review preliminary development proposals with the Director before substantial commitments of time and money have been made. During the pre-application phase the Director shall review submitted materials for compliance with the Development Code and make recommendations to the applicant with regards to improvements that can increase compliance with the Code and ensure that future development processes are streamlined.

- C. **Initial TNCP.** Initial Traditional Neighborhood Community Plans provide a public process for the evaluation and review of new walkable neighborhoods and other areas. These applications enable detailed master planning in a manner that assures compliance with the intent and standards of the Code, while maintaining some degree of flexibility regarding the future buildout of these areas. Initial applications will require the organization of streets, development blocks, and publicly accessible open spaces.
1. The following information is required in order to demonstrate initial plan compliance:
    - a. A Building Form regulating plan that clarifies the location, size, and disposition of the transect zones;
    - b. A Thoroughfares regulating plan that clarifies the location of all primary streets and the type and location of all secondary streets, alleys, and other publicly accessible right-of-ways;
    - c. A Civic Space regulating plan that identifies the types, sizes, and locations of all civic spaces;
    - d. Grading and drainage plans; and
    - e. Utility locations and setbacks.
  2. Approval of Initial TNCPs are granted by the Planning Commission. Appeals may be forwarded to the City Council.
- D. **Final TNCP.** Final Traditional Neighborhood Community plans provide a process for detailed administrative review and evaluation of development proposals to ensure compliance with the requirements of this Code. Final applications may be prepared for all or portions of an approved Initial TNCP.

Final plans shall demonstrate compliance with Initial plans. Final plans that do not demonstrate substantial compliance will require an amendment to an existing Initial TNCP, with additional approvals by the Planning Commission.

1. The following information is required to demonstrate Final plan compliance:
  - a. Block and building-scaled development plans, including the following:
    - (1) Lot lines and dimensions;
    - (2) Individual lot layouts illustrating buildable areas as per transect zones, setbacks, and encroachment;
    - (3) Identification of types and locations of applicable building types;
    - (4) Floor plans, elevations, and frontage sections of all applicable civic buildings;
    - (5) Preliminary civic space landscape and lighting plans;
    - (6) Detailed utility locations and setbacks; and
    - (7) Retaining walls, grades, natural features.
2. Initial and Final TNCPs may be processed simultaneously.

## Chapter 2.20: Right to Farm

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### Sections:

2.20.010	Findings and Policy
2.20.020	Nuisance
2.20.030	Delivery by Transferor
2.20.040	Disclosure Statement with Building Permits
2.20.050	Refusal to Sign Disclosure Statement
2.20.060	No Limitation on Other Disclosure Obligations
2.20.070	Delivery of Disclosure Statement
2.20.080	Penalty for Violation
2.20.090	Does Not Abridge State Law
2.20.100	Disclosure Statement with Building Permits

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### **2.20.010 Findings and Policy**

It is the declared policy of the City to preserve, protect, and encourage the use of viable agricultural lands for the production of food and other agricultural products. When non-agricultural land uses extend into agricultural areas nearby, such operations frequently become the subjects of nuisance complaints. As a result, agricultural operators are often forced to cease or curtail their operations. Such conflicts discourage investments in farm improvements to the detriment of adjacent agricultural uses and the economic viability of the City's agricultural industry. It is the purpose and intent of this chapter to reduce the loss to the City of its agricultural resources by clarifying the circumstances under which agricultural operations may be considered a nuisance and thereby lessening conflicts between agricultural operations and non-agricultural uses. It is therefore a requirement of all persons who wish to sell real property or apply for building permits within the city to provide a disclosure statement as set forth in Section 2.20.040.

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### **2.20.020 Nuisance**

No agricultural activity, operation or facility or appurtenances thereof, conducted or maintained for commercial purposes, in a manner consistent with proper and accepted customs and standards and all codes, ordinances, and resolutions adopted by the City Council, as established and followed by similar agricultural operations, shall be or become a nuisance, public or private, if it was not a nuisance when such activity commenced operation, or facilities or appurtenances thereof commenced activity.

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### **2.20.030 Delivery by Transferor**

The transferor of any property located in the City shall deliver the disclosure statement required by this chapter to the prospective transferee as follows: `

- A. In the case of a sale, as soon as practicable before transfer of title.

- B. In the case of transfer by a real property sales contract, as defined in Section 2985 of the Civil Code, as soon as practicable before execution of the contract. For the purpose of this subsection, "execution" means the making or acceptance of an offer. With respect to any transfer subject to subsection A or B, the transferor shall indicate compliance with this chapter either on the receipt for deposit, the real property sales contract, or any addendum attached thereto or on a separate document.

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**2.20.040 Disclosure Statement with Building Permits**

The disclosure statement required by this section is set forth herein, and shall be included within or accompanying the form TDS 114 as set forth by California Civil Code Article 15.

Prior to the issuance of a City building permit for construction of a residential building the owner of the property upon which the building is to be constructed shall sign, date, and file with the City building division, the disclosure statement set forth below:

DISCLOSURE STATEMENT—BUILDING PERMIT

The City of Kingsburg permits operation of properly conducted agricultural operations within the City limits, including those that utilize chemical fertilizers and pesticides. You are hereby notified that the property you are purchasing may be located close to agricultural lands and operations. You may be subject to inconvenience or discomfort arising from the lawful and proper use of agricultural chemicals and pesticides and from other agricultural activities, including without limitation, cultivation, plowing, spraying, irrigation, pruning, harvesting, burning of agricultural waste products, protection of crops and animals from depredation, and other activities which may generate dust, smoke, noise, odor, rodents and pests. Be aware also, that this property may be located close to agricultural operations outside the City's jurisdiction. Consequently, depending on the location of your property, it may be necessary that you be prepared to accept such inconveniences or discomfort as normal and necessary aspects of living in an agriculturally active region.

I declare that I have read and understand the foregoing disclosure.

**Table 2.20.A: Disclosure Statement**

Date: _____	(Sign)
_____	Print Name:
_____	Address:
_____	Phone Number:

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**2.20.050 Refusal to Sign Disclosure Statement**

If a buyer refuses to sign the disclosure statement set forth in Section 2.20.040, the transferor may comply with the requirements of this chapter by delivering the statement to the buyer as provided in Section 2.20.030 and affixing and signing the following declaration to the statement:

I (insert name) have delivered a copy of the foregoing disclosure statement as required by law to (insert Buyer's name) who has refused to sign.

I declare the foregoing to be true and correct to the best of my knowledge and belief under penalty of perjury.

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**Table 2.20..B: Refusal to Sign Disclosure Statement**

Date: \_\_\_\_\_

(Sign)

Print Name:

Address:

Phone Number:

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**2.20.060 No Limitation on Other Disclosure Obligations**

The specification of items of disclosure in this chapter does not limit or abridge any obligation for disclosure created by any other provision of law or which may exist in order to avoid fraud, misrepresentation, or deceit in the sale.

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**2.20.070 Delivery of Disclosure Statement**

Delivery of the disclosure statement required by Section 2.20.030 shall be by personal delivery or certified mail return receipt requested to the buyer.

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**2.20.080 Penalty for Violation**

Noncompliance with any provision of this chapter shall not affect title to real property, nor prevent the recording of any document. Any person who violates any provision of this chapter is guilty of an infraction punishable by a fine not exceeding five hundred dollars (\$500.00) for each violation.

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**2.20.090 Does Not Abridge State Law**

Nothing contained in this chapter is to be construed as modifying state law as set out in the California Civil Code, Health and Safety Code, Fish and Game Code, Food and Agricultural Code, Division 7 of the Water Code, or any other applicable provision of state law relating to nuisances; rather, it is only to be utilized in the interpretation and enforcement of this Development Code and City regulations.

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**2.20.100 Disclosure Statement with Building Permits**

It shall be the responsibility of the property owner to notify any tenant, lessee, or renter of his/her property of the provisions of this chapter.

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# Article 3: Specific to Zones

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## **Chapter 3.10: Establishment and Designation of Zone Districts**

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### **Sections:**

3.10.010	Purpose
3.10.020	Establishment of Zoning Districts
3.10.030	Transect Zones
3.10.040	Non-Transect Zones
3.10.050	Overlay Districts
3.10.060	Composite Use Table

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### **3.10.010 Purpose**

This Division establishes the zones applied to property within the City and adopts the City's Zoning Map.

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### **3.10.020 Establishment of Zoning Districts**

- A. **Zoning Map.** The City Council hereby adopts the City of Kingsburg Zoning Map (hereafter referred to as the "Zoning Map"), which is on file with the Department. See Section 10.10.020 (Zoning Map). The Zoning Map is hereby incorporated into this Development Code by reference as though it were fully included here.
- B. **Zones established.** Kingsburg shall be divided into non-transect zones and transect zones that implement the Comprehensive Plan. The zones shown in Table 3.10.20.A (Zones) are hereby established, and shall be shown on the Zoning Map.
- C. **Interpretation of Zone Boundaries.** Where uncertainty exists as to the boundaries of any of the zones shown on the Zoning Map or maps, the Planning Commission, upon written application or upon its own motion, shall determine the location of such boundaries on said Zoning Map or maps. Zoning shall extend to the center-line of the street such that all dedicated public streets within the City shall be zoned.

<b>Table 3.10.A: Zones</b>		
<b>Zone Symbol</b>	<b>Name of Zone</b>	<b>General Plan Designations Implemented by Zone</b>
<b>Transect Zones</b>		
T1N	T1 Natural	Open Space & Agriculture <sup>1</sup>
T2R	T2 Rural	LD Low Density Residential
T3NE	T3 Neighborhood Edge	LD Low Density Residential
T3N	T3 Neighborhood	MD Medium Density Residential
T4N	T4 Neighborhood	HD High Density Residential
T4NF	T4 Neighborhood Flex	PO-HD Professional Office-High Density
T5MSF	T5 Main Street Flex	CC Central Commercial
T5MS	T5 Main Street	CC Central Commercial
<b>Non-Transect Zones</b>		
RCO	Resource Conservation and Open Space District	Open Space & Agriculture
R-I	Low Density Residential	LD Low Density Residential
RM	Medium Density Residential	MD Medium Density Residential
CS	Service Commercial	CC Central Commercial
CH	Highway Commercial	CH Highway Commercial
IL	Light Industrial	IL Light Industrial
IH	Heavy Industrial	IH Heavy Industrial
<b>Overlay Districts</b>		
HB	Highway Beautification Overlay	
TNCP	Traditional Neighborhood Community Plan	
<b>End Notes</b>		
<sup>1</sup> There are not fully compatible land use designations in the 1992 General Plan for the new zones in terms of allowed uses, densities, and intensities. This Code anticipates that a General Plan update will address these inconsistencies.		

### 3.10.030 Transect Zones

The transect zones are described in Chapter 3.20 (Transect Zones). They primarily focus on mixed-use, walkable areas of the City and range in function and density from primarily residential areas with a mix of building types (e.g., T3 Neighborhood), to medium density neighborhoods and other commercial and retail areas (e.g., T5 Main Street).

### 3.10.040 Non-Transect Zones

The non-transect zones are described in Chapter 3.30 (Non-Transect Zones). The non-transect zones are primarily the zones that are more auto-dependent, such as single-family subdivisions, other suburban residential areas, auto-dependent commercial and retail areas, and industrial areas.

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**3.10.050 Overlay Districts**

Overlay districts include areas of the City that are subject to additional design standards, such as the Highway Beautification Overlay District, as well as areas of the City appropriate for Traditional Neighborhood Community Plans, including infill sites of 10 acres or more and greenfield sites within the City's sphere of influence.

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**3.10.060 Composite Use Table**

Table 3.10.B: Land Use indicates the Permitted uses, uses requiring a Minor Use Permit, and uses requiring a Conditional Use Permit by transect and non-transect zone.

Table 3.10.B: Land Use <sup>1</sup>	Specific Use Regulations	Transect Zones							
		T5MS	T5MSF	T4NF	T4N	T3N	73NE	T2	T1
<b>Agricultural</b>									
Crop Production		-	-	-	-	UP	UP	P	P
Animal Keeping									
Small Animals		-	-	-	-	-	P	P	P
Livestock		-	-	-	-	-	-	P	P
<b>Industrial</b>									
Furniture and Fixtures									
Manufacturing		-	-	-	-	-	-	-	-
Manufacturing/Processing									
Light		-	-	-	-	-	-	-	-
Heavy		-	-	-	-	-	-	-	-
Media Production		-	P	-	-	-	-	-	-
Metal Products Fabrication, Machine or Welding Shop		-	-	-	-	-	-	-	-
Personal Storage Facility		-	-	-	-	-	-	-	-
Printing and Publishing		-	P	-	-	-	-	-	-
Warehousing and Distribution		-	-	-	-	-	-	-	-
<b>Residential</b>									
Dwelling									
Single-Family/Unit		-	-	P	P	P	P	P	-
Two-Family/Unit		-	-	P	P	P	-	-	-
Multi-Family/Unit		-	P	P	P	-	-	-	-
Accessory/Secondary Unit		-	-	P	P	P	MUP	MUP	-
Residential Component of Mixed-Use Project		P <sup>2</sup>	MUP <sup>2</sup>	-	-	-	-	-	-
Group Home									
6 or fewer Residents		-	-	P	P	P	P	-	-
More than 6 Residents		MUP <sup>2</sup>	MUP	MUP	MUP	MUP	-	-	-
Home Occupation		P <sup>2</sup>	P	P	MUP	UP	UP	UP	
Live/Work		P	P	MUP					
Residential Care									
Fewer than 7 Clients		-	-	P	P	P	P	P	-
8 or more Clients		MUP <sup>2</sup>	MUP	MUP	MUP	MUP	UP	UP	-

**Key**  
P=Permitted Use                      MUP=Minor Use Permit Required                      UP=Conditional Use Permit Required

**End Notes**  
<sup>1</sup>See Chapter 9.10.020 (Definitions of Land Uses) for use type definitions.  
<sup>2</sup>Not allowed on the ground floor unless behind an allowed ground-floor use.

Table 3.10.B: Land Use <sup>1</sup>	Specific Use Regulations							
		RCO	R-I	RM	CS	CH	IL	IH
<b>Agricultural</b>								
Crop Production		P	P	UP	-	-	-	-
Animal Keeping								
Small Animals		-	-	-	-	-	-	-
Livestock		P	-	-	-	-	-	-
<b>Industrial</b>								
Furniture and Fixtures								
Manufacturing		-	-	-	UP	-	-	P
Manufacturing/Processing								
Light		-	-	-	UP	-	P	P
Heavy		-	-	-	-	-	-	UP
Media Production		-	-	-	P	-	P	P
Metal Products Fabrication,								
Machine or Welding Shop		-	-	-	MUP	-	P	P
Personal Storage Facility		-	-	-	P	P	-	-
Printing and Publishing		-	-	-	P	-	P	P
Warehousing and Distribution		-	-	-	-	-	UP	UP
<b>Residential</b>								
Dwelling								
Single-Family/Unit		-	P	P	-	-	-	-
Two-Family/Unit		-	-	P	-	-	-	-
Multi-Family/Unit		-	-	P	-	-	-	-
Accessory/Secondary Unit		MUP	MUP	MUP	-	-	-	-
Residential Component of								
Mixed-Use Project		-	-	-	-	-	-	-
Group Home								
6 or fewer Residents		-	P	P	-	-	-	-
More than 6 Residents		-	MUP	MUP	-	-	-	-
Home Occupation		-	UP	UP	-	-	-	-
Live/Work		-	-	-	-	-	-	-
Residential Care								
Fewer than 7 Clients		-	P	P	-	-	-	-
8 or more Clients		-	UP	UP	-	-	-	-

Key		
P=Permitted Use	MUP=Minor Use Permit Required	UP=Conditional Use Permit Required

**End Notes**

<sup>1</sup>See Chapter 9.10.020 (Definitions of Land Uses) for use type definitions.

<sup>2</sup>Not allowed on the ground floor unless behind an allowed ground-floor use.

Table 3.10.B: Land Use <sup>1</sup>	Specific Use Regulations	Transect Zones							
		T5MS	T5MSF	T4NF	T4N	T3N	73NE	T2	T1
<b>Retail</b>									
Adult Entertainment Establishment	4.30.130	-	-	-	-	-	-	-	-
Auto and Vehicle Sales and Rental		-	-	-	-	-	-	-	-
≤ 15,000 sf		-	-	-	-	-	-	-	-
> 15,000 sf		-	-	-	-	-	-	-	-
Bar, Tavern, Nightclub		MUP	MUP	-	-	-	-	-	-
Gas Station/Fuel Sales		-	MUP	-	-	-	-	-	-
General Retail Businesses, except with any of the following features:		P	P	UP	-	-	-	-	-
Alcoholic Beverage Sales		MUP	MUP	-	-	-	-	-	-
On-Site Production of Items Sold		MUP	MUP	UP	-	-	-	-	-
Operating between 9pm and 7am		MUP	UP	-	-	-	-	-	-
Floor Area > 5,000 sf		MUP	UP	-	-	-	-	-	-
Floor Area > 10,000 sf		UP	UP	-	-	-	-	-	-
Restaurant, Cafe, Coffee Shop; except with any of the following features:		P	P	UP	-	-	-	-	-
Drive Through Facilities		-	UP	-	-	-	-	-	-
<b>Recreation, Education &amp; Public Assembly</b>									
Community/Public Safety Facility		-	MUP	MUP	MUP	MUP	UP	UP	-
Commercial Recreation Facility									
Indoor		P	MUP	MUP	UP	UP	-	-	-
Outdoor		-	-	-	UP	UP	UP	UP	-
Library, Museum		P	MUP	UP	UP	UP	UP	-	-
Meeting Facility, Public or Private									
≤ 15,000 sf		P <sup>2</sup>	MUP	MUP	MUP	MUP	UP	UP	-
> 15,000 sf		UP <sup>2</sup>	UP	UP	UP	UP	UP	-	-
Park, Open Space, Playground		P	P	P	P	P	P	P	UP
School, Public or Private		P	P	P	P	P	P	P	P
Studio: Art, Dance, Martial Arts, Etc.		P	P	MUP	-	-	-	-	-
Theater, Cinema, or Performing Arts Cinema									
≤ 15,000 sf		P	P	UP	-	-	-	-	-
> 15,000 sf		UP	UP	-	-	-	-	-	-

**Key**  
P=Permitted Use                      MUP=Minor Use Permit Required                      UP=Conditional Use Permit Required

**End Notes**  
<sup>1</sup>See Chapter 9.10.020 (Definitions of Land Uses) for use type definitions.  
<sup>2</sup>Not allowed on the ground floor unless behind an allowed ground-floor use.

Table 3.10.B: Land Use <sup>1</sup>	Specific Use Regulations	Zone Districts						
		RCO	R-I	RM	CS	CH	IL	IH
<b>Retail</b>								
Adult Entertainment Establishment	4.30.130	-	-	-	-	-	UP	-
Auto and Vehicle Sales and Rental								
≤ 15,000 sf		-	-	-	P	P	-	-
> 15,000 sf		-	-	-	UP	P	-	-
Bar, Tavern, Nightclub		-	-	-	P	P	-	-
Gas Station/Fuel Sales		-	-	-	P	MUP	P	P
General Retail Businesses, except with any of the following features:								
Alcoholic Beverage Sales		-	-	-	P	P	-	-
On-Site Production of Items Sold		-	-	-	MUP	MUP	-	-
Operating between 9pm and 7am		-	-	-	MUP	-	-	-
Floor Area > 5,000 sf		-	-	-	P	P	-	-
Floor Area > 10,000 sf		-	-	-	P	P	-	-
Restaurant, Cafe, Coffee Shop; except with any of the following features:								
Drive Through Facilities		-	-	-	P	P	-	-
<b>Recreation, Education &amp; Public Assembly</b>								
Community/Public Safety Facility		-	UP	UP	-	-	UP	UP
Commercial Recreation Facility								
Indoor		-	-	-	-	P	-	-
Outdoor		-	UP	UP	UP	MUP	-	-
Library, Museum		-	UP	UP	-	-	-	-
Meeting Facility, Public or Private								
≤ 15,000 sf		-	MUP	MUP	UP	P	-	-
> 15,000 sf		-	-	-	UP	-	-	-
Park, Open Space, Playground		UP	P	P	-	-	-	-
School, Public or Private		UP	P	P	-	-	-	-
Studio: Art, Dance, Martial Arts, Etc.		-	-	-	UP	UP	-	-
Theater, Cinema, or Performing Arts Cinema								
≤ 15,000 sf		-	-	-	UP	UP	-	-
> 15,000 sf		-	-	-	UP	UP	-	-

**Key**  
P=Permitted Use                      MUP=Minor Use Permit Required                      UP=Conditional Use Permit Required

**End Notes**

<sup>1</sup>See Chapter 9.10.020 (Definitions of Land Uses) for use type definitions.

<sup>2</sup>Not allowed on the ground floor unless behind an allowed ground-floor use.

Table 3.10.B: Land Use <sup>1</sup>	Specific Use Regulations	Transect Zones							
		T5MS	T5MSF	T4NF	T4N	T3N	73NE	T2	T1
<b>Services</b>									
ATM	P	MUP	UP	–	–	–	–	–	–
Bank; Financial Services	P	UP	–	–	–	–	–	–	–
Business Support Service	P	P	UP	–	–	–	–	–	–
Day Care									
Day Care Center	P <sup>2</sup>	P	UP	–	–	–	–	–	–
Family Day Care Home, Large	MUP <sup>2</sup>	MUP	MUP	MUP	MUP	MUP	–	–	–
Family Day Care Home, Small	–	–	P	P	P	P	P	–	–
Lodging									
Bed and Breakfast Inn	P <sup>2</sup>	P	MUP	MUP	MUP	UP	–	–	–
Inn	P <sup>2</sup>	P	MUP	–	–	–	–	–	–
Hotel/Motel	P <sup>2</sup>	P	–	–	–	–	–	–	–
Medical Services									
Clinic, Urgent Care	–	–	UP	–	–	–	–	–	–
Doctor Office	P <sup>2</sup>	P	P	–	–	–	–	–	–
Extended Care	P <sup>2</sup>	P	–	–	–	–	–	–	–
Office									
Business, Service	P <sup>2</sup>	P	P	–	–	–	–	–	–
Professional, Administrative	P <sup>2</sup>	P	MUP	–	–	–	–	–	–
Personal Services	P	P	MUP	–	–	–	–	–	–
Vehicle Services									
Minor Maintenance and Repair	–	P	MUP	–	–	–	–	–	–
Major Maintenance and Repair	–	–	–	–	–	–	–	–	–
<b>Transportation, Communications, Infrastructure</b>									
Flood Control Channels, etc.	–	–	–	–	–	–	–	–	P
Parking Facility, Public or									
Commercial	P <sup>2</sup>	P	MUP	–	–	–	–	–	–
Public Utility	–	–	–	–	–	–	–	–	–
Recycling, Small Collection									
Facility	MUP	MUP	–	–	–	–	–	–	–
Transit Station	P	P	–	–	–	–	–	–	–
Wireless Communications									
Facility	–	–	–	–	–	–	–	–	–

**Key**

P=Permitted Use

MUP=Minor Use Permit Required

UP=Conditional Use Permit Required

**End Notes**<sup>1</sup>See Chapter 9.10.020 (Definitions of Land Uses) for use type definitions.<sup>2</sup>Not allowed on the ground floor unless behind an allowed ground-floor use.

Table 3.10.B: Land Use <sup>1</sup>	Specific Use Regulations							
		RCO	R-I	RM	CS	CH	IL	IH
<b>Services</b>								
ATM		-	-	-	P	P	-	-
Bank; Financial Services		-	-	-	P	P	-	-
Business Support Service		-	-	-	P	P	-	-
Day Care								
Day Care Center		-	UP	UP	-	-	-	-
Family Day Care Home, Large		-	MUP	MUP	-	-	-	-
Family Day Care Home, Small		-	P	P	-	-	-	-
Lodging								
Bed and Breakfast Inn		-	UP	-	-	-	-	-
Inn		-	-	-	UP	P	-	-
Hotel/Motel		-	-	-	UP	P	-	-
Medical Services								
Clinic, Urgent Care		-	-	-	MUP	MUP	-	-
Doctor Office		-	-	-	-	-	-	-
Extended Care		-	-	-	-	-	-	-
Office								
Business, Service		-	-	-	-	-	P	P
Professional, Administrative		-	-	-	-	-	P	P
Personal Services								
		-	-	-	-	P	-	-
Vehicle Services								
Minor Maintenance and Repair		-	-	-	P	P	-	-
Major Maintenance and Repair		-	-	-	P	P	-	-
<b>Transportation, Communications, Infrastructure</b>								
Flood Control Channels, etc.		-	-	-	-	-	-	-
Parking Facility, Public or								
Commercial		-	-	-	P	MUP	-	-
Public Utility		-	-	-	-	-	P	-
Recycling, Small Collection								
Facility		-	-	-	P	P	P	P
Transit Station		-	-	-	P	-	-	-
Wireless Communications								
Facility		-	-	-	UP	UP	UP	-

**Key**  
 P=Permitted Use                      MUP=Minor Use Permit Required                      UP=Conditional Use Permit Required

**End Notes**  
<sup>1</sup>See Chapter 9.10.020 (Definitions of Land Uses) for use type definitions.  
<sup>2</sup>Not allowed on the ground floor unless behind an allowed ground-floor use.

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# Chapter 3.20: Transect Zones

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### Sections:

- 3.20.010 Purpose
- 3.20.020 Applicability
- 3.20.030 Overview of Transect Zones
- 3.20.040 T1 Natural (T1) Standards
- 3.20.040 T2 Rural (T2) Standards
- 3.20.050 T3 Neighborhood Edge (T3NE) Standards
- 3.20.060 T3 Neighborhood (T3N) Standards
- 3.20.070 T4 Neighborhood (T4N) Standards
- 3.20.080 T4 Neighborhood Flex (T4NF) Standards
- 3.20.100 T5 Main Street Flex (T5MSF) Standards
- 3.20.110 T5 Main Street (T5MS) Standards

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### 3.20.010 Purpose

This Chapter provides regulatory standards governing land use, building form and development within transect zones. The standards in this Chapter intend to preserve natural areas, create walkable, mixed-use neighborhoods, and to reinforce downtown Kingsburg. The transect zones have been created in relation to the context and setting of each area, focusing on physical form rather than separation of uses as an organizing principle. They are intended to ensure that proposed development is compatible with existing and future development and produces an environment of desirable character.

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**3.20.020      Applicability**

- A. The requirements of this Chapter shall apply to all proposed development within transect zones, and shall be considered in combination with any applicable standards in Chapter 3.40 (Overlay Zones) and the standards for the applicable zone in Article 4 (Supplemental to Zones).

**3.20.030 Overview of Transect Zones**



**Intent**

To promote the management and preservation of habitat types which form a part of the unique environmental characteristics of the City of Kingsburg. T1 consists of areas that do not include any type of development and lands that are unsuitable for settlement due to topography, hydrology or vegetation.

**Desired Form**

No development permitted

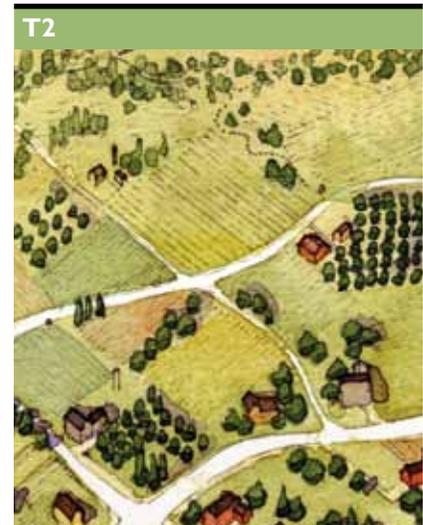
**General Use**

Preservation, low-impact trails and paths

**Parking**

Public parking lots located at the perimeter of the zone or at trailheads to provide access to natural areas

Parking lots designed to have low impact on surrounding natural areas



**Intent**

To provide sparsely settled lands in open or cultivated state. It may include large lot residential where animals are raised, parks, squares, woodland, grasslands, trails, stormwater management features, and open space areas.

**Desired Form**

Distantly spaced detached low rise form setback from the street.

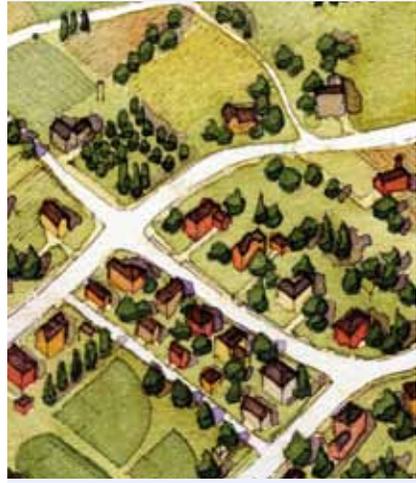
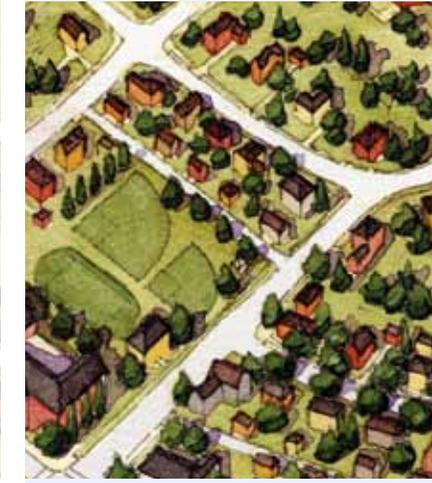
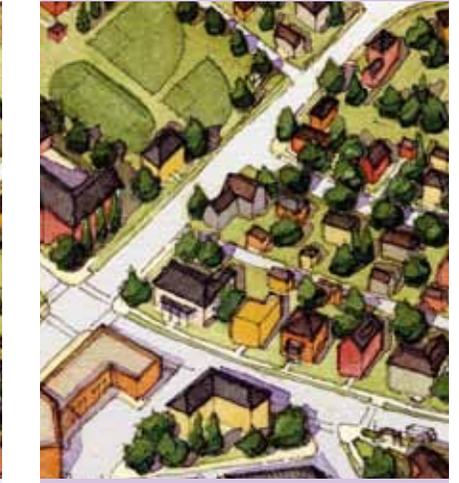
**General Use**

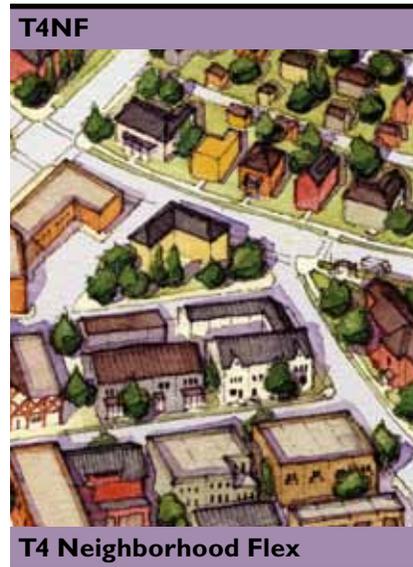
Rural Residential, Agricultural, or Civic/Open Space

**Parking**

Moderate parking requirements

Individual parking lots, no on-street parking

<p><b>T3NE</b></p> 	<p><b>T3N</b></p> 	<p><b>T4N</b></p> 
<p><b>T3 Neighborhood Edge</b></p>	<p><b>T3 Neighborhood</b></p>	<p><b>T4 Neighborhood</b></p>
<p><b>Intent</b></p>	<p><b>Intent</b></p>	<p><b>Intent</b></p>
<p>To provide opportunities for large-lot single-family homes at the edge of town that compliment the surrounding neighborhoods and provide a transition between rural lands and surrounding residential areas.</p>	<p>To build upon the unique characteristics of Kingsburg’s neighborhoods, but to allow them to evolve with compatible medium-density building types, including bungalow courts, duplexes, and small-lot single-family residences, at a smaller scale compatible to their context.</p>	<p>To provide a walkable, predominantly residential neighborhood that integrates single-family residences with appropriate multi-family housing types such as duplexes, mansion apartments, and bungalow courts within walking distance to transit and commercial areas.</p>
<p><b>Desired Form</b></p>	<p><b>Desired Form</b></p>	<p><b>Desired Form</b></p>
<p>Distantly spaced detached single family form ,setback from the street.</p>	<p>Detached single-family form, setback from the street.</p>	<p>Closely spaced detached single family form, setback from the street.</p>
<p><b>General Use</b></p>	<p><b>General Use</b></p>	<p><b>General Use</b></p>
<p>Residential, Home Occupation, or Civic/Open Space</p>	<p>Residential, Home Occupation, or Civic/Open Space</p>	<p>Residential, Home Occupation, or Civic/Open Space</p>
<p><b>Parking</b></p>	<p><b>Parking</b></p>	<p><b>Parking</b></p>
<p>Moderate parking requirements.</p> <p>Individual parking lots, on-street parking permitted but not required.</p>	<p>Low to moderate parking requirements to promote walkability and minimize the visual impact on the neighborhood.</p> <p>Individual parking lots, on-street parking</p>	<p>Low to moderate parking requirements to promote walkability and minimize the visual impact on the neighborhood.</p> <p>Individual parking lots, on-street parking</p>



**T4 Neighborhood Flex**

**Intent**

To provide a flexible area that can build upon the unique characteristics of Kingsburg’s downtown neighborhood, and allow it to evolve with medium-density building types such as bungalow courts, duplexes, and mansion apartments, while accommodating small commercial and service uses compatible to their context.

**Desired Form**

Attached or closely spaced detached residential form, setback from the street.

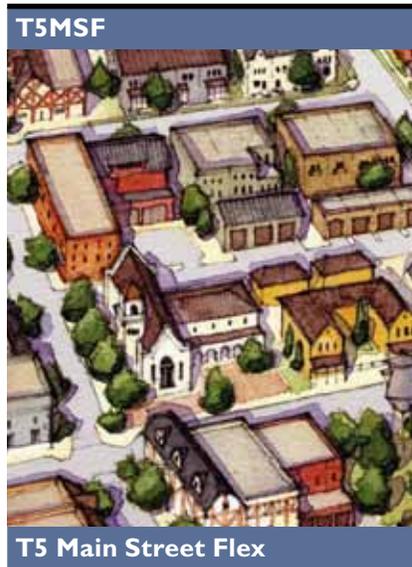
**General Use**

Residential, Live/Work, Commercial, Home Occupation, or Civic/Open Space

**Parking**

Low to moderate parking requirements to promote walkability and minimize the visual impact on the neighborhood. On street parking should be counted toward required parking.

Shared or individual parking lots, on-street parking



**T5 Main Street Flex**

**Intent**

To provide a flexible area that can accommodate a broad range of neighborhood-serving commercial, service, and residential uses in a medium- to high-density main street form. This Zone provides the ability for the commercial area to mature over time, accommodating a range of building types such as courtyard apartments, townhouses and commercial block buildings.

**Desired Form**

Attached or closely spaced detached main street form, located close to or at the street.

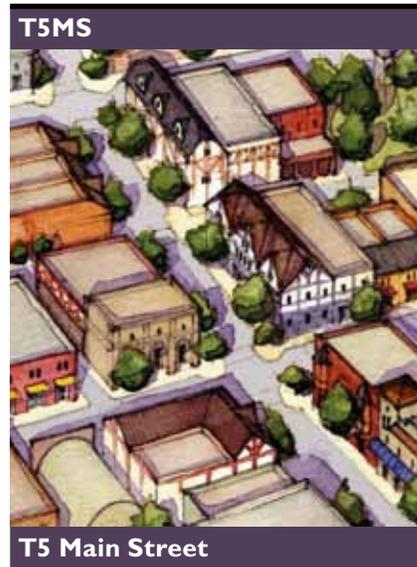
**General Use**

Ground Floor Live/Work, Commercial, or Residential  
Upper Floor Residential or Commercial

**Parking**

Low parking requirements to promote walkability, commercial parking handled as a part of a downtown commercial district, off-street residential parking.

Shared or individual parking lots, on-street parking



**T5 Main Street**

**Intent**

To reinforce and enhance the vibrant, walkable urban downtown and to enable it to evolve into a complete neighborhood that provides locally and regionally serving commercial, retail, and entertainment uses, civic and public uses, as well as a variety of urban housing choices.

**Desired Form**

Attached or detached main street form located close to or at the street.

**General Use**

Ground Floor Commercial  
Upper Floor Residential or Commercial

**Parking**

Low Parking Requirements to promote walkability, commercial parking handled as a part of a downtown commercial district, off-street residential parking.

Shared or individual parking lots, on-street parking

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3.20.040 TI Natural (TI) Standards



**A. Zone Intent and Description**

The primary intent of the TI Natural (TI) Zone is to promote the management and preservation of habitat types which form a part of the unique environmental characteristics of the City of Kingsburg. TI consists of areas that do not include any type of development and lands that are unsuitable for settlement due to topography, hydrology or vegetation.

**B. Allowed Building Types**

None

**C. Allowed Uses**

Land Use <sup>1</sup>	Specific Use Regulations	TI
<b>Agricultural</b>		
Crop Production		P
Animal Keeping		
Small Animals		P
Livestock		P
<b>Recreation, Education &amp; Public Assembly</b>		
Park, Open Space, Playground		UP
School, Public or Private		P
<b>Transportation, Communications, Infrastructure</b>		
Flood Control Channels, etc.		P

**Key**

P	Permitted Use
MUP	Minor Use Permit Required
UP	Conditional Use Permit Required

**End Notes**

<sup>1</sup>See Chapter 9.10 (Definitions) for use type definitions.

<sup>2</sup>Not allowed on the ground floor unless behind an allowed ground-floor use.

3.20.040 T2 Rural (T2) Standards



**A. Zone Intent and Description**

The primary intent of the T2 Rural (T2) Zone is to provide sparsely settled lands in an open or cultivated state. This Zone may include such uses as large-lot residential, farms where limited numbers of animals and fowl are raised, parks, squares, woodlands, grasslands, trails, stormwater management features, and open space areas.

The desired form within this Zone is distantly spaced detached low-rise buildings that are setback from the street.

Residential, Agricultural, or Civic/Open Space are the general use types in the T2 Zone.

This Zone has moderate parking requirements with the required parking provided in off-street garages or lots.

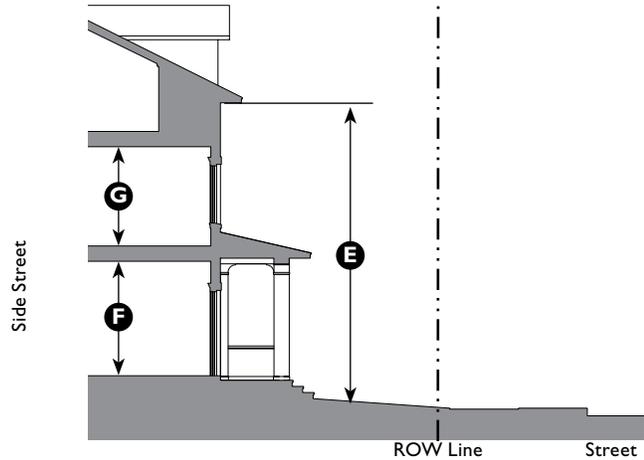
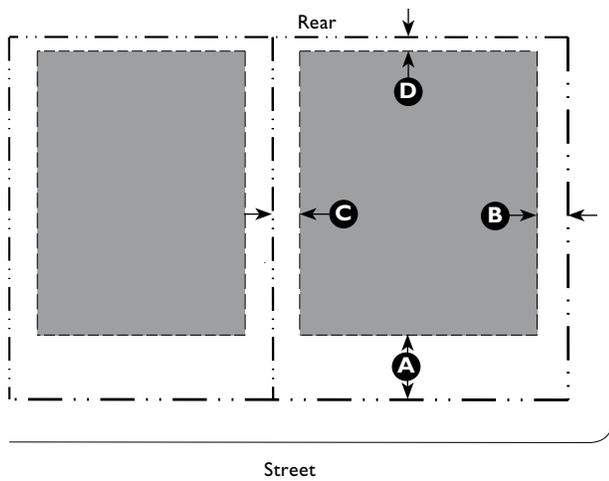
**B. Allowed Building Types<sup>1</sup>**

Carriage House

Single-Family/Unit, Estate

<sup>1</sup>See Chapter 4.20 (Specific to Building Types) for building type descriptions and regulations.

T2 Rural (T2) Standards



**Key**

- ROW/Property Line      ■ Building Area
- Building Setback Line

**C. Building Placement**

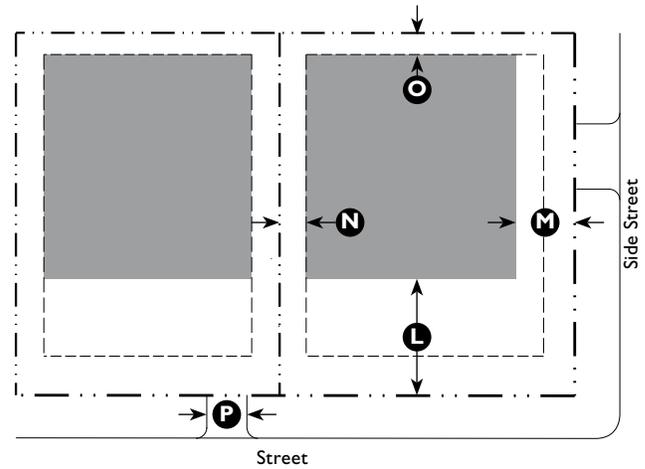
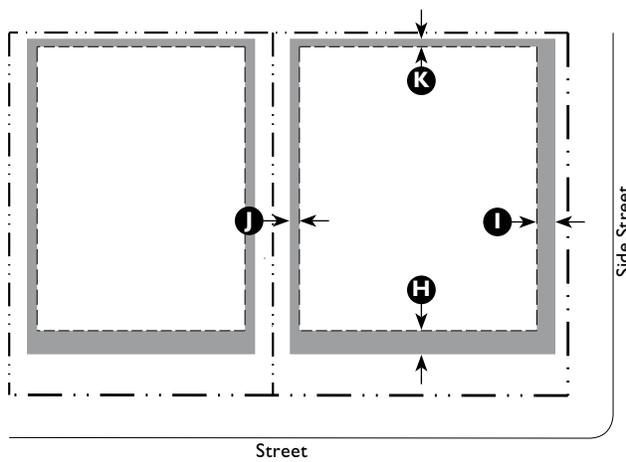
Setbacks (Distance from Property Line/ROW)		
Front	50'	<b>A</b>
Side Street	20'	<b>B</b>
Side	10'	<b>C</b>
Rear		<b>D</b>
Main Building	50'	
Accessory Structure	10'	

**Lot Size**

Area	10,000 sf min.
------	----------------

**D. Building Form**

Height		
Main Building	2½ stories max.	<b>E</b>
Accessory Structure	2 stories max.	
Ceiling Height, Ground Floor	10' min.	<b>F</b>
Ceiling Height, Upper Floor(s)	8'-6" min.	<b>G</b>



**Key**

- ROW/Property Line
- Building Setback Line
- Encroachment Area

**Key**

- ROW/Property Line
- Parking Setback Line
- Parking Area

**E. Encroachments and Frontage Types**

**Allowed Encroachments<sup>1</sup>**

Front	10' max.	<b>H</b>
Side Street	10' max.	<b>I</b>
Side	5' max.	<b>J</b>
Rear	5' max	<b>K</b>

**Allowed Private Frontage Types<sup>2</sup>**

Common Yard	Porch, Projecting
Porch, Engaged	

<sup>1</sup> Maximum allowed encroachments, see Frontage Types for further refinement of the allowed encroachments for frontage elements.

<sup>2</sup> See Chapter 4.20 (Specific to Private Frontages) for private frontage type descriptions and regulations.

**F. Parking<sup>3</sup>**

**Required Spaces**

Residential Uses	2 spaces / unit min.
Non-Residential Uses	0 spaces min.

**Location (Distance from Property Line / ROW)**

Front Setback	60'	<b>L</b>
Side Street Setback	48'	<b>M</b>
Side Setback	10'	<b>N</b>
Rear Setback	10'	<b>O</b>

**Miscellaneous**

Parking Drive Width, Front	12' max.	<b>P</b>
----------------------------	----------	----------

<sup>3</sup> See Chapter 4.40 (Specific to Parking) for additional parking regulations.

**T2 Rural (T2) Standards**

**G. Allowed Uses**

Land Use <sup>1</sup>	Specific Use Regulations	T2
<b>Agricultural</b>		
Crop Production		P
Animal Keeping		
Small Animals		P
Livestock		P
<b>Residential</b>		
Dwelling		
Single-Family/Unit		P
Accessory/Secondary Unit		MUP
Home Occupation		UP
Residential Care		
Fewer than 7 Clients		P
8 or more Clients		UP
<b>Recreation, Education &amp; Public Assembly</b>		
Community/Public Safety Facility		UP
Commercial Recreation Facility		
Outdoor		UP
Meeting Facility, Public or Private		
≤ 15,000 sf		UP
Park, Open Space, Playground		P
School, Public or Private		P
<b>Service</b>		
Day Care		
Family Day Care Home, Small		P

**Key**

P	Permitted Use
MUP	Minor Use Permit Required
UP	Conditional Use Permit Required

**End Notes**

<sup>1</sup>See Chapter 9.10 (Definitions) for use type definitions.

<sup>2</sup>Not allowed on the ground floor unless behind an allowed ground-floor use.

3.20.050 T3 Neighborhood Edge (T3NE) Standards



**A. Zone Intent and Description**

The primary intent of the T3 Neighborhood Edge (T3NE) Zone is to provide opportunities for large-lot single-family homes at the edge of town that compliment the surrounding neighborhoods and provide a transition between rural lands and surrounding residential areas.

The desired form within the T3NE Zone is distantly spaced detached low-rise buildings that are setback from the street.

Residential is the primary use type in the T3NE Zone.

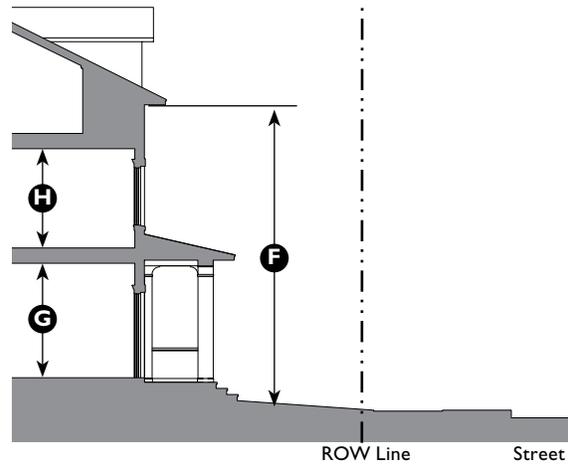
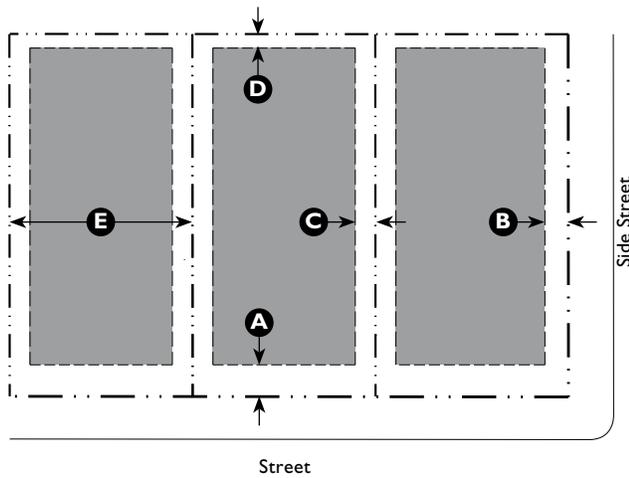
This Zone has moderate parking requirements with the required parking provided in off-street garages or lots.

**B. Allowed Building Types<sup>1</sup>**

Carriage House	Single-Family/Unit, Estate
Single-Family/Unit, Village	Duplex

<sup>1</sup>See Chapter 4.20 (Specific to Building Types) for building type descriptions and regulations.

T3 Neighborhood Edge (T3NE) Standards



**Key**

- ROW/Property Line      ■ Building Area
- Building Setback Line      ▨ Façade Zone

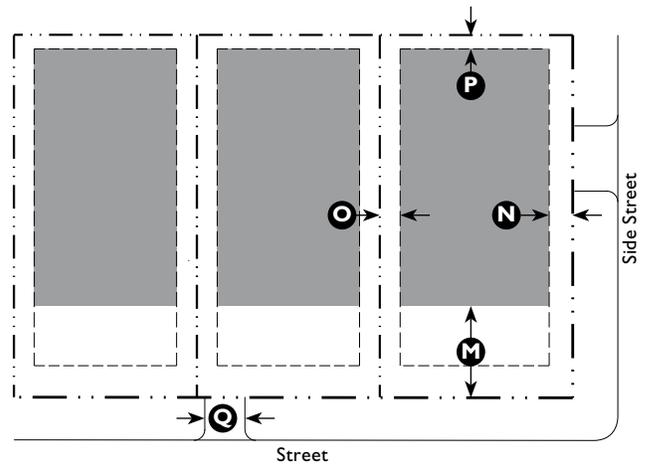
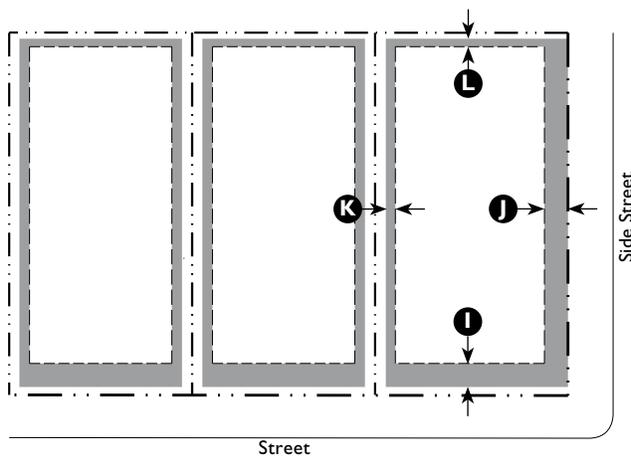
C. Building Placement		
Setbacks (Distance from Property Line/ROW)		
Front	20' min. <sup>1</sup>	<b>A</b>
Side Street	10' min. <sup>1</sup>	<b>B</b>
Side		<b>C</b>
Side, Main Building	5' min.; 15' min. (total) <sup>2</sup>	
Side, Accessory Structure	5' <sup>2</sup>	
Rear		<b>D</b>
Main Building	25'	
Accessory Structure	5'	
Lot Size		
Width	50' min.	<b>E</b>

D. Building Form		
Height		
Main Building	2½ stories max.	<b>F</b>
Accessory Structure	2 stories max.	
Ceiling Height, Ground Floor	10' min.	<b>G</b>
Ceiling Height, Upper Floor(s)	8'-6" min.	<b>H</b>
Footprint		
Lot Coverage (Optional)	40% max.	

<sup>1</sup> Where existing adjacent buildings are in front of the regulated BTL or front setback, the building may be set to align with the facade of the front most immediately adjacent property.

<sup>2</sup> No side setback required along the common property line between Townhouse or Duplex building types.

T3 Neighborhood Edge (T3NE) Standards



**Key**

- ROW/Property Line
- Building Setback Line
- Encroachment Area

**Key**

- ROW/Property Line
- Parking Setback Line
- Parking Area

E. Encroachments and Frontage Types		
Allowed Encroachments <sup>3</sup>		
Front	10' max.	I
Side Street	10' max.	J
Side	2'-6" max.	K
Rear	2'-6" max.	L
Allowed Private Frontage Types <sup>4</sup>		
Common Yard	Porch, Projecting	
Porch, Engaged		

F. Parking <sup>5</sup>		
Required Spaces		
Residential Uses	1 space/unit min.	
Non-Residential Uses	0 spaces min.	
Location (Distance from Property Line / ROW)		
Front Setback	40'	M
Side Street Setback	10'	N
Side Setback	5'	O
Rear Setback	5'	P
Miscellaneous		
Parking Drive Width, Front	12' max.	Q

<sup>3</sup> Maximum allowed encroachments, see Frontage Types for further refinement of the allowed encroachments for frontage elements.

<sup>4</sup> See Chapter 4.20 (Specific to Private Frontages) for private frontage type descriptions and regulations.

<sup>5</sup> See Chapter 4.40 (Specific to Parking) for additional parking regulations.

**T3 Neighborhood Edge (T3NE) Standards**

**G. Allowed Uses**

Land Use <sup>1</sup>	Specific Use Regulations	73NE
<b>Agricultural</b>		
Crop Production		UP
Animal Keeping		
Small Animals		P
<b>Residential</b>		
Dwelling		
Single-Family/Unit		P
Accessory/Secondary Unit		MUP
Group Home		
6 or fewer Residents		P
Home Occupation		UP
Residential Care		
Fewer than 7 Clients		P
8 or more Clients		UP
<b>Recreation, Education &amp; Public Assembly</b>		
Community/Public Safety Facility		UP
Commercial Recreation Facility		
Outdoor		UP
Library, Museum		UP
Meeting Facility, Public or Private		
≤ 15,000 sf		UP
> 15,000 sf		UP
Park, Open Space, Playground		P
School, Public or Private		P
<b>Service</b>		
Day Care		
Family Day Care Home, Large		MUP
Family Day Care Home, Small		P
Lodging		
Bed and Breakfast Inn		UP

Key	
P	Permitted Use
MUP	Minor Use Permit Required
UP	Conditional Use Permit Required

**End Notes**

<sup>1</sup> See Chapter 9.10 (Definitions) for use type definitions.

<sup>2</sup> Not allowed on the ground floor unless behind an allowed ground-floor use.

3.20.060 T3 Neighborhood (T3N) Standards



**A. Zone Intent and Description**

The primary intent of the T3 Neighborhood (T3N) Zone is to build upon the unique characteristics of Kingsburg’s neighborhoods, and to allow them to evolve with compatible medium-density building types, including bungalow courts, duplexes, and small-lot single family residences, at a smaller scale compatible to their context.

The desired form of this Zone is detached low-rise buildings setback from the street.

While residential is the primary use type, home offices and appropriately scaled civic uses, such as community meeting spaces, are allowed to further reinforce the walkability of the neighborhood.

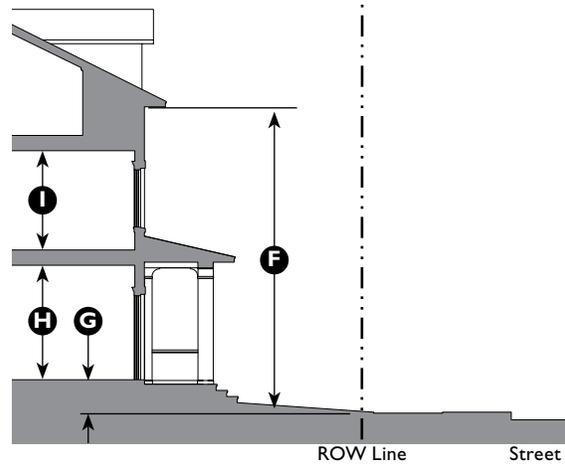
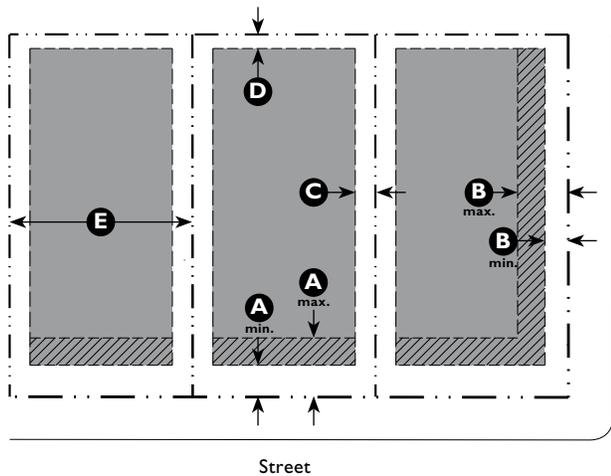
Low to moderate parking requirements are used to promote walkability and minimize the impact of parking on the neighborhood. Required parking is typically in off-street garages or lots or provided on-street.

**B. Allowed Building Types<sup>1</sup>**

Carriage House	Single-Family Estate
Single-Family House	Single-Family Cottage
Duplex, Side-by-Side	Duplex, Stacked
Duplex, Front-and-Back	Bungalow Court

<sup>1</sup> See Chapter 4.20 (Specific to Building Types) for building type descriptions and regulations.

T3 Neighborhood (T3N) Standards



**Key**

- ROW/Property Line      ■ Building Area
- Building Setback Line      ▨ Façade Zone

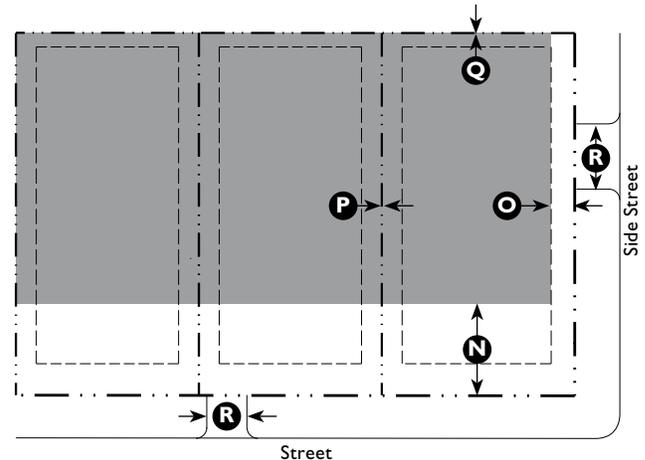
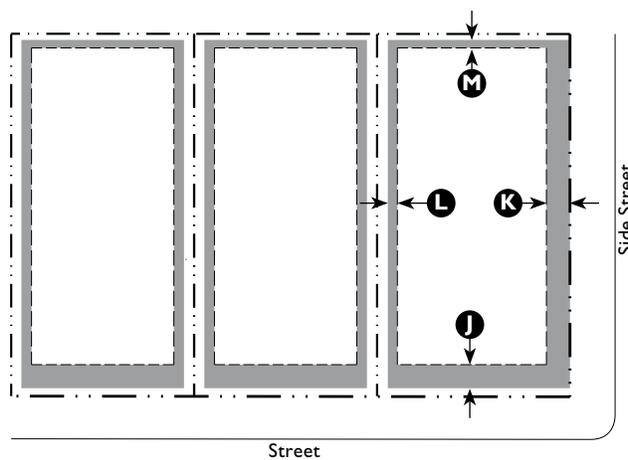
C. Building Placement		
Setbacks (Distance from Property Line/ROW)		
Front	20' min.; 30' max. <sup>1</sup>	<b>A</b>
Side Street	10' min. <sup>1</sup>	<b>B</b>
Side	5' <sup>2</sup>	<b>C</b>
Rear		<b>D</b>
Main Building	10'	
Accessory Structure	5'	
Facade within Façade Zone		
Front	60% min.	
Lot Size		
Width	50' min.	<b>E</b>

D. Building Form		
Height		
Main Building	2½ stories max.	<b>F</b>
Accessory Structure	2 stories max.	
Ground Floor Finish Level	18" min.	<b>G</b>
Ceiling Height, Ground Floor	10' min.	<b>H</b>
Ceiling Height, Upper Floor(s)	8'-6" min.	<b>I</b>
Footprint		
Lot Coverage (Optional)	50% max.	

<sup>1</sup> Where existing adjacent buildings are in front of the regulated BTL or front setback, the building may be set to align with the facade of the front most immediately adjacent property.

<sup>2</sup> No side setback required along the common property line between Townhouse or Duplex Building Types.

T3 Neighborhood (T3N) Standards



**Key**

- ROW/Property Line
- Building Setback Line
- Encroachment Area

**E. Encroachments and Frontage Types**

**Allowed Encroachments<sup>3</sup>**

Front	10' max.	ⓐ
Side Street	10' max.	ⓑ
Side	2'-6" max.	ⓒ
Rear	2'-6" max.	ⓓ

**Allowed Private Frontage Types<sup>4</sup>**

Common Yard	Porch, Projecting
Porch, Engaged	Stoop

<sup>3</sup>Maximum allowed encroachments, see Frontage Types for further refinement of the allowed encroachments for frontage elements.

<sup>4</sup>See Chapter 4.20 (Specific to Private Frontages) for private frontage type descriptions and regulations.

**Key**

- ROW/Property Line
- Parking Setback Line
- Parking Area

**F. Parking<sup>5</sup>**

**Required Spaces**

Residential Uses	1 space/unit min.;
	2 spaces/unit max.
Non-Residential Uses	0 spaces min.

**Location (Distance from Property Line / ROW)**

Front Setback	30'	Ⓝ
Side Street Setback	10'	ⓔ
Side Setback	0'	ⓕ
Rear Setback	0'	ⓖ

**Miscellaneous**

Parking Drive Width (Max.)		ⓗ
Front	12' max.	
Side Street/Alley	20' max.	

<sup>5</sup>See Chapter 4.40 (Specific to Parking) for additional parking regulations.

**T3 Neighborhood (T3N) Standards**

**G. Allowed Uses**

Land Use <sup>1</sup>	Specific Use Regulations	T3N
<b>Agricultural</b>		
Crop Production		UP
<b>Residential</b>		
Dwelling		
Single-Family/Unit		P
Two-Family/Unit		P
Accessory/Secondary Unit		P
Group Home		
6 or fewer Residents		P
More than 6 Residents		MUP
Home Occupation		UP
Residential Care		
Fewer than 7 Clients		P
8 or more Clients		MUP
<b>Recreation, Education &amp; Public Assembly</b>		
Community/Public Safety Facility		MUP
Commercial Recreation Facility		
Indoor		UP
Outdoor		UP
Library, Museum		UP
Meeting Facility, Public or Private		
≤ 15,000 sf		MUP
> 15,000 sf		UP
Park, Open Space, Playground		P
School, Public or Private		P
<b>Services</b>		
Day Care		
Family Day Care Home, Large		MUP
Family Day Care Home, Small		P
Lodging		
Bed and Breakfast Inn		MUP

Key	
P	Permitted Use
MUP	Minor Use Permit Required
UP	Conditional Use Permit Required

**End Notes**

<sup>1</sup>See Chapter 9.10 (Definitions) for use type definitions.

<sup>2</sup>Not allowed on the ground floor unless behind an allowed ground-floor use.

3.20.070 T4 Neighborhood (T4N) Standards



**A. Zone Intent and Description**

The primary intent of the T4 Neighborhood (T4N) Zone is to provide a walkable, predominantly single-family neighborhood that integrates appropriate multi family housing types such as duplexes, mansion apartments, and bungalow courts within walking distance to transit and commercial areas.

The desired form of this Zone is attached or closely-spaced detached low-rise buildings, setback from the street.

While residential is the primary use type, home offices and appropriately scaled civic uses, such as community meeting spaces, are allowed to further reinforce the walkability of the neighborhood.

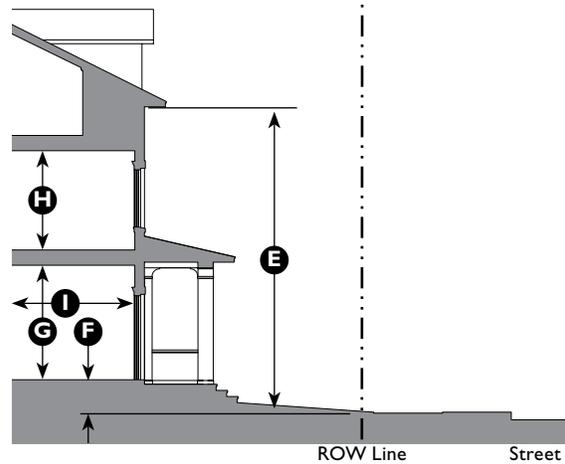
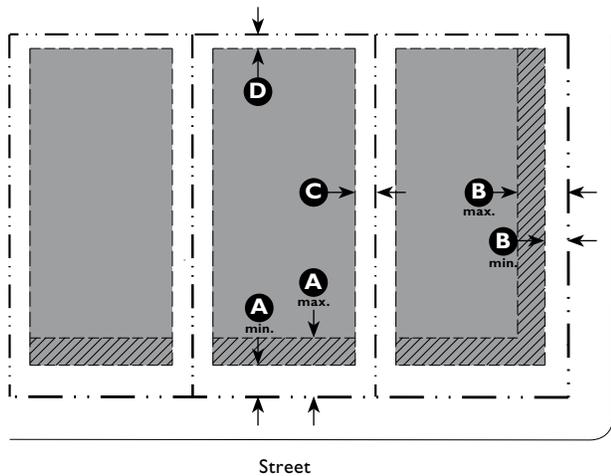
Low to moderate parking requirements are used to promote walkability and minimize the impact of parking on the neighborhood. Required parking is typically provided on-street or in off-street garages or lots.

**B. Allowed Building Types<sup>1</sup>**

Carriage House	Bungalow Court
Single-Unit House, Cottage	Duplex
Single-Unit House, Village	Mansion Apartment

<sup>1</sup>See Chapter 4.10 (Specific to Building Types) for building type descriptions and regulations.

T4 Neighborhood (T4N) Standards



**Key**

- ROW/Property Line
- Building Setback Line
- Building Area
- ▨ Façade Zone

**C. Building Placement**

**Setbacks (Distance from Property Line/ROW)**

Front	10' min.; 15' max. <sup>1</sup>	<b>A</b>
Side Street	5' min.; 10' max.	<b>B</b>
Side		<b>C</b>
Main Building	5' <sup>2</sup>	
Ancillary Building	0'	
Rear		<b>D</b>
Main Building	5'	
Ancillary Building	0'	
Adjacent to Alley	5'	

Facade within Façade Zone

Front	75% min.
Side Street	75% min.

**Lot Size**

Width	50' max (1/8 block)
Depth	150' max. (1/2 block)

<sup>1</sup>Where existing adjacent buildings are in front of the regulated front setback, the building may be set to align with the facade of the front most immediately adjacent property.

<sup>2</sup>No side setback is required along the shared property line between side-by-side duplexes.

**D. Building Form**

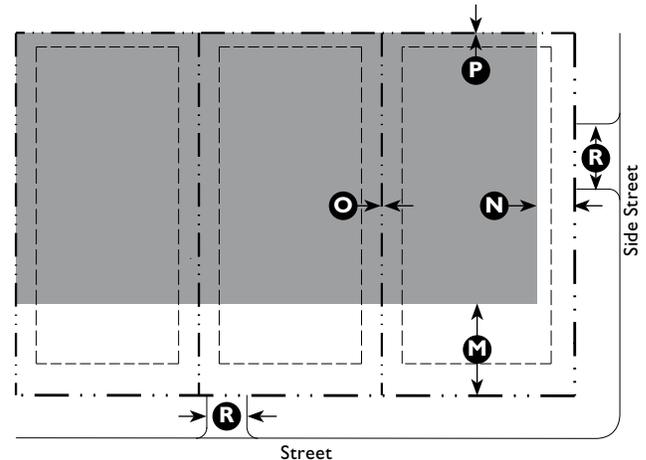
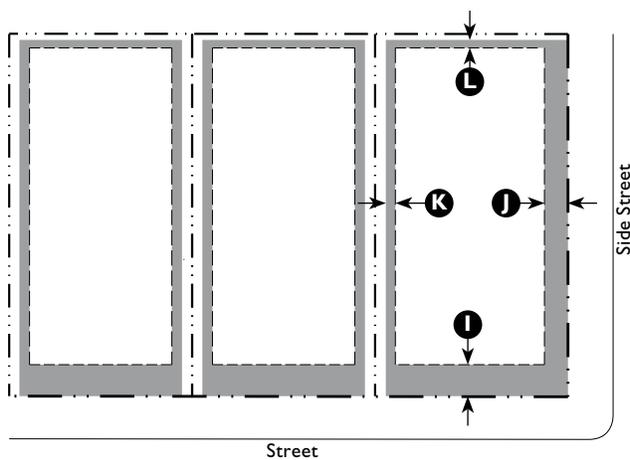
**Height**

Main Building	2½ stories max.	<b>E</b>
Ancillary Building	2 stories max.	
Ground Floor Finish Level	18" min.	<b>F</b>
Ground Floor Ceiling	10' min.	<b>G</b>
Upper Floor(s) Ceiling	8'-6" min.	<b>H</b>

**Footprint**

Depth, Ground-Floor Space	20' min.	<b>I</b>
Lot Coverage	60% max.	

T4 Neighborhood (T4N) Standards



**Key**

- ROW/Property Line
- Building Setback Line
- Encroachment Area

**Key**

- ROW/Property Line
- Parking Setback Line
- Parking Area

**E. Encroachments & Frontage Types**

Allowed Encroachments <sup>3,4</sup>		
Front	10' max.	J
Side Street	10' max.	K
Side	2'-6" max.	L
Rear	2'-6" max.	M

**Allowed Private Frontage Types<sup>5</sup>**

Common Yard	Porch, Engaged
Porch, Projecting	Stoop

<sup>3</sup>Maximum allowed encroachments, see Frontage Types for further refinement of the allowed encroachments for frontage elements.

<sup>4</sup>Encroachments are not allowed within a Street or Alley ROW or across a Property Line

<sup>5</sup>See Chapter 4.20 (Specific to Private Frontages) for private frontage type descriptions and regulations.

**F. Parking<sup>6</sup>**

Required Spaces	
Residential Uses	
≤1,500 sf	1 space/1,000 sf min.
>1,500 sf	1.5 spaces/unit max.
Non-Residential Uses	0 spaces min.

**Location (Distance from Property Line / ROW)**

Front Setback	30'	N
Side Street Setback	10'	O
Side Setback	0'	P
Rear Setback	0'	Q

**Miscellaneous**

Parking Drive Width		R
Front	12' max.	
Side Street/Alley	20' max.	

<sup>6</sup>See Chapter 4.40 (Specific to Parking) for additional parking regulations.

**T4 Neighborhood (T4N) Standards**

**G. Allowed Uses**

Land Use <sup>1</sup>	Specific Use Regulations	T4N
<b>Residential</b>		
Dwelling		
Single-Family/Unit		P
Two-Family/Unit		P
Multi-Family/Unit		P
Accessory/Secondary Unit		P
Group Home		
6 or fewer Residents		P
More than 6 Residents		MUP
Home Occupation		MUP
Residential Care		
Fewer than 7 Clients		P
8 or more Clients		MUP
<b>Recreation, Education &amp; Public Assembly</b>		
Community/Public Safety Facility		MUP
Commercial Recreation Facility		
Indoor		UP
Outdoor		UP
Library, Museum		UP
Meeting Facility, Public or Private		
≤ 15,000 sf		MUP
> 15,000 sf		UP
Park, Open Space, Playground		P
School, Public or Private		P
<b>Services</b>		
Day Care		
Family Day Care Home, Large		MUP
Family Day Care Home, Small		P
Lodging		
Bed and Breakfast Inn		MUP

**Key**

P	Permitted Use
MUP	Minor Use Permit Required
UP	Conditional Use Permit Required

**End Notes**

<sup>1</sup>See Chapter 9.10 (Definitions) for use type definitions.

<sup>2</sup>Not allowed on the ground floor unless behind an allowed ground-floor use.

3.20.080 T4 Neighborhood Flex (T4NF) Standards



**A. Zone Intent and Description**

The primary intent of the T4 Neighborhood Flex (T4NF) Zone is to provide a flexible area that can build upon the unique characteristics of Kingsburg’s downtown neighborhoods, and allow them to evolve with medium-density building types such as bungalow courts, duplexes, and mansion apartments, at a smaller scale and accommodating small commercial uses compatible to their context.

The desired form of this Zone is attached or closely spaced detached low-rise buildings, setback from the street.

The general uses for this Zone are flexible to accommodate residential, live/work, commercial, or home occupation and provide a transition between the neighborhood zone and main street zone.

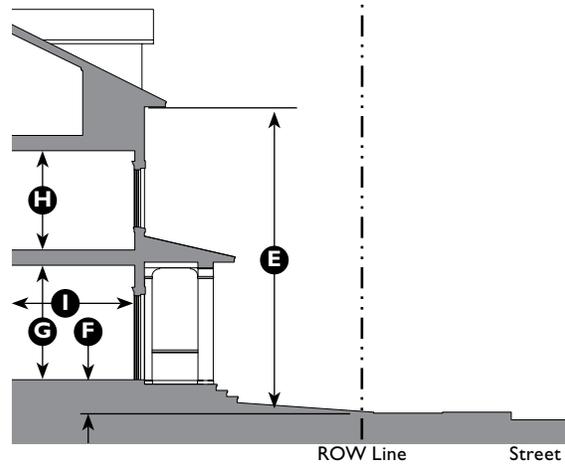
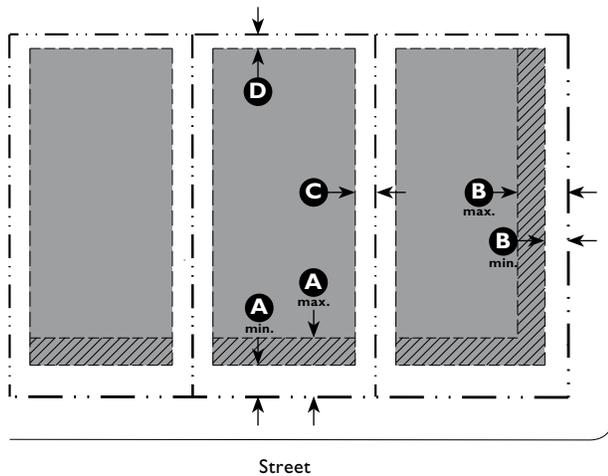
Low to moderate parking requirements are used to promote walkability and minimize the impact of parking on the neighborhood. On-street parking is used toward meeting the parking requirements. Required parking is typically provided on-street or in off-street garages or lots.

**B. Allowed Building Types<sup>1</sup>**

Carriage House	Townhouse
Single-Unit House, Cottage	Mansion Apartment
Single-Unit House, Village	Apartment House
Bungalow Court	Courtyard Apartment
Duplex	

<sup>1</sup> See Chapter 4.10 (Specific to Building Types) for building type descriptions and regulations.

T4 Neighborhood Flex (T4NF) Standards



**Key**

- ROW/Property Line      ■ Building Area
- Building Setback Line      ▨ Façade Zone

**C. Building Placement**

**Setbacks (Distance from Property Line/ROW)**

Front	10' min.; 15' max. <sup>1</sup>	<b>A</b>
Side Street	5' min.; 10' max. <sup>1</sup>	<b>B</b>
Side		<b>C</b>
Main Building	5' <sup>2</sup>	
Ancillary Building	0'	
Rear		<b>D</b>
Main Building	5'	
Ancillary Building	0'	
Adjacent to Alley	5'	

<b>Facade within Façade Zone</b>		
Front	75% min.	
Side Street	75% min.	

**Lot Size**

Width	100' max. (¼ block)
Depth	150' max. (½ block)

<sup>1</sup>Where existing adjacent buildings are in front of the regulated front setback, the building may be set to align with the facade of the front most immediately adjacent property.

<sup>2</sup>No side setback is required along the shared property line between side-by-side duplexes or townhouses.

**D. Building Form**

**Height**

Main Building	2½ stories max.	<b>E</b>
Ancillary Building	2 stories max.	
<b>Ground Floor Finish Level</b>		
Residential	18" min.	<b>F</b>
Commercial	6' max.	
<b>Ground Floor Ceiling</b>		
Residential	10' min.	<b>G</b>
Commercial	12' min.	
<b>Upper Floor(s) Ceiling</b>		
	8'-6" min.	<b>H</b>

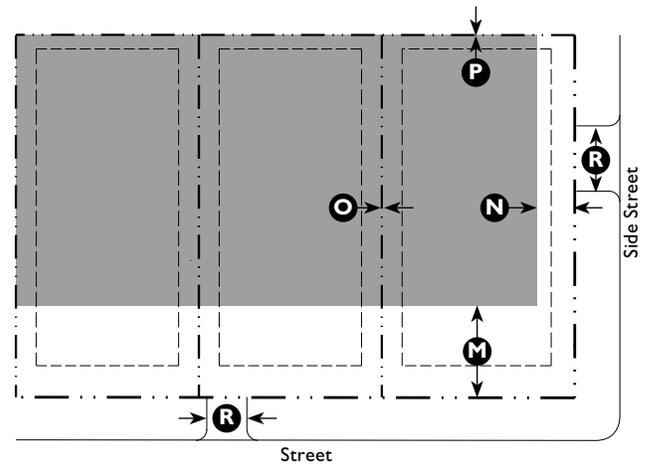
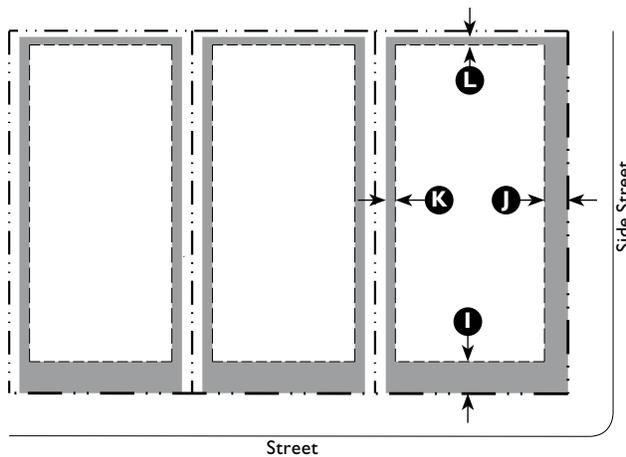
**Footprint**

Width	75' max.	
Depth, Ground-Floor Space	20' min.	<b>I</b>
Lot Coverage	80% max.	

**Miscellaneous**

Loading docks, overhead doors, and other service entries may not be located on street-facing facades.

T4 Neighborhood Flex (T4NF) Standards



**Key**

- ROW/Property Line
- Building Setback Line
- Encroachment Area

**Key**

- ROW/Property Line
- Parking Setback Line
- Parking Area

**E. Encroachments & Private Frontage Types**

**Allowed Encroachments<sup>3,4</sup>**

Front	10' max.	J
Side Street	10' max.	K
Side	2'-6" max.	L
Rear	2'-6" max.	M

**Allowed Private Frontage Types<sup>5</sup>**

Common Yard	Forecourt
Porch, Projecting	Dooryard
Porch, Engaged	Shopfront
Stoop	

<sup>3</sup>Maximum allowed encroachments, see Frontage Types for further refinement of the allowed encroachments for frontage elements.

<sup>4</sup>Encroachments are not allowed within a street or alley ROW or across a property line.

<sup>5</sup>See Chapter 4.20 (Specific to Private Frontages) for private frontage type descriptions and regulations.

**F. Parking<sup>6</sup>**

**Required Spaces**

Residential Uses		
≤1,500 sf		1 space/1,000 sf min.
>1,500 sf		1.5 spaces/unit max.
Lodging Uses		
		0 spaces min.
Retail or Services Uses		
Ground Floor < 5,000 sf		0 spaces min.
Ground Floor > 5,000 sf		2 spaces/1,000 sf max.
Upper Floor(s)		2 spaces/1,000 sf max.

Off-site parking within 600' may be used to meet parking requirements for non-residential uses.

Shared parking may be used to meet parking requirements for non-residential uses.

**Location (Distance from Property Line / ROW)**

Front Setback	30'	N
Side Street Setback	10'	O
Side Setback	0'	P
Rear Setback	0'	Q

**Miscellaneous**

Parking Drive Width		
Front	12' max.	R
Side Street/Alley	20' max.	

<sup>6</sup>See Chapter 4.40 (Specific to Parking) for additional parking regulations.

**T4 Neighborhood Flex (T4NF) Standards**

**G. Allowed Uses**

Land Use <sup>1</sup>	Specific Use Regulations	T4NF
<b>Residential</b>		
Dwelling		
Single-Family/Unit		P
Two-Family/Unit		P
Multi-Family/Unit		P
Accessory/Secondary Unit		P
Group Home		
6 or fewer Residents		P
More than 6 Residents		MUP
Home Occupation		P
Live/Work		MUP
Residential Care		
Fewer than 7 Clients		P
8 or more Clients		MUP
<b>Retail</b>		
General Retail Businesses, except with any of the following features:		UP
Alcoholic Beverage Sales		–
On-Site Production of Items Sold		UP
Operating between 9pm and 7am		–
Floor Area > 5,000 sf		–
Restaurant, Cafe, Coffee Shop; except with any of the following features:		UP
Drive Through Facilities		–
<b>Recreation, Education &amp; Public Assembly</b>		
Community/Public Safety Facility		MUP
Commercial Recreation Facility		
Indoor		MUP
Library, Museum		UP
Meeting Facility, Public or Private		
≤ 15,000 sf		MUP
> 15,000 sf		UP
Park, Open Space, Playground		P
School, Public or Private		P
Studio: Art, Dance, Martial Arts, Etc.		MUP
Theater, Cinema, or Performing Arts Cinema ≤ 15,000 sf		UP

Land Use <sup>1</sup>	Specific Use Regulations	T4NF
<b>Services</b>		
ATM		UP
Business Support Service		UP
Day Care		
Day Care Center		UP
Family Day Care Home, Large		MUP
Family Day Care Home, Small		P
Lodging		
Bed and Breakfast Inn		MUP
Inn		MUP
Medical Services		
Clinic, Urgent Care		UP
Doctor Office		P
Office		
Business, Service		P
Professional, Administrative		MUP
Personal Services		MUP
Vehicle Services		
Minor Maintenance and Repair		MUP
<b>Transportation, Communications, Infrastructure</b>		
Parking Facility, Public or Commercial		MUP

<b>Key</b>	
P	Permitted Use
MUP	Minor Use Permit Required
UP	Conditional Use Permit Required

**End Notes**

- <sup>1</sup>See Chapter 9.10 (Definitions) for use type definitions.
- <sup>2</sup>Not allowed on the ground floor unless behind an allowed ground-floor use.

3.20.100 T5 Main Street Flex (T5MSF) Standards



**A. Zone Intent and Description**

The primary intent of the T5 Main Street Flex (T5MSF) Zone is to provide a flexible area that can accommodate a broad range of neighborhood serving commercial, service, and residential uses in a medium- to high-density main street form. This Zone provides the ability for the commercial area to mature over time, accommodating a range of building types such as courtyard apartments, townhouses and commercial block buildings.

The desired form of this Zone is attached or closely spaced detached low-rise main-street form, located close to or at the street.

The general uses for this Zone are flexible to accommodate ground floor commercial, live/work, or residential with upper floor residential or commercial.

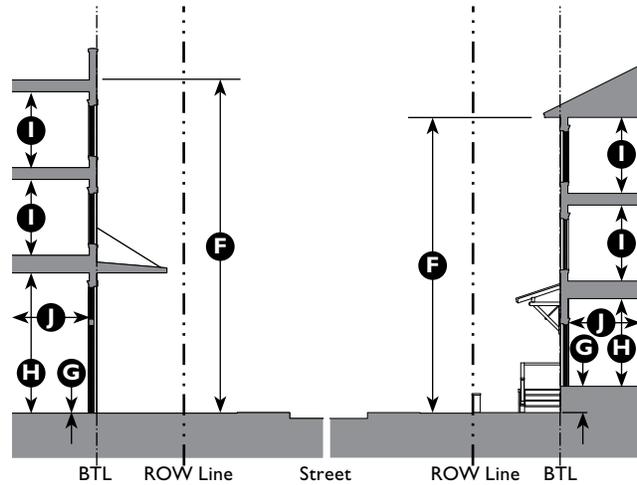
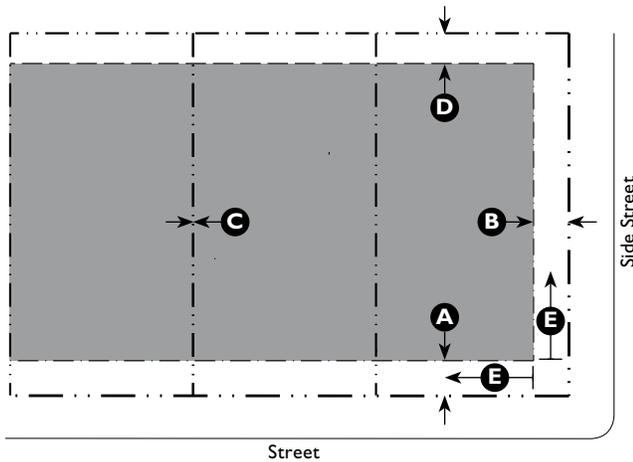
Low parking requirements are used to promote walkability. Commercial parking requirements are addressed as a part of a downtown commercial district with parking provided on-street and in shared lots. Residential parking is typically provided as off-street parking that is shared with commercial uses or in private garages.

**B. Allowed Building Types<sup>1</sup>**

Townhouse	Apartment House
Courtyard Apartment	Main-Street Mixed-Use

<sup>1</sup>See Chapter 4.10 (Specific to Building Types) for building type descriptions and regulations.

**T5 Main Street Flex (T5MSF) Standards**



**Key**

- ROW/Property Line      ■ Building Area
- Building Setback Line      ▨ Façade Zone

**C. Building Placement**

**Build-to Lines (Distance from Property Line/ROW)**

Front	0' min.; 10' max. <sup>1</sup>	<b>A</b>
Side Street	0' min.; 10' max. <sup>1</sup>	<b>B</b>

<b>BTL Defined by a Building</b>		
Front, lots < x' wide	<50'; 100%	
Front, lots > x' wide	≥50'; 75%	
Side Street	50%	
Building Façade at Front BTL	75%	

**Setbacks (Distance from Property Line/ROW)**

Side	0'	<b>C</b>
Rear		<b>D</b>
Adjacent to T5 Zones	0'	
Adjacent to all other Zones	5'	
Adjacent to Alley	5'	

**Lot Size**

Width	200' max. (½ block)
Depth	150' max. (½ block)

**Miscellaneous**

Where existing adjacent buildings are in front of the regulated BTL, the building may be set to align with the façade of the front most immediately adjacent property.

<sup>1</sup>The exact location of the BTL within the range listed above shall be established by the first building along each block frontage to receive planning department approval. All subsequent buildings along that block frontage must match the first building's BTL.

**Miscellaneous (continued)**

BTL must be defined by a building within 30' of corner along the front. **E**

A building form with a chamfered corner is permitted only if a corner entry is provided.

Entire ROW must be defined by a building or a 24" to 48" high fence or stucco or masonry wall.

**D. Building Form**

**Height**

Main Building	20' min.;	<b>F</b>
	3 stories max.	
Accessory Structure	2 ½ stories max.	

**Ground Floor Finish Level**

Residential, Setback < 8'	24" min.	<b>G</b>
Residential, Setback ≥ 8'	18" min.	
Commercial	6" max.	

**Ground Floor Ceiling**

Residential	10' min.	<b>H</b>
Commercial	12' min.	

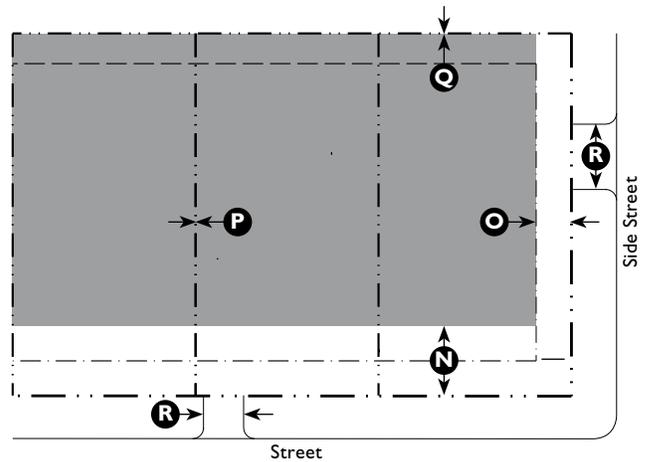
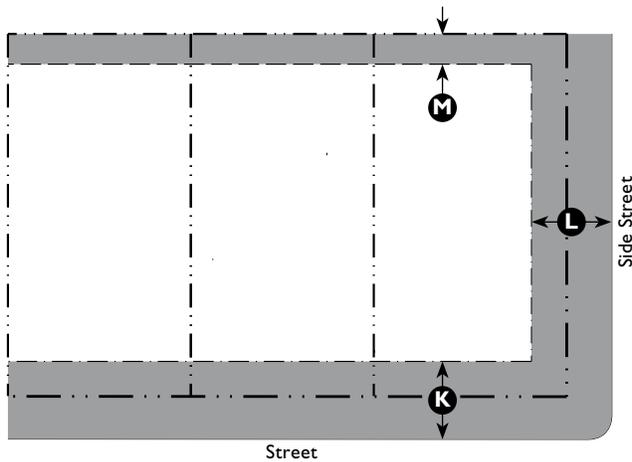
**Upper Floor(s) Ceiling**

Residential	8'-6" min.	<b>I</b>
Commercial	9' min.	

**Footprint**

<b>Depth, Ground-Floor Space</b>		
Residential	20' min.	<b>J</b>
Commercial	30' min.	

T5 Main Street Flex (T5MSF) Standards



**Key**

- ROW/Property Line
- Building Setback Line
- Encroachment Area

**Miscellaneous**

Distance Between Entries

to Ground Floor	50' max.
to Upper Floor(s)	100' max.

All upper floors must have a primary entrance along the front.

Loading docks, overhead doors, and other service entries may not be located on street-facing facades.

Any buildings wider than 75' must be designed to read as a series of buildings no wider than 50' each.

**E. Encroachments and Private Frontage Types**

**Allowed Encroachments<sup>2,3</sup>**

Front	10' max.	<b>K</b>
Side Street	10' max.	<b>L</b>
Rear		<b>M</b>
Adjacent to T5 Zones	0'	
Adjacent to all other Zones	5'	
Adjacent to Alley	5'	

**Allowed Private Frontage Types<sup>4</sup>**

Stoop	Dooryard
Forecourt	Shopfront

<sup>2</sup>Maximum allowed encroachments, see Frontage Types for further refinement of the allowed encroachments for frontage elements.

<sup>3</sup>Encroachments are not allowed within an alley ROW or across a property line

<sup>4</sup>See Chapter 4.20 (Specific to Private Frontages) for private frontage type descriptions and regulations.

**Key**

- ROW/Property Line
- Parking Setback Line
- Parking Area

**F. Parking<sup>5</sup>**

**Required Spaces**

Residential Uses	1 space/1,000 sf min.
Lodging Uses	0 spaces min.
Retail or Services Uses	
Ground Floor < 5,000 sf	0 spaces min.
Ground Floor > 5,000 sf	2 spaces/1,000 sf max.
Upper Floor(s)	2 spaces/1,000 sf max.

Off-site parking within 600' may be used to meet parking requirements for residential uses.

Off-site parking within 1200' may be used to meet parking requirements for non-residential uses

**Location (Distance from Property Line / ROW)**

Front Setback	30'	<b>N</b>
Side Street Setback	0' <sup>6</sup>	<b>O</b>
Side Setback	0'	<b>P</b>
Rear Setback	0'	<b>Q</b>

<sup>6</sup>Parking may not be located in front of BTL.

**Miscellaneous**

Parking Drive Width		<b>R</b>
Front, ≤ 40 spaces	12' max.	
Front, > 40 spaces	20' max.	
Side Street/Alley	20' max.	
% of Frontage along Front	20% max.	

<sup>5</sup>See Chapter 4.40 (Specific to Parking) for additional parking regulations.

**T5 Main Street Flex (T5MSF) Standards**

**G. Allowed Uses**

Land Use <sup>1</sup>	Specific Use Regulations	T5MSF
<b>Industrial</b>		
Media Production		P
Printing and Publishing		P
<b>Residential</b>		
Dwelling		
Multi-Family/Unit		P
Residential Component of Mixed-Use Project		MUP <sup>2</sup>
Group Home		
More than 6 Residents		MUP
Home Occupation		P
Live/Work		P
Residential Care		
8 or more Clients		MUP
<b>Retail</b>		
Bar, Tavern, Nightclub		MUP
Gas Station/Fuel Sales		MUP
General Retail Businesses, except with any of the following features:		P
Alcoholic Beverage Sales		MUP
On-Site Production of Items Sold		MUP
Operating between 9pm and 7am		UP
Floor Area > 5,000 sf		UP
Floor Area > 10,000 sf		UP
Restaurant, Cafe, Coffee Shop; except with any of the following features:		P
Drive Through Facilities		UP

Land Use <sup>1</sup>	Specific Use Regulations	T5MSF
<b>Recreation, Education &amp; Public Assembly</b>		
Community/Public Safety Facility		MUP
Commercial Recreation Facility		
Indoor		MUP
Library, Museum		MUP
Meeting Facility, Public or Private		
≤ 15,000 sf		MUP
> 15,000 sf		UP
Park, Open Space, Playground		P
School, Public or Private		P
Studio: Art, Dance, Martial Arts, Etc.		P
Theater, Cinema, or Performing Arts Cinema		
≤ 15,000 sf		P
> 15,000 sf		UP

Key	
P	Permitted Use
MUP	Minor Use Permit Required
UP	Conditional Use Permit Required

**End Notes**

<sup>1</sup> See Chapter 9.10 (Definitions) for use type definitions.

<sup>2</sup> Not allowed on the ground floor unless behind an allowed ground-floor use.

T5 Main Street Flex (T5MSF) Standards

**G. Allowed Uses (Continued)**

Land Use <sup>1</sup>	Specific Use Regulations	T5MSF
<b>Services</b>		
ATM		MUP
Bank; Financial Services		UP
Business Support Service		P
Day Care		
Day Care Center		P
Family Day Care Home, Large		MUP
Lodging		
Bed and Breakfast Inn		P
Inn		P
Hotel/Motel		P
Medical Services		
Doctor Office		P
Extended Care		P
Office		
Business, Service		P
Professional, Administrative		P
Personal Services		P
Vehicle Services		
Minor Maintenance and Repair		P

Land Use <sup>1</sup>	Specific Use Regulations	T5MSF
<b>Transportation, Communications, Infrastructure</b>		
Parking Facility, Public or Commercial		P
Recycling, Small Collection Facility		MUP
Transit Station		P

**Key**

P Permitted Use

MUP Minor Use Permit Required

UP Conditional Use Permit Required

**End Notes**

<sup>1</sup>See Chapter 9.10 (Definitions) for use type definitions.

<sup>2</sup>Not allowed on the ground floor unless behind an allowed ground-floor use.

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3.20.110 T5 Main Street (T5MS) Standards



**A. Zone Intent and Description**

The primary intent of the T5 Main Street (T5MS) Zone is to reinforce and enhance the vibrant, walkable urban downtown and to enable it to evolve into a complete neighborhood that provides locally and regionally serving commercial, retail, and entertainment uses; civic and public uses; as well as a variety of urban housing choices.

The desired form of this Zone is attached or closely spaced detached low- or mid-rise main-street form, located close to or at the street.

The general uses for this Zone are commercial on the ground floor with residential or commercial on upper floors.

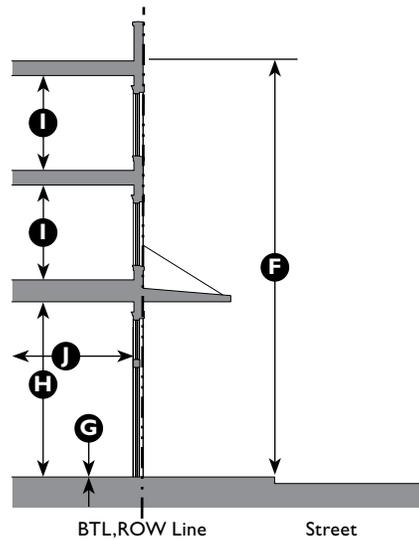
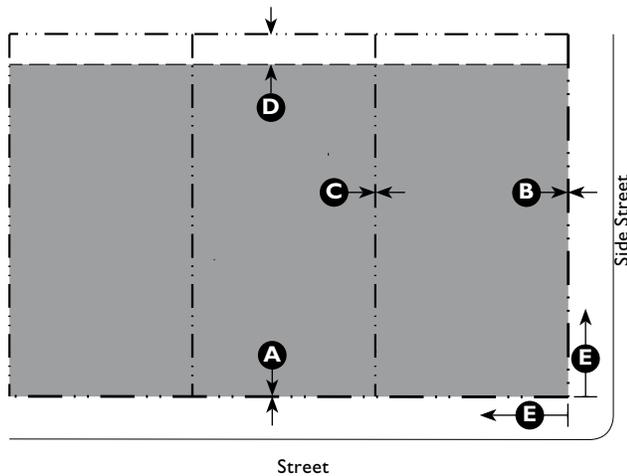
Low parking requirements are used to promote walkability. Commercial parking requirements are addressed as a part of a downtown commercial district with parking provided on-street and in shared lots. Residential parking is typically provided as off-street parking that is shared with commercial uses or in private garages.

**B. Allowed Building Types<sup>1</sup>**

Main-Street Mixed-Use	Mid-Rise

<sup>1</sup> See Chapter 4.10 (Specific to Building Types) for building type descriptions and regulations.

T5 Main Street (T5MS) Standards



**Key**

- ROW/Property Line      ■ Building Area
- Building Setback Line

**C. Building Placement**

**Build-to Lines (Distance from Property Line/ROW)**

Front	0'	<b>A</b>
Side Street	0'	<b>B</b>
<b>BTL Defined by a Building</b>		
Front, Lots <50' wide	100%	
Front, Lots ≥50' wide	75%	
Side Street	50%	

<b>Building Facade at Front BTL</b>		
Front	100%	

**Setbacks (Distance from Property Line/ROW)**

Side	0'	<b>C</b>
Rear		<b>D</b>
Adjacent to T5 Zones	0'	
Adjacent to all other Zones	5'	
Adjacent to Alley	5'	

**Lot Size**

Width	200' max. (½ block)
Depth	150' max. (½ block)

**Miscellaneous**

- BTL must be defined by a building within 30' of corner along the front. **E**
- A building form with a chamfered corner is permitted only if a corner entry is provided.

**D. Building Form**

**Height**

Main Building	20' min.;	<b>F</b>
	3 stories max.	
Ground Floor Finish Level	6" max.	<b>G</b>
Ground Floor Ceiling	12' min.	<b>H</b>
Upper Floor(s) Ceiling		<b>I</b>
Residential	8'-6" min.	
Commercial	9' min.	

4 stories max. permitted for buildings with affordable or senior housing units.

4 stories max. permitted for LEED certified buildings. 4th floor and above must be setback 10'.

Within 20' of the rear property line, buildings may not be more than a half-story taller than the allowed height of adjacent buildings.

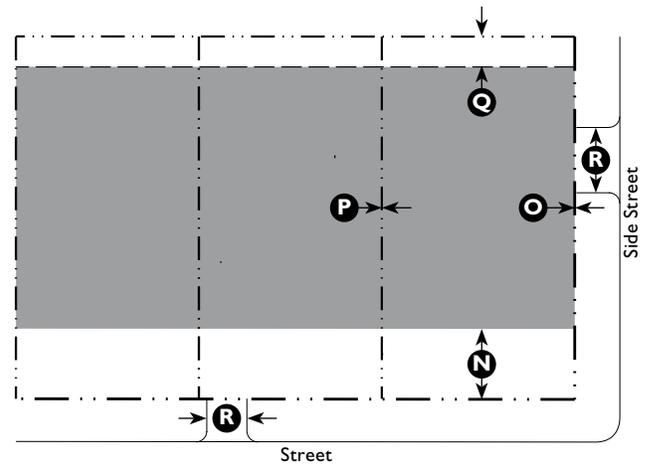
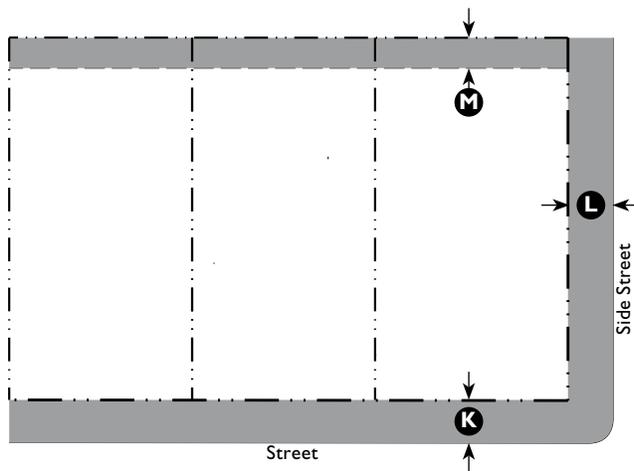
**Footprint**

Depth, Ground-Floor Space		<b>J</b>
Commercial, Front	50' min.	
Commercial, Side Street	30' min.	

**Miscellaneous**

- Distance Between Entries
  - to Ground Floor      50' max.
  - to Upper Floor(s)    100' max.
- All upper floors must have a primary entrance along the front.

T5 Main Street (T5MS) Standards



**Key**

- ROW/Property Line
- Building Setback Line
- Encroachment Area

**Key**

- ROW/Property Line
- Parking Setback Line
- Parking Area

**Miscellaneous (continued)**

Loading docks, overhead doors, and other service entries may not be located on street-facing facades.

Any buildings wider than 75' must be designed to read as a series of buildings no wider than 50' each.

**E. Encroachments and Private Frontage Types**

**Allowed Encroachments<sup>1,2</sup>**

Front	10' max.	<b>K</b>
Side Street	10' max.	<b>L</b>
Rear		<b>M</b>
Adjacent to T5 Zones	0'	
Adjacent to all other Zones	5'	
Adjacent to Alley	5'	

**Allowed Private Frontage Types<sup>3</sup>**

Stoop	Shopfront
Forecourt	

<sup>1</sup> Maximum allowed encroachments, see Frontage Types for further refinement of the allowed encroachments for frontage elements.

<sup>2</sup> Encroachments are not allowed within an alley ROW or across a property line

<sup>3</sup> See Chapter 4.20 (Specific to Private Frontages) for private frontage type descriptions and regulations.

**F. Parking<sup>4</sup>**

**Required Spaces**

Residential Uses	1 space/unit max.
Lodging Uses	0 spaces min.
Retail or Services Uses	
Ground Floor < 5,000 sf	0 spaces min.
Ground Floor > 5,000 sf	2 spaces/1,000 sf max.
Upper Floor(s)	2 spaces/1,000 sf max.

Off-site parking within 600' may be used to meet parking requirements for residential uses.

Off-site parking within 1200' may be used to meet parking requirements for non-residential uses.

**Location (Distance from Property Line / ROW)**

Front Setback	50'	<b>N</b>
Side Street Setback	0'	<b>O</b>
Side Setback	0'	<b>P</b>
Rear Setback	0'	<b>Q</b>

**Miscellaneous**

Parking Drive Width		<b>R</b>
Front, ≤ 40 spaces	12' max.	
Front, > 40 spaces	20' max.	
Side Street/Alley	20' max.	
% of Frontage along Front	20%	

<sup>4</sup> See Chapter 4.40 (Specific to Parking) for additional parking regulations.

**T5 Main Street (T5MS) Standards**

**G. Allowed Uses**

Land Use <sup>1</sup>	Specific Use Regulations	T5MS
<b>Residential</b>		
Dwelling		
Residential Component of Mixed-Use Project		P <sup>2</sup>
Group Home		
More than 6 residents		MUP <sup>2</sup>
Home Occupation		P <sup>2</sup>
Live/Work		P
Residential Care		
8 or more Clients		MUP <sup>2</sup>
<b>Retail</b>		
Bar, Tavern, Nightclub		MUP
General Retail Businesses, except with any of the following features:		P
Alcoholic Beverage Sales		MUP
On-Site Production of Items Sold		MUP
Operating between 9pm and 7am		MUP
Floor Area > 5,000sf		MUP
Floor Area > 10,000sf		UP
Restaurant, Cafe, Coffee Shop; except with any of the following features:		P
Drive Through Facilities		–
<b>Recreation, Education &amp; Public Assembly</b>		
Commercial Recreation Facility		
Indoor		P
Library, Museum		P
Meeting Facility, Public or Private		
≤ 15,000 sf		P <sup>2</sup>
> 15,000 sf		UP <sup>2</sup>
Park, Open Space, Playground		P
School, Public or Private		P
Studio: Art, Dance, Martial Arts, Etc.		P
Theater, Cinema, or Performing Arts Cinema		
≤ 15,000 sf		P
> 15,000 sf		UP

Land Use <sup>1</sup>	Specific Use Regulations	T5MS
<b>Services</b>		
ATM		P
Bank; Financial Services		P
Business Support Service		P
Day Care		
Day Care Center		P <sup>2</sup>
Family Day Care Home, Large		MUP <sup>2</sup>
Lodging		
Bed and Breakfast Inn		P <sup>2</sup>
Inn		P <sup>2</sup>
Hotel/Motel		P <sup>2</sup>
Medical Services		
Doctor Office		P <sup>2</sup>
Extended Care		P <sup>2</sup>
Office		
Business, Service		P <sup>2</sup>
Professional, Administrative		P <sup>2</sup>
Personal Services		P
<b>Transportation, Communications, Infrastructure</b>		
Parking Facility, Public or Commercial		P <sup>2</sup>
Recycling, Small Collection Facility		MUP
Transit Station		P

<b>Key</b>	
P	Permitted Use
MUP	Minor Use Permit Required
UP	Conditional Use Permit Required

**End Notes**

<sup>1</sup> See Chapter 9.10 (Definitions) for use type definitions.

<sup>2</sup> Not allowed on the ground floor unless behind an allowed ground-floor use.

## Chapter 3.30: Non-Transect Zones

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### Sections:

3.30.010	Purpose
3.30.020	Applicability
3.30.030	RCO Resource Conservation and Open Space District
3.30.040	R-1 Low-Density Residential Zone
3.30.050	RM Medium Density Residential Zone
3.30.060	CS Service Commercial Zone
3.30.070	CH Highway Commercial Zone
3.30.080	IL Light Industrial Zone
3.30.090	IH Heavy Industrial Zone

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### **3.30.010 Purpose**

This Chapter provides regulatory standards governing land use, building form and development within non-transect zones. The standards in this Chapter intend to preserve existing conventional development patterns where appropriate.

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### **3.30.020 Applicability**

- A. The requirements of this Chapter shall apply to all proposed development within non-transect zones, and shall be considered in combination with any applicable standards in Chapter 3.40 (Overlay Zones) and the standards for the applicable zone in Article 4 (Supplemental to Zones).

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**3.30.030 RCO Resource Conservation and Open Space District**

**A. Purpose**

The RCO Zone is intended to provide for permanent open spaces in areas of the community which exhibit significant vegetation, scenic qualities, wildlife or recreation potential, and which are designated as open space, school and college sites or agriculture by the General Plan. This district is further intended to be applied to lands within the City which are subject to an agricultural land conservation contract under provisions of the Williamson Act.

**B. Building Placement Requirements**

<b>Setback</b>	
Front	N/A
Rear	N/A
Side	
Side	N/A
Corner Lot	N/A
Distance Between Structures	10' min.

**C. Building Form Requirements**

Building Height	35' max.
Lot Coverage	N/A

**D. Lot Size Requirements**

Site Area	.5 acre min.
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**E. Lot Dimension Requirements**

Width	N/A
Depth	N/A

**F. Parking Requirements**

See Chapter 4.40

**G. Fences, Walls, Hedges**

See Chapter 4.50

### I. Allowed Uses

Land Use	Specific Use Regulations	RCO
<b>Agricultural</b>		
Crop Production		P
Animal Keeping		
Livestock		P
<b>Residential</b>		
Dwelling		
Accessory/Secondary Unit		MUP
<b>Recreation, Education &amp; Public Assembly</b>		
Park, Open Space, Playground		UP
School, Public or Private		UP

**3.30.040 R-I Low-Density Residential Zone**

**A. Purpose**

The R-I districts are intended primarily to provide living areas at locations designated by the general plan for low density, involving single-family dwellings, with regulations designed to accomplish the following:

1. Promote and encourage a suitable environment for family life.
2. Provide space for community facilities needed to complement urban residential areas, and for institutions which require a residential environment, in accordance with policies of the general plan and state law.

R-I districts include R-I-10 and R-I-7 designations.

**B. Building Placement Requirements**

**Setback**

Front	20' min. <sup>1,2</sup>
Rear	10' min. <sup>3</sup>
Side	
Side	5' min. <sup>4</sup>
Corner Lot	15' min.

Distance Between Structures	10' min.
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**C. Building Form Requirements**

Building Height	35' max.
Lot Coverage	40% max. <sup>5</sup>

**D. Lot Size Requirements**

R-I-7	7,000 sf min.
R-I-10	10,000 sf min.

**E. Lot Dimension Requirements**

Width	
R-I-7, Interior Lot	60' min.
R-I-7, Corner Lot	65' min.
R-I-10	80' min.
Width, Cul-de-sac Frontage	40' min. <sup>6</sup>
Depth	
R-I-7, Interior Lot	90' min.
R-I-7, Corner Lot	80' min.
R-I-10	125' min.

**F. Parking Requirements**

See Chapter 4.40

**G. Fences, Walls, Hedges**

See Chapter 4.50

**H. Miscellaneous Requirements**

**Notes:**

- <sup>1</sup> The distance from the centerline of a public street to the rear of the required front yard shall not be less than 50 ft.
- <sup>2</sup> Except that the min. front yard in an R-I-7 district may be fifteen 15 ft. when the garage for the single-family residence on the lot is located at the rear of the residence or is a side-loaded garage. The min. 15 ft. front yard may only be used for one-third of the single-family residential lots in an R-I-7 single-family residential development, whether or not the development is phased.

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

- <sup>3</sup> Where construction involves more than one story, including decks, balconies, and other related platforms with a floor level over five feet in height, the rear yard shall be increased by 10 ft. for each additional story. Where a garage or carport is located within a rear yard with access from an alley, it shall be set back a min. of 11 ft. from the closest alley right-of-way line to provide for adequate garage ingress and egress.

- <sup>4</sup> Where construction involves more than one story, the side yard shall be increased by five feet for each additional story.

- <sup>5</sup> An additional five percent of site area can be covered by such accessory buildings as patios, gazebos and storage sheds.

- <sup>6</sup> The width of the site, as measured along the front yard setback line, must be at least 60 ft. in the R-I-7 district and 80 ft. in the R-I-10 district.

### I. Allowed Uses

Land Use	Specific Use Regulations	R-I
<b>Agricultural</b>		
Crop Production		P
<b>Residential</b>		
Dwelling		
Single-Family/Unit		P
Accessory/Secondary Unit		P
Group Home		
6 or fewer Residents		P
More than 6 Residents		MUP
Home Occupation		P
Residential Care		
Fewer than 7 Clients		P
8 or more Clients		UP
<b>Recreation, Education &amp; Public Assembly</b>		
Community/Public Safety Facility		UP
Commercial Recreation Facility		
Outdoor		UP
Library, Museum		MUP
Meeting Facility, Public or Private		
≤ 15,000 sf		MUP
Park, Open Space, Playground		P
School, Public or Private		UP
<b>Services</b>		
Day Care		
Day Care Center		UP
Family Day Care Home, Large		MUP
Family Day Care Home, Small		P
Lodging		
Bed and Breakfast Inn		UP

**3.30.050 RM Medium Density Residential Zone**

**A. Purpose**

The RM districts are intended primarily for the development of multi-family residential structures at densities consistent with the policies of the general plan.

RM districts include RM-MH-5.4, RM-5.5, RM-3.0, RM-2.5, and RM-2.0.

**B. Building Placement Requirements**

**Setback**

Front	15' min. <sup>1</sup>
Rear	5' min. <sup>2</sup>
Side	
Side	5' min. <sup>3</sup>
Side providing access to more than one dwelling unit	10' min.
Distance Between Structures	10' min.

**C. Building Form Requirements**

Building Height	35' max.
Lot Coverage	
RM-MH-5.4	N/A
RM-5.5	50%
RM-3.0	50%
RM-2.5	55%
RM-2.0	60%

**D. Lot Size Requirements**

Site Area	
RM-MH-5.4	5 acres
RM-5.5	5,500 sf min.
RM-3; RM-2.5; RM-2.0	3,000 sf min.
Site Area Per Dwelling Unit	As shown by the numerical suffix to the RM symbol on the Zoning Map, with the number in the suffix indicating the min. lot area per unit in thousands of sq. ft.

**E. Lot Dimension Requirements**

Width	50' min. <sup>4</sup>
Width, Cul-de-sac Frontage	40' min. <sup>4</sup>
Depth	80' min. <sup>4</sup>

**F. Parking Requirements**

See Chapter 4.40

**G. Fences, Walls, Hedges**

See Chapter 4.50

**H. Miscellaneous Requirements**

Design Review provision

**Notes:**

<sup>1</sup> The distance from the centerline of a public street to the rear of the required front yard shall not be less than 45 ft.

<sup>2</sup> Where construction involves more than one story, including decks, balconies, and other related platforms with a floor level over five feet in height, the rear yard shall be increased by five feet for each additional story. Where a garage is located within a rear yard with access from an alley, it shall be set back a min. of 11 ft. from the closes alley right-of-way line.

<sup>3</sup> On a reversed corner lot, the side yard adjoining the street shall be not less than one-half the required front yard of the adjoining key lot. Where construction involves more than one story, the side yard shall be increased by five feet for each additional story, provided however that the side yard on the street side yard of a corner lot that is not a reversed corner lot need not be greater than five feet.

<sup>4</sup> Except for mobilehomes in a mobilehome park.

**I. Allowed Uses**

Land Use	Specific Use Regulations	RM
<b>Agricultural</b>		
Crop Production		UP
<b>Residential</b>		
Dwelling		
Single Family/Unit		P
Two Family/Unit		P
Multi-Family/Unit		P
Accessory/Secondary Unit		P
Group Home		
6 or fewer Residents		P
More than 6 Residents		MUP
Home Occupation		
		UP
Residential Care		
Fewer than 7 Clients		P
8 or more Clients		UP
<b>Recreation, Education &amp; Public Assembly</b>		
Community/Public Safety Facility		
		UP
Commercial Recreation Facility		
Outdoor		UP
Library, Museum		
		UP
Meeting Facility, Public or Private		
≤ 15,000 sf		MUP
Park, Open Space, Playground		
		P
School, Public or Private		
		UP
<b>Services</b>		
Day Care		
Day Care Center		UP
Family Day Care Home, Large		MUP
Family Day Care Home, Small		P

**3.30.060 CS Service Commercial Zone**

**A. Purpose**

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

**B. Building Placement Requirements**

**Setback**

Front	0' min., except 10' min. for sites abutting a property in a non-commercial or non-industrial zone and fronting on the same street
Rear	0' min., except 10' min. for sites abutting a property in a non-commercial or non-industrial zone
Side	0' min., except 10' min. for sites abutting a property in a non-commercial or non-industrial zone
Distance Between Structures	10' min.

**C. Building Form Requirements**

Building Height	
Main Building	75' max.
Lot Coverage	N/A

**D. Lot Size Requirements**

Site Area	N/A
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**E. Lot Dimension Requirements**

Width	N/A
Depth	N/A

**F. Parking Requirements**

See Chapter 4.40

**G. Fences, Walls, Hedges**

See Chapter 4.50

**H. Miscellaneous Requirements**

Design Review provision

**I. Allowed Uses**

Land Use	Specific Use Regulations	CS
<b>Industrial</b>		
Furniture and Fixtures		
Manufacturing		UP
Manufacturing/Processing		
Light		UP
Media Production		P
Metal Products Fabrication, Machine or Welding Shop		MUP
Personal Storage Facility		P
Printing and Publishing		P
<b>Retail</b>		
Auto and Vehicle Sales and Rental		
≤ 15,000 sf		P
> 15,000 sf		UP
Bar, Tavern, Nightclub		P
Gas Station/Fuel Sales		P
General Retail Businesses, except with any of the following features:		P
Alcoholic Beverage Sales		MUP
On-Site Production of Items Sold		MUP
Operating between 9pm and 7am		MUP
Floor Area > 5,000 sf		P
Floor Area > 10,000 sf		P
Restaurant, Cafe, Coffee Shop; except with any of the following features:		P
Drive Through Facilities		UP

Land Use	Specific Use Regulations	CS
<b>Recreation, Education &amp; Public Assembly</b>		
Commercial Recreation Facility		
Outdoor		UP
Meeting Facility, Public or Private		
≤ 15,000 sf		UP
> 15,000 sf		UP
Studio: Art, Dance, Martial Arts, Etc.		UP
Theater, Cinema, or Performing Arts Cinema		
≤ 15,000 sf		UP
> 15,000 sf		UP
<b>Services</b>		
ATM		P
Bank; Financial Services		P
Business Support Service		P
Lodging		
Inn		UP
Hotel/Motel		UP
Medical Services		
Clinic, Urgent Care		MUP
Vehicle Services		
Minor Maintenance and Repair		P
Major Maintenance and Repair		P
<b>Transportation, Communications, Infrastructure</b>		
Parking Facility, Public or Commercial		P
Transit Station		P
Recycling, Small Collection Facility		P
Wireless Communications Facility		UP

**3.30.070 CH Highway Commercial Zone**

**A. Purpose**

The highway commercial district is intended primarily for application to areas along major highway entrances to the city in accord with policies of the general plan, where controlled access to the highway is afforded for the convenience of patrons traveling the highway by the provision of frontage roads, interchanges, channelized intersections and control over driveway spacing.

**B. Building Placement Requirements**

**Setback**

Front	10' min., except 15' min. for sites abutting a property in a non-commercial or non-industrial zone and fronting on the same street
Rear	0' min., except 10' min. for sites abutting a property in a non-commercial or non-industrial zone
Side	0' min., except 10' min. for sites abutting a property in a non-commercial or non-industrial zone
Distance Between Structures	10' min.

**C. Building Form Requirements**

**Building Height**

Main Building	50' max.
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Lot Coverage	N/A
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**D. Lot Size Requirements**

Site Area	N/A
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**E. Lot Dimension Requirements**

Width	N/A
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Depth	N/A
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**F. Parking Requirements**

See Chapter 4.40

**G. Fences, Walls, Hedges**

See Chapter 4.50

**H. Miscellaneous Requirements**

Design Review provision

I. Allowed Uses		
Land Use	Specific Use Regulations	CH
<b>Industrial</b>		
Personal Storage Facility		P
<b>Retail</b>		
Auto and Vehicle Sales and Rental		
≤ 15,000 sf	P	
> 15,000 sf	P	
Bar, Tavern, Nightclub		P
Gas Station/Fuel Sales		MUP
General Retail Businesses, except with any of the following features:	P	
Alcoholic Beverage Sales	MUP	
On-Site Production of Items Sold	–	
Operating between 9pm and 7am	–	
Floor Area > 5,000 sf	P	
Floor Area > 10,000 sf	P	
Restaurant, Cafe, Coffee Shop; except with any of the following features:	P	
Drive Through Facilities	P	
Land Use	Specific Use Regulations	CH
<b>Recreation, Education &amp; Public Assembly</b>		
Commercial Recreation Facility		
Indoor		P
Outdoor		MUP
Meeting Facility Public or Private		
≤ 15,000 sf		P
Studio: Art, Dance, Martial Arts, Etc.		UP
Theater, Cinema, or Performing Arts Cinema		
≤ 15,000 sf		UP
> 15,000 sf		UP
<b>Services</b>		
ATM		P
Bank; Financial Services		P
Business Support Service		P
Lodging		
Inn		P
Hotel/Motel		P
Medical Services		
Clinic, Urgent Care		MUP
Personal Services		P
Repair Services: Equipment, Appliances, Etc.		P
Vehicle Services		
Minor Maintenance and Repair		P
Major Maintenance and Repair		P
<b>Transportation, Communications, Infrastructure</b>		
Parking Facility, Public or Commercial		MUP
Recycling, Small Collection Facility		P
Wireless Communications Facility		UP

**3.30.080 IL Light Industrial Zone**

**A. Purpose**

This district is intended primarily for application to those areas of the city which are designated for light industrial use by the general plan.

**B. Building Placement Requirements**

**Setback**

Front	10' min.
Rear	0' min., except 15' min. for sites abutting any residential or commercial zone
Side	0' min. <sup>1</sup> , except 15' min. for sites abutting any residential or commercial

Distance Between Structures N/A

**C. Building Form Requirements**

Building Height	75' max. <sup>2</sup>
Lot Coverage	N/A

**D. Lot Size Requirements**

Site Area N/A

**E. Lot Dimension Requirements**

Width	N/A
Depth	N/A

**F. Parking Requirements**

See Chapter 4.40

**G. Fences, Walls, Hedges**

See Chapter 4.50

**H. Miscellaneous Requirements**

Design Review provision

Notes:

<sup>1</sup> On a reversed corner lot adjoining a key lot in a residential or commercial zone, the minimum side yard adjoining the street shall not be less than one-half the required front yard on the key lot.

<sup>2</sup> A greater height may be approved for tanks, towers, silos and similar facilities under the provisions of Chapter 7.020.

### H. IL Use Table

Land Use	Specific Use Regulations	IL
<b>Industrial</b>		
Manufacturing/Processing		
Light		P
Media Production		P
Metal Products Fabrication, Machine or Welding Shop		P
Printing and Publishing		P
Warehousing and Distribution		UP
<b>Retail</b>		
Adult Entertainment Establishments		UP
Gas Station/Fuel Sales		P
<b>Recreation, Education &amp; Public Assembly</b>		
Community/Public Safety Facility		UP
<b>Services</b>		
Office		
Business, Service		P
Professional, Administrative		P
<b>Transportation, Communications, Infrastructure</b>		
Public Utility		P
Wireless Communications Facility		UP

**3.30.090 IH Heavy Industrial Zone**

**A. Purpose**

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

**B. Building Placement Requirements**

**Setback**

Front	10' min.
Rear	0' min., except 15' min. for sites abutting any residential or commercial zone
Side	0' min. <sup>1</sup> , except 15' min. for sites abutting any residential or commercial zone

Distance Between Structures N/A

**C. Building Form Requirements**

Building Height 75' max.<sup>2</sup>

Building Height, IH sites located at least 1 mile from the central business district 200' max.

Lot Coverage N/A

**D. Lot Size Requirements**

Site Area 21,780 sf min.

**E. Lot Dimension Requirements**

Width N/A

Depth N/A

**F. Parking Requirements**

See Chapter 4.40

**G. Fences, Walls, Hedges**

See Chapter 4.50

**H. Miscellaneous Requirements**

Design Review provision

Notes:

<sup>1</sup> On a reversed corner lot adjoining a key lot in a residential or commercial zone, the minimum side yard adjoining the street shall not be less than one-half the required front yard on the key lot.

<sup>2</sup> A greater height may be approved for tanks, towers, silos and similar facilities under the provisions of Chapter 7.020.

### I. Allowed Uses

Land Use	Specific Use Regulations	IH
<b>Industrial</b>		
Furniture and Fixtures		
Manufacturing		P
Manufacturing/Processing		
Light		P
Heavy		UP
Media Production		P
Metal Products Fabrication, Machine or Welding Shop		P
Printing and Publishing		P
Warehousing and Distribution		UP
<b>Retail</b>		
Gas Station/Fuel Sales		P
<b>Recreation, Education &amp; Public Assembly</b>		
Community/Public Safety Facility		UP
<b>Services</b>		
Office		
Business, Service		P
Professional, Administrative		P

# Chapter 3.40: Overlay Zones

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## Sections:

3.40.010	Purpose
3.40.020	Applicability
3.40.030	Traditional Neighborhood Development
3.40.040	Highway Beautification Overlay Zone
3.40.050	Planned Unit Development Overlay Zone

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### **3.40.010 Purpose**

The provisions of this Chapter provide guidance for development within the overlay zones in addition to the standards and regulations of the primary zone, where important site, environmental, safety, compatibility, or design issues require particular attention in project planning.

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### **3.40.020 Applicability**

The provisions of this Chapter apply to proposed land uses and development in addition to all other applicable requirements of this Development Code. Any perceived conflict between the provisions of this Chapter and any other provision of this Development Code shall be resolved in compliance with Chapter 1.30 (Rules of Interpretation).

- A. Mapping of overlay zones. The applicability of any overlay zone to a specific site is shown on the Zoning Map.
- B. Allowed land uses, permit requirements, development standards. Except as may be otherwise provided by this Chapter for a specific Overlay zone:
  - 1. Any land use normally allowed in the primary zone by this Article may be allowed within an overlay zone, subject to any additional requirements of the overlay zone;
  - 2. Development and new land uses within an overlay zone shall obtain the zoning approvals required by this Article for the primary zone; and
  - 3. Development and new land uses within an overlay zone shall comply with all applicable development standards of the primary zone, all other applicable provisions of this Development Code and other City guidelines or procedures, as applicable.

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### **3.40.030 Traditional Neighborhood Development**

- A. Purpose. The purpose of the TNCP Overlay is to provide an option for properties to apply a TNCP (Chapter 2.10) when developing parcel(s) within the North Kingsburg Specific Plan Area and other areas as deemed appropriate by the City Council.

- B. **Applicability.** A TNCP may be set in motion in the following manner:
1. **Initiated.** May be initiated by the City Council;
  2. **Proposed.** May be proposed by the Director; or
  3. **Filed.** An application may be filed by the owner(s) of one or more parcels that would be the subject of the TNCP.
  4. If an applicant opts to complete a TNCP, no planning or building permit shall be approved for the development or use of a parcel within the TNCP overlay zone until a TNCP has been approved in compliance with subsection E, and any conditions of approval that are prerequisite to the issuance of other City approvals have been satisfied.
- C. **Where Allowed.** The TNCP Overlay zone may be applied by the City only at the initiation of the City Council.
- D. **Relationship of TNCP Overlay to primary zone.** After the approval of TNCP in compliance with subsection E the following standards apply:
1. **Allowable Land Uses.** Uses shall be limited to land uses allowed in the applicable transect zone(s).
  2. **Building Form Standards.** Development shall comply with the building form standards in the applicable transect zone(s).
  3. **Planning Permit Requirements.** New land uses shall obtain the planning permits required by the applicable transect zone(s).
- E. **TNCP Required.** The City will not issue any planning permit, or any grading, building, or other construction permit for a project opting to prepare a TNCP until the requirements of Chapter 2.10 (Traditional Neighborhood Community Plans) have been met. The TNCP and corresponding regulating plan shall map transect zones for the site. The transect zones would be all or a subset of those described in Chapter 3.20.

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### 3.40.040 Highway Beautification Overlay Zone

- A. **Purpose.** The Highway Beautification (HB) Overlay Zone is intended to promote attractive development along highways of regional and interregional importance in Kingsburg and Fresno County. The regulations of the HB Overlay Zone are designed to ensure that prominent highways represent Fresno County's best side to the traveling public. These regulations seek to encourage continued growth in commerce while contributing to the aesthetic enhancement of the District, balancing the economic health of our community with achievements in a visually improved corridor.
- B. **Applicability.** The HB Overlay Zone shall apply to all property within 1,000 feet of the outside boundaries of the state right-of-way, Highway 99.
- C. **Allowed Land Uses.** Uses permitted shall be those uses permitted in the underlying zone.

D. **Development Standards.** The following additional development standards shall apply to all land and structures in the HB Overlay Zone:

<b>Table 3.40.A: Highway Beautification Overlay Zone</b>	
<b>Building Placement Requirements</b>	
<b>Setback</b>	
Front	See Section D.2
Rear	See Section D.2
Side	See Section D.2
<b>Building Form Requirements</b>	
Building Height	See underlying zone
Lot Coverage	See underlying zone
<b>Lot Size Requirements</b>	
Area	See underlying zone
<b>Lot Dimension Requirements</b>	
Width	See underlying zone
Depth	See underlying zone
<b>Parking Requirements</b>	
See underlying zone	
<b>Fences, Walls, Hedges</b>	
See underlying zone, with exceptions as noted in this Subsection.	

1. **Density.** Density shall be as required by the underlying zone.
2. **Setbacks.** Setbacks shall be provided as follows:
  - a. **General Provisions**
    - (1) All setback requirements shall be for the entire length of the specified lot line.
    - (2) Setback requirements shall apply whether property is directly adjacent to the highway, or is adjacent to a frontage road that runs along the highway.
    - (3) All City standards for noise reduction shall apply.
    - (4) No buildings, parking areas, trash or recycling areas, utility equipment, freestanding signs, telecommunications towers or other structures may be established within 20 feet of the highway right-of-way, with the exception of one monument sign as set forth in Subsection G.3 (Outdoor Advertising).
  - b. For agricultural uses, setbacks shall be as required by the underlying zone.
  - c. Single-family residential uses. Along residential properties in the HB Overlay Zone a landscaped buffer no less than 20 feet deep shall be provided. Additional setback requirements shall be as follows:
    - (1) Residential properties adjacent to at-grade highway sections.
      - (a) In conventional subdivisions the residential landscaped buffer shall be deeded to the City and an assessment district created to fund its

- maintenance. In subdivisions in which there is a homeowners association responsible for the maintenance of common facilities, the landscaped buffer may be owned and maintained by the homeowners association.
- (b) The landscaped buffer shall consist of ground cover and shrubs. Trees shall be provided within the landscape buffer at a rate of one per 25 feet of highway frontage, and may be spaced evenly or planted in groups or clusters.
  - (c) No buildings, parking areas, storage areas, trash or recycling areas, utility equipment, freestanding signs, telecommunication towers, sales lots and display areas, or other structures may be established within the landscaped buffer.
- (2) Along lot lines that are adjacent to elevated highway sections, trees shall be provided at a rate of one tree per 25 feet of highway frontage. The trees may be spaced evenly or planted in groups or clusters, and shall be of a species which will grow tall enough to be visible from the highway.
  - (3) Along lot lines that are adjacent to depressed highway sections trees shall be provided at a rate of one tree per 25 feet of highway frontage. The trees may be spaced evenly or planted in groups or clusters and shall be placed close enough to the right-of-way line that they will be visible from the highway. No buildings; parking areas; trash or recycling areas; utility equipment; telecommunications towers; sales lots and display areas; or other structures may be established within 20 feet of the highway right-of-way.
- d. Setback requirements shall be as follows for automobile wrecking yards; damaged automobile storage yards; dumps; transit storage facilities; electric distribution substations; electric transmission substations; garbage, offal, dead animal, or refuse incineration, reduction, or dumping; generating plants; junkyards; pallet yards; quarries; recycling plants; refuse dumping; surface mining operations; waste-to-energy plants; or similar uses:
- (1) Along lot lines that are adjacent to at-grade highway sections, or allow visibility into the site from at-grade highway sections, a landscaped buffer no less than 20 feet deep shall be provided.
    - (a) The landscaped buffer shall contain, at a minimum, a continuous shrub hedge, interplanted 20 feet on center with trees. The plant species used should coordinate with adjacent highway landscaping. Shrub variety used shall be fast growing, and attain an ultimate height of no less than eight feet. Shrubs and trees shall not be pruned as to allow visibility into the site from the highway.
    - (b) A solid masonry wall shall be located at the rear of the landscaped buffer. The wall shall be not less than six feet in height and shall be parallel to and 20 feet from the buffered property line or right-of-way line.

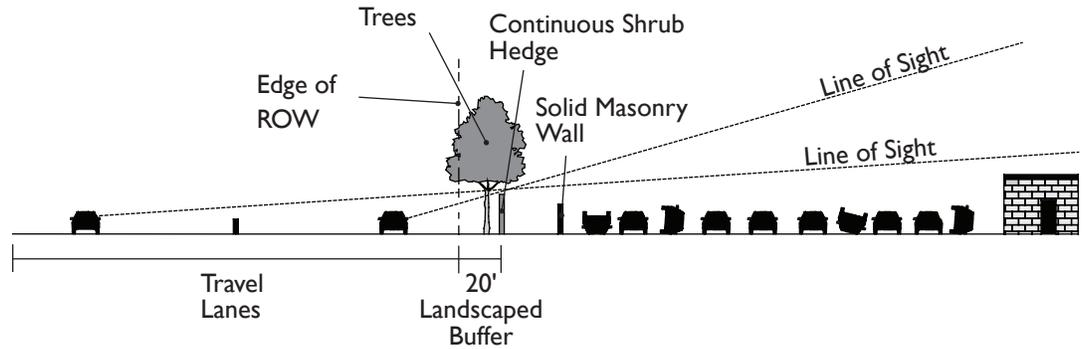


Figure 1. Required landscaped buffer for wrecking yard next to at-grade highway section.

- (2) Along lot lines that are adjacent to elevated highway sections, or allow visibility into the site from elevated highway sections, a landscaped buffer of no less than 20 feet deep shall be provided.
  - (a) The landscaped buffer shall consist of trees spaced at 30 feet on center and staggered or triangularly spaced within the buffer to minimize visibility into the site from the highway. Species used shall be fast growing, dense, tall evergreen trees.

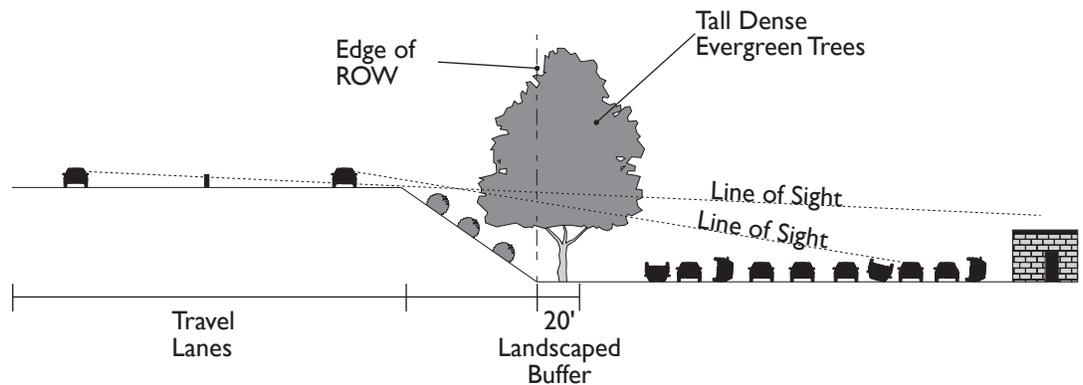


Figure 2: Required landscaped buffer for wrecking yard next to above grade highway section.

- (3) Along lot lines which are adjacent to depressed highway sections, or allow visibility into the site from depressed highway sections, a landscaped buffer no less than 10 feet deep shall be provided.
  - (a) The landscaped buffer shall contain a continuous shrub hedge adjacent to the right-of-way line, interplanted twenty (20) feet on center with trees. The plant species used should coordinate with adjacent highway

landscaping. Shrub variety used shall be fast-growing, and attain an ultimate height of no less than eight feet. Shrubs and trees shall not be pruned as to allow visibility into the site from the highway.

- (4) Along lot lines which are not adjacent to the highway right-of-way and do not allow visibility into the site yards shall be provided as required by the underlying zone.

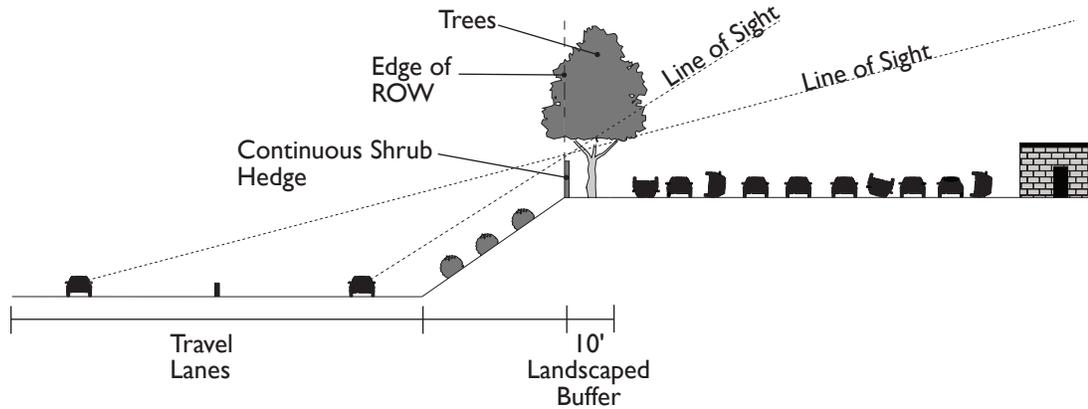


Figure 3: Required landscaped buffer for wrecking yard next to below grade highway section.

- e. For commercial uses, professional office uses, manufacturing uses, multiple-family residential uses, and all other uses not included in Subsections D.2.a (General Provisions) through c, a landscaped buffer no less than 20 feet deep shall be provided; and additional setback requirements shall be as follows:

- (1) Along lot lines that are adjacent to at-grade highway sections the landscaped buffer shall consist of lawn, ground cover, or shrubs. Trees shall be provided within the landscape buffer at a rate of one per 25 feet of highway frontage, and may be spaced evenly or planted in groups or clusters.

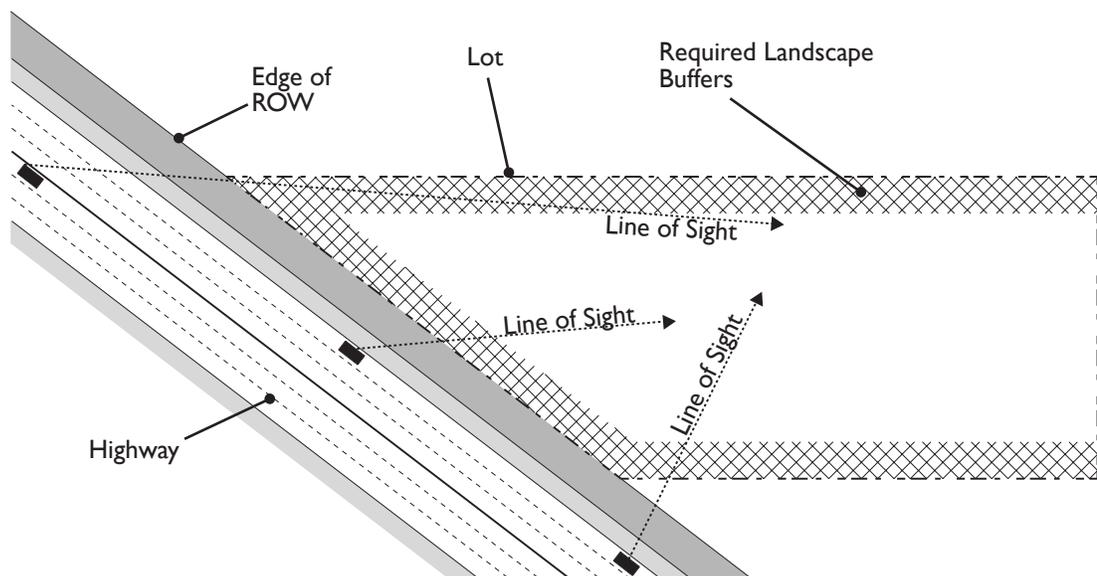


Figure 4: Illustration of possible required landscaped buffers for land uses specified in subsection (D)(2)(d). Unlike other land uses, these uses must provide landscaped buffers along not only the highway frontage, but along all lot lines that allow visibility into the site from the highway.

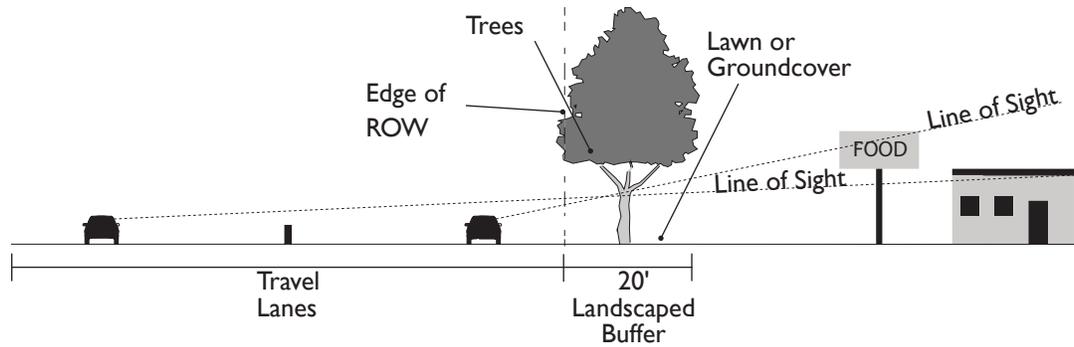


Figure 5: Required landscaped buffer for commercial use next to at-grade highway section.

- (2) Along lot lines that are adjacent to elevated highway section trees shall be provided at a rate of one tree per 25 feet of highway frontage. The trees may be spaced evenly or planted in groups or clusters, and shall be of a species which will grow tall enough to be visible from the highway.

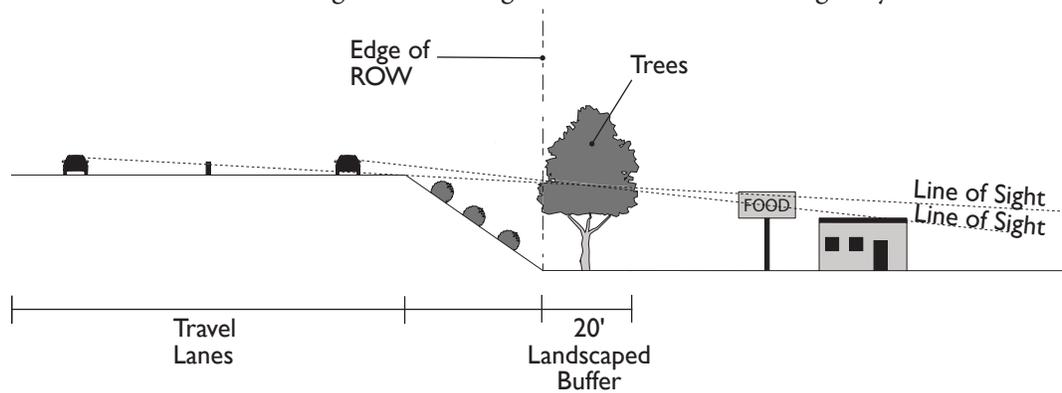


Figure 6: Required landscaped buffer for commercial use next to elevated highway section.

- (3) Along lot lines that are adjacent to depressed highway sections trees shall be provided at a rate of one tree per 25 feet of highway frontage. The trees may be spaced evenly or planted in groups or clusters and shall be placed close enough to the right-of-way line that they will be visible from the highway.

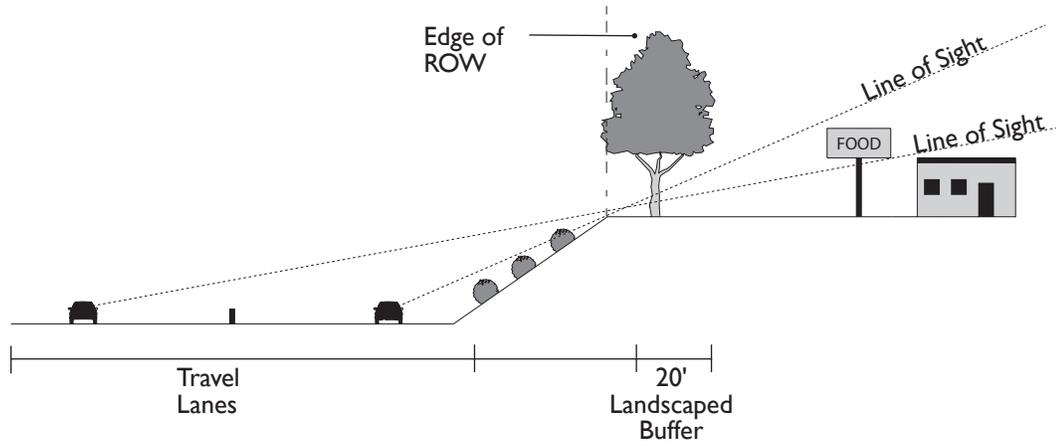


Figure 7: Required landscaped buffer for commercial use next to depressed highway section.

(a) Highway Beautification Overlay Yard Requirements\*

Table 3.40.B: Highway Beautification Overlay Yard Requirements			
Use Type	Adjacent Highway Type		
	At-Grade	Elevated	Depressed
Agricultural Uses (See Subsection G.5.b)	As required by underlying zone	As required by underlying zone	As required by underlying zone
Single-Family Residential (See Subsection G.5.c)	20' landscaped setback consisting of lawn, ground cover, or shrubs. 1 tree shall be planted for every 25 feet of highway frontage.	1 tree shall be planted for every 25 feet of highway frontage.	1 tree shall be planted for every 25 feet of highway frontage.
Wrecking Yards, Pallet Yards, Recycling Facilities, Used Equipment Yards, or Similar Uses (See Subsection G.5.d)	20' deep landscaped setback with a continuous shrub hedge, interplanted 30' on center with trees. 6' masonry wall must be provided behind landscaped setback.	20' deep landscaped setback interplanted with large, dense evergreen trees 30' on center.	10' deep landscaped setback with a continuous shrub hedge and a 6' masonry wall.

<p>Commercial, Industrial, Multiple-Family, etc. (See Subsection G.5.e</p>	<p>20' landscaped setback consisting of lawn, ground cover, or shrubs. 1 tree shall be planted for every 25 feet of highway frontage, but the trees may be grouped or clustered to allow visibility into the site.</p>	<p>1 tree shall be planted for every 25 feet of highway frontage, but the trees may be grouped or clustered to allow visibility into the site.</p>	<p>1 tree shall be planted for every 25 feet of highway frontage, but the trees may be grouped or clustered to allow visibility into the site.</p>
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For illustrative purposes only. Refer to text for complete requirements.

**3. Outdoor Advertising**

**a. Freestanding Signs**

- (1) No freestanding sign shall be erected on lots in which the underlying zone prohibits freestanding signs.
- (2) On lots in which the underlying zone permits freestanding signs, the number of freestanding signs on any lot shall be limited to two. One shall be permitted facing the highway, and one shall be permitted facing the street that the lot fronts. On lots that are not adjacent to the highway, only one freestanding sign shall be permitted.
- (3) No freestanding sign may be located in the required setback described in Subsection G.2 (Setbacks). Only monument signs shall be permitted in the required setback.
- (4) Sign height shall be as follows:
  - (a) The maximum permitted height of freestanding signs shall be dependant on the distance that the freestanding sign is set back from the highway and shall be calculated using the following formula: one foot of sign height shall be permitted for every one foot that the sign is set back from the highway, to a maximum of 35 feet in height.
  - (b) The maximum permitted height of a marquee sign shall be 100 feet in height. The required setback for marquee signs shall be at the discretion of the Director.
- (5) The maximum permitted area for monument signs in the required setback shall be 60 square feet.
- (6) The maximum permitted area for freestanding signs shall be as follows:
  - (a) The maximum permitted area of freestanding signs shall be dependant on the distance that the sign is set back from the highway and shall be calculated using the following formula: three square feet of sign area shall be permitted for every one foot that the sign is set back from the highway, to a maximum of 200 square feet in area.
  - (b) The maximum permitted area of a marquee sign shall be at the discretion of the Director.

**b. Wall Signs**

- (1) No wall sign shall be erected on lots in which the underlying zone prohibits wall signs.
- (2) Wall signs shall consist of no more than 10 percent of the wall area.

**c. Other Sign Types.** Sign types not addressed in this Section shall be as regulated by the underlying zone.**d. Other Sign Characteristics.** Sign characteristics not addressed in this Section shall be as regulated by the underlying zone.**e. Non-conforming Signs and Advertising Structures**

- (1) Signs that become non-conforming on or after the effective date of this Development Code but that lawfully existed and were maintained prior to that shall be removed or made to conform within 10 years. During the interim 10 year period, said non-conforming signs shall be kept in good repair and visual appearance.
- (2) Any sign determined to be of historical significance, and identified as such in any community or specific plan, shall be exempt from the removal and conformance requirements of this Section.
- (3) A non-conforming sign may be required to be removed prior to the 10 year amortization period if it meets any of the following criteria:
  - (a) The sign was erected without first complying with all ordinances and regulations in effect at the time of its construction and installation or use.
  - (b) The sign was lawfully erected but its use has ceased, or its owner has abandoned it, for a period of not less than 90 days.
  - (c) The sign has been more than 50 percent destroyed, repair of the sign would require more than copy replacement, and the damage cannot be repaired within 30 days of the date of its occurrence.
  - (d) The sign owner remodels the sign, beyond a change of copy, without first complying with all ordinances and regulations in effect at the time of its remodeling.
  - (e) The property owner expands or enlarges the building or land use upon which a lawfully erected, non-conforming sign is located and the sign is displaced by the construction, enlargement, or remodeling.
  - (f) The sign is or may become a danger to the public or is unsafe.
  - (g) The sign constitutes a traffic hazard that was not created by relocation of streets or highways or by acts of the governing body.
- (4) Advertising structures that become non-conforming on or after the effective date of this Development Code are subject to the following provisions:
  - (a) Notwithstanding any other provision of this Development Code, only customary maintenance or use of the structure shall be permitted.
  - (b) No addition, structural alteration, modification to, or enlargement, repair, reconstruction, change in use or replacement of, the structure will be permitted, except: mere customary maintenance or use; or such

alterations or changes that will render the structure conforming in every respect with this Development Code.

- (c) Maintenance, repair, structural alteration, modification, change in use or construction to the structure in any 12 month period which exceeds 50 percent of the fair market value of the structure immediately prior to such 12 month period, or increases the basis of such structure to its owner by 100 percent or more than it was immediately prior to such 12 month period, shall be considered as reconstruction or replacement, or as exceeding customary maintenance or use. Advertising structures requiring this level of maintenance or repair shall be removed or made to conform in every respect with the Municipal Code.
  - (d) Any non-conforming advertising structure that is permitted to remain pursuant to this Section shall be maintained in good repair and visual appearance.
- 4. **Architectural Standards.** Any building wall visible from the highway shall be detailed and treated equally in terms of appearance to the front of the building.
  - 5. **Utility and Mechanical Equipment.** Utility and mechanical equipment such as heating units, air conditioners, antennas, satellite dishes, HVAC units, or similar devices, shall be integrated into the design of the building or situated on the site so that they are not visible from the highway. When this is not possible, the equipment shall be screened from view of the highway by a masonry wall.
  - 6. **Trash and Recycling Areas.** Trash and recycling areas shall be situated on the site so that they are not visible from the highway. When this is not possible, the trash and recycling areas shall be screened from view of the highway by a masonry wall.
  - 7. **Loading Areas.** Loading areas shall be situated on the site so that they are not visible from the highway. When this is not possible, the loading areas shall be screened from view from the highway by a masonry wall.

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#### 3.40.050 Planned Unit Development Overlay Zone

- A. **Purpose.** The Planned Unit Development (PUD) Overlay Zone is intended for application to residential, professional office, commercial and industrial zones to assure that property will be developed in a manner superior to that which otherwise would be achieved through regulations of the base zone.
- B. **Applicability.** The PUD Overlay applies to areas of the City designated as PUDs prior to the effective date of this Development Code. Existing PUDs are mapped on the Zoning Map.
- C. **Allowed Land Uses.** The uses permitted are limited to those uses permitted in the underlying zone, subject to the following exceptions shown in Table 3.40.C below.

<b>Underlying Zone/Area</b>	<b>Use Regulations<sup>1</sup></b>
Residential	Any combination of uses permitted in any R or RM zone as a permitted use, a Minor Use or Conditional Use.
Office or Commercial	Any combination of uses permitted in any CS, CH or IL zone as a permitted use, a Minor Use or Conditional Use.
Industrial	Any combination of uses permitted in any CS, CH, IL, or IH zone as a permitted use, a Minor Use or Conditional Use.
Redevelopment Project Area/Redevelopment Corridor depicted for mixed use	Any use permitted within any zone except single-family residential and schools.

**Note**

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

E. **Site Area.** The minimum site area for a PUD shall be five acres. A smaller parcel may be permitted if the proposal meets the purposes described in Section 3.40.050.A, as determined by the Director.

F. **Standards**

1. The standards of site area and dimensions, site coverage, setbacks, off-street parking and off-street loading facilities and landscaped areas need not be equivalent to the standards of the underlying zone on which the PUD Overlay Zone is applied if the applicant has demonstrated by the design proposal that the objectives of the Development Code and the objectives of this Section will be achieved.
2. If applying the PUD Overlay Zone in the R-1-7 zone, the number of dwelling units per net acre may be increased only if the PUD application meets the requirements of Section 65915 of the California Government Code pertaining to housing development for very low, low or moderate income households.
3. If applying the PUD Overlay Zone in any R or RM zone, the average housing density per net acre may exceed by not more than 25 percent the maximum housing density prescribed by the General Plan or the site area per dwelling unit regulations for the underlying zone in which the PUD is to be located, unless the applicant can demonstrate that the proposal qualifies under applicable provisions of Section 65915 of the California Government Code pertaining to the granting of density bonuses and other incentives for housing development intended for very low-, low- or moderate-income households (see also Section 4.30.040, Density Bonus).

# Article 04: Supplemental to Zones

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# Chapter 4.10: Specific to Building Types

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## Sections:

4.10.010	Purpose
4.10.020	Applicability
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4.10.040	Carriage House
4.10.050	Single-Unit House, Estate
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4.10.120	Apartment House
4.10.130	Courtyard Building
4.10.140	Main Street Mixed-Use

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### **4.10.010 Purpose**

This Chapter sets forth the standards applicable to the development of each building type. These standards supplement the standards for each zone that the building types are allowed within. These standards are intended to ensure development that reinforces the highly-valued existing character and scale of Kingsburg's neighborhoods and downtown.

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### **4.10.020 Applicability**

- A. The requirements of this Chapter shall apply to all proposed development within the transect zones, and shall be considered in combination with the standards for the applicable zone in Article 3 (Specific to Zones) and in the rest of this Article.
- B. The standards set forth in this Chapter shall be used in non-transect zones as guidelines.

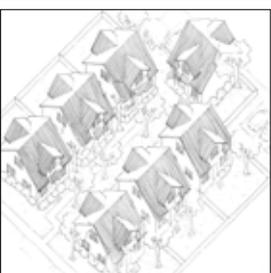
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### **4.10.030 Building Types Overview**

- A. This section provides an overview of the allowed building types. The names of the building types are not intended to limit uses within a building type. For example, a single-unit house may have non-residential uses within it, such as a restaurant or office.
- B. The Lot Size Standards for each building type designate the range of lot sizes that the given building type is allowed to be built on. If the lot is smaller or larger than the allowed lot size, a different building type must be selected.

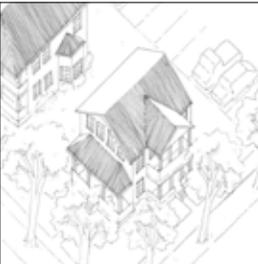
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**Table 4.10.A Building Types General**

Building Type	Transect Zones
	<p><b>Carriage House.</b> This Building Type is a secondary structure typically located at the rear of a lot. It typically provides either a small residential unit, home office space, or other small commercial or service use that may be above a garage or at ground level. This Type is important for providing affordable housing opportunities and incubating small businesses within walkable neighborhoods.</p> <p>T1 T2 T3 T4 T5</p>
	<p><b>Single-Unit House, Estate.</b> This Building Type is a large detached structure on a large lot that incorporates one unit. It is typically located within a primarily single-family residential neighborhood in a more rural setting. If located within a walkable neighborhood, this Building Type is typically located at the edge of the neighborhood, providing a transition to the more rural areas.</p> <p>T1 T2 T3 T4 T5</p>
	<p><b>Single-Unit House, Village.</b> This Building Type is a medium-sized detached structure on a medium-sized lot that incorporates one unit. It is typically located within a primarily single-family residential neighborhood in a walkable urban setting, potentially near a neighborhood main street.</p> <p>T1 T2 T3 T4 T5</p>
	<p><b>Single-Unit House, Cottage.</b> This Building Type is a small detached structure on a small lot that incorporates one unit. It is typically located within a primarily single-family residential neighborhood in a walkable urban setting, potentially near a neighborhood main street. This Type enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability.</p> <p>T1 T2 T3 T4 T5</p>
	<p><b>Bungalow Court.</b> This Building Type consists of a series of small, detached structures, providing multiple units arranged to define a shared court that is typically perpendicular to the street. The shared court takes the place of a private rear yard and becomes an important community-enhancing element of this Type. This Type is appropriately scaled to fit within primarily single-family or medium-density neighborhoods. It enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability.</p> <p>T1 T2 T3 T4 T5</p>

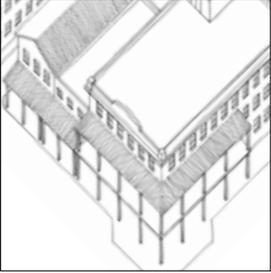
**Key** T# allowed T# not allowed

**Table 4.10.A Building Types General (continued)**

	<b>Building Type</b>	<b>Transect Zones</b>
	<p><b>Duplex.</b> This Building Type is a small- to medium-sized structure that consists of two side-by-side or stacked dwelling units, both facing the street, and within a single building massing. This Type has the appearance of a medium to large single-family home and is appropriately scaled to fit within primarily single-family neighborhoods or medium-density neighborhoods. It enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability.</p>	<p>T1 T2 <b>T3</b> <b>T4</b> T5</p>
	<p><b>Townhouse.</b> This Building Type is a small to medium-sized attached structure that consists of three to eight dwelling units placed side-by-side. This Type is typically located within medium-density neighborhoods or in a location that transitions from a primarily single-family neighborhood into a neighborhood main street. This type enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability. Syn: <b>Rowhouse</b></p>	<p>T1 T2 T3 <b>T4</b> T5</p>
	<p><b>Mansion Apartment.</b> This Building Type is a medium structure that consists of three to six side-by-side and/or stacked dwelling units, typically with one shared entry or individual entries along the front. This Type has the appearance of a medium sized family home and is appropriately scaled to fit in sparingly within primarily single-family neighborhoods or into medium density neighborhoods. This Type enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability.</p>	<p>T1 T2 T3 <b>T4</b> T5</p>
	<p><b>Apartment House.</b> This Building Type is a medium- to large-sized structure that consists of seven to 12 side-by-side and/or stacked dwelling units, typically with one shared entry. This Type is appropriately scaled to fit in within medium-density neighborhoods or sparingly within large lot predominantly single-family neighborhoods. This Type enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability.</p>	<p>T1 T2 T3 <b>T4</b> T5</p>
	<p><b>Courtyard Building.</b> This Building Type is a medium- to large-sized structure that consists of multiple side-by-side and/or stacked dwelling units accessed from a courtyard or series of courtyards. Each unit may have its own individual entry, or up to three units may share a common entry. This Type is appropriately scaled to fit in sparingly within primarily single-family or medium-density neighborhoods. It enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability.</p>	<p>T1 T2 T3 <b>T4</b> T5</p>

**Key** **T#** allowed T# not allowed

**Table 4.10.A Building Types General (continued)**

Building Type	Transect Zones
	<p><b>Main Street Mixed-Use.</b> This Building Type is a small- to medium-sized structure, typically attached, intended to provide a vertical mix of uses with ground-floor commercial, service, or retail uses and upper-floor commercial, service, or residential uses. Smaller versions of this Type include live/work units. This Type makes up the primary component of a neighborhood main street and portions of a downtown main street, therefore being a key component to providing walkability.</p> <p>T1 T2 T3 <b>T4</b> <b>T5</b></p>

Key  **T#** allowed  **T#** not allowed

4.10.040 Carriage House



One-and-a-half-story carriage house connected to main house by a breezeway.



One-and-a-half-story carriage house.



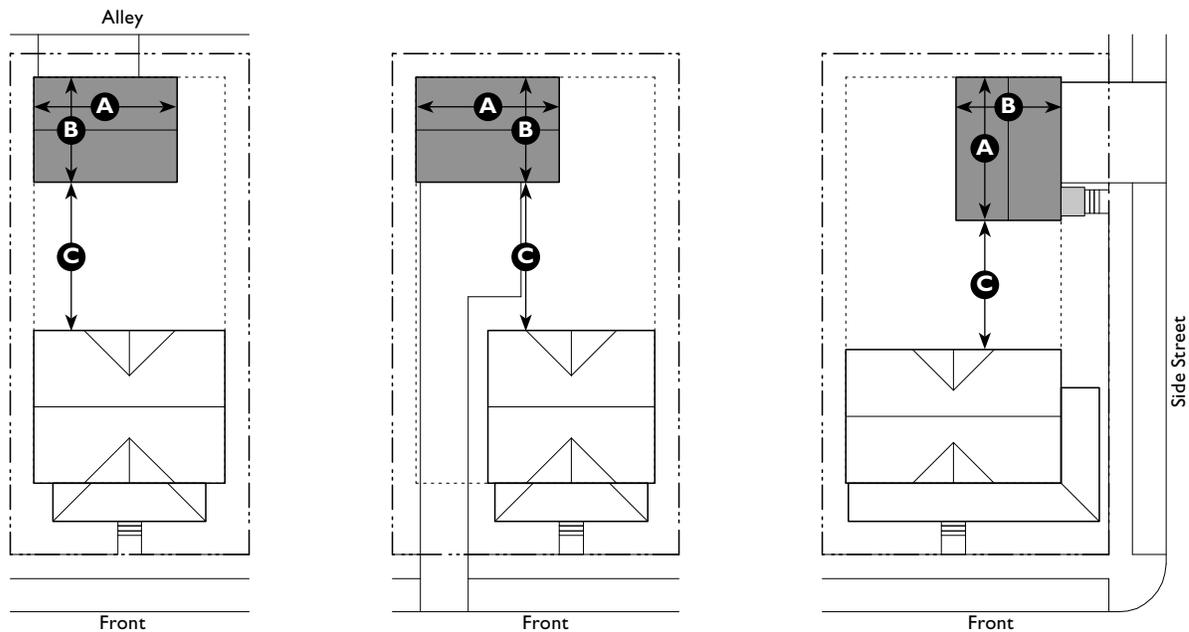
One-and-a-half-story carriage house with an internal stair.

A. Description

The Carriage House Building Type is a secondary structure typically located at the rear of a lot. This structure typically provides either a small residential unit, home office space, or other small commercial or service use that may be above a garage or at ground level. This Building Type is important for providing affordable housing opportunities and incubating small businesses within walkable neighborhoods.

T1 T2 T3 T4 T5

General Note: Photos on this page are illustrative, not regulatory.



**Key**

- ROW / Property Line
- Setback Line
- Building
- Frontage

**B. Lot**

Allowed on lots when accompanying a Residential Use.  
 Allowed on lots when accompanying the following building types: Single-Unit Houses, Duplexes, Townhouses, Mansion Apartments.

The Carriage House Building Type is the only detached accessory dwelling unit (ADU) allowed in transect zones.

**C. Number of Units**

Units 1 max.

**D. Building Size and Massing**

**Height**

Per Building Form Standards based on transect zone

**Main Body**

Width	36' max.	<b>A</b>
Depth	30' max.	<b>B</b>
Separation from Main Building	10' min. <sup>1</sup>	<b>C</b>

<sup>1</sup> Carriage houses may be connected to the main building by uninhabitable space such as a breezeway

**Miscellaneous**

Carriage houses shall not be taller or have a larger footprint than the main building on the lot.

**E. Allowed Frontages**

**Stoop**

Carriage houses are not required to have a Frontage Type.

**F. Pedestrian Access**

Main Entrance Location	Side Street, Alley, or internal to the lot
------------------------	--

The main entrance may not be through a garage.

**G. Vehicle Access and Parking**

Parking may be accessed from the alley, side street or front.

Parking may be accessed from the front only when there is no adjacent alley or side street.

All parking spaces provided shall be separate from the principal building and may be enclosed, covered or open.

**H. Private Open Space**

The private open space requirements for the lot shall be determined by the principal building on the lot. No additional private open space is required for a carriage house.

4.10.050 Single-Unit House, Estate



Two-story village house in historic neighborhood of Kingsburg.



Two-story estate house with a wrap around porch.



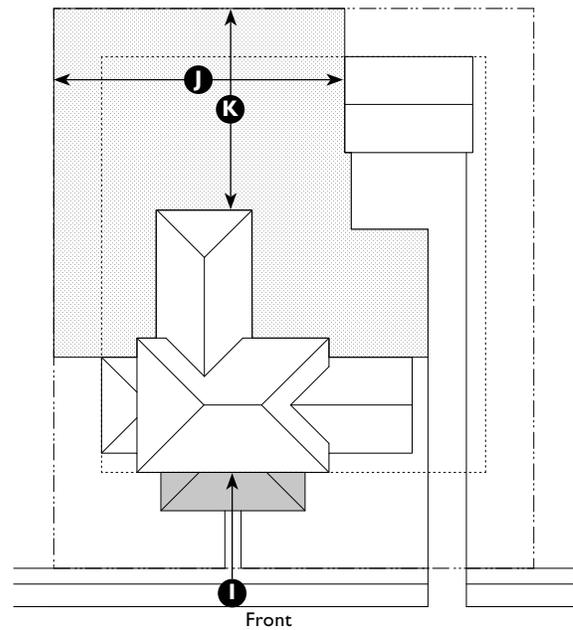
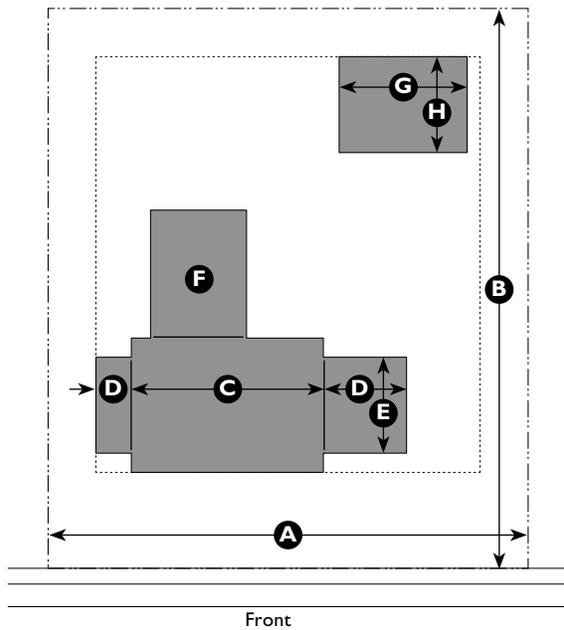
Two-and-a-half-story estate house.

**A. Description**

The Single-Unit House, Estate Building Type is a large detached structure on a large lot that incorporates one unit. It is typically located within a primarily single-family residential neighborhood in a more rural setting. If located within a walkable neighborhood, this Building Type is typically located at the edge of the neighborhood, providing a transition to the more rural areas.

T1 T2 T3 T4 T5

General Note: Photos on this page are illustrative, not regulatory.



**Key**

- ROW / Property Line
- Setback Line
- Building

**B. Lot**

**Lot Size**

Width <sup>1</sup>	75' min.	<b>A</b>
Depth <sup>1</sup>	100' min.	<b>B</b>

<sup>1</sup>Smaller lot size permitted only if building type is already existing on lot at time of code adoption, X/X/2012.

**C. Number of Units**

Units	1 max.
-------	--------

**D. Building Size and Massing**

**Height**

Per Building Form Standards based on transect zone

**Main Body**

Width	48' max.	<b>C</b>
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**Secondary Wing(s)**

Width <sup>2</sup>	36' max.	<b>D</b>
Depth <sup>2</sup>	30' max.	<b>E</b>

<sup>2</sup>Width and depth regulations do not apply to secondary wings located behind the main body.

**Accessory Structure(s)**

Width	36' max.	<b>G</b>
Depth	30' max.	<b>H</b>

**Key**

- ROW / Property Line
- Setback Line
- Frontage
- Private Open Space

**E. Allowed Frontages**

Common Yard	Porch, Projecting
Porch, Engaged	Stoop

**F. Pedestrian Access**

Main Entrance Location	Front	<b>I</b>
------------------------	-------	----------

**G. Vehicle Access and Parking**

Parking may be accessed from the alley, side street or front.

Parking may be accessed from the front only when there is no adjacent alley or side street.

Parking spaces may be enclosed, covered or open.

**H. Private Open Space**

Width	30' min.	<b>J</b>
Depth	30' min.	<b>K</b>
Area	1,000 sf min.	

Required street setbacks and driveways shall not be included in the private open space area calculation.

Required private open space must be located behind the main body of the house.

4.10.060 Single-Unit House, Village



One-and-a-half-story front-loaded village house.



Two-story village house with an engaged porch.



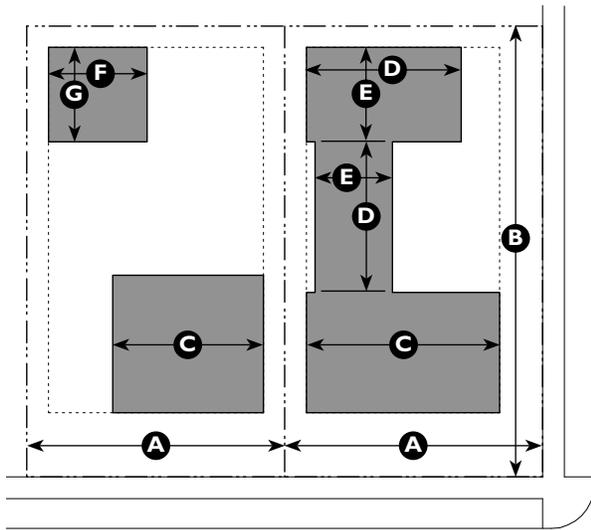
Two-story village house on a corner lot with a wrap-around porch.

**A. Description**

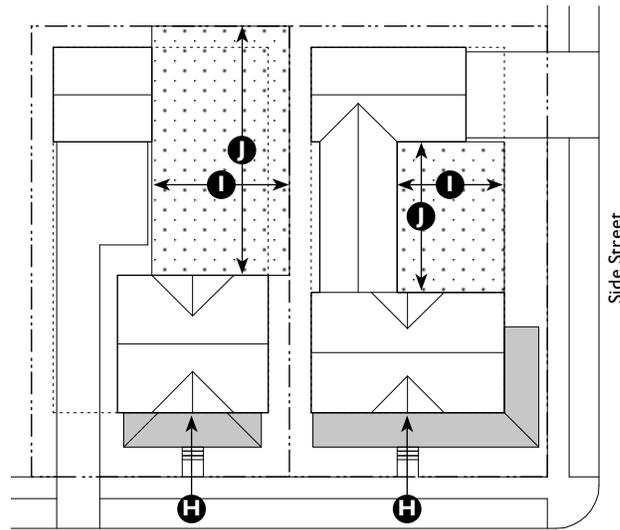
The Single-Unit House, Village Building Type is a medium-sized detached structure on a medium-sized lot that incorporates one unit. It is typically located within a primarily single-family residential neighborhood in a walkable urban setting, potentially near a neighborhood main street.

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General Note: Photos on this page are illustrative, not regulatory.



Front



Front

**Key**

- ROW / Property Line
- Setback Line
- Building

**B. Lot**

**Lot Size**

Width	50' min.; 75' max.	<b>A</b>
Depth	75' min.	<b>B</b>
Area <sup>1</sup>	5,000 sf min.	

<sup>1</sup>Smaller lot size permitted only if building type is already existing on lot at time of code adoption, X/X/2012.

**C. Number of Units**

Units	1 max.
-------	--------

**D. Building Size and Massing**

**Height**

Per Building Form Standards based on transect zone

**Main Body**

Width	48' max.	<b>C</b>
-------	----------	----------

**Secondary Wing(s)**

Width	30' max.	<b>D</b>
Depth	30' max.	<b>E</b>

**Accessory Structure(s)**

Width	24' max.	<b>F</b>
Depth	30' max.	<b>G</b>

**Key**

- ROW / Property Line
- Setback Line
- Frontage
- Private Open Space

**E. Allowed Frontages**

Porch, Engaged

Porch, Projecting

**F. Pedestrian Access**

Main Entrance Location	Front	<b>H</b>
------------------------	-------	----------

**G. Vehicle Access and Parking**

Parking may be accessed from the alley, side street or front.

Parking may be accessed from the front only when there is no adjacent alley or side street.

Parking spaces may be enclosed, covered or open.

**H. Private Open Space**

Width	20' min.	<b>I</b>
Depth	20' min.	<b>J</b>
Area	500 sf min.	

Required street setbacks and driveways shall not be included in the private open space area calculation.

Required private open space must be located behind the main body of the house.

4.10.070 Single-Unit House, Cottage



Small one-story cottage house.



Newly constructed two-story cottage houses



One-and-a-half story cottage house with integral porch.

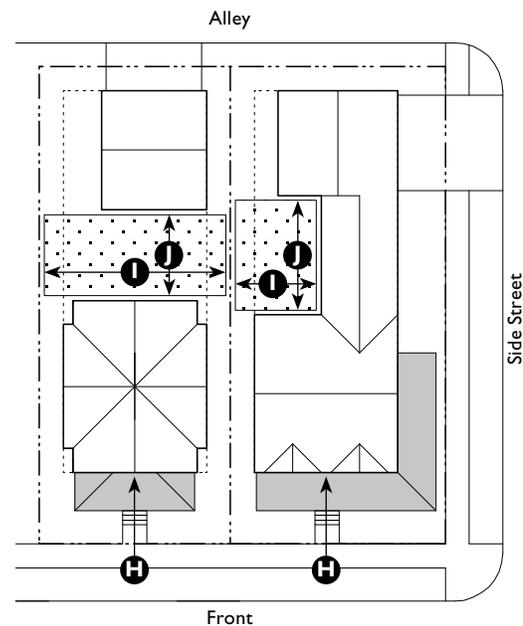
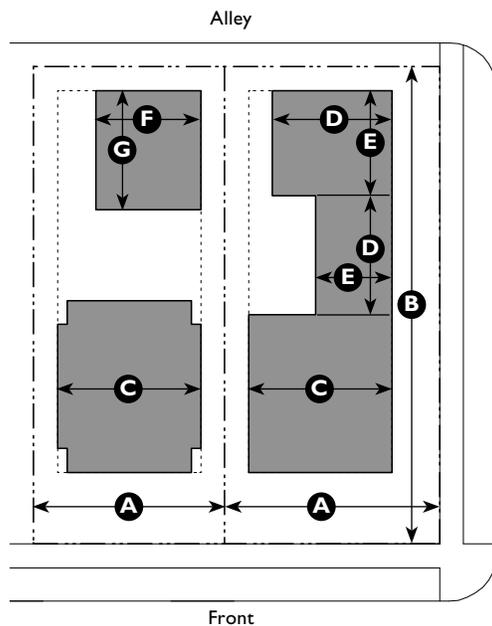
**A. Description**

The Single-Unit House, Cottage Building Type is a small detached structure on a small lot that incorporates one unit. It is typically located within a primarily single-family neighborhood in a walkable urban setting, potentially near a neighborhood main street. This Type enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability.

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General Note: Photos on this page are illustrative, not regulatory.

Single-Unit House, Cottage



**Key**

- ROW / Property Line
- Setback Line
- Building

**B. Lot**

**Lot Size**

Width	30' min.; 50' max.	<b>A</b>
Depth	50' min.; 150' max.	<b>B</b>
Area <sup>1</sup>	2,500 sf min.	

<sup>1</sup>Smaller lot size permitted only if building type is already existing on lot at time of code adoption, X/X/2012.

**C. Number of Units**

Units	1 max.
-------	--------

**D. Building Size and Massing**

**Height**

Per Building Form Standards based on transect zone

**Main Body**

Width	36' max.	<b>C</b>
-------	----------	----------

**Secondary Wing(s)**

Width	30' max.	<b>D</b>
Depth	30' max.	<b>E</b>

**Accessory Structure**

Width	24' max.	<b>F</b>
Depth	30' max.	<b>G</b>

Only one accessory structure is allowed per lot.

**Key**

- ROW / Property Line
- Setback Line
- Frontage
- Private Open Space

**E. Allowed Frontages**

- Porch, Projecting
- Stoop

**F. Pedestrian Access**

Main Entrance Location	Front	<b>H</b>
------------------------	-------	----------

**G. Vehicle Access and Parking**

- Parking shall be accessed from a side street or alley.
- Parking spaces may be enclosed, covered or open.

**H. Private Open Space**

Width	15' min.	<b>I</b>
Depth	15' min.	<b>J</b>
Area	300 sf min.	

- Required street setbacks and driveways shall not be included in the private open space area calculation.
- Required private open space must be located behind the main body of the house.

4.10.080 Bungalow Court



*Prairie-style bungalow court with raised stoop entries.*



*A bungalow court in Kingsburg.*



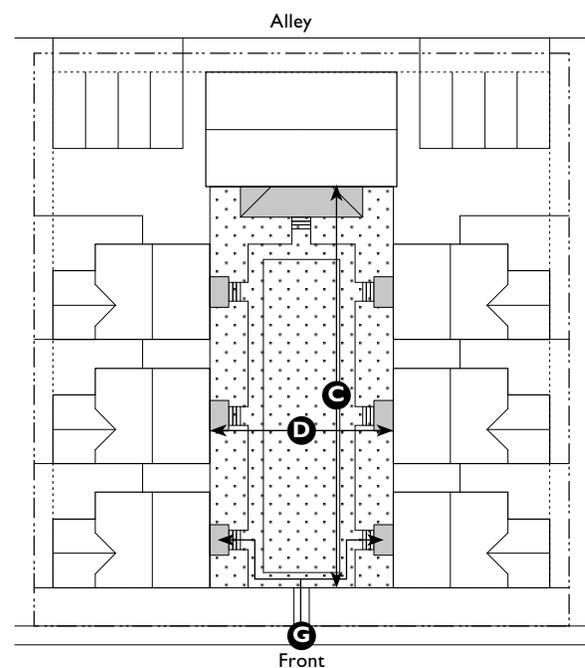
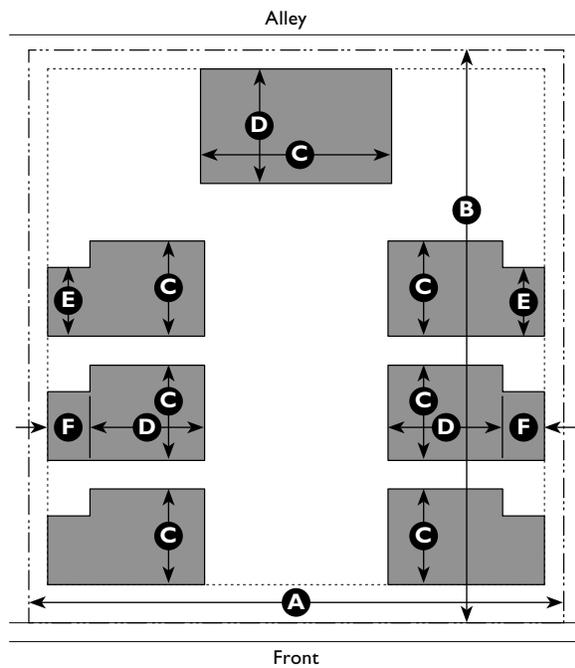
*Bungalow court with a heavily landscaped court.*

**A. Description**

The Bungalow Court Building Type consists of a series of small, detached structures, providing multiple units arranged to define a shared court that is typically perpendicular to the street. The shared court takes the place of a private rear and becomes an important community-enhancing element of this Type. This Type is appropriately scaled to fit within primarily single-family or medium-density neighborhoods. It enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability.

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*General Note: Photos on this page are illustrative, not regulatory.*



**Key**

- ROW / Property Line
- Setback Line
- Building

B. Lot	
Lot Size	
Width	75' min.; 150' max. <b>A</b>
Depth	100' min.; 150' max. <b>B</b>
C. Number of Units	
Units	3 min.; 9 max.
D. Building Size and Massing	
Height	
Height	1 1/2 stories max.
Main Body	
Width	32' max. <b>C</b>
Depth	24' max. <b>D</b>
Secondary Wing(s)	
Width	24' max. <b>E</b>
Depth	12' max. <b>F</b>
Accessory Structure	
Width	24' max.
Depth	24' max.

**Key**

- ROW / Property Line
- Setback Line
- Frontage
- Private Open Space

E. Allowed Frontages	
Porch, Projecting	
Stoop	
F. Pedestrian Access	
Main Entrance Location	Front <b>G</b>
G. Vehicle Access and Parking	
Parking may be accessed from the alley, side street or front.	
Parking may be accessed from the front only when there is no adjacent alley or side street.	
Parking spaces may be enclosed, covered or open.	
H. Private Open Space	
Width	20' min. <b>H</b>
Depth	20' min. <b>I</b>
Area	400 sf min.
Required street setbacks and driveways shall not be included in the private open space area calculation.	

4.10.090 Duplex



The difference in the form between this duplex and single-unit houses in the neighborhood is barely perceivable.



A side-by-side duplex with a shared porch.



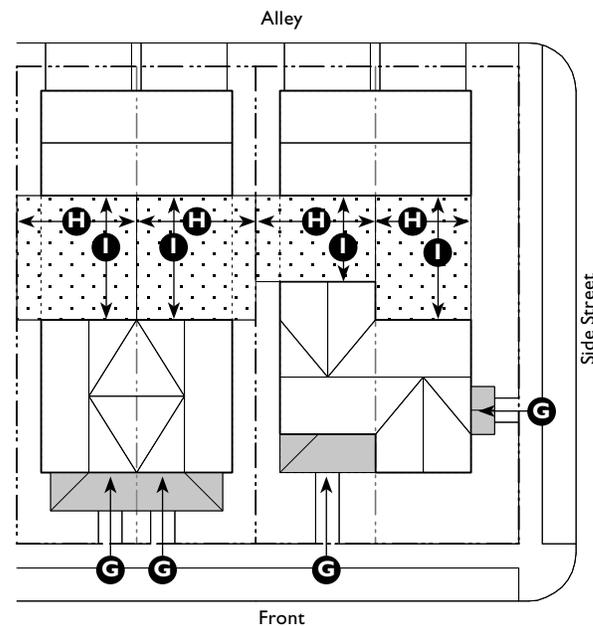
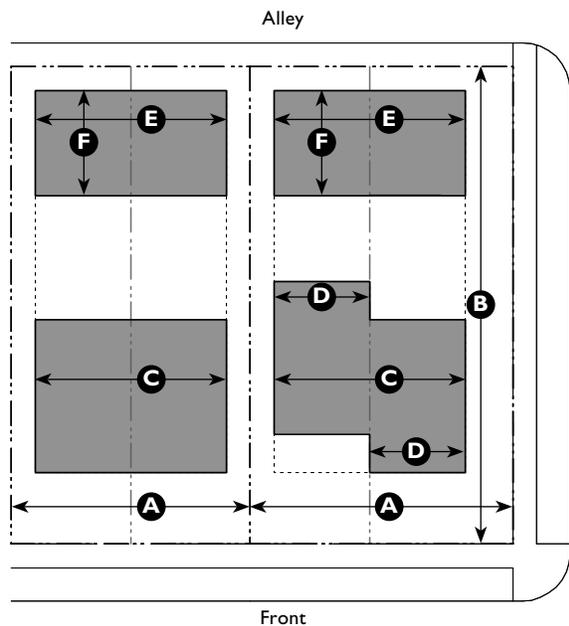
A stacked duplex with one unit on top of the other.

**A. Description**

The Duplex Building Type is a small- to medium-sized structure that consists of two side-by-side or stacked dwelling units, both facing the street, and sharing one common party wall. This Type has the appearance of a medium to large single-family home and is appropriately scaled to fit within primarily single-family neighborhoods or medium-density neighborhoods. It enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability.

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General Note: Photos on this page are illustrative, not regulatory.



**Key**

- ROW / Property Line      - - - - - Setback Line
- Shared Property Line<sup>1</sup>    ■ Building

<sup>1</sup>Side-by-side duplexes may have a shared property line.

**B. Lot**

**Lot Size**

Width <sup>2</sup>	50' min.; 75' max.	<b>A</b>
Depth	100' min.; 150' max.	<b>B</b>

<sup>2</sup>Total width of lot(s) if there is a shared property line.

**C. Number of Units**

Units	2 max.
-------	--------

**D. Building Size and Massing**

**Height**

Per Building Form Standards based on transect zone

**Main Body**

Width	48' max.	<b>C</b>
-------	----------	----------

**Secondary Wing(s)**

Width	30' max.	<b>D</b>
-------	----------	----------

**Accessory Structure(s)**

Width		<b>E</b>
Individual unit ownership	24' max.	
Shared between units	48' max.	
Depth	30' max.	<b>F</b>

**Key**

- ROW / Property Line      ■ Frontage
- Setback Line              □ Private Open Space

**E. Allowed Frontages**

Porch, Engaged	Stoop
----------------	-------

Porch, Projecting

**F. Pedestrian Access**

Main Entrance Location	Front <sup>3</sup>	<b>G</b>
------------------------	--------------------	----------

Each unit shall have an individual entry facing the street on or no more than 10' behind the front facade.

<sup>3</sup>On corner lots, each unit shall front a different street.

**G. Vehicle Access and Parking**

Parking may be accessed from the alley, side street or front.

Parking may be accessed from the front only when there is no adjacent alley or side street.

Parking spaces may be enclosed, covered or open.

**H. Private Open Space**

Width	15' per unit, min.	<b>H</b>
Depth	15' per unit, min.	<b>I</b>
Area	300 sf min.	

Required street setbacks and driveways shall not be included in the private open space area calculation.

Required private open space must be located behind the main body of the house.

4.10.100 Townhouse



Individual stoops and dormers help to break down the overall massing of this row of townhouses.



A series of townhouses which read as a single large building.



Minor differences in detailing and fenestration articulate the units.

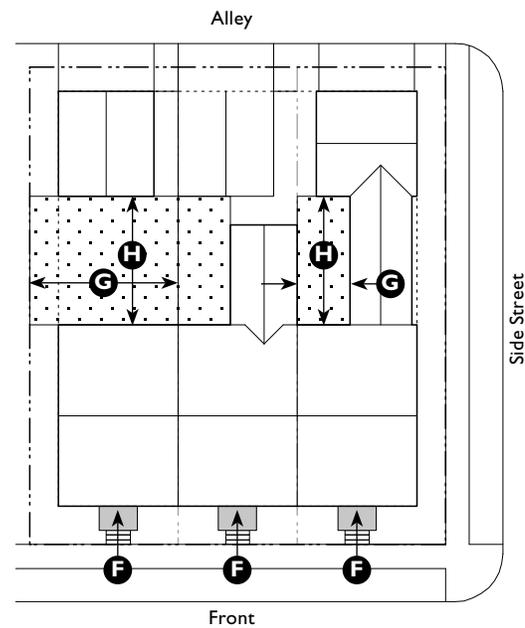
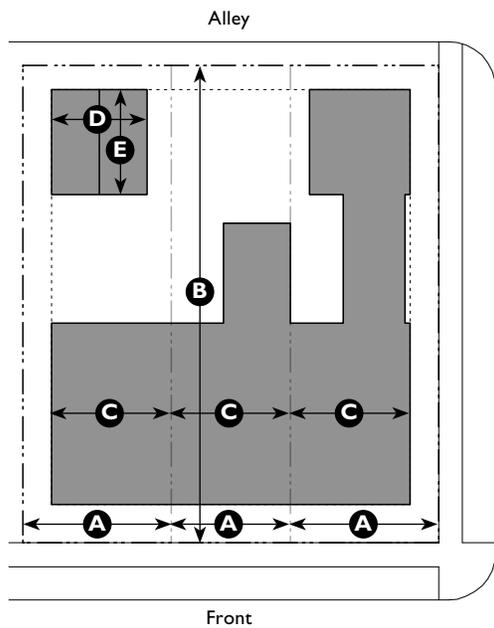
**A. Description**

The Townhouse Building Type is a small- to medium-sized attached structure that consists of three to eight dwelling units placed side-by-side. This Type is typically located within medium-density neighborhoods or in a location that transitions from a primarily single-family neighborhood into a neighborhood main street. This Type enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability.

Syn: **Rowhouse**



General Note: Photos on this page are illustrative, not regulatory.



**Key**

- ROW / Property Line      - - - - Setback Line
  - Shared Property Line<sup>1</sup>      ■ Building
- <sup>1</sup>Townhouses may have a shared property line.

<b>B. Lot</b>		
<b>Lot Size</b>		
Width	18' min.	<b>A</b>
Depth	80' min.	<b>B</b>
<b>C. Number of Units</b>		
Units	3 min.; 8 max.	
<b>D. Building Size and Massing</b>		
<b>Height</b>		
Per Building Form Standards based on transect zone		
<b>Main Body</b>		
Width	18' min.; 36' max.	<b>C</b>
<b>Secondary Wing(s)</b>		
The footprint area of the secondary wing(s) may not exceed the footprint area of the main body.		
<b>Accessory Structure(s)</b>		
Width	24' max.	<b>D</b>
Depth	30' max.	<b>E</b>

The footprint area of an accessory structure may not exceed the footprint area of the main body.

**Key**

- ROW / Property Line      ■ Frontage
- Setback Line      □ Private Open Space

<b>E. Allowed Frontages</b>		
Porch		
Stoop		
<b>F. Pedestrian Access</b>		
Main Entrance Location	Front	<b>F</b>
Each unit shall have an individual entry facing a street.		
<b>G. Vehicle Access and Parking</b>		
Parking may be accessed from the alley, side street or front.		
Parking may be accessed from the front only when there is no adjacent alley or side street.		
When accessed from the front, a single shared drive shall be used.		
Parking spaces may be enclosed, covered or open.		
<b>H. Private Open Space</b>		
Width	8' min.	<b>G</b>
Depth	8' min.	<b>H</b>
Area	100 sf min.	

Required street setbacks and driveways shall not be included in the private open space area calculation.  
 Required private open space must be located behind the main body of the house.

4.10.110 **Mansion Apartment**



*A group of apartment houses that have the scale and character of large single-family houses.*



*An example of a mansion apartment in Kingsburg.*



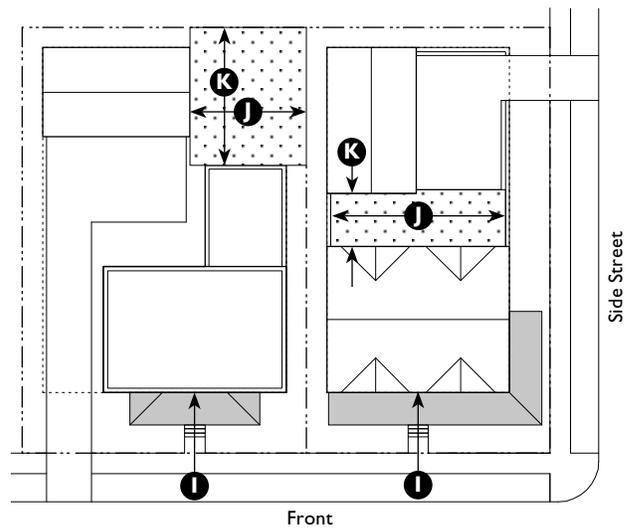
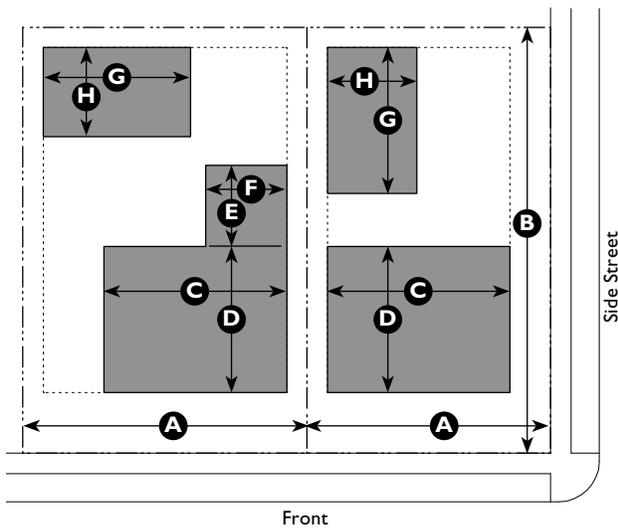
*A mansion apartment with multiple entries along the front.*

**A. Description**

The Mansion Apartment Building Type is a medium structure that consists of three to six side-by-side and/or stacked dwelling units, typically with one shared entry of individual entries along the front. This Type has the appearance of a medium-sized family home and is appropriately scaled to fit in sparingly within primarily single-family neighborhoods or into medium-density neighborhoods. This Type enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability.

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*General Note: Photos on this page are illustrative, not regulatory.*



**Key**

- ROW / Property Line
- Setback Line
- Building

B. Lot		
Lot Size		
Width	50' min.; 100' max.	<b>A</b>
Depth	100' min.; 150' max.	<b>B</b>
C. Number of Units		
Units	3 min.; 6 max.	
D. Building Size and Massing		
Height		
Per Building Form Standards based on transect zone		
Main Body		
Width	48' max.	<b>C</b>
Depth	36' max.	<b>D</b>
Secondary Wing(s)		
Width	30' max.	<b>E</b>
Depth	30' max.	<b>F</b>
Accessory Structure(s)		
Width	48' max.	<b>G</b>
Depth	30' max.	<b>H</b>

The footprint area of an accessory structure may not exceed the footprint area of the main body.

**Key**

- ROW / Property Line
- Setback Line
- Frontage
- Private Open Space

E. Allowed Frontages		
Porch, Engaged	Stoop	
Porch, Projecting		
F. Pedestrian Access		
Main Entrance Location	Front	<b>I</b>
Each unit may have an individual entry.		
G. Vehicle Access and Parking		
Parking may be accessed from the alley, side street or front.		
Parking may be accessed from the front only when there is no adjacent alley or side street.		
Parking spaces may be enclosed, covered or open.		
H. Shared Open Space		
Width	8' min.	<b>J</b>
Depth	8' min.	<b>K</b>
Area	100 sf min.	

Required street setbacks and driveways shall not be included in the private open space area calculation.  
 Required shared open space must be located behind the main body of the house.

4.10.120 Apartment House



An apartment house with a recessed stoop.



A mansion apartment with individual entries for ground floor units.



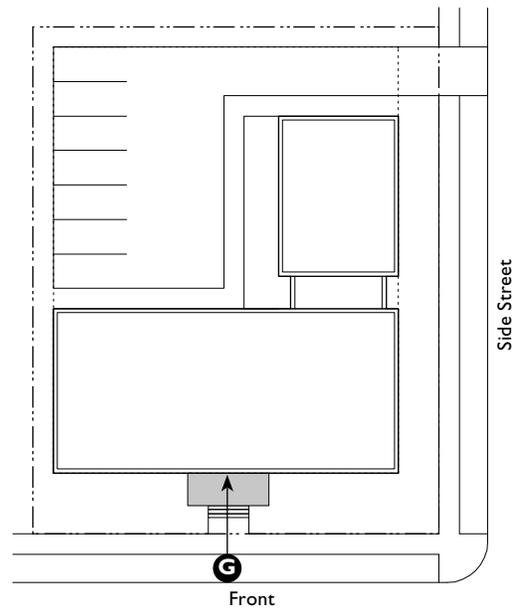
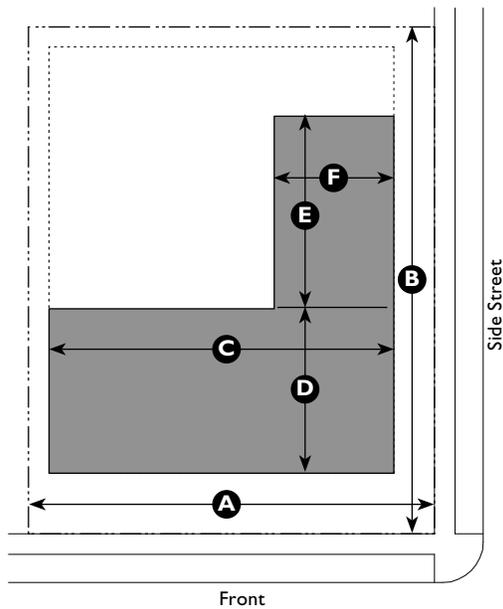
A newly constructed mansion apartment.

A. Description

The Apartment House Building Type is a medium- to large-sized structure that consists of seven to 12 side-by-side and/or stacked dwelling units, typically with one shared entry. This Type is appropriately scaled to fit in within medium density neighborhoods or sparingly within large lot predominantly single-family neighborhoods. This Type enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability.

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General Note: Photos on this page are illustrative, not regulatory.



**Key**

- ROW / Property Line
- Setback Line
- Building

B. Lot	
Lot Size	
Width	75' min.; 150' max. <b>A</b>
Depth	100' min.; 150' max. <b>B</b>
C. Number of Units	
Units	3 min.; 6 max.
D. Building Size and Massing	
Height	
Per Building Form Standards based on transect zone	
Main Body	
Width	60' max. <b>C</b>
Depth	50' max. <b>D</b>
Secondary Wing(s)	
Width	48' max. <b>E</b>
Depth	36' max. <b>F</b>
Accessory Structure(s)	
Width	48' max.
Depth	30' max.

The footprint area of an accessory structure may not exceed the footprint area of the main body.

**Key**

- ROW / Property Line
- Setback Line
- Frontage
- Private Open Space

E. Allowed Frontages	
Porch, Projecting	Forecourt
Stoop	
F. Pedestrian Access	
Main Entrance Location	Front <b>G</b>
Units located in the main body shall be accessed by a common entry along the front.	
On corner lots, units in a secondary wing may front the side street.	
G. Vehicle Access and Parking	
Parking may be accessed from the alley, side street or front.	
Parking spaces may be enclosed, covered or open.	
H. Private Open Space	
No private open space requirement.	

4.10.130 Courtyard Building



A courtyard building with all units accessed from a central courtyard that provides communal open space.



A courtyard with communal seating for residents and guest.



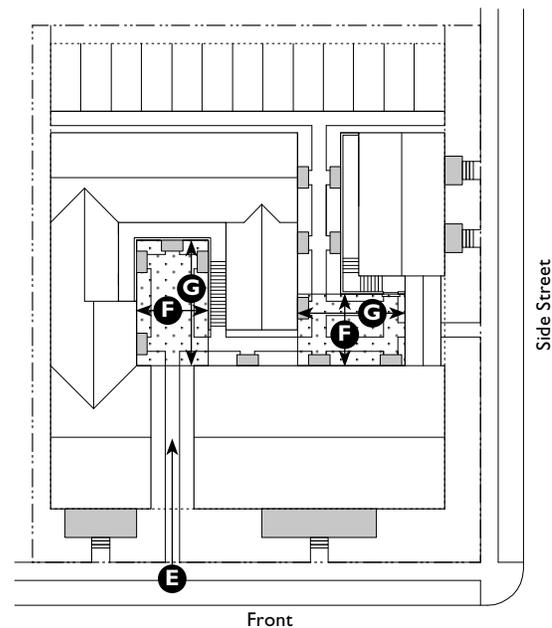
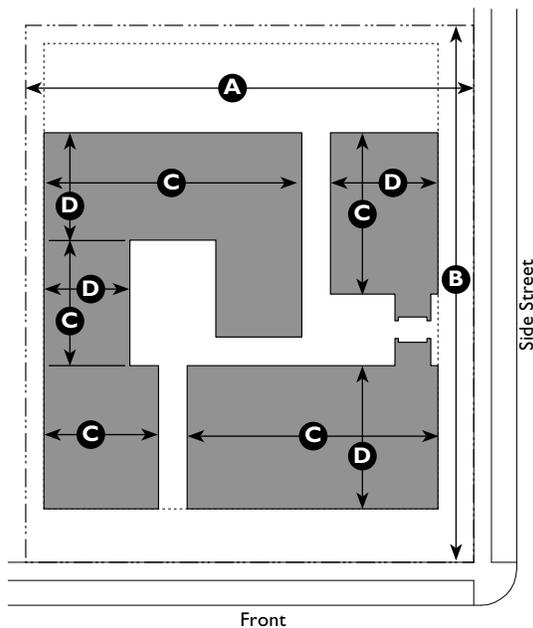
C-shaped courtyard building; all units enter from courtyard.

A. Description

The Courtyard Building Type is a medium-to- large-sized structure that consists of multiple side-by-side and/ or stacked dwelling units accessed from a courtyard or series of courtyards. Each unit may have its own individual entry, or up to three units may share a common entry. This Type is appropriately scaled to fit in sparingly within primarily single-family or medium-density neighborhoods. It enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability.

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General Note: Photos on this page are illustrative, not regulatory.



**Key**

- ROW / Property Line
- Setback Line
- Building

**B. Lot**

**Lot Size**

Width	100' min.; 200' max.	<b>A</b>
Depth	100' min.; 150' max.	<b>B</b>

**C. Number of Units**

Units	4 min.; 24 max.
-------	-----------------

**D. Building Size and Massing**

**Height**

Height	1 story min.; 40% of footprint 2 story min.; 4 stories max. <sup>1</sup>
--------	--

<sup>1</sup>Height must also comply with Building Form Standards.

**Main Body/Secondary Wing(s)**

Width	150' max.	<b>C</b>
Depth	65' max.	<b>D</b>

**Accessory Structure(s)**

No accessory structures are allowed.

**Key**

- ROW / Property Line
- Setback Line
- Frontage
- Open Space

**E. Allowed Frontages**

Porch, Projecting	Forecourt
-------------------	-----------

Stoop

**F. Pedestrian Access**

Units shall front a courtyard or a street.  
 Courtyards shall be accessible from the front. **E**

Each unit may have an individual entry.

**G. Vehicle Access and Parking**

Parking shall be accessed from a side street or alley.  
 Parking spaces may be structured, tuck-under, or open.

**H. Private Open Space**

No private open space requirement.

**I. Courtyard(s)**

Width	20' min.; 50' max.	<b>F</b>
Width-to-Height Ratio	1:2 to 2:1	
Depth	20' min.; 150' max.	<b>G</b>
Depth-to-Height Ratio	1:1 to 3:1	
Area (total)	400 sf min.; 50 sf/unit min.	

Courtyards may be at-grade or on an upper level.

4.10.140 Main Street Mixed-Use



Renovated historic main street mixed-use building.



A series of small live/work type main street-mixed use buildings.



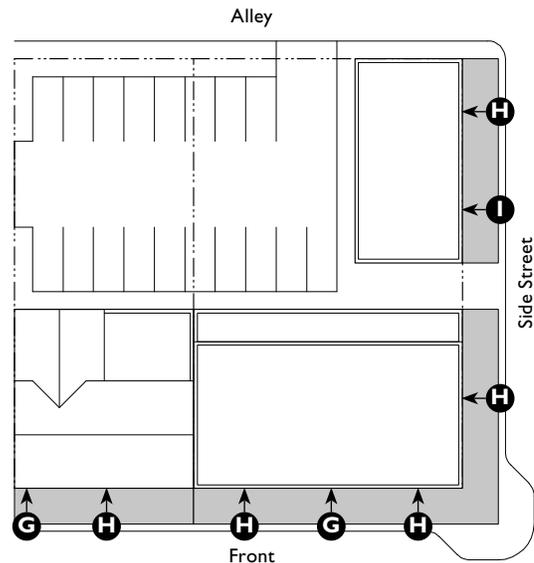
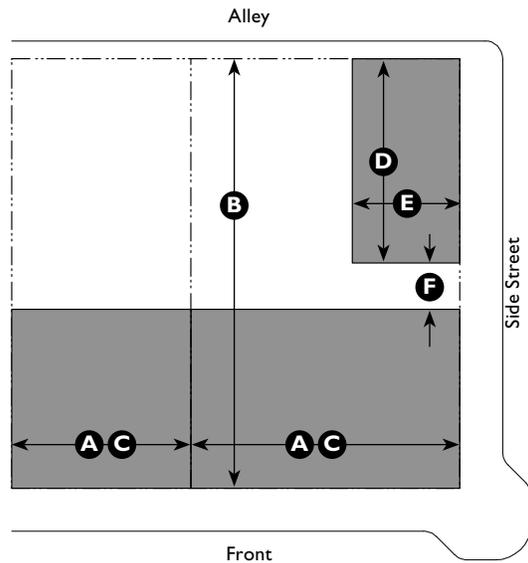
An example of a main street mixed-use building in Kingsburg.

A. Description

The Main Street Mixed-Use Building Type is a small- to medium-sized structure, typically attached, intended to provide a vertical mix of uses with ground-floor commercial, service, or retail uses and upper-floor commercial, service, or residential uses. Smaller versions of this Type include live/work units. This Type makes up the primary component of a neighborhood main street and portions of a downtown main street, therefore being a key component to providing walkability.

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General Note: Photos on this page are illustrative, not regulatory.



**Key**

- ROW / Property Line
- Setback Line
- Building

**B. Lot**

**Lot Size**

Width	25' min.; 150' max.	<b>A</b>
Depth	100' min.; 150' max.	<b>B</b>

**C. Number of Units**

Units	2 min.
-------	--------

**D. Building Size and Massing**

**Height**

Height	2 stories min.; 4 stories max. <sup>1</sup>
--------	--

<sup>1</sup>Height must also comply with Building Form Standards.

**Main Body**

Width	150' max.	<b>C</b>
-------	-----------	----------

**Secondary Wing(s)/Accessory Structure(s)**

Width	100' max.	<b>D</b>
Depth	65' max.	<b>E</b>
Accessory Structure Separation	10' min.	<b>F</b>

A secondary wing/accessory structure shall have a smaller footprint, a narrower width, and a depth not greater than the main body.

**Key**

- ROW / Property Line
- Setback Line
- Frontage
- Private Open Space

**E. Allowed Frontages**

Forecourt	Dooryard
Shopfront	Gallery
Terrace	

**F. Pedestrian Access**

Upper floor units located in the main body shall be accessed by an entry along the front. **G**

Ground floor units may have individual entries along the front or side street. **H**

On corner lots, units in a secondary wing/accessory structure may front the side street. **I**

**G. Vehicle Access and Parking**

Parking shall be accessed from a side street or alley. Parking drives and access may be shared on adjacent lots. On-site parking spaces may be enclosed, open, or structured.

Residential garages (if provided) may be detached or tuck-under.

**H. Private Open Space**

No private open space requirement.

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## Chapter 4.20: Specific to Private Frontages

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### Sections:

4.20.010	Purpose
4.20.020	Applicability
4.20.030	Private Frontages Overview
4.20.040	Common Yard
4.20.050	Porch: Projecting
4.20.060	Porch: Engaged
4.20.070	Stoop
4.20.080	Forecourt
4.20.090	Dooryard
4.20.100	Shopfront
4.20.110	Gallery
4.20.120	Terrace

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### **4.20.010 Purpose**

This Chapter sets forth the standards applicable to the development of private frontages. Private frontages are the components of a building that provide an important transition and interface between the public realm (street and sidewalk) and the private realm (yard or building). These standards supplement the standards for each zone that the frontage types are allowed within. For each private frontage type, a description, a statement of the type's intent, and design standards are provided. These standards are intended to ensure development that reinforces the highly-valued existing character and scale of Kingsburg's neighborhoods and downtown.

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### **4.20.020 Applicability**

These standards work in combination with the standards found in Chapter 3.20 (Transect Zones) and Chapter 4.10 (Building Type Standards) and are applicable to all private frontages within transect zones.

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### **4.20.030 Private Frontages Overview**

Table A (Private Frontages General) provides an overview of the allowed private frontage types.

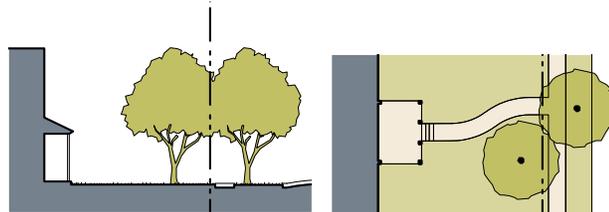
**4.20.A Private Frontages General**

The private frontage is the area between the building facade and the lot line.

SECTION	PLAN
LOT/ PRIVATE FRONTAGE >   < R.O.W.	LOT/ PRIVATE FRONTAGE >   < R.O.W.

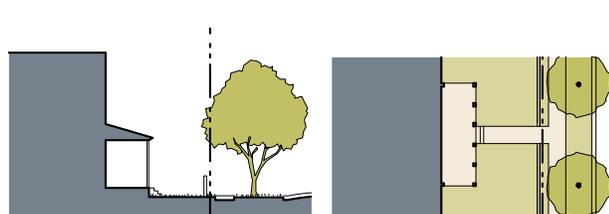
**T1 T2 T3 T4 T5**

**Common Yard.** The main facade of the building has a large planted setback from the frontage line in order to provide a better living environment adjacent to higher-speed thoroughfares. The front yard created remains unfenced and is visually continuous with adjacent yards, supporting a common landscape and working in conjunction with the other private frontages.



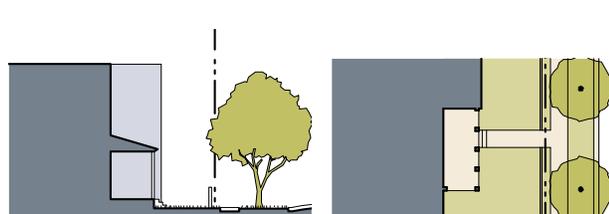
**T1 T2 T3 T4 T5**

**Porch, projecting.** The main facade of the building has a small to medium setback from the frontage line. The resulting front yard is typically very small and can be defined by a fence or hedge to spatially maintain the edge of the street. The projecting porch is open on three sides, and all habitable space is located behind the setback line.



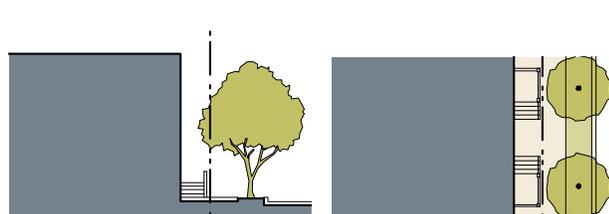
**T1 T2 T3 T4 T5**

**Porch, engaged.** The main facade of the building has a small to medium setback from the frontage line. The resulting front yard is typically very small and can be defined by a fence or hedge to spatially maintain the edge of the street. The engaged porch has two adjacent sides of the porch that are engaged to the building while the other two sides are open.



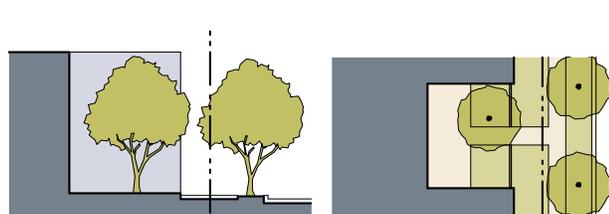
**T1 T2 T3 T4 T5**

**Stoop.** The main facade of the building is near the frontage line and the elevated stoop engages the sidewalk. The stoop shall be elevated above the sidewalk to ensure privacy within the building. Stairs from the stoop may lead directly to the sidewalk or may be side-loaded. This Type is appropriate for residential uses with small setbacks.



**T1 T2 T3 T4 T5**

**Forecourt.** The main facade of the building is at or near the frontage line and a small percentage is set back, creating a small court space. The space could be used as an entry court or shared garden space for apartment buildings, or as an additional shopping or restaurant seating area within commercial areas.



Key

**T#** Allowed

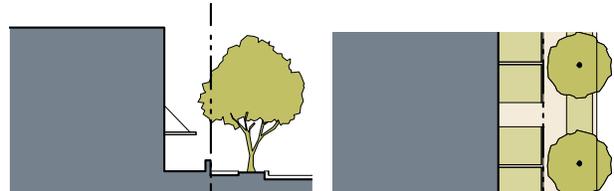
**T#** Not Allowed

4.20.A Private Frontages General (continued)

SECTION	PLAN
LOT/ PRIVATE FRONTAGE >   < R.O.W.	LOT/ PRIVATE FRONTAGE >   < R.O.W.

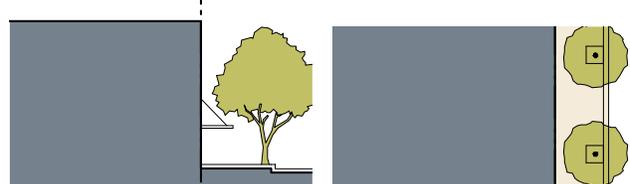
T1 T2 T3 **T4 T5**

**Dooryard.** The frontage line is defined by a low wall or hedge and the main facade of the building is set back a small distance creating a small dooryard. The dooryard shall not provide public circulation along a ROW. The dooryard may be raised, sunken, or at grade and is intended for ground floor residential in flex zones, live/work, and small commercial uses ≤2,500 sf.



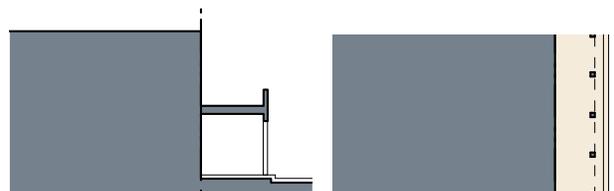
T1 T2 T3 **T4 T5**

**Shopfront.** The main facade of the building is at or near the frontage line with an at-grade entrance along the public way. This Type is intended for retail use. It has substantial glazing at the sidewalk level and may include an awning that may overlap the sidewalk. It may be used in conjunction with other frontage types.  
Syn: **Retail Frontage, Awning.**



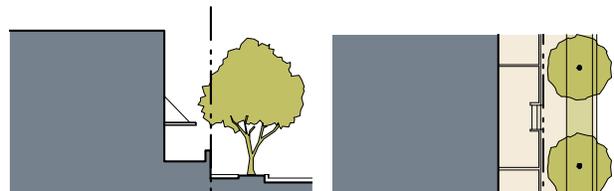
T1 T2 T3 **T4 T5**

**Gallery.** The main facade of the building is at the frontage line and the gallery element overlaps the sidewalk. This Type is intended for buildings with ground-floor commercial uses and may be one or two stories. The gallery should extend far enough from the building to provide adequate protection and circulation for pedestrians and extend close enough to the curb so that a pedestrian cannot bypass it.



T1 T2 **T3 T4 T5**

**Terrace.** The main facade is at or near the frontage line with an elevated terrace providing public circulation along the facade. This Type can be used to provide at-grade access while accommodating a grade change. Frequent steps up to the terrace are necessary to avoid dead walls and maximize access. This Type may also be used in historic industrial areas to mimic historic loading docks.

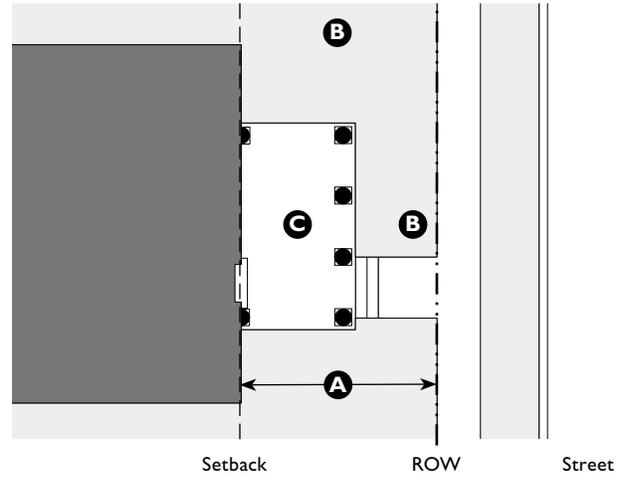
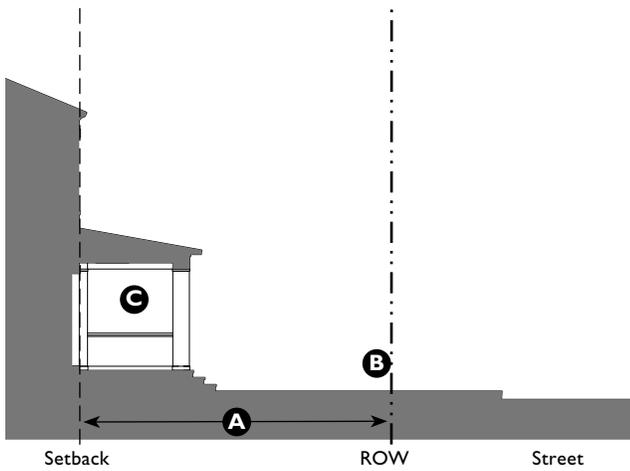


Key

**T#** Allowed

T# Not Allowed

4.20.040 Common Yard



**Key**

----- ROW / Property Line      - - - - - Setback Line

**A. Description**

The main facade of the building has a large planted setback from the frontage line in order to provide a better living environment adjacent to higher-speed thoroughfares. The front yard created remains unfenced and is visually continuous with adjacent yards, supporting a common landscape and working in conjunction with the other private frontages.

**B. Size**

Depth 20' min. **A**

**C. Miscellaneous**

Fences between front yards or between the sidewalk and front yard are not allowed. **B**

Common Yard Frontages shall be used in conjunction with another allowed private frontage type, such as porch. **C**

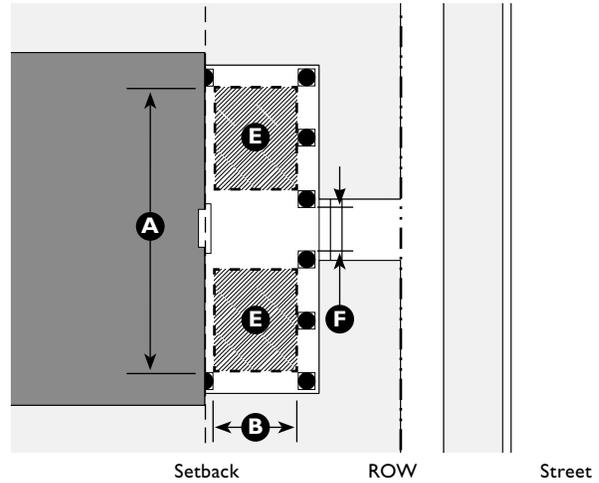
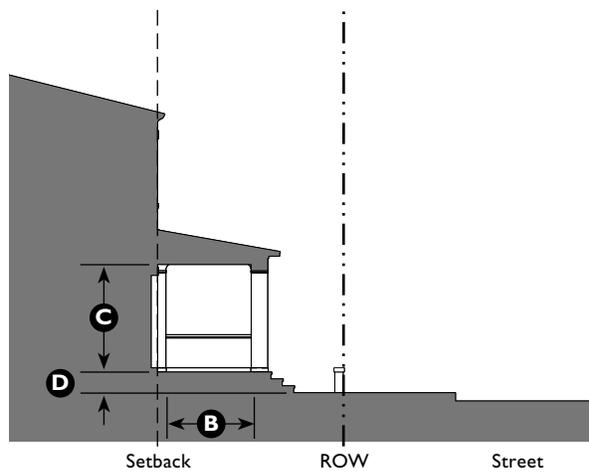


The front yards of these houses form a continuous common yard.



An example of a common yard.

4.20.050 Porch: Projecting



**Key**

--- ROW / Property Line      - - - - - Setback Line

**A. Description**

The main facade of the building has a small to medium setback from the frontage line. The resulting front yard is typically very small and can be defined by a fence or hedge to spatially maintain the edge of the street. The projecting porch is open on three sides, and all habitable space is located behind the setback line

**B. Size**

Width, Clear	10' min.	<b>A</b>
Depth, Clear	8' min.	<b>B</b>
Height, Clear	8' min.	<b>C</b>
Height	2 stories max.	
Finish Level above Sidewalk	18" min.	<b>D</b>
Furniture Area, Clear	4' x 6' min.	<b>E</b>
Path of Travel	3' wide min.	<b>F</b>

**C. Miscellaneous**

Projecting porches are open on three sides and must have a roof.

In transect zones where both porches and encroachments are allowed, a porch is an allowable encroaching element.

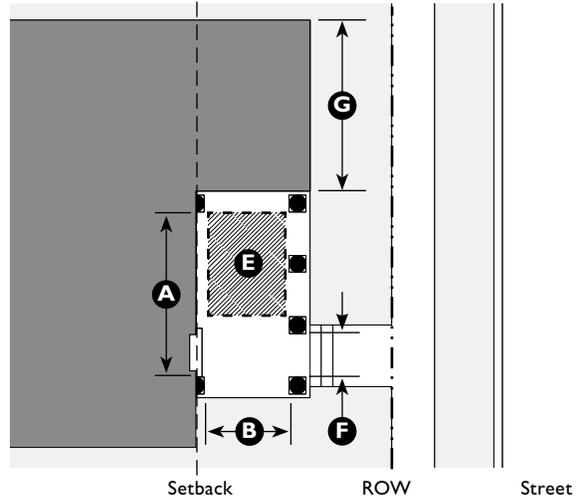
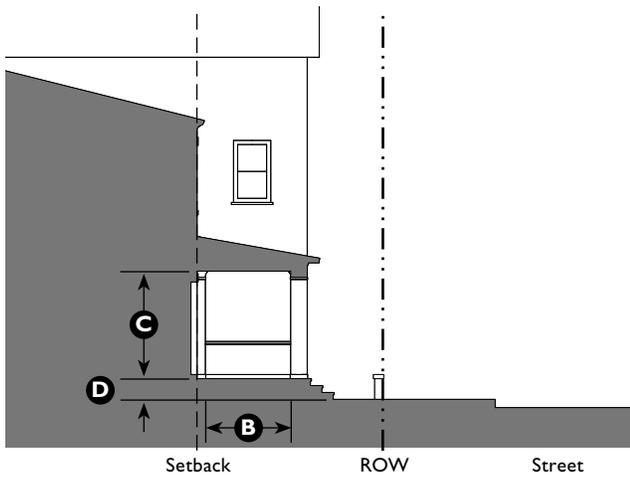


A wrap-around projecting porch.



Projecting porch integrated into the overall massing.

**4.20.060 Porch: Engaged**



**Key**

---- ROW / Property Line      - - - - - Setback Line

**A. Description**

The main facade of the building has a small to medium setback from the frontage line. The resulting front yard is typically very small and can be defined by a fence or hedge to spatially maintain the edge of the street. The engaged porch has two adjacent sides of the porch that are engaged to the building while the other two sides are open.

**B. Size**

Width, Clear	10' min.	<b>A</b>
Depth, Clear	8' min.	<b>B</b>
Height, Clear	8' min.	<b>C</b>
Height	2 stories max.	
Finish Level above Sidewalk	18" min.	<b>D</b>
Furniture Area, Clear	4' x 6' min.	<b>E</b>
Path of Travel	3' wide min.	<b>F</b>

**C. Miscellaneous**

Up to 2/3 of the building facade may project beyond the setback line into the encroachment area for this frontage type. **G**

Engaged porches must be open on two sides and have a roof.

In transect zones where both porches and encroachments are allowed, a porch and up to 2/3 of the building facade is an allowable encroaching element.

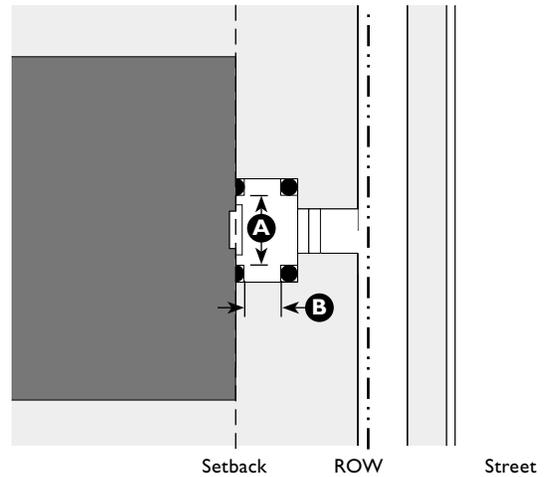
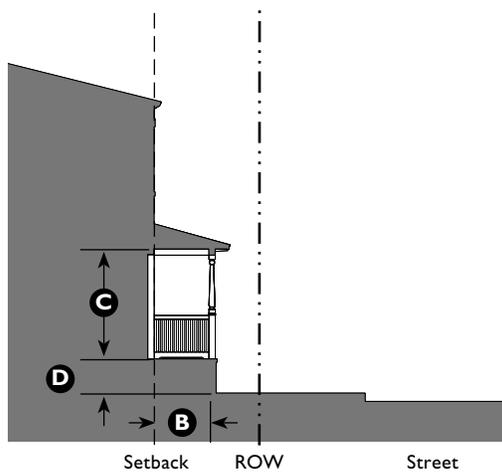


*Engaged porch as an attached element.*



*An example of an engaged porch.*

4.20.070 Stoop



**Key**

---- ROW / Property Line      - - - - - Setback Line

**A. Description**

The main facade of the building is near the frontage line and the elevated stoop engages the sidewalk. The stoop shall be elevated above the sidewalk to ensure privacy within the building. Stairs from the stoop may lead directly to the sidewalk or may be side-loaded. This Type is appropriate for residential uses with small setbacks.

**B. Size**

Width, Clear	5' min.; 8' max.	<b>A</b>
Depth, Clear	5' min.; 8' max.	<b>B</b>
Height, Clear	8' min.	<b>C</b>
Height	1 story max.	
Depth of Recessed Entries	6' max.	
Finish Level above Sidewalk	18" min.	<b>D</b>

**C. Miscellaneous**

- Stairs may be perpendicular or parallel to the building facade.
- Ramps shall be parallel to facade or along the side of the building.
- The entry door shall be covered or recessed to provide shelter from the elements.
- All doors must face the street.

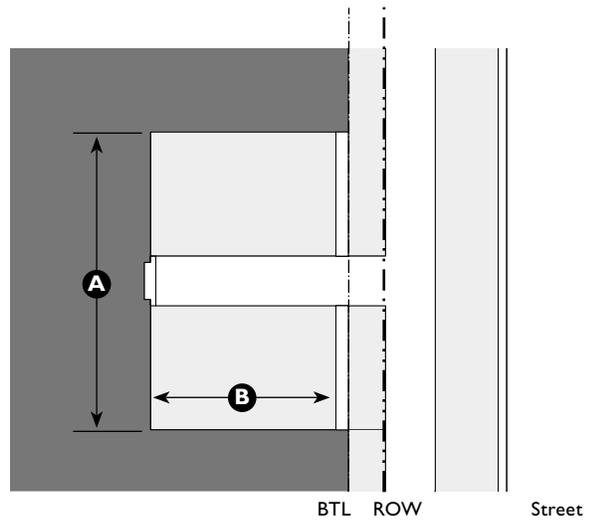
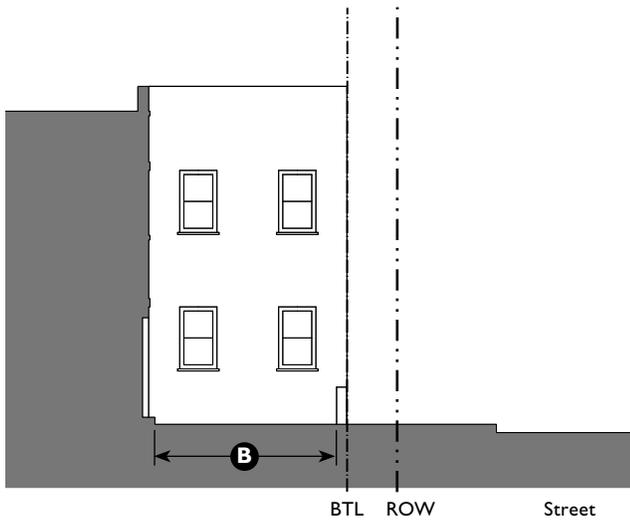


*This stoop on a single-family dwelling with a medium setback engages the street.*



*These stoops on townhouses with slightly recessed entries and a minimum setback allow the steps to engage the street.*

**4.20.080 Forecourt**



**Key**

--- ROW / Property Line    - - - - - Setback Line

**A. Description**

The main facade of the building is at or near the frontage line and a small percentage is set back, creating a small court space. The space could be used as an entry court or shared garden space for apartment buildings, or as an additional shopping or restaurant seating area within commercial areas.

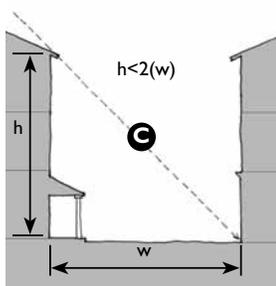
**B. Size**

Width, Clear	12' min.	<b>A</b>
Depth, Clear	12' min.	<b>B</b>
Ratio, Height to Width	2:1 max.	<b>C</b>

**C. Miscellaneous**

Forecourts should be used sparingly and should not be repeated along a block frontage.

The proportions and orientation of these spaces should be carefully considered for solar orientation and user comfort.

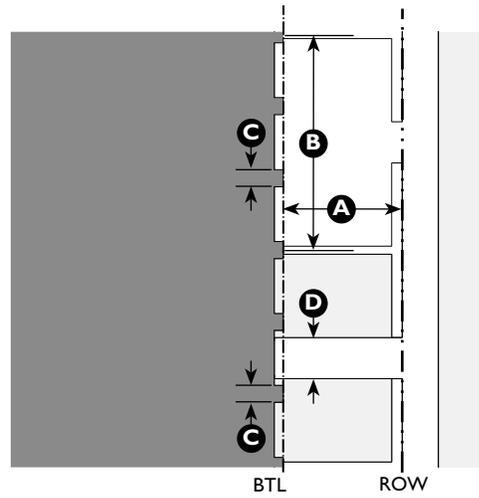
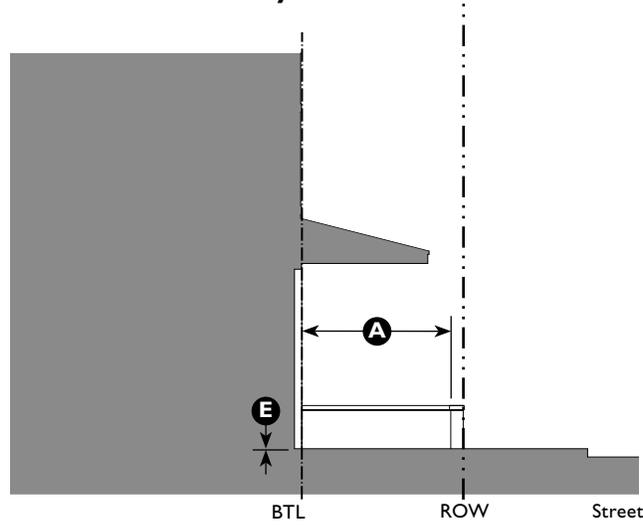


*This residential forecourt provides prominent entry yard and breaks down the overall massing along the street.*



*This commercial forecourt provides an outdoor dining area along a vibrant commercial street. The ROW is defined by a low wall as required by this Code.*

**4.20.090 Dooryard**



**Key**

---- ROW / Property Line      - - - - - Setback Line

**A. Description**

The frontage line is defined by a low wall or hedge and the main facade of the building is set back a small distance creating a small dooryard. The dooryard shall not provide public circulation along a ROW. The dooryard may be raised, sunken, or at grade and is intended for ground floor residential in flex zones, live/work, and small commercial uses  $\leq 2,500$  sf.

**B. Size**

Depth, Clear	8' min.	<b>(A)</b>
Length	50' max.	<b>(B)</b>
Distance between Glazing	4' max.	<b>(C)</b>
Ground Floor Transparency	50% min. <sup>1</sup>	
Depth of Recessed Entries	5' max.	
Path of Travel	3' wide min.	<b>(D)</b>
Finish Level above Sidewalk	3'-6" max.	<b>(E)</b>
Finish Level below Sidewalk	6' max.	

**C. Miscellaneous**

For live/work and commercial uses, these standards are to be used in conjunction with those for the Shopfront Frontage Type. In case of conflict between them, the Dooryard Frontage Type standards shall prevail.

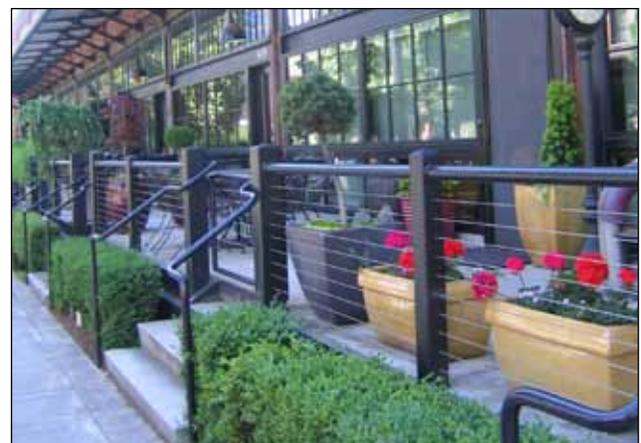
Low walls used as seating are encouraged.

Shall not be used for circulation for more than one ground floor entry.

<sup>1</sup> For live/work and commercial uses only.

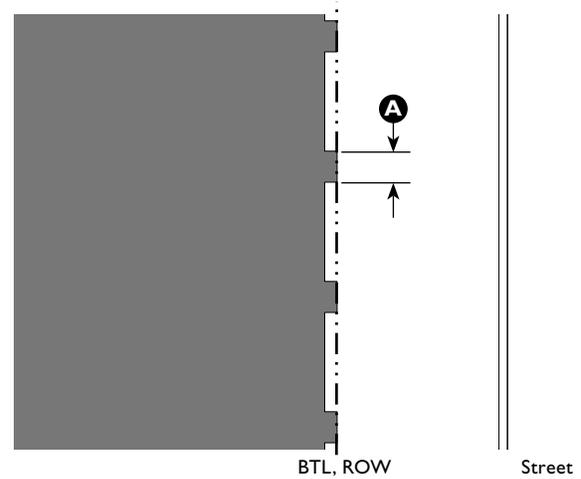
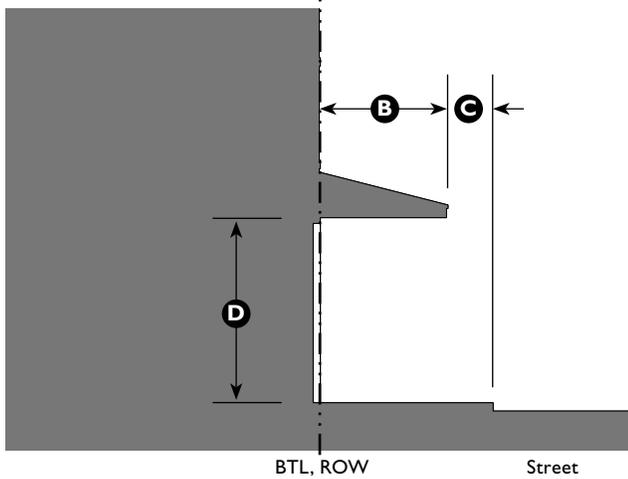


An example of a series of small commercial dooryards.



An example of a series of residential dooryards. Each dooryard has its own steps with railings providing separation between the dooryards of adjacent units.

**4.20.100 Shopfront**



**Key**

---- ROW / Property Line    - - - - - Setback Line

**A. Description**

The main facade of the building is at or near the frontage line with an at-grade entrance along the public way. This Type is intended for retail use. It has substantial glazing at the sidewalk level and may include an awning that may overlap the sidewalk. It may be used in conjunction with other frontage types.

**B. Size**

Distance between Glazing	2' max.	<b>A</b>
Ground Floor Transparency	75% min.	
Depth of Recessed Entries	5' max.	

**C. Awning**

Depth	4' min.	<b>B</b>
Setback from Curb	2' min.	<b>C</b>
Height, Clear	8' min.	<b>D</b>

**D. Miscellaneous**

- Residential windows shall not be used.
- Doors may be recessed as long as main facade is at BTL.
- Operable awnings are encouraged.
- Open-ended awnings encouraged.
- Rounded and hooped awnings are discouraged.
- Shopfronts with accordion-style doors/windows or other operable windows that allow the space to open to the street are encouraged.

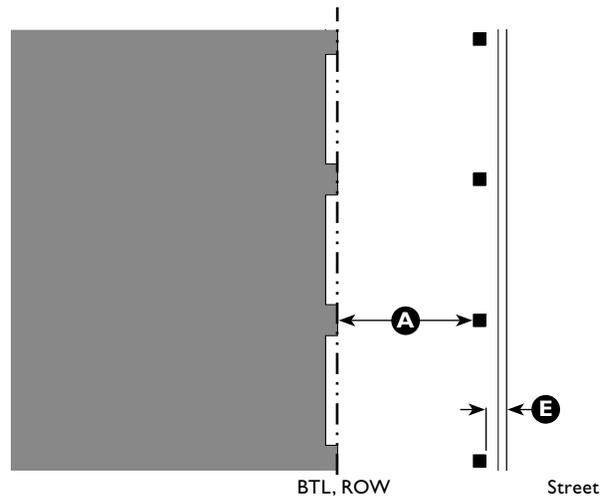
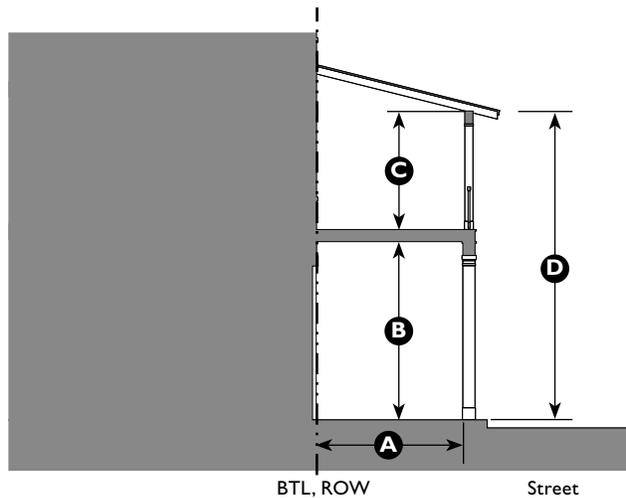


An example of a shopfront with a chamfered corner entry.



An example of a shopfront with a recessed doorway.

**4.20.110 Gallery**



**Key**

---- ROW / Property Line      - - - - - Setback Line

**A. Description**

The main facade of the building is at the frontage line and the gallery element overlaps the sidewalk. This Type is intended for buildings with ground-floor commercial uses and may be one or two stories. The gallery should extend far enough from the building to provide adequate protection and circulation for pedestrians and extend close enough to the curb so that a pedestrian cannot bypass it.

**B. Size**

Depth, Clear	8' min.	<b>A</b>
Ground Floor Height, Clear	11' min.	<b>B</b>
Upper Floor Height, Clear	9' min.	<b>C</b>
Height	2 stories max.	<b>D</b>
Setback from Curb	2' min.; 3' max.	<b>E</b>

**C. Miscellaneous**

These standards are to be used in conjunction with those for the Shopfront Frontage Type. In case of conflict between them, the Gallery Frontage Type standards shall prevail.

Upper-story galleries facing the street must not be used to meet primary circulation requirements.

Galleries must have a consistent depth along a frontage.

Gallery must project over a sidewalk.

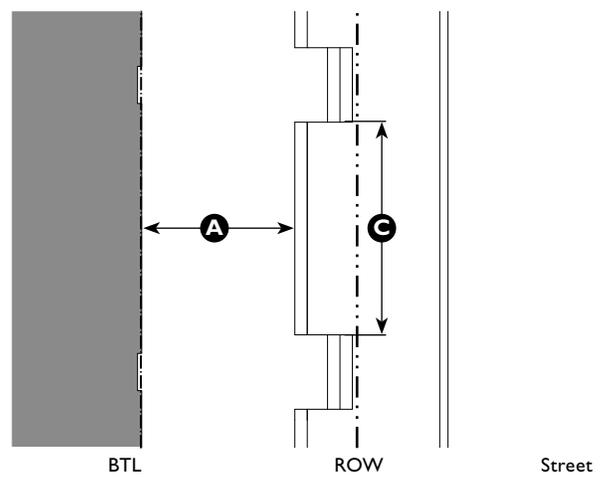
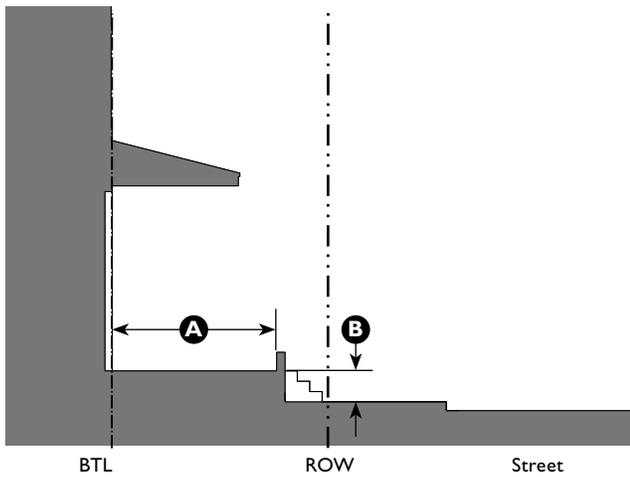


A one-story gallery with second floor access.



A two-story gallery.

4.20.120 Terrace



**Key**

---- ROW / Property Line    - - - - Setback Line

**A. Description**

The main facade is at or near the frontage line with an elevated terrace providing public circulation along the facade. This Type can be used to provide at-grade access while accommodating a grade change. Frequent steps up to the terrace are necessary to avoid dead walls and maximize access. This Type may also be used in historic industrial areas to mimic historic loading docks.

**B. Size**

Depth, Clear	8' min.	<b>A</b>
Finish Level above Sidewalk	3'6" max.	<b>B</b>
Length of Terrace	150' max.	
Distance between Stairs	50' max.	<b>C</b>

**C. Miscellaneous**

These standards are to be used in conjunction with those for the Shopfront Frontage Type. In case of conflict between them, the Terrace Frontage Type standards shall prevail.

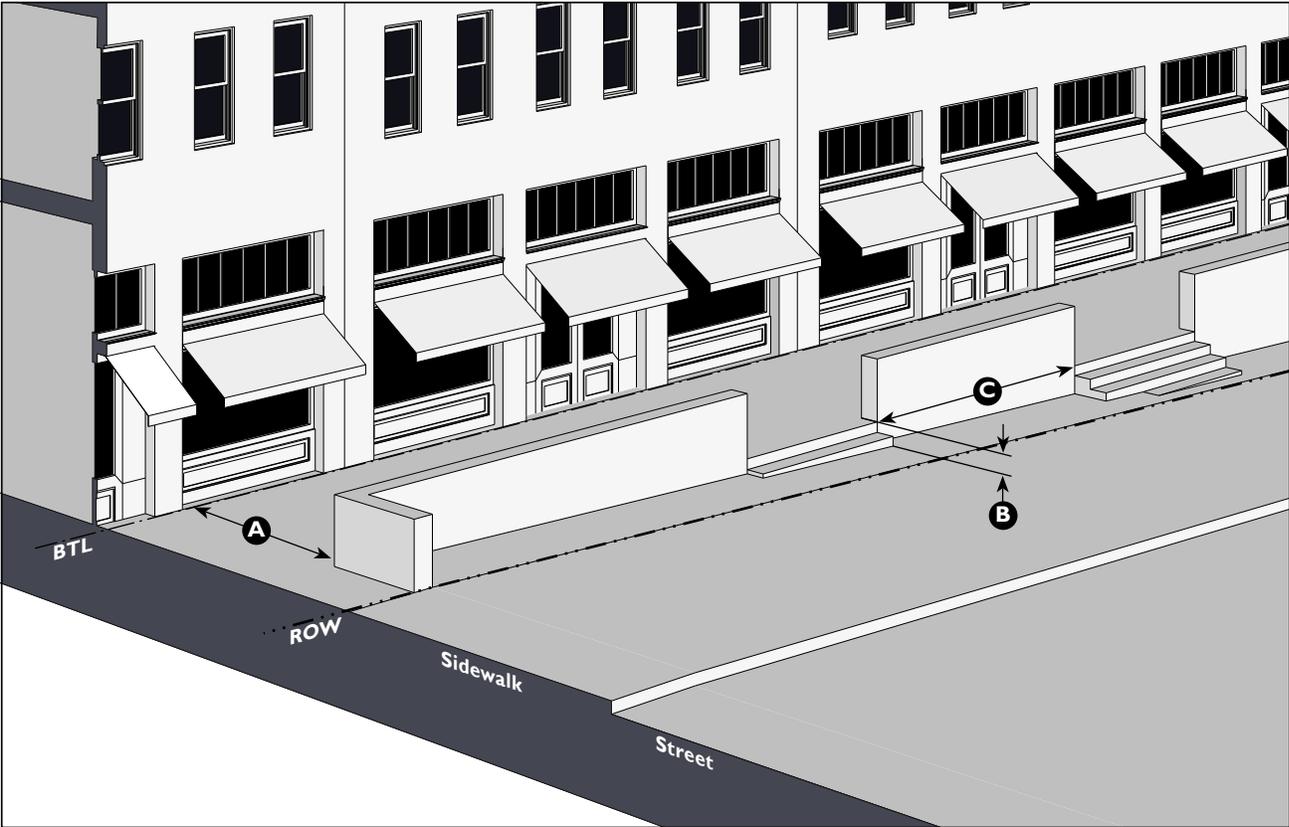
Low walls used as seating are encouraged.



An example of a terrace in a historic industrial district.



An example of a terrace used to accommodate a change in grade. The low walls are used to provide seating.



A terrace accommodating a grade change along a series of shopfronts.

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## Chapter 4.30: Specific to Uses

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### Sections:

- 4.30.010 Purpose and Applicability
- 4.30.020 Bed and Breakfast
- 4.30.030 Child Day Care Facilities
- 4.30.040 Density Bonus
- 4.30.050 Emergency Shelters *[Optional]*
- 4.30.060 Home Occupations
- 4.30.070 Live/Work
- 4.30.080 Manufactured Housing
- 4.30.090 Mobilehomes and Mobilehome Parks
- 4.30.100 Multi-family Residential *[17.72.140]*
- 4.30.110 Second Housing Unit
- 4.30.120 Wireless Telecommunication Facilities
- 4.30.130 Adult Entertainment Establishments
- 4.30.140 Medical Marijuana Dispensaries, Cooperatives and Cultivation

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### 4.30.010 Purpose and Applicability

- A. This Chapter provides site planning, development, and operating standards for certain land uses where allowed by Article 3 (Specific to Zones) and for activities that require special standards to ensure their compatibility with site features and existing uses. For land uses that are not discussed in the following sections, refer to Article 9 (Definitions).
- B. The standards in this Chapter are separated in Table 4.30.A (Zone Applicability of Specific Use Standards) as those applicable to all zones and those applicable to non-transect zones.

<b>Applicable to All Zones</b>	<b>Applicable Only to Non Transect Zones</b>
Bed and Breakfast Inns	Emergency Shelters
Child Day-Care Facilities	Manufactured Housing
Density Bonuses	Mobilehomes and Mobilehome Parks
Home Occupations	Multi-family Residential

Meeting Facilities (Public or Private)	Outdoor Sales Display
Telecommunication Facilities	Outdoor Storage
Second Housing Unit	

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#### 4.30.020 **Bed and Breakfast**

- A. **Operator.** Bed and breakfast inns shall be operated by the property owner/manager living on the site.
- B. **Number of rooms.** Bed and breakfast inns shall be limited to a maximum of six guest rooms for lodging, plus accommodations for the property manager/owner.
- C. **Additions, modifications, and new construction.** Additions, modifications, and new construction of bed and breakfast inn structures shall be sensitive to and compatible with the surrounding neighborhood and follow the City's Design Standards & Guidelines.
- D. **Food service.** Food may only be served to registered overnight guests. Guest room cooking facilities prohibited.
- E. **Fencing.** A six-foot high fence or wall shall be constructed on all property lines that abut a residential district. All fences or walls shall be solid and decorative in compliance with Chapter 4.50 (Landscaping, Fencing and Screening).
- F. **Signs.** Signs are limited to a maximum of four square feet and are subject to the sign permit approval and provisions of Chapter 4.60 (Specific to Signage).
- G. **Parking.** Parking shall be provided in compliance with Chapter 4.40 (Specific to Parking).

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#### 4.30.030 **Child Day Care Facilities**

This Section establishes standards for City review of child day care facilities, in conformance with State law (Health and Safety Code Section 1596.78), including the limitations on the City's authority to regulate these facilities.

These standards apply in addition to all other applicable provisions of this Development Code and any requirements imposed by the California Department of Social Services through its facility licensing procedures. Licensing by the Department of Social Services is required for all child day care facilities. Evidence of the license shall be presented to the Planning Department prior to establishing any child day care facility.

- A. **Small family day care home.** A small family day care home is permitted in all residential zones as allowed by Health and Safety Code Sections 1597.44 et seq.
- B. **Large family day care home.** As allowed by Health and Safety Code Sections 1597.465 et seq., a large family day care home shall be approved if it complies with the following standards:
  1. The facility shall comply with all applicable State and fire codes.
  2. A separation of 300 feet shall be required from any other large family day care home.
  3. A six-foot high fence or wall shall be constructed on all property lines or around the outdoor activity areas, except in the front yard or within a traffic safety visibility area.

4. The facility shall not exceed City noise limits as established by the City's General Plan.
  5. On-site exterior lighting shall be allowed for safety purposes only, shall consist of low wattage fixtures, and shall be directed downward and shielded.
  6. Parking shall be provided in compliance with Chapter 4.40 (Specific to Parking).
  7. Swimming pools/spas prohibited. No swimming pool/spa shall be installed on the site after establishment of the family day care center, due to the high risk and human safety considerations. Any pool/spa existing on the site prior to application for approval of a family day care center shall be removed prior to establishment of the use, unless the Director determines that adequate, secure separation exists between the pool/spa and the facilities used by the children.
- C. **Family day care centers.** The following standards apply to family day care centers:
1. The facility shall comply with all applicable State and fire codes.
  2. Noise sources shall be identified through the Use Permit approval process. The facility shall not exceed City noise limits as established by the City's General Plan.
  3. Parking shall be provided in compliance with Chapter 4.40 (Specific to Parking).
  4. On-site exterior lighting shall be allowed for safety purposes only, shall consist of low wattage fixtures, and shall be directed downward and shielded.
  5. A six-foot high fence or wall shall be constructed on all property lines or around the outdoor activity areas, except in the front yard or within a traffic safety visibility area.

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**4.30.040 Density Bonus**

- A. **Purpose.** The purpose of this Section is to comply with State density bonus law (California Government Code Section 65915-65918), by providing increased residential densities for projects that guarantee that a portion of the housing units will be affordable to very low-, low-, or moderate-income households, senior citizens, or include child care facilities.
- B. **Applicability.** The provisions of this Section apply to the construction of five or more housing units that satisfy one or more of the following criteria:
1. At least 10 percent of the units are designated for low-income households.
  2. At least five percent of the units are designated for very low-income households.
  3. One hundred percent of the units are designated for seniors citizens as defined in Section 51.3 and 51.12 of the Civil Code or 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.
  4. At least 10 percent of the units in a common interest development are designated for moderate-income households, provided that all units in the development are offered to the public for purchase.
- C. **Calculating the density bonus.** The density bonus shall be calculated as shown in Table 4.30.B for very low-, low-, and moderate-income households. For housing developments meeting the criteria of Subsection B.3., above, the density bonus shall be 20 percent of the

number of senior housing units. All density calculations resulting in fractional units shall be rounded up to the next whole number.

**Table 4.30.B: Density Bonus Calculations**

Very Low-Income Households Earning < 50% AMI		Low-Income Households Earning 50% - 80% AMI		Moderate-Income Persons/Families in Common Interest Development	
Very Low-Income Units	% of Density Bonus <sup>1</sup>	Low-Income Units	% of Density Bonus <sup>1</sup>	Moderate-Income Units	% of Density Bonus <sup>1</sup>
5%	20.00%	10%	20.00%	10%	5.00%
6%	22.50%	11%	21.50%	11%	6.00%
7%	25.00%	12%	23.00%	12%	7.00%
8%	27.50%	13%	24.50%	13%	8.00%
9%	30.00%	14%	26.00%	14%	9.00%
10%	32.50%	15%	27.50%	15%	10.00%
11%	35.00%	16%	29.00%	16%	11.00%
		17%	30.50%	17%	12.00%
		18%	32.00%	18%	13.00%
		19%	33.50%	19%	14.00%
		20%	35.00%	20%	15.00%
				21%	16.00%
				22%	17.00%
				23%	18.00%
				24%	19.00%
				25%	20.00%
				26%	21.00%
				27%	22.00%
				28%	23.00%
				29%	24.00%
				30%	25.00%
				31%	26.00%
				32%	27.00%
				33%	28.00%
				34%	29.00%
				35%	30.00%

**Table 4.30.B: Density Bonus Calculations**

Very Low-Income Households Earning < 50% AMI		Low-Income Households Earning 50% - 80% AMI		Moderate-Income Persons/Families in Common Interest Development	
Very Low-Income Units	% of Density Bonus <sup>1</sup>	Low-Income Units	% of Density Bonus <sup>1</sup>	Moderate-Income Units	% of Density Bonus <sup>1</sup>
				36%	31.00%
				37%	32.00%
				38%	33.00%
				39%	34.00%
				40%	35.00%

**Note:**  
 1. Density bonus is above the highest range of base density.

**E. Developer incentives**

1. **Restrictions.** When an applicant seeks a density bonus as prescribed by Government Code Section 65915, the City will grant the number of developer incentives as required by Subsection 2., below, unless it makes any of the following findings:
  - a. The developer incentives are not required in order to provide affordable housing, as defined in Section 50052.3 of the Health and Safety Code, or for rents for the targeted units to be set as specified in Section 65915(c) of the Government Code.
  - b. The developer incentives would have a specific adverse impact, as defined in paragraph (2) of Subdivision (d) of Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.
  - c. The developer incentives would be contrary to State or Federal law.
2. **Number of developer incentives.** The number of developer incentives shall be in compliance with Table 4.30.C (Number of Developer Incentives).

**Table 4.30.C: Number of Developer Incentives**

Number of Developer Incentives	Set Aside Units		
	Very Low-Income Units	Low-Income Units	Moderate-Income Units in Common Interest Developments <sup>1</sup>
1	5%	10%	10%
2	10%	20%	20%
3	15%	30%	30%

**Note:**

I. Common interest development includes common interest developments of, or in a planned development as defined in Subdivision (k) of Section 1351 of the Civil Code that are offered to the public for purchase.

**3. Developer incentives defined**

- a. For the purposes of this Section, concession or incentive means any of the following:
  - (1) Reduced site development standards or modified Zoning Code or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financially sufficient, and actual cost reductions.
  - (2) Approval of mixed-use zoning if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area; and
  - (3) Other regulatory developer incentives proposed by the developer or the City that result in identifiable, financially sufficient, and actual cost reductions.

**F. Waivers and modifications of development standards**

1. **Proposal.** In accordance with Government Code Section 65915(e), an applicant may propose a waiver or modification of development standards if they would physically preclude the construction of a development meeting the criteria of Subsection B (Applicability), at the densities or with the developer incentives permitted by this Section.

A proposal for the waiver or reduction of development standards pursuant to this subdivision shall neither reduce nor increase the number of developer incentives to which the applicant is entitled pursuant to Subsection 4.b.

2. **Grounds for denial.** In accordance with Government Code Section 65915(e), the City may deny an applicant's request to waive or modify the City's development standards in any of the following circumstances:
  - a. The application does not conform with the requirements of this Section or Government Code Section 65915-65918.
  - b. The applicant fails to demonstrate that the City's development standards physically preclude the utilization of a density bonus on a specific site.
  - c. The waiver or reduction would have a specific, adverse impact, as defined in Government Code Section 65589.5(d)(2), upon health, safety, or the physical environment, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
  - d. The waiver or reduction would have an adverse impact on any real property that is listed in the California Register of Historical Resources.

- e. The waiver or reduction would be contrary to State or Federal law.

**G. Application procedure**

1. An application for a density bonus, developer incentive, or waiver or modification of development standards must include the following information:
  - a. The total number of base units;
  - b. The number of proposed affordable housing units;
  - c. The specific developer incentive(s) sought, if any;
  - d. The specific waiver or modification to development standards sought, if any;
  - e. If seeking a developer incentive, documentation regarding the necessity of the developer incentive in order to provide affordable housing costs or rents;
  - f. If seeking a waiver or modification of development standards, documentation regarding the necessity of the waiver or modification, including documentation demonstrating that the City's development standards physically preclude the utilization of a density bonus;
  - g. If requesting a density bonus based on land donation in accordance with Government Code Section 65915(g), information sufficient to permit the City to determine that the proposed donation conforms with the requirements of Section 65915 and this Code; and
  - h. If requesting a density bonus based on the provision of a child day care facility in accordance with Government Code Section 65915(h), the application must:
    - (1) Provide the location of the proposed child day care facility and the proposed operator;
    - (2) Agree to operate the child day care facility for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable;
    - (3) Agree to have contracted with a child day care facility operator for operation of the child day care facility before the first building permit is issued; and
    - (4) Agree that the child day care facility will be in operation when the first certificate of occupancy is issued.

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**4.30.050 Emergency Shelters [Optional]**

An emergency shelter shall meet the following development and performance standards:

- A. On-site management and on-site security shall be provided during hours when the emergency shelter is in operation.
- B. Adequate external lighting shall be provided for security purposes. The lighting shall be stationary, directed downward and shielded so as not to produce off-site glare.

- C. The development may provide one or more of the following specific common facilities for the exclusive use of the residents and staff:
  - 1. Central cooking and dining room(s).
  - 2. Recreation room.
  - 3. Counseling center.
  - 4. Child day care facilities.
  - 5. Other support services.
- D. Parking and outdoor facilities shall be designed to provide security for residents, visitors, employees and the surrounding area.
- E. The agency or organization operating the shelter shall comply with the following requirements:
  - 1. Temporary shelter shall be available to residents for no more than six months.
  - 2. Staff and services shall be provided to assist residents in obtaining permanent shelter and income.
  - 3. The provider shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, security, screening of residents to insure compatibility with services provided at the facility, and for training, counseling, and treatment programs for residents.
- F. No emergency shelter shall be located within 300 feet of another emergency shelter site.
- G. The facility shall be in, and shall maintain at all times, good standing with City and/or State licenses, if required by these agencies for the owner(s), operator(s), and/or staff of the proposed facility.
- H. In residential zones, the maximum number of residents of the facility shall not exceed six persons for each 1,600 square feet of lot area on the site; with the exception of those homeless shelters developed in an individual dwelling unit format, in which case the underlying zone's maximum unit density standard shall apply.

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**4.30.060****Home Occupations**

- A. **Procedures.** Home occupations shall be permitted only in accordance with the provisions of this Section and Section 7.020.030 (Home Occupation Permits), and a Home Occupation Permit shall be valid only for the applicant to whom it was issued while the applicant operates the business in the location specified in the permit. The permit cannot be transferred to another applicant or location. Terms of the permit cannot be modified except by applying for a new permit.
- B. **Standards.** A home occupation must comply with the following standards:
  - 1. A home occupation shall be clearly incidental to the use of the home as a dwelling.
  - 2. A home occupation shall not be conducted in any accessory structure other than a garage. There shall be no storage of equipment or supplies outside the dwelling or in any accessory structure other than a garage.
  - 3. No one other than a resident of the dwelling shall be employed in the conduct of the home occupation.

4. Sales of goods on the premises shall be limited to the products of the home occupation, and no other merchandise or goods shall be sold, kept or displayed for the purposes of sale on the premises.
5. Merchandise not produced on the premises may be kept and stored for purposes of sale at locations off the premises, provided that such merchandise is limited to small articles such as jewelry, cosmetics and similar items of merchandise which can be carried by one person in a case or other container. For purposes of this standard, materials typically involved in providing contracting services, such as plumbing, heating, air conditioning, electrical, carpentry and landscaping, are not included within the meaning of the clause "small articles".
6. A home occupation may involve the performance of business and professional services in which goods, wares and merchandise are not commercially created, sold or exchanged, but shall not include beauty salons, barber shops, medical offices, tattoo parlors, fortune tellers, palm readers or similar services.
7. A home occupation shall not involve the performance of any repair services on the premises other than the repair of small appliances and equipment or other small objects that normally are capable of being carried by one person without the aid of mechanical equipment or devices.
8. No motor power other than electrically-operated motors shall be used in connection with a home occupation.
9. A home occupation shall not create any radio or television interference or noise audible beyond the walls of the dwelling.
10. There shall be no external alteration of the appearance of a dwelling in which a home occupation is conducted in order to accommodate or enhance the home occupation.
11. The existence of a home occupation shall not be apparent beyond the boundaries of the site except for one non-illuminated name plate affixed to the dwelling not exceeding two square feet in area.
12. The number of customers of a home occupation who travel to the site of the home occupation shall not exceed four persons per day unless permission is specifically granted through a condition imposed by the Review Authority. In no case shall the number of customers of a home occupation who travel to the site of the home occupation exceed eight persons per day.
13. Not more than one truck of not more than one ton capacity and no trailers incidental to a home occupation shall be kept on the site unless permission is specifically granted through a condition imposed by the Planning Commission and/or City Council.
14. The Planning Commission and/or City Council may impose other conditions deemed necessary to make the home occupation compatible with the neighborhood.
15. To assure compliance with these standards and any other conditions of approval, a home occupation shall be subject to review by staff six months after issuance of a permit, with annual review thereafter.
16. The holder of a home occupation permit must obtain and maintain a valid City of Kingsburg business license. If the business license is revoked or is not renewed in a timely manner, the home occupation permit shall be suspended and revoked in accordance with the procedure outlined in Section 7.020.030 (Home Occupation

Permit). Once revoked, the home occupation cannot be established again without application for a new permit.

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**4.30.070 Live/Work**

- A. **Purpose.** This Section provides standards for the development of new live/work units and for the reuse of existing commercial and industrial structures to accommodate live/work opportunities where allowed by Article 3 (Specific to Zones). A live/work unit shall function predominantly as work space with incidental residential accommodations that meet basic habitability requirements. The standards of this Section do not apply to mixed use projects.
- B. **Application requirements.** In addition to the information and materials required for a Use Permit application by this Development Code, the Review Authority may require a Use Permit application for a live/work unit to include a Phase I Environmental Assessment for the site, including an expanded site investigation to determine whether lead based paint or asbestos hazards are present. If hazards are determined to be present a Phase II Environmental Assessment may be required. Any costs incurred during the environmental assessment shall be borne by the Applicant.
- C. **Limitations on use.** The nonresidential component of a live/work project shall only be a use allowed within the applicable zone. A live/work unit shall not be established or used in conjunction with any of the following activities:
1. Adult-oriented businesses;
  2. Vehicle maintenance or repair (e.g., body or mechanical work, including boats and recreational vehicles), vehicle detailing and painting, upholstery, etc.);
  3. Storage of flammable liquids or hazardous materials beyond that normally associated with a residential use;
  4. Welding, machining, or any open flame work; and
  5. Any other activity or use, as determined by the Director to not be compatible with residential activities and/or to have the possibility of affecting the health or safety of live/work unit residents, because of the potential for the use to create dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or would be hazardous because of materials, processes, products, or wastes.
- D. **Occupancy requirement.** The residential space within a live/work unit shall be occupied by at least one individual employed in the business conducted within the live/work unit.
- E. **Design standards**
1. **Floor area requirements.** The floor area of the work space shall be at least 30 percent of the total floor area. All floor area other than that reserved for living space shall be reserved and regularly used for working space.
  2. **Separation and access.** Each live/work unit shall be separated from other live/work units or other uses in the structure. Access to each live/work unit shall be provided from a public street, or common access areas, corridors, or halls. The access to each unit shall be clearly separate from other live/work units or other uses within the structure.
  3. **Facilities for commercial or industrial activities, location.** A live/work unit shall be designed to accommodate commercial or industrial uses as evidenced by the

provision of flooring, interior storage, ventilation, and other physical improvements of the type commonly found in exclusively commercial or industrial facilities used for the same work activity. The ground floor of a live/work unit shall be used only for non-residential purposes.

4. **Integration of living and working space.** Areas within a live/work unit that are designated as living space shall be an integral part of the live/work unit. The living space of a live/work unit shall be accessed only by means of an interior connection from the work space, and shall have no exterior access except as required by the Building Code or Fire Code.
5. **Mixed occupancy structures.** If a structure contains mixed occupancies of live/work units and other nonresidential uses, occupancies other than live/work shall meet all applicable requirements for those uses, and proper occupancy separations shall be provided between the live/work units and other occupancies, as determined by the Building Official.
6. **Parking.** Each live/work unit shall be provided with at least two off-street parking spaces. The review authority may modify this requirement for the use of existing structures with limited parking.

F. **Operating requirements**

1. **Sale or rental of portions of unit.** No portion of a live/work unit may be separately rented or sold as a commercial or industrial space for any person not living in the premises or as a residential space for any person not working in the same unit.
2. **Notice to occupants.** The owner or developer of any structure containing live/work units shall provide written notice to all live/work occupants and users that the surrounding area may be subject to levels of dust, fumes, noise, or other effects associated with commercial and industrial uses at higher levels than would be expected in more typical residential areas. State and Federal health regulations notwithstanding, noise and other standards shall be those applicable to commercial or industrial properties in the applicable zone.
3. **On-premises sales.** On-premises sales of goods is limited to those produced within the live/work unit; provided, the retail sales activity shall be incidental to the primary production work within the unit. These provisions shall allow occasional open studio programs and gallery shows.
4. **Nonresident employees.** Up to two persons who do not reside in the live/work unit may work in the unit, unless this employment is prohibited or limited by the Use Permit. The employment of three or more persons who do not reside in the live/work unit may be allowed, subject to Use Permit approval, based on an additional finding that the employment will not adversely affect parking and traffic conditions in the immediate vicinity of the unit. The employment of any persons who do not reside in the live/work unit shall comply with all applicable International Building Code requirements.
5. **Client and customer visits.** Client and customer visits to live/work units are allowed subject to any applicable conditions of the Use Permit to ensure compatibility with adjacent commercial or industrial uses, or adjacent residentially-zoned areas.

- G. **Changes in use.** After approval, a live/work unit shall not be converted to either entirely residential use or entirely business use unless authorized through Use Permit approval. No live/work unit shall be changed to exclusively residential use in any structure where

residential use is not allowed, where two or more residential units already exist, or where the conversion would produce more than two attached residential units.

- H. **Required findings.** The approval of a Use Permit for a live/work unit shall require that the Review Authority first make all of the following findings, in addition to those findings required for Use Permit approval by Chapter 7.020.060 (Use Permit and Minor Use Permit):
1. The proposed use of each live/work unit is a bona fide commercial or industrial activity consistent with Subsection C (Limitations on use);
  2. The establishment of live/work units will not conflict with nor inhibit commercial or industrial uses in the area where the project is proposed;
  3. The structure containing live/work units and each live/work unit within the structure has been designed to ensure that they will function predominantly as work spaces with incidental residential accommodations meeting basic habitability requirements in compliance with applicable regulations; and
  4. Any changes proposed to the exterior appearance of the structure will be compatible with adjacent commercial or industrial uses where all adjacent land is zoned for commercial or industrial uses.

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**4.30.080**
**Manufactured Housing**

- A. **Application.** The provisions of this Section shall apply to all single-family dwellings and mobilehomes on permanent foundations as permitted in compliance with Chapter 3.40.
- B. **Developmental/Architectural Standards.** All single family dwellings and mobilehomes on permanent foundations shall meet the following developmental/ architectural standards:
1. **Garages or Carports.** A garage or carport shall be provided for every dwelling located on a lot that is not a part of a mobilehome subdivision.
  2. **Minimum Floor Area.** The minimum floor area for every dwelling located that is not a part of a mobilehome subdivision, shall be 800 square feet, excluding the area of the garage or carport.
  3. **Roof Overhang.** All main buildings shall have a pitched roof with a minimum 12-inch roof overhang on each of the dwelling's perimeter walls such that the overhang is architecturally integrated into the design of the dwelling unit.
  4. **Roofing Material.** All main buildings, and all detached garages and carports located on the front half of the lot shall have a roof constituted of either wood shakes, asphalt, composition or wood shingles, clay, tile, concrete or metal tile, slate or built-up asphaltic-gravel materials.
  5. **Siding Material.** All main buildings and all detached garages located on the front half of the lot shall have exterior siding material consisting of either wood, masonry, concrete, stucco, masonite concrete or masonry perimeter foundation is used, the siding material need not extend below the top of the foundation.
  6. **Foundations.** All main buildings shall be placed on a permanent foundation that meets applicable building code requirements and/or the provisions of Section 18551 of the California Health and Safety Code, such that the floor elevation of the dwelling is reasonably compatible with the floor elevations of the surrounding dwelling units.

7. **Minimum Width.** The minimum width of a dwelling located on a lot outside of a mobilehome subdivision shall be 20 feet.
8. **Surrender of Registration.** Subsequent to applying for a building permit, and prior to occupancy of a mobilehome on a permanent foundation, the owner shall request a certification of occupancy be issued by the building official pursuant to Section 18557(a)(2) of the California Health and Safety Code. Thereafter, any vehicle license plate, certificate of ownership and certificate of registration issued by a State Agency is to be surrendered to the issuing State Agency. Any mobilehome on a permanent foundation must bear a California insignia or Federal label pursuant to Section 18550(b) of the California Health and Safety Code.
9. **Tow Bars, Wheels and Axles.** All mobilehome tow bars, wheels and axles shall be removed when the dwelling is installed on a residential lot.
10. **Deviations.** The Director may approve deviations from one or more of the standards of this Section on the basis of a finding that the architectural style proposed provides compensating design features and that the proposed dwelling will be compatible and harmonious with existing structures in the vicinity. The determination of the Director may be appealed to the City Council in compliance with the provisions of Chapter 7.080 (Appeals).

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**4.30.090 Mobilehomes and Mobilehome Parks**

- A. **Conformance to provisions.** Mobile homes, mobile home parks, trailer parks, travel trailer parks and recreation trailer parks, where permitted, shall conform to Title 25 of the California Administrative Code and the additional provisions of this Section.
- B. **Mobilehomes outside of mobilehome parks.** A mobile home located outside of a mobile home park shall comply with the same architectural standards required for single-family dwellings.
- C. **Mobilehome Parks**
  1. **Occupancy.** No mobilehome shall be occupied or used for living or sleeping purposes, or be parked, other than in a mobilehome sales yard or in an approved storage area within a CS, CH or I zone, unless it is located within a licensed

mobilehome park; provided, that a mobilehome may also be used as follows: as an office for a construction project, circus or carnival; as a residence of a watchman on the site of a construction project or an industrial use; to provide temporary living quarters for circus or carnival personnel in accordance with the provisions of an approved Use Permit; or as a single family dwelling when set on a permanent foundation.

- 2. **Location, Access and Procedure.** Mobilehome parks shall meet the same locational requirements as do other types of dwellings under low, medium or high density policies of the General Plan. Mobilehome parks shall be located only within R or RM zones, with access from elements of the arterial or collector street system to be considered as a condition of approval. Mobilehome parks shall be permitted only in compliance with the Section 7.020.060 (Use Permit and Minor Use Permit) and this Section.

3. **Development Standards, Mobilehome Parks**

a. **Park Area, Density and Site Area**

- (1) The minimum area of a mobilehome park shall be five acres. The first phase of mobilehome park development shall be not less than five acres and shall include all required recreational and service amenities.
- (2) The maximum density shall be eight mobilehome sites per gross acre in the RM zone, six per net acre in the R zone, and one per net acre in the RA zone.
- (3) Each mobilehome site shall be not less than 3,000 square feet in area, including pad, parking, private access, landscaping and private storage areas.
- (4) No mobilehome site shall be less than 30 feet in width.

- b. **Clearances, Setbacks and Yard Spaces.** No mobilehome shall be located in any required setback as identified in Table 4.30.090.A (Mobilehome Setbacks), except that tow bars may extend into such yard space, and other incidental structures may be located in compliance with the setback provisions of the applicable zone.

**Table 4.30.090.A: Mobilehome Setbacks**

<b>Mobilehome Park</b>	
Front Setback	20'
Interior Setback	10'
Street Setback	10'
Interior Rear Setback	10'
Street Rear Setback	20'
<b>Mobilehome Sites within the Park</b>	
Front Setback	10'
Side Setback	5'
Rear Setback	10'

c. **Patios and Pads**

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

d. **Parking**

- (1) Parking shall be provided within each mobilehome site, for guests, and for central recreation buildings, park offices and other similar buildings in compliance with Chapter 4.40 (Specific to Parking).
- (2) Supplemental parking for pleasure boats, recreation vehicles and non-occupied travel trailers shall be used only by mobilehome park tenants. Supplemental parking shall be clustered, easily accessible via interior drives, and screened from view by means of a solid ornamental fence or wall and landscaping.
- (3) All parking areas and spaces shall be designed and constructed in accordance with the provisions of Chapter 4.40 (Specific to Parking).

e. **Streets**

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

f. **Driveways, Street Signs, Lighting, Storm Drainage, Water and Sewer Systems.** Driveways for individual mobilehome sites, street signs, interior street lighting, storm drainage facilities and water and sewer systems shall be installed subject to approval of the director of public works.

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

h. **Recreation Areas and Pedestrian Ways**

- (1) Common recreation area in an aggregate total equal to 10 percent of the gross area of the mobilehome park shall be provided at a location or locations which are easily accessible and convenient to park residents.

- (2) Recreation areas shall be landscaped and maintained, with all landscaped areas to be irrigated by an automatic underground system.
  - (3) Pedestrian ways shall be provided throughout the mobilehome park, connecting all mobilehome sites with each other and with common recreation areas. Such pedestrian ways shall be provided where possible at locations away from the interior street system to avoid conflict in pedestrian and vehicle traffic.
  - (4) The calculation of common recreation areas shall not include yard areas, pedestrian ways, management offices, laundry and tenant storage areas and parking areas.
- i. **Signs.** Signs shall be in compliance with Chapter 4.60 (Specific to Signage).
  - j. **Landscaping and Screening.** Landscaping and screening shall be in compliance with Chapter 4.50 (Landscaping, Fencing and Screening).
  - k. **Laundry and Trash Requirements.** Each mobilehome park shall provide:
    - (1) A laundry building equipped for clothes washing and drying;
    - (2) An outdoor clothes drying area screened from view from other areas of the mobilehome park by an ornamental screen fence or wall and landscaped area; and
    - (3) Trash enclosures at locations along the interior street system, which are convenient to all residents and to municipal refuse trucks, integrated with parking areas. Trash enclosures are not required where each mobilehome unit is served by mechanized individual unit trash pickup service.
  - l. **Site Plan Review.** Applications for mobilehome parks shall be subject to site plan review under the provisions of Section 7.020.040 (Site Plan Review).
  - m. **Placement and Sale of Mobilehomes**
    - (1) At the time of placement on the site, all mobilehomes shall be fitted with appropriate skirts to obscure stands, pads, and under-carriage equipment.
    - (2) Mobilehomes may be displayed and sold within a mobilehome park similar to the sale of model homes within a residential subdivision, provided that such mobilehomes are not sold for delivery to any location other than within the mobilehome park in which sold, and that all mobilehomes are placed on mobilehome sites and connected to all utility services. No more than four mobilehomes shall be offered for sale at any one time, and advertising for sale shall be limited to one non-illuminated sign not exceeding eight square feet in area on the site of each mobilehome offered for sale.
  - n. **Other laws, regulations and ordinances.** All applicable County and State laws and regulations concerning the development and operation of mobile home parks shall be observed. Nothing contained in this Section shall be construed to abrogate, void, or minimize other pertinent requirements of law.

**4.30.100 Multi-family Residential [17.72.140]**

All residential development, other than single-family detached housing on individual lots, in the Non-Transect Zones [permitted by Chapter 3.30 (Specific to Zones)] on land designated by the General Plan for medium or high density housing shall be developed in accordance with the following standards:

- A. The extent and rate at which multi-family residential is allowed to occur during a given year shall be governed, in part, by realistic demands in the housing market as established by competent housing market analysis to be submitted by the applicant. Unsubstantiated market analysis shall be grounds for project disapproval by the City, even though multi-family use is designated for the property being considered by the General Plan. The extent and rate of multifamily development shall also be governed by the policies and criteria for growth management as contained in the General Plan.
- B. For projects intended to meet the housing needs of low and moderate income, market potential that depends solely on meeting the needs of households that reside in other cities or parts of Fresno or Tulare Counties, and that exceeds the City's regional "fair-share" housing commitment under the Housing Element of the General Plan may be grounds for project disapproval by the City.
- C. Multi-family residential developments involving 20 or more dwelling units shall include a minimum of 20 percent of net site area [(including front, side and rear yard areas required Chapter 3.30 (Non-Transect Zones)] developed as landscaped open space, in compliance with Chapter 4.50 (Specific to Landscaping, Fencing, and Screening). A minimum of 10 percent net site area, excluding required yard areas, shall be developed for the common recreation use of tenants, and shall include the following:
  - 1. One totlot.
    - a. Minimum area shall be 400 square feet for preschool children for each increment of 50 dwelling units or less, excluding studio and one bedroom units and units intended solely for the elderly.
    - b. Totlots shall contain a confined sand base, safe play equipment and security fencing where appropriate, as determined by the City.
  - 2. An area or areas aggregating at least 5,000 square feet for passive recreation (e.g., lounging, sun bathing, barbecue, reading, conversation), and including areas to be shaded by trees and/or structures.
- D. Multi-family residential developments involving less than 20 dwelling units shall include a minimum of 10 percent of net site area developed as landscaped open space in compliance with Chapter 4.50 (Specific to Landscaping, Fencing, and Screening), excluding required yard areas, for the recreation use of tenants.

**Table 4.30.C: Landscaping Multi-family Development**

Landscaping Requirement	Multi-family Development	
	≥ 20 Dwelling Units	< 20 Dwelling Units
Landscaped Open Space	20% (min.) Includes required setbacks	10% (min.) Excludes required setbacks
Common Recreation for Tenants	10% (min.) Excludes required setbacks	

- E. For multi-family projects where the applicant requests a partial waiver of recreation impact fees required by City ordinance, all of the following areas and facilities shall be provided on a minimum of one acre of aggregate site area:
  - 1. Recreational open space for either passive or active recreational use, including at least one-half acre of lawn area that is irrigated by an automatic system.
  - 2. Court areas involving any combination of area for tennis, badminton, volleyball, shuffleboard or similar hard-surfaced court game areas.
  - 3. Recreational swimming areas devoted primarily to swimming and wading, including lap pools and training pools, and further including adjacent area in lawn, decks, cabanas or similar pool-side facilities, at a standard of 800 square feet of water surface area per pool and 1,600 square feet of land area for related facilities, for each 40 dwelling units.
- F. Where multi-story dwelling units are proposed adjacent to existing or planned low density residential areas, building elevations and the locations of windows, balconies and air conditioning units above the first floor shall be reviewed by the City to assure visual compatibility and residential privacy.
- G. Parking for multi-family residential developments shall be provided in compliance with Chapter 4.40 (Specific to Parking).
- H. Site development and maintenance shall follow a comprehensive landscape development plan approved in compliance with Chapter 4.50 (Landscaping, Fencing and Screening).

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**4.30.110 Second Housing Unit**

- A. **Application.** This Section provides standards by which the City shall administratively process applications for the siting and construction of a second housing unit to be attached to or detached from an existing one-family residence where permitted in compliance with Chapter 3.40.
- B. **Applicable to All**
  - 1. **Owner Occupancy.** Either the existing one-family residence or the second housing unit shall be occupied by the owner of the property.
  - 2. **Parking.** Off-street parking shall be provided in compliance with Chapter 4.40 (Specific to Parking).
  - 3. **Utility Service and Kitchen Facilities.** A second housing unit shall be provided with adequate water, sewer and other utilities, and full kitchen facilities including range, oven, sink and refrigerator, as determined by the City Building Official.
- C. **Applicable to Non-transect Zones**
  - 1. **Development Standards.** All second housing units shall meet the following standards unless the special circumstances cited in subsection C apply:
    - a. **Maximum Floor Area.** A second housing unit that is detached from the existing residence shall not exceed 1,200 square feet of floor area. The area of a

second housing unit that is attached to an existing residence shall not exceed 30 percent of the existing residence. In either case, the second housing unit shall not, in combination with the existing structures, exceed the maximum site area coverage prescribed by this section for residential sites within the zone involved.

- b. **Location.** A second housing unit shall be located either to the side or to the rear of the existing one-family dwelling unit, and shall be either attached to the existing dwelling, or be separated (detached) from it by not less than 10 feet.
  - c. **Access**
    - (1) Doorway access shall be provided either to the side or rear of the second housing unit.
    - (2) Direct doorway access to the front yard is prohibited.
    - (3) Access to a second housing unit from the street side yard of a corner lot is prohibited.
  - d. **Visual Appearance**
    - (1) **Attached.** An attached second housing unit shall be constructed with roofing and siding materials and colors that match the existing one-family dwelling and be designed to blend in with the appearance of the existing dwelling.
    - (2) **Detached.** A detached second housing unit shall resemble or complement the existing dwelling in terms of height, materials and color.
2. **Mobilehomes or Manufactured Housing.** Mobilehomes or manufactured housing on permanent foundations shall be permitted as a second housing unit within the intent of this Section.
- D. **Special Circumstances.** If an existing single-family dwelling located toward the rear of a parcel can meet all of the second housing unit development standards of Subsection C except those that refer to sequence of construction, that dwelling can be designated as a second housing unit for the purposes of this Section. If such a second housing unit is the only dwelling on the parcel, a new house can be built in front of that existing dwelling in conformance with all provisions of the applicable zone. The new house may exceed 1,200 square feet of area provided it conforms to setback and building separation regulations, and all structures combined do not exceed coverage limitations.

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#### 4.30.120 Wireless Telecommunication Facilities

- A. **Purpose.** This Section establishes development standards consistent with State law to regulate the placement and design of telecommunication facilities to preserve the unique visual character of the City, promote the aesthetic appearance of the City, ensure public safety and welfare, and acknowledge and provide the community benefit associated with the provisions of advanced telecommunication services.
- B. **Definitions.** The technical terms and phrases used in this Section are defined in Article 9 (Definitions) under “Telecommunication Facilities.”
- C. **Applicability.** The location, permit requirements, and other provisions of this Section shall apply to all telecommunication facilities within the City, except the following, which are exempt from this Section. All telecommunication facilities shall also comply with all applicable requirements of State and federal law.

1. Replacement or modification of previously permitted facilities or equipment determined by the Director to be of a minor nature that does not increase the number or height of antennas or significantly change or enlarge the ancillary related equipment at the site.
  2. An antenna that is one meter (39.37 inches) or less in diameter or diagonal measurement, that is designed:
    - a. To receive direct broadcast satellite service, including direct-to-home satellite service, as defined by Section 207 of the Telecommunications Act of 1996, Code of Federal Regulations Title 47, and any interpretive decisions thereof issued by the Federal Communications Commission; or
    - b. For subscribing to a multipoint distribution service.
- D. **Permit requirements.** Telecommunications facilities are allowed in all zones subject to the following requirements.
1. Use Permit required.
  2. In addition to the information required for a Use Permit application by Section 7.020.060 (Use Permit and Minor Use Permit) the application for a wireless telecommunication facility shall include:
    - a. **Map of future service needs.** A map showing planned and/or anticipated future needs of wireless communication services within and throughout the City. In addition to the map, the applicant shall explain the basis for the projected service requirements. To the extent feasible, planned and anticipated needs for future wireless communication facilities shall be forecasted for a minimum of two years following the date of application for a new wireless communication facility. An applicant not able to submit planned and/or anticipated needs forecasted for two years shall explain why it is not feasible to do so. The applicant shall also supply a coverage map within which their new facilities and associated communications equipment must be sited and shall explain the criteria used to establish the coverage map and the constraints of siting facilities outside of it.
    - b. **An alternative site analysis.** An alternative site analysis detailing the specific steps undertaken to determine the applicant's selection of a particular project site and its relationship to the location preferences prescribed in this Section. The analysis shall include a radio propagation model for each carrier, or carriers if the monopole/towers are for multiple users. The alternative analysis shall include the following information:
      - (1) A topographical map of the proposed local service area that identifies the local network facilities with which the proposed site will interconnect;
      - (2) Identification of all other existing structures which might provide an opportunity for attached antenna facilities;
      - (3) Identification of service gaps in the proposed service area, or areas of high usage requiring infill of existing service area; and
      - (4) A technical report discussing why alternatives would not be feasible for use as a communications site. This may include construction, interconnect, utility or other factors precluding development of the property or facility as a suitable site.
    - c. **Certification of compliance with standards.** Certification acceptable to the Director that the proposed facility will at all times comply with all applicable

- health requirements and standards pertaining to electromagnetic and/or radio frequency radiation. The facility shall also be registered with the FAA.
- d. **Report on potential interference with emergency service provider communications.** A report, as required by the Police Department, to evaluate the potential for interference with emergency services (e.g., HF, UHF, VHF, 800 MHz). The applicant shall be responsible for paying any costs incurred by the City, including the costs of retaining consultants, to review and analyze the report.
3. **Communications consultants may be required.** In the event that the City needs assistance in understanding the technical aspects of a particular proposal, the services of a communications consultant may be requested to determine the engineering or screening requirements of establishing a specific wireless communications facility. This service will be provided at the applicant's expense.
  4. **Required findings for approval.** The approval of a Use Permit for a wireless telecommunication facility shall require that the Review Authority first make the following findings, in addition to those required for Use Permit approval by Section 7.020.060 (Use Permit and Minor Use Permit):
    - a. The height of the tower is the minimum necessary to meet the technical requirements of the proposed wireless communication system;
    - b. The applicant has agreed to accept proposals from future applicants to co-locate at the approved site;
    - c. The project as proposed is necessary for the provision of an efficient wireless communication system;
    - d. The wireless telecommunication facility will not adversely impact the character and aesthetics of any public right-of way;
    - e. The telecommunications facility complies with all applicable requirements of this Section.
  5. **Use Permit and Site Plan Review waiver.** An applicant for a telecommunications facility may file a formal written request for waiver of the requirements for a Use Permit and Site Plan Review with the Planning Department. It is the responsibility of the applicant to establish evidence in support of the waiver criteria required by this Section. The Director may waive the requirements for a Use Permit and Site Plan Review only for telecommunications facilities that meet all the following criteria in conformance with the State law. Site Plan Review shall be required if the telecommunications facility meets all of the requirements below except Subsection e.
    - a. **Co-location.** The new facility or equipment is co-located on or adjoining an existing wireless telecommunications facility;
    - b. **Preferred location.** The facility is located on a property developed predominantly with commercial or industrial land uses;
    - c. **Stealth Design.** The telecommunications facility is designed or located in such a way that the facility is not readily recognizable as telecommunications equipment to an average person;
    - d. **Compliance.** The existing wireless telecommunication facility was subject to Minor Use Permit approval and complies with the City's policies and regulations;

- e. **Environmental Compliance.** The existing wireless telecommunication facility has a certified environmental impact report or adopted negative declaration or mitigated negative declaration, and the existing facility has incorporated the required mitigation measures. The new equipment or structures do not constitute a substantial change in the project or new information as outlined in Public Resources Code Section 21166; and
  - f. **Design.** The new equipment or structures are consistent with Subsection E (Facility Design and Development Standards), below.
6. **Time Limits.** The approval for a wireless telecommunication facility shall be granted for a term of no less than 10 years.
- E. **Facility Design and Development Standards.** Each proposed wireless telecommunication facility shall comply with the following standards; except that any standard may be modified or waived by the Review Authority upon determination that effective signal reception and transmission will not occur if the facility complies with these standards.
1. **Facility placement**
    - a. A roof-mounted antenna on a structure that complies with applicable heights limits shall be set back from the nearest roof edge the equivalent of the height of the tower or a minimum of 10 feet, whichever is greater.
    - b. Ground-mounted equipment (including towers and antennas) shall be located as far as possible from all property boundaries, and set back from the property line at a ratio of 1.5 horizontal feet for every one foot of height, where feasible.
    - c. Communication facilities other than towers and antennas shall be located either within a structure, underground, in a rear yard (not visible from a public right-of-way), or on a screened rooftop area. Communications equipment may be located within a front or side setback or within a public right-of-way only if it is underground. See also Subsection 4 (Visibility and screening) below.
  2. **Height limitations**
    - a. All ground-mounted communication equipment, antennas, poles, or towers shall be of a minimum functional height.
    - b. The height of a telecommunications tower and all associated equipment shall be the minimum necessary to meet the technical requirements of the proposed communication system. A technical report and/or radio propagation model shall be submitted with each application and in compliance with Subsection D, above.
    - c. The height of a telecommunications facility located on a structure other than a dedicated support tower shall not exceed 20 feet above the highest point of the structure and shall at no time exceed the height allowed by the applicable zone.
  3. **Colors and materials**
    - a. All antennas, poles, towers, or equipment, including ancillary support equipment, shall have a nonreflective finish and shall be painted or otherwise treated to match or blend with the primary background and minimize visual impact.
    - b. Antennas attached to a structure shall be painted or otherwise treated to match the exterior of the structure or the antenna's background color.

- c. A new freestanding tower shall be designed to appear as a faux tree if appropriate to the surroundings.
  - d. All ground-mounted equipment shall be covered with a clear anti-graffiti type material of a type approved by the Director or shall be adequately secured to prevent graffiti.
4. **Visibility and screening.** All ground-mounted equipment shall be sited in compliance with Subsection E.1 above, and so that it will be screened by existing development, topography, vegetation or other appropriate enclosure (fence or wall). Ground-mounted facilities shall be located within structures, underground, or in areas where substantial screening by existing structures or vegetation can be achieved. The applicant shall use the smallest and least visible antennas possible to accomplish the owner/operator's coverage objectives.
  5. **Power lines.** All power lines to and within a wireless telecommunication facility site shall be underground.
  6. **Backup power supplies.** A backup power supply (i.e., generator) shall be enclosed within a structure and operated in compliance with Chapter 4.50 (Landscaping, Fencing and Screening).

**F. Operation and Maintenance Standards**

1. **Contact and site information.** The owner or operator of any facility shall submit and maintain at all times current basic contact and site information. The applicant shall notify the City of any changes to the information submitted within 30 days of any change, including change of the name or legal status of the owner or operator. This information shall include the following:
  - a. Identity, including name, address, and telephone number, and legal status of the owner of the facility including official identification numbers and FCC certification, and if different from the owner, the identity and legal status of the person or entity responsible for operating the facility;
  - b. Name, address, and telephone number of a local contact person for emergencies;
  - c. Type of service provided; and
  - d. Identification signs, including emergency phone numbers of the utility provider, which shall be posted at all wireless telecommunication facility sites.
2. **Facility maintenance.** All telecommunication facilities and related equipment, including lighting, fences, shields, cabinets, and poles, shall be maintained in good repair, free from trash, debris, litter, graffiti, and other forms of vandalism, and any damage from any cause shall be repaired as soon as reasonably possible so as to minimize occurrence of dangerous conditions or visual blight. Graffiti shall be removed by the service provider from any facility or equipment as soon as practicable, and in no instances more than 48 hours from the time of notification by the City.
3. **Landscaping maintenance.** All trees, foliage, and other landscaping elements on a wireless telecommunication facility site, whether or not used as screening, shall be maintained in good condition at all times in compliance with the approved landscape plan. The facility owner or operator shall be responsible for replacing any damaged, dead, or decayed landscaping as promptly as reasonably possible. Amendments or modifications to the landscape plan shall require approval by the Director. The

Planning Commission may also require a landscape maintenance agreement. (See Section 4.50.080 Maintenance of Landscaped Areas).

4. **Noise.** Each wireless telecommunication facility shall be operated so as to minimize the generation of noise that is audible from off the site. 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 10:00 p.m. and 7:00 a.m. At no time shall equipment noise exceed noise limits as established by the City's General Plan.
5. **Site inspection required.** Each owner or operator of a facility shall routinely and regularly inspect each site to ensure compliance with the standards identified in this Section.
6. **Exterior lighting.** Exterior lighting shall be manually operated and used only during night maintenance or emergencies, unless otherwise required by applicable State or federal law or FCC and FAA rules. The lighting shall be constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Light fixtures shall be low wattage, hooded, and downward directed.

#### G. Discontinuance and Removal

1. The carrier and/or successor in interest shall properly maintain and ultimately remove the approved telecommunication facilities as required, in compliance with this Section and any conditions of permit approval.
2. All equipment associated with an approved telecommunications facility shall be removed within 30 days of the discontinuance of the use and the site shall be restored to its original pre-construction conditions, subject to the approval of the Director. The service provider shall provide the City with a notice of intent to vacate a site a minimum of 30 days before site vacation. This removal requirement and appropriate bonding requirements shall be included in the terms of a lease for a facility on public property. A private lease for a facility located on private property is encouraged to include terms for equipment removal, as the property owner shall be ultimately responsible for removal of the equipment.

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### 4.30.130 Adult Entertainment Establishments

#### A. Purpose

1. It is the purpose of this Section to establish reasonable and uniform regulations to prevent the concentration of adult entertainment establishments, as defined herein, within the City.
2. It is the intent of this Section that these regulations be utilized to prevent problems of blight and deterioration which accompany and are brought about by the concentration of adult entertainment establishments.

#### B. Prohibitions

1. No person or entity shall own, establish, operate, control or enlarge, or cause or permit the establishment, operation, enlargement or transfer of ownership or control of any of the following adult entertainment establishments unless such adult entertainment establishment is located more than five hundred (500) feet from another adult entertainment establishment and more than one thousand (1,000) feet from any religious institution, school, public park, social service institution, or any residentially zoned property located within the city measured from property lines:

- a. Adult bookstore;
  - b. Adult cabaret;
  - c. Adult drive-in theater;
  - d. Adult mini-motion picture arcade (peep show);
  - e. Adult mini-motion picture theater;
  - f. Adult model studio;
  - g. Adult motel;
  - h. Adult motion picture arcade (peep show);
  - i. Adult theater;
  - j. Adult video cassette and DVD sales and rentals;
  - k. Adult video games;
  - l. Body painting studio;
  - m. Headshop;
  - n. Massage parlor;
  - o. Outcall entertainment business;
  - p. Sexual encounter establishment; or
  - q. Any other business which involves specified sexual activities or display of specified anatomical areas.
2. An establishment listed in subsection 1. of this Section shall not be established, operated, enlarged or transferred unless the zone in which the site or proposed site is located permits such a use. The conduct of such establishment and the use of premises shall otherwise comply with all applicable federal, State, County and City laws, ordinances, rules and regulations.
  3. All adult entertainment establishments as listed in subsection 1. of this Section shall only be permitted within any Light Industrial zone in the City provided the minimum distance requirements as set forth in subsection 1. of this section are met and upon the prior issuance by the City of a Use Permit in accordance with the provisions of Chapter 7.020 (Permit Review Procedures).
- C. Measure of Distance.** The required minimum distance between any two adult entertainment businesses shall be measured in a straight line, without regard to intervening structures, from the closest property line of each such business. The distance between any adult entertainment business and any religious institution, school, public park, social service institution, or residentially zoned land shall be measured in a straight line without regard to intervening structures, from the closest property line of the adult entertainment business to the closest property line of the religious institution, school, public park, social service institution, or residential zone.
- D. Development and Maintenance Standards.** To further accomplish the purpose of this Section, all adult entertainment businesses shall comply with the following:
1. Signs. In addition to the requirements of Chapter 4.60 (Specific to Signage), all signs shall be subject to the following regulations:

- a. Each adult entertainment business shall be allowed one permanent sign, the area of which shall not exceed 200 square feet;
  - b. Temporary advertising signs are not permitted;
  - c. Except for theater signs, changeable copy signs are not permitted; and
  - d. No sign shall depict or describe any specified anatomical areas or specified sexual activities.
2. Exterior painting. Buildings and structures shall be painted or surfaced with colors or textures that are similar to neighboring buildings or structures as determined by the Planning Department. Buildings and structures shall not be painted or surfaced with any design that would simulate a sign or advertising message.
  3. Interior material. Advertisements, displays of merchandise, signs or any other exhibit depicting adult entertainment activities placed within the interior of buildings or premises shall be arranged or screened to prevent public viewing from outside such buildings or premises.
  4. Outdoor sound equipment. Outdoor loudspeakers or other outdoor sound equipment advertising or directing attention to an adult entertainment are prohibited.
  5. Alcohol consumption. No consumption of alcohol shall be allowed in conjunction with, or on the premises of, any adult entertainment establishment.
- E. **Application.** Notwithstanding any other provision of the Kingsburg Municipal Code to the contrary, the provisions of this Section shall be applicable to all land within the City, including all redevelopment project areas now in existence or hereafter established.
- F. **Other Regulations, Permits or Licenses.** The provisions of this Section do not waive or modify any other provision of this Development Code.
- G. **Protection of persons under the age of 21.** The operation of adult entertainment establishments shall specifically prohibit the admission of persons under the age of 21.
- H. **Private Viewing Rooms.** It is unlawful for any person or entity which is subject to the regulations of this Section, and which sells or rents prerecorded video tapes, movies, transparencies, films, DVDs, CD-ROMs, projectable motion pictures or equipment used for showing any or all of these items, to offer or allow the viewing of these materials in private viewing rooms, as defined in Article 9 (Glossary).
- I. **Regulations governing existing adult entertainment establishments.** An adult entertainment establishment hereinafter permitted and legally operating as a conforming use is not rendered a nonconforming use by the location of a religious institution, school, public park, social service institution or a residential (including office residential) zone within 1,000 feet of the adult entertainment establishment. This provision does not apply after a Use Permit has expired, been suspended or revoked.
- J. **Enforcement.** The provisions of this Section shall be enforced in accordance with the applicable provisions of the Kingsburg Municipal Code.

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**4.30.140 Medical Marijuana Dispensaries, Cooperatives and Cultivation**

- A. **Purpose and Findings.** The City Council finds that federal and State laws continue to prohibit the possession, sale, distribution, and cultivation of marijuana. In order to preserve and protect the public health, safety, and welfare of the residents and businesses within the city of Kingsburg, the declared purpose of this Section is to identify medical marijuana dispensaries and medical marijuana cooperatives as prohibited uses in the City and to restrict the cultivation of medical marijuana as stated in this Section.
- B. **Medical marijuana dispensary as prohibited use.** A medical marijuana dispensary as defined in Article 9 (Glossary) is a prohibited use in all zones in the City of Kingsburg.
- C. **Medical marijuana cooperatives as prohibited use.** A medical marijuana collective or cooperative as defined in Article 9 (Glossary) is a prohibited use in all zones in the City of Kingsburg.
- D. **Cultivation of medical marijuana prohibited.** The outdoor cultivation of medical marijuana is prohibited in all zones in the City of Kingsburg.
- E. **Severability.** The provisions of this Section are hereby declared to be severable. If any provision, clause, word, sentence, or paragraph of this Section or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this Section.

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## Chapter 4.40: Specific to Parking

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### Sections:

4.40.010	Purpose
4.40.020	Applicability
4.40.030	General Parking Standards (General to All Zones)
4.40.040	Number of Motor Vehicle Parking Spaces Required
4.40.050	Parking Adjustments
4.40.060	Parking Alternatives
4.40.070	Parking Spaces, Lot Design and Layout
4.40.080	Bicycle Parking
4.40.090	Development and Maintenance

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### 4.40.010 Purpose

The purpose of this Chapter is to regulate and ensure the provision of adequate parking and access for motor vehicles and bicycles. The Chapter also provides options for adjusting parking requirements and providing parking alternatives. These standards ensure that the parking needs of new land uses and development are met, while being designed and located in a manner consistent with the desired character and development patterns of the community, and as outlined in the General Plan.

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### 4.40.020 Applicability

- A. Except where exempted by Section 4.40.020.F, the parking standards of this Chapter shall apply to the following within the City:
1. New development;
  2. Changes in land use; and
  3. Changes in intensity of buildings or structures made subsequent to the effective date of this Zoning Code of 25 percent or more of:
    - a. Gross floor area;
    - b. Seating capacity;
    - c. Dwelling units;
    - d. Parking spaces; and/or
    - e. Other units of measurement listed in Table 4.40.040.A (Motor Vehicle Parking Spaces Required).
- B. **Applicability to Transect Zones.** The standards in this Chapter are intended to supplement those found in Chapter 3.20 (Specific to Zones). Should a conflict between the regulations found in this Chapter and Chapter 3.20 (Specific to Zones) arise, the standards found in Chapter 3.20 (Specific to Zones) shall prevail.
- C. **Nonconforming Uses, Structures or Lots.** When a nonconforming use, structure or lot is abandoned for a period of 180 consecutive days and then changed to a new use

according to the requirements of Section 7.100.050 (Loss of Nonconforming Status) and of this Code, then parking facilities shall be provided for the entire building, structure or premises, to the maximum extent possible as determined by the Director.

- D. **Location, Design, Landscaping.** All Parking spaces being provided shall meet the location, design, landscaping and improvement requirements in this Chapter, Chapter 3.20 (Transect Zones), and Chapter 4.40 (Specific to Landscaping, Fencing, and Screening).
- E. **Timing of Improvements.** A land use shall not be commenced and a structure shall not be occupied until the parking and loading improvements required by this Chapter are completed and approved by the Director.
- F. **Exempt.** For uses within a Parking Management District, the parking requirements required by this Chapter shall not apply, except as provided by the parking management district.

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**4.40.030****General Parking Standards (General to All Zones)****A. Off- Street Parking within Residential Zones**

1. **Parking in Vehicular Use Area Required.** Vehicles whether parked or stored shall be located in a vehicular use area. For the purposes of this subsection, "vehicles" shall include but not be limited to passenger vehicles, all trucks under 20,000 pounds of gross vehicle weight (GVW), vans, golf carts, or other similar vehicles whether operable or otherwise. Vehicles exceeding 20,000 pounds GVW are subject to the standards in Section 4.40.030.D.
2. **Maximum Area Allowable for Vehicular Use.** Vehicular use areas located within the first 40' of the front and/or corner side yard (as measured from the edge of the lot line) shall be limited to the lesser of 33 percent of the entire front and/or corner side yard area, or 750 square feet. Nothing in this subsection shall be construed to limit the size of the vehicular use areas located behind the first 40 feet of a front and/or corner side yard area.
3. **Vehicular Use Area Demarcated.** Vehicular use areas serving single-family detached dwellings may be surfaced with gravel, crushed stone, or similar materials but shall maintain a visibly discernible and definable edge composed of landscape timbers, metal edging, vegetation (such as low shrubs or decorative grasses), or a similar technique of distinguishing the vehicular use area from the front or corner side yard area.
4. **Parking for Accessory Uses.** Required off-street parking facilities shall be used for the parking of bicycles, passenger motor vehicles or other non-commercial motor vehicles owned by occupants of the dwelling structures to which such facilities are accessory, or for the parking of passenger motor vehicles and bicycles by guests of the occupants. For single-family dwellings, this includes the driveways to the parking facilities.
5. **Parking of Commercial Vehicles.** Under no circumstances shall required off-street parking facilities accessory to residential structures be used for the storage or parking of commercial vehicles associated with a business operation other than for a permitted home occupation at the same location. Such residential parking facilities shall not be used for the parking of motor vehicles belonging to the employees,

owners, tenants, visitors, or customers of nearby commercial or manufacturing establishments.

- B. **Commercial Work on Motor Vehicles.** Commercial work of any kind on motor vehicles shall not be permitted in conjunction with accessory off-street parking; e.g., the overhauling of engines shall be prohibited.
- C. **Storage of Unregistered or Inoperable Motor Vehicles.** No more than one unregistered or inoperable motor vehicle shall be stored on any residentially zoned lot or parcel of land, and no such unregistered or inoperable vehicle shall be stored within the front yard setback.
- D. **Storage and/or Parking of Heavy Trucks, Trailers, Recreational Vehicles, Boats, Campers, Mobile Homes, and similar Vehicles**
  - 1. Parking or placement of vehicles heavy trucks (vehicles over 20,000 GVW), trailers, recreational vehicles, boats, campers, mobile homes, or similar vehicle in any zone for residential or storage purposes shall be prohibited except as determined by Subsection 2 below.
  - 2. A heavy truck, trailer, recreational vehicle, boat, camper, mobile home, or similar vehicle may be stored in the rear or interior side setback behind the front of the building, garage, or carport on any parcel in any zone, provided that:
    - a. There is a principal use of the property, to which such storage would be accessory;
    - b. No living quarters shall be maintained or any business conducted from within while such trailer or vehicle is so parked or stored; and,
    - c. The required parking on the parcel is maintained in addition to the area used for the stored vehicle(s).
  - 3. Overnight parking and lodging in travel trailers, motor homes, boats or other recreational vehicles is prohibited in commercial zones where camping activities are not specifically permitted by this Development Code.

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#### 4.40.040 Number of Motor Vehicle Parking Spaces Required

- A. **Calculation of Required Parking Spaces**
  - 1. **Fractions.** Any fraction greater than or equal to 0.50 shall be rounded up to nearest whole number. No additional space shall be required for a fractional unit less than 0.50.
  - 2. **Multiple Uses.** Development containing more than one use must provide parking in an amount equal to the total requirements of all individual uses, unless there is a reduction in the required number of parking spaces through the use of Shared Parking as described in Section 4.40.060.B.
  - 3. **Floor Area.** In any case where Table A (Number of Motor Vehicle Parking Spaces Required) expresses a parking requirement based on floor area in square feet the measurement shall mean square feet of gross floor area, minus any mechanical rooms, storage rooms, bathrooms, stairwells, or elevators unless stated otherwise.
  - 4. **Number of Seats.** In any case where Table A (Number of Motor Vehicle Parking Spaces Required) expresses a parking requirement based on a number of seats, all computations shall be based on the design capacity of the areas used for seating.

5. **Occupancy or Capacity.** In any case where Table A (Number of Motor Vehicle Parking Spaces Required) expresses a parking requirement based on number of employees, students, or residents, all computations shall be based on the largest number of persons working on any single shift (for employees), maximum enrollment (for students), or the maximum fire-rated capacity (for residents), whichever is applicable.

**B. Applicable to Transect Zones**

1. The number of required motor vehicle spaces for residential, retail, lodging and services uses are regulated in Chapter 3.20 (Transect Zones). For those regulated uses, the requirements of Table A (Number of Motor Vehicle Parking Spaces Required) shall not apply. For all other uses not listed in Chapter 3.20, the requirements of Table A (Number of Motor Vehicle Parking Spaces Required) shall apply.
2. Recreation, education, and assembly uses under 5,000 square feet shall not be required to provide parking spaces. For uses over 5,000 square feet, the requirements of Table A (Number of Motor Vehicle Parking Spaces Required) shall apply, except the parking requirement may be reduced by one of the following:
  - a. Parking requirements based on gross square feet may take a reduction of 5,000 sf; or,
  - b. Parking requirements not based on gross square feet may take a reduction of up to 12 spaces.
3. No parking spaces are required for ancillary buildings 500 square feet or less.
4. On-street parking spaces adjacent to the lot may count towards the required residential guest parking and non-residential use parking requirements.

**C. General to All Zones**

1. **Maximum Number of Parking Spaces.** Developments over 20,000 square feet shall not exceed the minimum number of parking spaces by more than five percent.
2. **Motor Vehicle Parking Spaces Required.** The number of parking spaces required shall be determined by the Table A below. Uses not listed below shall use the parking requirement for the most similar use, as determined by the Director.

<b>Table 4.40.A: Number of Motor Vehicle Parking Spaces Required</b>	
<b>Use</b>	<b>Number of Required Spaces</b>
<b>Residential</b>	
Accessory Dwelling Units	1.0
Market Rate (all dwelling classifications)	
Studio	1.25
1 Bedroom	1.5
2+ Bedroom	2.0
Guest Spaces (Multi-Family Dwelling)	0.25 per each 2+ bedroom unit
Affordable (All Dwelling Classifications)	
Studio	1.0
1 Bedroom	1.0
2-3 Bedroom	1.5
4+ Bedrooms	2.0
Guest Spaces (Multi-Family Dwelling)	0.25 per each 2+ bedroom unit
Co-Housing	1.5 per 4 bedrooms up to a maximum of 1 per bedroom
Health Facilities	
Residential Care	1 per 6 beds plus 1 per employee
Housing for the Elderly	0.75 per unit plus 1 per employee
Institutional Residential	
Convents or Monasteries	1 per 6 beds plus 1 per employee In addition, if a chapel is open to the public, "Religious Institutions" parking requirements shall be used for the chapel use.
All Other Institutional Residential Uses (Listed in the Definition)	1 per 6 beds plus 1 per employee
Rooming and Boarding Facilities	
Private Rooms	1 per bedroom or sleeping room plus 1 for owner or manager
No Private Rooms	1 per 100 gsf plus 1 for owner or manager
Live/Work	See residential parking requirement plus 1 per 300 gsf of work area
Manufactured Homes	2 per unit
Protective Care Facilities	1 per employee plus 1 per 6 beds

<b>Table 4.40.A: Number of Motor Vehicle Parking Spaces Required (continued)</b>	
<b>Use</b>	<b>Number of Required Spaces</b>
<b>Recreation, Education &amp; Assembly</b>	
Commercial Campgrounds	1 per camp vehicle or site plus 1 per employee
Community/Public Safety Facility	1 per employee plus the greater of either 1 per 250 gsf or 1 per 4 persons at maximum capacity
Commercial Recreation Facilities, Indoor or Outdoor	
Bowling Alleys	2 per lane plus 1 per 6 persons at maximum capacity
Golf Courses and Related Facilities	4 per hole plus 1 per employee
Private Swim Clubs and Recreation Centers	1 per 75 gsf of water area
Recreational Vehicle Park	1 per recreational vehicle and/or travel trailer plus Required spaces for accessory uses
Skating Rinks: Ice or Roller	1 per 300 gsf
Tennis, Racquetball, or Handball Courts	2 per court
Other (privately owned):	1 per 4 persons at maximum capacity plus 1 space per employee
Libraries, Museums	1 per employee plus the greater of either 1 per 250 gsf or 1 per 4 persons at maximum capacity
Meeting Facilities, Public or Private	1 per 4 persons at maximum capacity
Schools, Private	
Grades K-8	1 per employee plus 1 per 2 classrooms
Grades 9-12	1 per employee plus 1 per 4 students
Trade	1 per employee plus 1 per 3 students at capacity class attendance period
Universities and Colleges	1 per employee plus 1 per 2 students at capacity class attendance period
Studio: Art, Dance, Martial Arts, Etc.	1 per employee plus 1 per 300 gsf
Theater, Cinema, or Performing Arts	1 per 4 persons at maximum capacity
Other: Uses Not Listed	1 per employee plus 1 per 300 gsf

<b>Table 4.40.A: Number of Motor Vehicle Parking Spaces Required (continued)</b>	
<b>Use</b>	<b>Number of Required Spaces</b>
<b>Retail</b>	
Auto and Vehicle Sales and Rental	(See Vehicle Sales and Services)
Bar, Tavern, Nightclub	1 per 50 gsf plus 1 per employee
Drive-Through Uses	5 stacking spaces per drive-through, including service window and menu board areas, plus base use requirement
Furniture and/or Major Appliance Stores	1 per 600 gsf
Gas Station/Fuel Sales	(See Vehicle Sales and Services)
General Retail Business	1 per 300 gsf
<b>Markets</b>	
Neighborhood, < 5,000 gsf	1 per 300 gsf
Grocery or Supermarket, ≥ 5,000 gsf	1 per 250 gsf
Restaurants or Cafés	1 per employee plus 1 per 100 gsf
<b>Shopping Centers</b>	
< 1000,000 gsf with Restaurant(s) Sharing Parking	1 per 300 gsf
< 1000,000 gsf with No Restaurant(s) or Restaurant Having Separate Counted Parking	1 per 250 gsf
≥ 1000,000 gsf with Restaurant(s) Sharing Parking	1 per 250 gsf up to 100,000 sf plus 1 per 300 gsf for gsf over 100,000 sf
≥ 1000,000 gsf with No Restaurant(s) or Restaurant Having Separate Counted Parking	1 per 300 gsf up to 100,000 sf plus 1 per 325 gsf for gsf over 100,000 sf

<b>Table 4.40.A: Number of Motor Vehicle Parking Spaces Required (continued)</b>	
<b>Use</b>	<b>Number of Required Spaces</b>
<b>Services</b>	
Bank; Financial Services	1 per 300 gsf
Cemeteries	1 per employee plus 2 per acre
Day Care/Child Day-Care Facilities	1 per employee plus 1 off-street passenger drop-off/pick-up space per 10 students
Funeral Homes, Chapels, Crematoriums, Mortuaries	1 per 4 persons at maximum capacity
General Services	1 per 300 gsf
<b>Lodging</b>	
Bed & Breakfast	2 per unit plus 1 per 2 bedrooms for rent
Inn, Hotel/Motel	1 per 3 employees on largest work shift plus 1 per room or suite for rent plus 1 per 3 persons at the maximum capacity of each public meeting and/or banquet room
Medical Services: Hospitals, Urgent Care, and Extended Care	1 per 3 employees plus 2 per 3 patient beds
<b>Offices</b>	
General	1 per 300 gsf
Medical	1 per employee plus 5 per doctor or physician's assistant
<b>Personal Services</b>	
Beauty and Barber Shops:	1 per employee plus 1.5 per hairdresser/barber station
Other	1 per 300 gsf
Public Services	1 per employee plus 1 per company vehicle stored or parked on the premises
Repair Services: Equipment, Appliances, Etc.	1 per 300 gsf

<b>Table 4.40.A: Number of Motor Vehicle Parking Spaces Required (continued)</b>	
<b>Use</b>	<b>Number of Required Spaces</b>
Vehicle Services	(See Vehicle Sales and Service)
<b>Industrial</b>	
Furniture and Fixtures Manufacturing	1 per 600 gsf
Manufacturing and Processing	1 per 600 gsf
Media Production	1 per 600 gsf
Metal Products Fabrication, Machine or Welding Shop	1 per 600 gsf
Personal Storage Facility	3 plus 1 per 100 storage units
Printing and Publishing	1 per 600 gsf
Warehousing and Distribution	
Transportation or Trucking Yards	Parking shall be calculated by individual use, including but not limited to offices for the dispatch areas, warehouses for transshipment or warehouse type areas, and vehicle repair for service facilities
Warehousing	1 per 2,000 gsf
<b>Vehicle Sales and Services</b>	
Auto Service Stations and Convenience Stores	1 per employee If a convenience grocery is included, also see “Convenience Groceries” If service bays are included, also see “Auto/Vehicle Repair Garages”
Auto/Vehicle Repair Garages	
≤ 10 bays	2.5 per repair or maintenance bay Required spaces shall be located on premise
> 10 bays	1.5 per repair or maintenance bay Required spaces shall be located on premise
Auto/Vehicle Sales and Service: New and Used	1 per 1,500 gsf and outdoor vehicle display area
Car Washes	1.5 per employee plus Drive-through parking requirement Each wash rack shall be considered a drive-through and shall meet the parking requirements for a drive-through.

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**4.40.050 Parking Adjustments**

**Reduction of Parking.** Required off-street parking shall not be reduced below the requirements of this Chapter. Existing parking that is determined to be non-conforming in accordance with Chapter 7.100 (Nonconforming Provisions) because less than the required number of spaces are provided, shall not be further reduced from the number of parking spaces available on the effective date of this Zoning Code. In the case that more than one parking adjustment may apply, only one parking adjustment shall be used.

**A. Transit****1. General to All Zones**

- a. A parking reduction of up to 10 percent may be approved by the Director for any use within one quarter of a mile of a bus stop.
- b. See Section 4.40.080 (Bicycle Parking) for the allowed reduction in the number of parking spaces based on the number of provided bicycle spaces.

**2. Specific to Transect Zones**

- a. Required parking spaces may be reduced by up to 20 percent maximum, as approved by the Director, for any use located within one quarter of a mile of a bus stop or other transit stop.

**B. Shared On-Site Parking.** Where two or more uses on the same site or adjacent parcels have distinct and differing peak parking usage periods (e.g., a theater and a bank), a reduction in the required number of parking spaces as determined by the Director may be allowed in the following manner:

1. The reduction in number of required parking spaces shall be based on a parking demand study. The parking demand study shall be in accordance with established professional practices.
2. 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 uses served and remain for the duration of the use.

**C. Traffic Management Plan Parking Reduction.** The Director shall have the ability to reduce the parking requirements for office and other uses in Section 4.40.040 (Number of Motor Vehicle Parking Spaces Required). A traffic management plan shall be submitted with an application for Site Plan Review. A reduction is granted if the following standards are met:

1. The amount of the reduction shall be no more than 90 percent of the projected reduction in employee motor vehicle trips.
2. The buildings shall have a single user/owner who can effectively exercise control over compliance with the plan.
3. The traffic management plan shall be submitted by a registered traffic engineer and shall include data on the effectiveness of similar plans elsewhere.
4. The traffic management plan shall contain information on the strategies, designated parking, salary bonuses or incentives, company vehicles, staggered work hours, and information indicating the owner's ability to provide and enforce these elements over time.

5. The Director may impose conditions that are needed to ensure the long-term compliance to the plan, including but not limited to a reserve parking area, phasing, or contributions to transit or other alternative means of transportation.

**D. Bicycle Parking Provided**

1. Required vehicular parking spaces may be reduced at a rate of one vehicular parking spaces for every one bicycle parking space provided above the minimum required by Section 4.40.080 (Bicycle Parking).
2. The Director may allow a reduction of one required motor vehicle parking space for each four bicycle parking spaces provided to a maximum of 15 percent of the required motor vehicle parking spaces.

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**4.40.060 Parking Alternatives**

If a property owner is unable to provide the required parking on-site, the owner may at the discretion of the Director satisfy the parking requirements by one or more alternatives in this section.

- A. Off-Site Parking.** The location of off-premise parking facilities in relation to the use served are described in this sub-section unless modified by Chapter 3.20 (Specific to Zones). All distances specified shall be between the closest edge of such parking facilities to the closest edge of the site being served.
1. **General to All Zones**
    - a. Pedestrian access between the use or the site and the off-premise parking area shall be via paved sidewalk or walkway.
    - b. The owner shall provide a recorded parking agreement reflecting the arrangement with the other site.
    - c. If the off-premise parking facility is shared, the Director may allow a reduction in the following manner:
      - (1) The reduction in number of required parking spaces shall be based on a parking demand study. The parking demand study shall be in accordance with established professional practices; and
      - (2) The shared parking arrangement shall 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 uses served and remain for the duration of the use.
    - d. Required parking may be provided in off-street parking facilities on another property within 600 feet of the site proposed for development.
  2. **Specific to Non-Transect Zones**
    - a. Off-site parking facilities for a non-residential use shall not be located in a residential zone.
- B. In-Lieu Fee.** The owner of any property upon which a development project is proposed may pay an in-lieu parking fee if the City approves it as part of the site plan review. A request to pay the in-lieu fee for more than 15 parking spaces must be approved by the City Council. The City Council shall make the following findings before approving any in-lieu fee proposal:

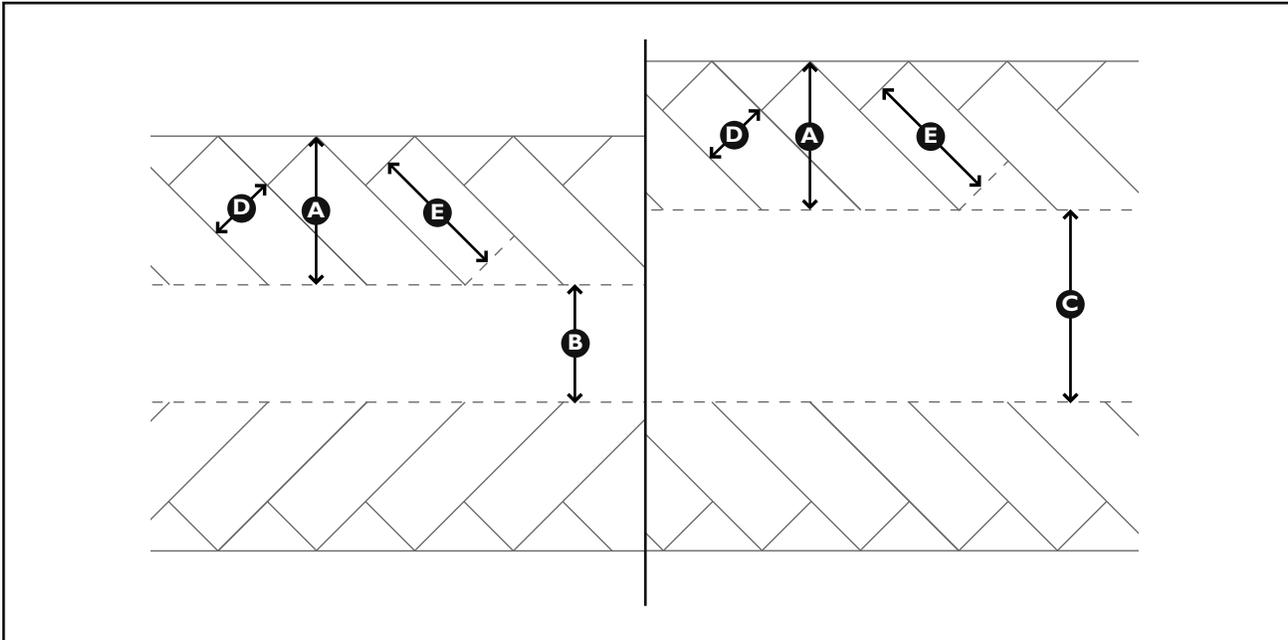
1. The project is within a parking management district;
2. There is available or planned public parking capacity to offset this demand;
3. The public parking will be made available within a reasonable time period of the approval of this project; and
4. The fee option is available only if an existing or planned parking facility exists within 600 feet of the site, or within a distance set by the parking management district. The fee shall be the current value of land and parking construction costs per space needed, as determined by an adopted parking management plan.

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#### 4.40.070 Parking Spaces, Lot Design and Layout

- A. **Access.** The following regulations are applicable to off-street parking lot access design and include parking for single-family residences unless modified by Chapter 3.20 (Specific to Zones).
1. Each required off-street parking space shall open directly onto an aisle or driveway as specified in Table B (Minimal Dimensional Requirements for Parking Spaces and Aisles). All off-street parking facilities shall be designed with an appropriate means of vehicular access to a street or to an alley to cause the least interference with traffic movements.
  2. Parking spaces in any parking lot or parking structure for any use other than single-family dwellings shall not be designed or located so as to permit a vehicle to enter or exit a parking space directly from a public thoroughfare. Driveways to the public thoroughfares shall be by forward motion of the vehicle. Ingress to and egress from parking spaces shall be from an on-site aisle or driveway. Exceptions:
    - a. Parking spaces within lots of up to eight spaces may be designed or located so as to permit a vehicle to enter or exit a parking space directly from a public alley or rear lane.
  3. Driveways from a public thoroughfare to off-street parking areas in all residential zones shall meet the following:
    - a. Driveways shall be a minimum of 10 feet wide; and
    - b. If a driveway serves more than two dwelling units or is longer than 150 feet, the driveway shall have a minimum width and turnaround per Fire Department requirements and the Engineering Standards.
  4. The design and construction of all off-street parking access drives shall meet the requirements of the Engineering Standards.
- B. **Identified as to Purpose and Location.** Off-street parking areas of four or more spaces and off-street loading areas shall include painted lines, wheel stops, or other methods of identifying individual parking spaces and loading areas and distinguishing such spaces from aisle and other circulation features.
- C. **Materials**
- a. All off-street parking areas and driveways shall be surfaced with materials as approved by the City Engineer and maintained in accordance with the Engineering Standards and the LID Manual.

- b. Driveway materials shall extend and include the area between the property line and the street.
  - c. In areas where roads are not paved, the requirement for paving a driveway is not required.
  - d. The use of pervious or semi-pervious parking area surfacing materials—including, but not limited to "grasscrete," or recycled materials such as glass, rubber, used asphalt, brick, block and concrete—may be approved by the Director for required vehicular surface area on a site, provided such areas are properly maintained. Where possible, such materials should be used in areas proximate to and in combination with on-site stormwater control devices.
- D. **Accessible Parking.** All parking facilities that require accessible parking spaces shall ensure that a portion of the total number of required parking spaces shall be specifically designated, located, and reserved for use by persons with physical disabilities, in accordance with the standards in the federal American with Disabilities Act (ADA).
- E. **Dimensional Standards for Parking Spaces and Aisles**
1. **General.** Standard car parking spaces and parking lot aisles shall comply with the minimum dimension standards established in Table B (Minimal Dimensional Parking for Parking Spaces and Aisles).
  2. **Dimensional Adjustments.** Parking structures may be subject to dimensional adjustments based on utilization, but in no case shall the standard parking space width be less than eight feet. Reduction in design standards shall be subject to approval by the Director.
  3. **Vertical Clearance.** All parking spaces must have a minimum overhead clearance of seven feet.
  4. **Reduction for Sidewalk and Planter Overhangs.** When a parking space abuts a sidewalk or planter; the front two feet of the required parking space length may overhang the planter or sidewalk provided that wheel stops or curbing are provided and the remaining area outside of the overhang meets the minimum width requirements of the sidewalk or planter.
  5. **Spaces near Obstructions.**
    - a. When the side of a parking space abuts a wall or other structure that is taller than six inches, the width of the parking space shall be increased by two feet.
    - b. This provision does not apply to parking spaces abutting support columns in a parking garage.
- F. **Landscaping, Fencing, and Screening.** For requirements for landscaping, fencing, or screening of parking areas see Chapter 4.40 (Specific to Landscaping, Fencing, and Screening).
- G. **Lighting.** For requirements for lighting see Section 4.50.110 (Lighting)
- H. **Location**
1. Location of required on-site parking in all zones is regulated by setbacks and set forth in Chapter 10-40 (Specific to Zones), buffers established in Chapter 10-50.60 (Landscape Standards), and the following:



**Table 04.40.B: Minimum Dimensional Requirements for Parking Spaces and Aisles**

Angle	Parking Row Depth <b>A</b>	Drive Aisle Width		Space Width <b>D</b>	Space Length <b>A</b>
		One-way <b>B</b>	Two-way <b>C</b>		
Parallel	8' <sup>1</sup>	12'	20'	8' <sup>1</sup>	20'
30°	17'	11'	24'	9'	20'
45°	20'	13'	24'	9'	20'
60°	21'	18'	24'	9'	18'
Perpendicular	18'	24'	24'	9'	18'
Tandem	36'	24'	24'	9'	36'

<sup>1</sup> Width of On-Street Parallel Parking shall be determined by standards set forth in Chapter 5.20 (Specific to Thoroughfares).

- a. All off-street parking areas shall be separated at least five feet from buildings in order to make room for sidewalks, landscaping, and other plantings between the building and the parking area.
  - b. This separation may be eliminated to the rear of buildings in areas designed for unloading and loading of materials.
2. In all zones, required parking is not permitted in the required front and exterior side yard setbacks, except as follows:
    - a. Parking in the exterior side yard is allowed when the parking space is a minimum of 20 feet from the exterior side property line and the parking space is located behind the front of the building.
    - b. In residential zones within non-transect zones, parking is allowed within the front yard setback in front of garages and carports.
- I. **Signs.** For standards related to signage see Chapter 4.60 (Specific to Signage).
- J. **Size of Parking Lot.** A single parking area shall not exceed one acre in size. Parking areas larger than one acre in size shall be broken down into smaller lots with planted buffers (15' min depth) between them to minimize the perceived scale of the total field of stalls.
- K. **Slope Of Parking Areas.** The surface grade of the parking area shall be designed and constructed in accordance with the Engineering Standards.
- L. **Drainage.** All off-street parking and loading areas shall be properly drained so as not to cause any nuisance on adjacent land. Drainage may be directed to shared community stormwater management devices.
- M. **Tandem Parking.** Tandem parking is allowed in all zones for all residential uses as follows:
  1. Both tandem parking spaces satisfy the parking requirement of one residential unit; and
  2. Neither of the tandem parking spaces shall be for required accessible parking spaces.

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**4.40.080 Bicycle Parking**

- A. **Applicability**
1. The following regulations are applicable whenever the provisions of Section 4.40.020 (Applicability) have been met.
  2. Bicycle parking is not required for single-family residential developments and uses.
- B. **Required Spaces**
1. Two bicycle parking spaces or five percent of required off-street parking spaces, whichever is greater, are required.
  2. Bicycle spaces shall be provided in accordance with the following requirements:
    - a. Bicycle parking shall consist of either a lockable enclosure (locker) in which the bicycle is stored or a rack to which the bicycle can be locked;
    - b. Lockers and racks shall be securely anchored to the pavement or a structure;

- c. Racks shall be designed and installed to permit the frame and one or both wheels to be secure;
  - d. Areas containing bicycle spaces shall be surfaced with impervious surfaces such as concrete or pavers. Pervious pavements or gravel may be used where appropriate as determined by the Director;
  - e. When located within a parking area: curbs, fences, planter areas, bumpers, or similar barriers shall be installed and maintained for the mutual protection of bikes, motor vehicles and pedestrians, unless determined by the Director to be unnecessary; and
  - f. Bicycle parking shall be placed in a convenient, highly-visible, active, and well-lit location not more than 100 feet walking distance of the main entrance, but shall not interfere with pedestrian movements.
- C. **Motor Vehicle Reduction.** The Director may allow a reduction of motor vehicle parking spaces as established in Section 4.40.050.D.
- D. **Bicycle Parking Space Dimensions.** All bicycle parking shall meet the following minimum dimensions:
- 1. Each bicycle parking space shall include a minimum area of 72 inches in length and 24 inches in width that is clear of obstructions;
  - 2. No part of the rack shall be located closer than 30 inches to a wall or other obstruction;
  - 3. The front or back of the rack shall be located no less than 48 inches from a sidewalk or pedestrian way; and
  - 4. A minimum of 30 inches shall be provided between adjoining racks.

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#### 4.40.090 Development and Maintenance

- A. **Construction Specifications.** The construction of all off-street parking areas shall meet the requirements of the Engineering Standards.
- B. **Maintenance.** All parking areas shall be paved, striped, and maintained in a dust free and litter free condition at all times.

# Chapter 4.50: Landscaping, Fencing and Screening

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## Sections:

4.50.010	Purpose
4.50.020	Applicability
4.50.030	Landscape and Irrigation Plans
4.50.040	Required Landscaping
4.50.050	Landscaping Standards
4.50.060	Parking Lot Landscaping Standards
4.50.080	Maintenance of Landscaped Areas
4.50.090	Fences and Screening
4.50.100	Water Conservation
4.50.110	Lighting

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### 4.50.010 Purpose

- A. This Chapter establishes requirements for landscaping to enhance the appearance of development projects, reduce heat and glare, control soil erosion, conserve water, screen potentially incompatible land uses, preserve the integrity of neighborhoods, improve air quality, and improve pedestrian and vehicular traffic and safety.

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### 4.50.020 Applicability

The provisions of this chapter apply to all land uses as follows:

- A. **New Projects.** Each new nonresidential and multifamily residential project shall provide landscaping in compliance with this Chapter. All residential development projects shall provide street trees in compliance with Section 4.50.040 of this Chapter.
- B. **Existing Development.** The approval of a minor use permit, use permit, minor variance, variance, or application for design review for physical alterations and/or a change in use within an existing development may include conditions of approval requiring compliance with specific landscaping and irrigation requirements of this Chapter.
- C. **Timing of Installation.** Required landscape and irrigation improvements shall be installed before final building inspection. The installation of landscaping for a residential project may be deferred for a maximum of 90 days in compliance with Section 7.030.050 (Performance guarantees).
- D. **Alternatives to Requirements.** The Review Authority may modify the standards of this Chapter to accommodate alternatives to required landscape materials or methods, where the review authority first determines that the proposed alternative will be equally or more effective in achieving the purposes of this Chapter.

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**4.50.030 Landscape and Irrigation Plans**

- A. **Landscape Plan.** A landscape plan shall be submitted as part of each application for new development, or the significant expansion (e.g., 25 percent or more of floor area), or redevelopment of an existing use, as determined by the Director. After review of the landscape plan by the Director and any required revisions, the landscape plan will be considered final. A final landscape plan shall be approved by the Director before the start of grading or other construction, and before the issuance of a Building Permit.
- B. **Content and Preparation**
1. **Required Information.** Landscape plans shall contain the information required for landscape plans by the department. However, at a minimum, these plans shall include the following information:
    - a. **Landscape Plans.** Per the City's Improvement Standards Landscape Plans shall include the locations of proposed materials, including the identification of groundcovers, shrubs, and trees. Detailed drawings and specifications shall clearly identifying the name, size, and precise location of all materials, as well as the precise location and technical description of the irrigation system and its individual components.
  2. **Preparation by Qualified Professional.** Each landscape plan submitted in compliance with this Chapter shall be prepared by a California licensed landscape architect, licensed landscape contractor, certified nurseryman, or other professional determined by the Director to be qualified.
- C. **Review and Approval.** After initial application, the Director shall review each landscape plan to verify its compliance with the provisions of this Chapter. The Director's decision may be appealed to the Planning Commission and the Planning Commission may approve the final submittal, or may deny or require changes to a submittal if it is not in compliance.
- D. **Statement of Surety.** When required by the Director, security in the form of cash, performance bond, letter of credit, or instrument of credit, in an amount equal to 150 percent of the total value of all plant materials, irrigation, installation, and maintenance shall be posted with the city for a two-year period. The Director may require statements of surety for phased development, a legitimate delay in landscape installation due to seasonal requirements (including adverse weather conditions) and similar circumstances where it may not be advisable or desirable to install all approved landscaping before occupancy of the site.
- E. **Changes to Approved Landscape Plans.** The Director may authorize minor changes to an approved landscape plan in compliance with Section 7.030.080 (Changes to an approved project).

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**4.50.040 Required Landscaping**

- A. Landscaping shall be required in compliance with Table A (Required Landscaping Components) below.

- B. Required landscape areas identified in Table A shall be landscaped and maintained in compliance with Sections 4.50.050 (Landscaping Standards), 4.50.060 (Parking Lot Standards), 4.50.080 (Maintenance of Landscaped Areas), and 5.10.090.G (Public Planting).

Table 4.50.A: Required Landscaping Components				
Zones	Landscaping Components			
	Street Trees	Frontage Landscaping	Parking Area Landscaping	Automatic Irrigation
T2R, T3NE, T3N, R-1	✓			
All Other Zones	✓	✓	✓	✓
Key				
✓ = Required				

**4.50.050 Landscaping Standards**

- A. **Minimum dimensions.** Each area of landscaping shall have a minimum interior width of six feet within the residential and commercial zones, and five feet in the industrial zones. These dimensions may be reduced where the Review Authority determines they are infeasible because of limited site area. Wherever this Zoning Code requires a landscaped area of a specified width, the width shall be measured within any curb or wall bordering the landscaping area.
- B. **Protective curbing.** Required landscaping shall be protected with a minimum six-inch high concrete curb, except adjacent to bicycle paths, or where otherwise deemed unnecessary by the Director.
- C. **Safety requirements.** Landscape materials and screening shall be located so that at maturity they do not:
  1. Interfere with safe sight distances for bicycle, pedestrian, or vehicular traffic;
  2. Conflict with overhead lights, traffic control signage, utility lines, or walkway lights; or
  3. Block bicycle or pedestrian ways.
- D. **Use of lawns or turf.** Lawns or turf shall be limited to 20 percent of the total landscaped area on the site and only where the applicant provides calculations approved by the Qualified Professional preparing the landscape plan that demonstrate that the irrigation requirements will not exceed standard low water usage.
- E. **Water features.** Decorative water features (e.g., fountains, ponds, waterfalls) shall have recirculating water systems.
- F. **Maximum amount of single dwelling paving allowed**
  1. Paving shall be limited to no more than 50 percent of the front or street side setback areas in order to limit the amount of hardscape paving in these areas; except that the review authority may reduce this requirement where it determines that an irregularly shaped or small lot lacks sufficient area for adequate driveway and pedestrian access.

2. Increases in the maximum amount of allowable hardscape paving may be approved by the Director if necessary to provide safe ingress and egress for the site.
3. No parking shall be allowed in the landscaped areas.
4. Single dwelling front and street side setback areas shall only be used for the temporary parking of motor vehicles. Storage of vehicles in these areas shall not be allowed.
5. No vehicles shall be parked in the front and/or street side setback areas other than on a paved driveway.

#### 4.50.060 Parking Lot Landscaping Standards

- A. **Installation and maintenance of shade trees and landscaping.** Parking lots shall be improved and permanently maintained by the property owner in accordance with the following standards and the requirements in Tables B (Required Interior Parking Lot Landscaping) and C (Tree Requirements for Parking Lot Landscaping) below.
1. **Amount of landscaping.** The Review Authority may grant an exception for small infill parking lots (particularly in the Transect zones) where compliance with these standards is not feasible without significantly reducing the development potential of the zone it is located within.

**Table 4.50.B: Required Interior Parking Lot Landscaping**

Number of Parking Spaces	Percent of Gross Parking Area in Landscaping
6 or fewer	0%
7 to 15	4%
16 to 30	8%
31 to 70	12%
71 and over	16%

**Table 4.50.C: Tree Requirements for Parking Lot Landscaping**

Landscaping Component	Description
Amount	1 tree per 5 parking spaces
Can Size	15-gallon
Box Size	20% must be 24-inch
Caliper	1" min.
Min. height at installation	6-8'
Min. mature canopy	40'
Characteristics	High branching, broad headed, shading form
Installation	Root barriers and deep root irrigation
Location	Along the line between or at the back of parking bays. At both ends of a line of parking spaces, Evenly spaced to provide uniform shade

<b>Table 4.50.C: Tree Requirements for Parking Lot Landscaping</b>	
<b>Landscaping Component</b>	<b>Description</b>
Required border	6" high curb or equivalent
Border and stormwater	Curbs shall provide breaks every 4" to provide drainage to retention and filtration areas.
Min. tree well width	5'
Car overhangs	Must be prevented by stops

**Notes**

<sup>1</sup> Any vehicle overhang shall require the minimum planter area width to be expanded by an equivalent dimension.

- C. **Location of landscaping.** Landscaping shall be evenly dispersed throughout the parking area, as follows:
  - 1. Orchard-style planting (the placement of trees in uniformly-spaced rows) is required for parking areas over 15 cars.
  - 2. Parking lots with more than 50 spaces shall provide a concentration of landscape elements at primary entrances, including, at a minimum, specimen trees, flowering plants, enhanced paving, and project identification.
  - 3. Landscaping shall be located so that pedestrians are not required to cross unpaved landscaped areas to reach building entrances from parked cars. This shall be achieved through proper orientation of the landscaped fingers and islands, and by providing pedestrian access through landscaped areas that would otherwise block direct pedestrian routes.
  
- D. **Parking lot screening.** All surface parking areas shall be screened from streets and adjoining properties, and the open areas between the property line and the public street right-of-way shall be landscaped.
  - 1. **Adjacent to streets**
    - a. A parking area for a non-residential use adjoining a public street shall be designed to provide a landscaped planting strip between the street right-of-way and parking area equal in depth to the setback required by the applicable zone or 10 feet, whichever is greater; except that the required width of the landscape strip may be reduced by the Review Authority where it determines that overall site area is insufficient to accommodate allowable structures and required parking along with a landscape strip of the otherwise required width.
    - b. A parking area for a residential use, except for a single family dwelling, shall be designed to provide a landscaped planting strip between the street right-of-way and parking area equal in depth to the setback required by the applicable zone.
    - c. The landscaping shall be designed and maintained to screen cars from view from the street to a minimum height of 36 inches, but shall not exceed any applicable height limit for landscaping within a setback.
    - d. Screening materials may include a combination of plant materials, earth berms, raised planters, solid decorative masonry walls, or other screening devices that meet the intent of this requirement.

- e. Shade trees shall be provided at a minimum rate of one for every 25 linear feet of landscaped area, or other spacing as determined by the Review Authority to be appropriate to the site and surrounding development.
2. **Adjacent to side or rear property lines.** Parking areas for non-residential uses shall provide a perimeter landscape strip at least five feet wide (inside dimension) where the parking area adjoins a side or rear property line. The required width of the landscape strip may be reduced by the review authority where it first determines that certain factors would justify the reduction (e.g., the overall site area is insufficient to accommodate the allowable structures and required parking along with a landscape strip of the otherwise required width or that the otherwise required width would be inconsistent with the existing development patterns on adjacent properties). The requirement for a landscape strip may be satisfied by a setback or buffer area that is otherwise required. Trees shall be provided at the rate of one for each 25 linear feet of landscaped area, or other spacing as determined by the review authority to be appropriate to the site and surrounding development.
3. **Adjacent to structures.** When a parking area is located adjacent to a non-residential structure, a minimum five-foot wide (inside dimension) landscape strip shall be provided adjacent to the structure, exclusive of any building entries, or areas immediately adjacent to the wall of the structure that serve as pedestrian accessways. The required width of the landscape strip may be reduced by the review authority where it first determines that certain factors would justify the reduction (e.g., the overall site area is insufficient to accommodate the allowable structures and required parking along with a landscape strip of the otherwise required width or that the otherwise required width would be inconsistent with the existing development patterns on adjacent properties).
4. **Adjacent to residential use.** A non-residential parking area abutting a residential use shall provide a landscaped buffer setback with a minimum of 10-foot between the parking area and the property line of the residential use; provided that the review authority may reduce this requirement where it determines that site area is severely constrained.
  - a. A seven-foot high solid decorative masonry wall or fence, except for approved pedestrian access, and landscape buffer shall be provided along the property line to address land use compatibility issues (e.g., light/glare and nuisance noise) as determined by the review authority.
  - b. Trees shall be provided at the rate of one for each 25 linear feet of landscaped area, or other spacing as determined by the review authority to be appropriate to the site and surrounding development.

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**4.50.080****Maintenance of Landscaped Areas**

- A. A landscaped area provided in compliance with this Chapter or as a condition of a site plan review, a use permit or variance shall be planted with live and healthy plant materials suitable for screening or ornamenting the site, whichever is appropriate.
- B. Plant materials shall be replaced as needed to screen or ornament the site.

- C. Landscaped areas shall be watered, weeded, pruned, fertilized, sprayed or otherwise maintained to assure compliance with the regulations requiring landscaped areas. Landscaped areas within zones listed in Table 4.50.A (Required Landscaping Components) shall be watered by automatic irrigation systems.

**4.50.090 Fences and Screening**

- A. **Applicability.** The requirements of this Section apply to all fences and walls unless otherwise stated.
  - 1. **Fences or wall in flood hazard area.** A fence or wall in an area subject to flooding identified on a Federal Flood Insurance Rate Map (FIRM) on file in the Department shall require a Building Permit, and shall comply with all requirements of the City Engineer in addition to the requirements of this Section.
  - 2. **Exemptions.** These regulations do not apply to fences or walls required by regulations of a State or Federal agency, or by the City for reasons of public safety.
- B. **Height limits.**
  - 1. Each fence or wall shall comply with the height limits shown in Table 4.50.D (Maximum Height of Fences or Walls).

**Table 4.50.D: Maximum Height of Fences or Walls**

Location of Fence or Wall	Maximum Height
Within front or street side setback	36"
Within interior side or rear setback	7' <sup>1</sup>
Outside of a required setback	7' <sup>1</sup>

**Notes**

<sup>1</sup> Unless designated otherwise under site plan review or by the Review Authority, but no less than 7' is required in Industrial Zones

- C. **Measurement of fence and wall height.** Fence height shall be measured as the vertical distance between the finished grade at the base of the fence and the top edge of the fence material.
- D. **Specific fence and wall requirements**
  - 1. **Fencing between different land uses.** Fencing between different land uses shall be provided in compliance with Subsection F. (Screening).
  - 2. **Outdoor equipment, storage, and work areas.** Nonresidential outdoor uses and equipment adjacent to a residential use shall be fenced and/or screened in compliance with Subsection F. (Screening).
  - 3. **Swimming pools, spas, and similar features.** Swimming pools/spas and other similar water features shall be fenced in compliance with Uniform Building Code (UBC) requirements, regardless of the other requirements of this Section.
  - 4. **Temporary fencing.** Temporary fencing may be necessary to protect archaeological or historic resources, trees, or other similar sensitive features during site preparation and construction. This fencing shall be approved by the Director.

- E. **Prohibited materials.** The following fencing materials are prohibited in all zones except where they are required by a State or Federal law or regulation, and except as noted.
  - 1. Razor or concertina wire in conjunction with a fence or wall, or by itself, and chain link fencing within a front or street side setback; and
  - 2. Barbed wire, or electrified fence; except where approved by the Director for animal control.
- F. **Screening.** This Subsection establishes standards for the screening and separation of adjoining land uses, and equipment and outdoor storage areas.
  - 1. Required screening identified in Table 4.50.E (Required Screening) shall be maintained in compliance with this Subsection.

Table 4.50.E: Required Screening			
Zones	Screening Required		
	Landscaping Recommended	Screening Required	Opaque Screening Required
<b>Transect Zones</b>	✓		
<b>R-I, RM</b>	✓		
<b>CS, CH</b>		✓	
<b>Mobilehome Parks</b>		✓	
<b>IL, IH</b>			✓

- 2. **Landscaping Recommended.** Uses proposed in Transect Zones and Non-transect residential zones are encouraged to provide landscaping within interior side and/or rear setbacks when adjacent to other residential uses in compliance with 4.50.050 (Landscaping Standards).
- 3. **Screening Requirements.** Commercial land uses and Mobilehome Parks proposed on sites adjacent to residential uses shall provide ornamental masonry walls and landscaping at the interior side and/or rear parcel boundary as follows. Other uses adjacent to residential uses may also be required by the Director to comply with these requirements.
  - a. The screen shall consist of plant materials and a solid, ornamental wall of masonry or similar durable material, five feet in height (or such other height as may be required by the Director), in compliance with Subsection 4.50.090.B (Height Limits). Openings or pedestrian connections may be required at the discretion of the Director.
  - b. The ornamental wall shall be architecturally treated on both sides, subject to the approval of the Director.
  - c. A landscaping strip with a minimum width of five feet shall be installed adjacent to the screening wall, except that 10 feet of landscaping shall be provided between a parking lot and a screening wall, in compliance with this.
- 4. **Opaque Screening Requirements.** Industrial land uses proposed on sites adjacent to other nonindustrial zones shall provide screening at the interior side and/or rear parcel boundary as follows. Other uses adjacent to a residential use may also be required by the Director to comply with these requirements.

- a. The screen shall consist of plant materials and a solid, ornamental wall of masonry or similar durable material, seven feet in height (or such other height as may be required by the Director), in compliance with Subsection 4.50.090.B (Height Limits). Openings or pedestrian connections may be required at the discretion of the Director.
  - b. The ornamental wall shall be architecturally treated on both sides, subject to the approval of the Director.
  - c. A landscaping strip with a minimum width of 10 feet shall be installed adjacent to the screening wall.
5. The Review Authority may waive or approve a substitute for the requirements of Subsections F.3-F.4 if the Director first determines that:
- a. The relationship of the proposed uses make the required screening unnecessary;
  - b. The intent of this Section can be successfully met by means of alternative screening methods;
  - c. Physical constraints on the site make the required screening infeasible; or
  - d. The physical characteristics of the site or adjoining parcels make the required screening unnecessary.
6. **Industrial equipment, loading docks and refuse areas**
- a. An industrial use not conducted entirely within a completely enclosed structure, adjacent to a residential or commercial zone, shall be screened by an ornamental solid wall or screen fence, seven feet in height (or such other height as may be required by the Director), in compliance with Subsection 4.50.090.B (Height limits).
  - b. Roof or ground mounted mechanical equipment shall be screened from public view from adjoining public streets and rights-of-way and adjoining areas zoned for residential uses. This equipment includes air conditioning, heating, ventilation ducts, and exhaust vents, loading docks, refuse storage areas, and utility services, electrical transformers, gas meters, etc.
  - c. The colors, materials, and architectural style of screening shall be architecturally compatible with other on-site development.
7. **Outdoor storage and work areas**
- a. In an IL or IH zone, open storage of materials and equipment shall be permitted only within an area surrounded and screened by an ornamental solid wall or fence or compact evergreen hedge (with solid gates where necessary), in compliance with Subsection 4.50.090.B (Height limits).

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**4.50.100      Water Conservation**

A. Reserved.

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**4.50.110      Lighting**

A. Reserved.

## Chapter 4.60: Specific to Signage

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### Sections:

4.60.010	Purpose
4.60.020	Applicability
4.60.020	Allowed Signs
4.60.030	Prohibited Signs
4.60.040	Sign Area and Height Measurement
4.60.050	Sign Location Requirements
4.60.060	Sign Design
4.60.070	Temporary Signs
4.60.080	Yard Signs
4.60.090	Window Signs
4.60.100	Wall Signs
4.60.110	Wall Mural Signs
4.60.120	Blade Signs
4.60.130	Sidewalk Signs
4.60.140	Awning Signs
4.60.150	Marquee Signs

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### **4.60.010 Purpose**

The purpose of this Chapter is to establish regulations for commercial signage. These regulations are intended to help reinforce the vibrant, mixed-use pedestrian environment.

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### **4.60.020 Applicability**

- A. These sign regulations apply to all signs within the Transect Zones, except directional/instructional signs and real estate signs, which shall instead comply with Zoning Code Requirements.
- B. The provisions of this Section do not regulate the message content of a sign (sign copy), regardless of whether the message content is commercial or non commercial.
- C. Sign installation within Transect Zones shall require sign permit approval in compliance with this Code and per Zoning Code Requirements.
- D. The following signs are exempt from regulation under this Chapter:
  1. A public notice or warning required by a federal, state, or local law, regulation, or ordinance.
  2. Public signage within the right-of-way including
    - a. Public signs erected by or on behalf of a governmental agency to convey public information, identify public property, post legal notices, or direct or regulate pedestrian or vehicular traffic;
    - b. Bus stop signs installed by a public transit company;

- c. Informational signs of a public utility regarding its lines, pipes, poles or other facilities; or
- d. Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized work within the public right-of-way.
3. A nonelectrical nameplate, displaying only the name and/or address of the occupant, and which is one square foot or less.
4. A traffic control or directional sign on private property which does not exceed four square feet.
5. A clock, thermometer, barbershop pole, or similar device where not part of a permanent sign.
6. A flag of any nation, state or city if displayed in a manner conforming to the Flag Code (36 USCA, Section 173 et seq.).
7. A display behind a shopfront window.
8. A sculpture, statue, relief, mosaic or mural which is a work of art or otherwise decorative and does not contain a commercial message or symbol.
9. A property address number consisting of numerals or letters 12 inches or less in height.

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**4.60.020 Allowed Signs**

Each proposed commercial sign shall be designed per Table A (Allowed Commercial Sign Types by Transect), and per the regulations for the sign type established in this Section.

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**4.60.030 Prohibited Signs**

All signs types and sizes not expressly allowed by this Section, particularly those listed below shall be prohibited:

- A. Signs that mimic a regulatory sign are not allowed.
- B. Signs attached to or suspended from a boat, vehicle, or other moveable object that is parked within a public right-of-way, or located on private property so that it is visible from a public right-of-way; except a sign painted directly upon, magnetically affixed to, or permanently affixed to the body or other integral part of a vehicle.
- C. A sign that includes noise-making devices.
- D. A billboard or roof sign.

<b>Sign Type</b>	<b>T2</b>	<b>T3NE</b>	<b>T3N</b>	<b>T4N</b>	<b>T4NF</b>	<b>T5MSF</b>	<b>T5MS</b>
Lawn Sign	R	R	R	R	R	D	-
Window Sign	-	R	R	R	R	R	R
Wall Sign	-	-	-	D	R	R	R
Wall Mural Sign	D	D	D	D	D	D	D
Blade Sign	-	-	-	-	R	R	R
Sidewalk Sign	-	-	-	-	R	R	R
Awning Sign	-	-	-	-	R	R	R
Marquee Sign	-	-	-	-	-	-	R

**Key R = Allowed by Right D = Allowed by Director Approval - = Not Permitted**

#### **4.60.040 Sign Area and Height Measurement**

- A. The area of a sign shall be measured by enclosing the shape in the simplest regularly shaped geometric figure, such as a circle, triangle, diamond, square, rectangle, or other figure having not more than six sides. Where one or more messages consist of letters, panels, or symbols attached to a surface, then the sign area shall be the sum of the areas of each message. The area of a sphere shall be computed as 50 percent of its surface.
- B. The area of a multi-sided sign shall be the total of each exposed sign face, except where signs are parallel back-to-back and attached to opposite sides of a supporting structure. The area of a motor fuel price sign shall be the total of each exposed face, regardless of the orientation of each face.
- C. The overall height and clear height of a sign shall be measured from the top of the curb of the nearest street.

#### **4.60.050 Sign Location Requirements**

- A. Each sign shall be located on the same site as the subject of the sign, except for roof and alley/passage signs used for off-premise signage in a location approved by the Director per the requirements of this Code.
- B. Each sign shall comply with the allowed encroachments of the transect zone in which the sign is located.
- C. No sign shall be placed so as to interfere with the operation of a door or window.
- D. No sign shall be placed so that they cover prominent architectural features of the building.
- E. Any sign installed or placed within the public right-of-way other than in compliance with this Section may be forfeited to the public and be subject to confiscation.

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**4.60.060 Sign Design**

The following criteria shall be used by the Director in reviewing the design of individual signs. Compliance with each of the following design criteria shall be required before a sign permit can be approved.

- A. Colors on signs and structural members should be harmonious with one another and relate to the dominant colors of the buildings on the site. Contrasting colors may be utilized if the overall effect of the sign is still compatible with the building colors.
- B. The design and construction of signs shall adhere to the following criteria:
  1. Except for sidewalk signs, banners, flags, temporary signs, and temporary window signs conforming with the requirements of this Code, each sign shall be constructed of permanent materials and shall be permanently attached to the ground, building or another structure by direct attachment to a rigid wall, frame, or structure.
  2. Each permanent sign shall be designed by a professional (e.g. architect, building designer, landscape architect, interior designer, or others whose principal business is the design, manufacture, or sale of signs), or who are capable of producing professional results.
  3. Each permanent sign shall be constructed by persons whose principal business is building construction or a related trade including sign manufacturing and installation, or others capable of producing professional results. The intent is to ensure public safety, achieve signs of careful construction, have neat and readable copy, and have durability, to reduce maintenance and prevent dilapidation.
  4. Vinyl banner signs may not be used as permanent signage.
- C. The materials and structure of signs shall adhere to the following criteria:
  1. Sign materials (including framing and supports) shall be representative of the type and scale of materials used on the site where the sign is located. Sign materials shall match those used on the buildings on the site and any other signs on the site.
  2. No sign shall include reflective material.
  3. Materials for permanent signs shall be durable and capable of withstanding weathering over the life of the sign with reasonable maintenance.
  4. The size of the structural members (e.g. columns, crossbeams, and braces) shall be proportional to the sign panel they are supporting.
  5. The use of individual letters incorporated into the building design is encouraged, rather than a sign with background and framing other than the structure of the wall.
- D. The City does not regulate the message content (copy) of signs; however, the following are principles of copy design and layout that can enhance the readability and attractiveness of signs. Copy design and layout consistent with these principles is encouraged, but not required.
  1. Sign copy should relate only to the name and/or nature of the business or building.
  2. Permanent signs that advertise information such as continuous sales, special prices, or include phone numbers should be avoided. Information should be conveyed briefly or by logo, symbol or other graphic manner. The intent should be to increase the readability of the sign and thereby enhance the identity of the business.

3. Sign lighting shall be designed to minimize light and glare on surrounding right-of-ways and properties and adhere to the following criteria:
  - a. External light sources shall be directed and shielded so that they do not produce glare off the site, or on any object other than the sign.
  - b. Signs that blink, flash, flutter, or change light intensity, brightness, or color are not allowed.
  - c. Neither the direct nor reflected light from primary light sources shall create hazards for pedestrians or operators of motor vehicles.
  - d. For energy conservation, light sources shall be hard-wired fluorescent or compact fluorescent lamps, or other lighting technology that is of equal or greater energy efficiency. Incandescent lamps are prohibited.

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**4.60.070 Temporary Signs**

Temporary Signs, such as banners or posters placed along a commercial frontage or displayed within a shopfront are allowed provided they are in compliance with the following design criteria:

- A. Temporary signs may only be used to announce an upcoming or occurring event/sale and must be removed upon the conclusion of the event.
- B. Temporary banners may be displayed for a maximum of 30 days.
- C. Temporary posters may be displayed for a maximum of 60 days.
- D. The combined area of any signage within a shopfront (temporary and permanent) may not exceed 20% of total shopfront area.
- E. A Temporary banner placed within the public ROW must provide a minimum clear height of eight feet.
- F. Temporary signage must be in clean and good repair.
- G. Political campaign signs must comply with Municipal Code 17.56.040,B,8.

4.60.080 Yard Signs



**A. Description**

Yard signs are signs mounted on a porch or in a yard between the public ROW and the building facade. Yard signs mounted on a porch are placed parallel to the building's facade. Yard signs mounted in a yard are placed parallel or perpendicular to the ROW.

**B. Size**

Width	36" max.	<b>A</b>
Height	36" max.	<b>B</b>

**C. Location**

Clear Height		<b>C</b>
Mounted on Porch	6'8" min.	
Mounted in Yard	12" min.	
Overall Height	5' max	<b>D</b>

Signs per Building		
Mounted on Porch	1 max.	
Mounted in Yard	1 max.	

**D. Miscellaneous**

Yard signs may not be located within a public ROW.  
 Yard mounted signs shall be parallel or perpendicular to the ROW.



A simple yard sign advertising a small neighborhood cafe.



Yard Sign mounted on porch.

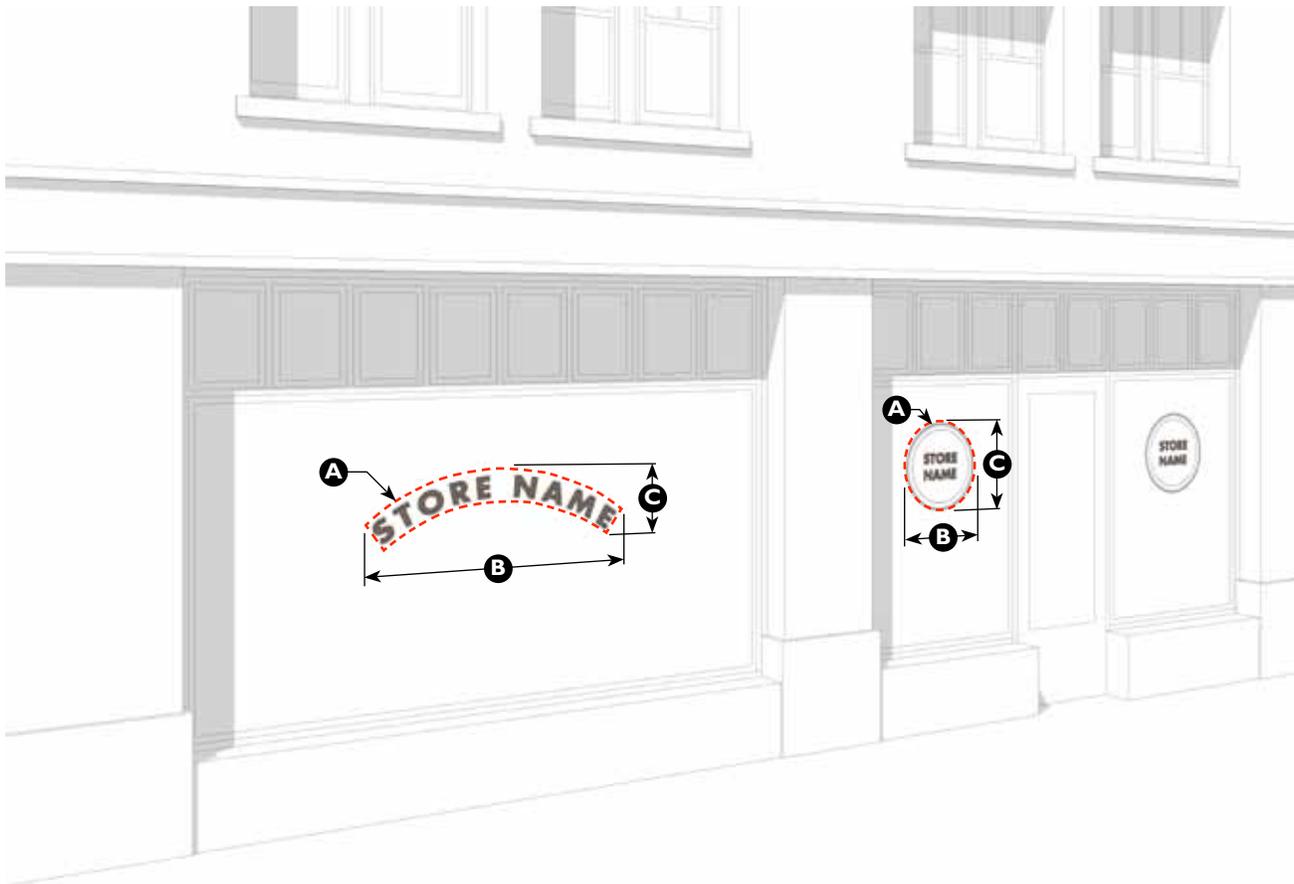


Yard Sign in front of a cottage located parallel to the ROW.



Yard sign mounted perpendicular to the ROW in a residential neighborhood.

4.60.090 Window Signs



**A. Description**

Window signs are professionally painted consisting of individual letters and designs, gold leaf individual letters and designs, applied directly on the inside of a window. Window signs offer a high level of craftsmanship and visibility, and are often used for small professional offices. Window signs are often repeated on storefronts with several divided openings, however, repetition should be done with great care to ensure that the entrance to the business is clearly marked.

**B. Size**

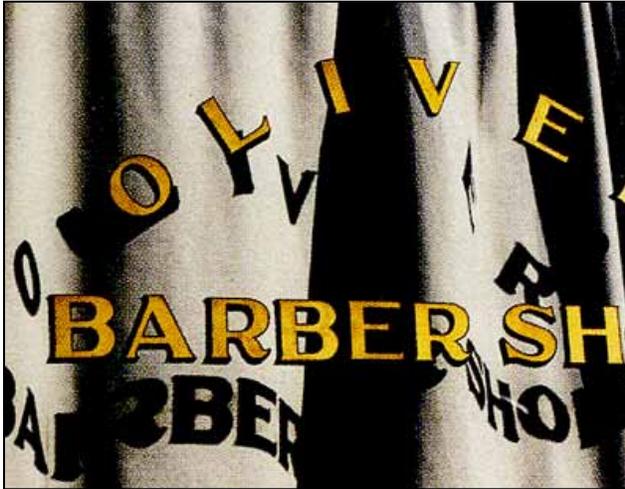
Sign Area		<b>A</b>
Per Shopfront Bay	25% max.	
Per Shopfront	15% max.	
Width	5' max.	<b>B</b>
Height	36" max.	<b>B</b>

**C. Location**

Window signs shall be placed at or above eye level.  
 Window signs shall be applied directly to the inside of the glass.

**D. Miscellaneous**

Applied plastic or vinyl cut letters are discouraged.  
 Window signs must have a clear background.



Window sign example.



Window sign example.



Window sign example.



Window sign example.



Window sign example.



Window sign example.

4.60.100 Wall Signs



**A. Description**

Wall signs are signs flat against the facade consisting of individual cut letters applied directly to the building, or painted directly on the surface of the building. Wall signs are placed directly above the main entrance and often run horizontally along the “expression line” or entablature of traditional buildings. Other buildings may have signage locations integrated into a decorative cornice or sign band at the top of the building, as some of the photographs illustrate. Wall signs do not protrude beyond the roof line or cornice of a building. Wall signs are typically intended to be seen from a distance and are often accompanied by additional pedestrian-scaled signage.

**B. Size**

Signable Area		
Area	1 square foot per linear foot of shopfront, max.	<b>A</b>
Width	Storefront width, max.	<b>B</b>
Height	12" min.; 5' max.	<b>C</b>

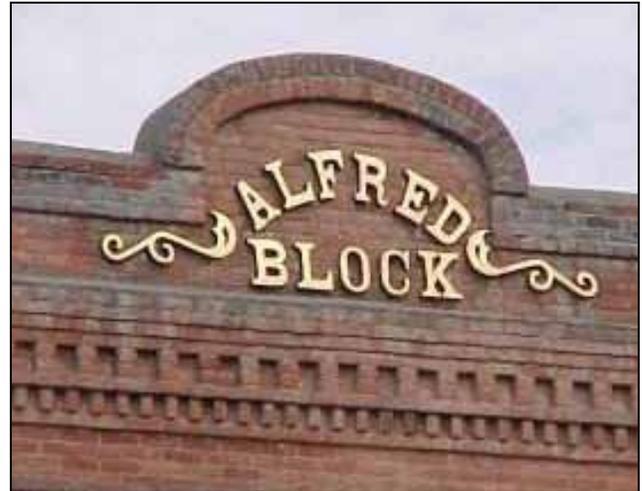
Lettering		
Width	75% of signable width, max.	<b>D</b>
Height	75% of signable height, max.; 36" max.	<b>E</b>

**C. Location**

Projection from Facade	8" max.
Signs per Building	1 per shopfront max.



Wall sign located in entablature frieze.



Metal wall sign.



Painted wall sign with neon lettering.



Raised wall sign.

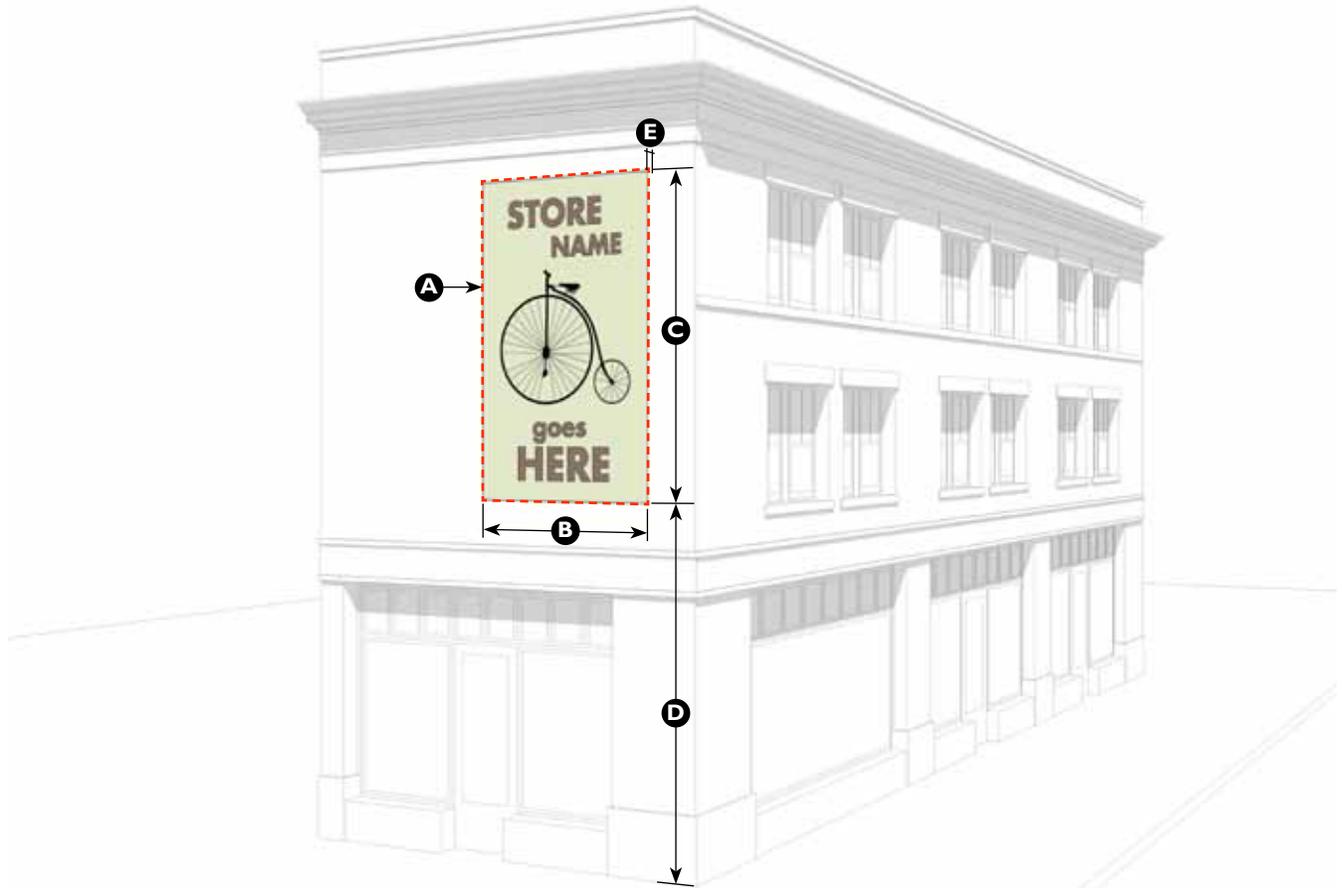


Painted wall sign applied to facade.



Metal wall sign, offset from building facade.

4.60.110 Wall Mural Signs



**A. Description**

Wall mural signs are flat against the facade and are located on a secondary facade, typically along a side street, alley, or paseo. These signs are typically painted directly on the building and contain a combination of text and graphic elements. These signs are intended to be visible from a greater distance and must be accompanied by additional signage on the primary facade at the business entrance. Wall Mural signs that provide off-site signage for a business or do not provide signage for a specific business (artistic wall mural) are subject to approval by the Architectural Design Review Committee. Billboards are not considered wall mural signs and are prohibited within Transect Zones.

**B. Size**

Sign Area	1000 sf max.	<b>A</b>
Width	200' max.	<b>B</b>
Height	50' max.	<b>C</b>

**C. Location**

Height above Ground	3' min.	<b>D</b>
Projection	8" max.	
Signs per Building	1 max.	



Painted wall mural.



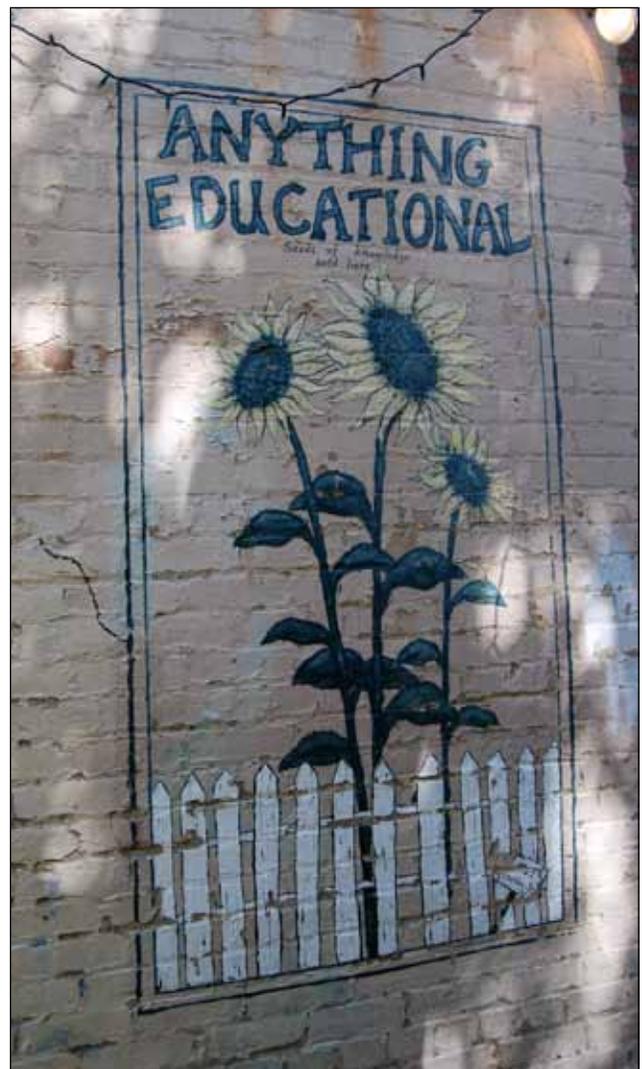
Painted wall mural.



Painted wall mural.

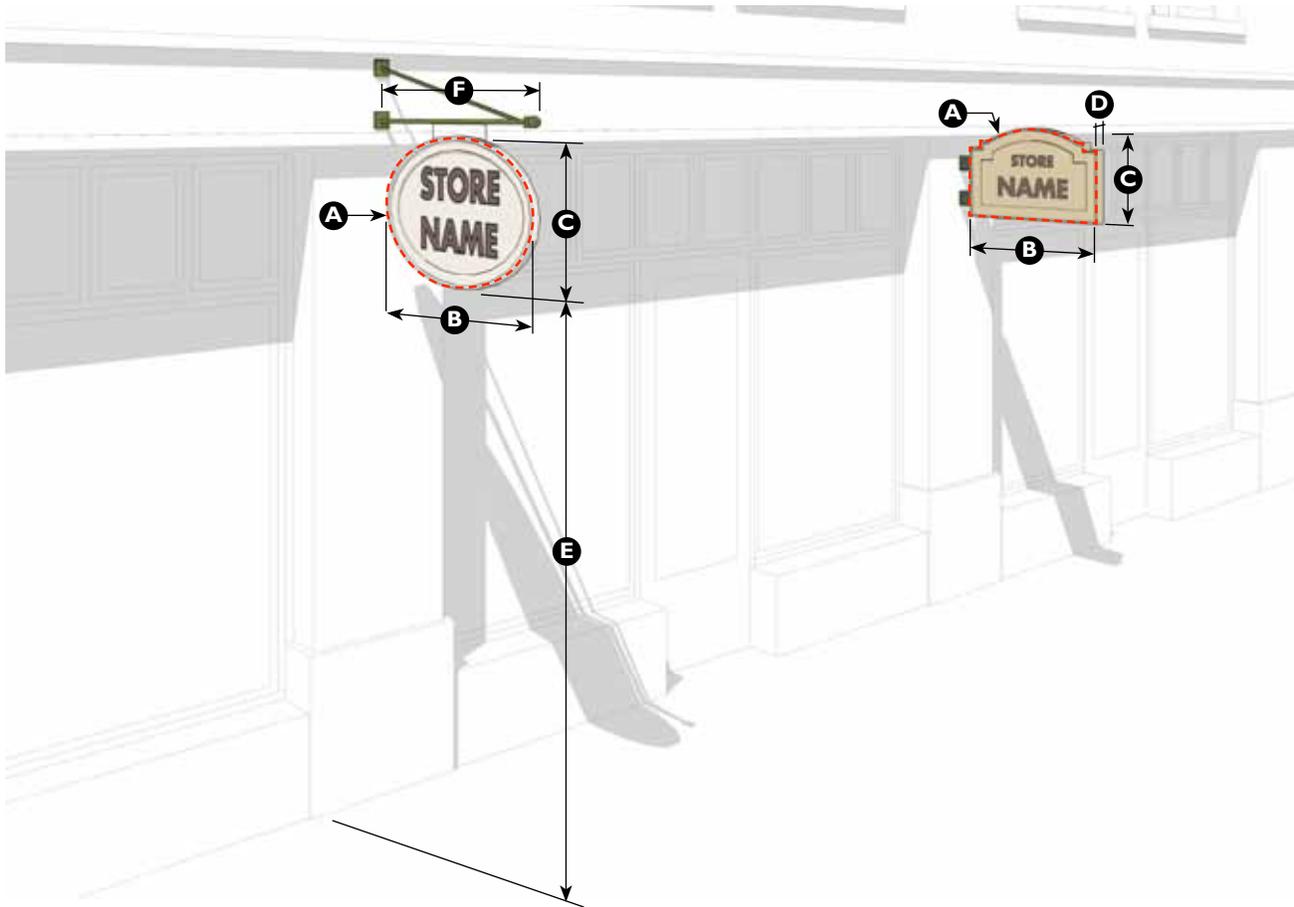


Painted wall mural.



Painted wall mural.

4.60.120 Blade Signs



**A. Description**

Blade signs mount perpendicular to a building’s facade. They are typically hung from decorative cast or wrought iron brackets in a manner that permits them to swing slightly. These signs are small, pedestrian-scaled, and easily read from both sides. Often, a projecting sign offers the opportunity for a more creative or “playful” sign. Blade signs should be hung well out of reach of pedestrians and all exposed edges of the sign should be finished.

**B. Size**

Sign Area	6 sf max.	<b>A</b>
Width	48" max.	<b>B</b>
Height	36" max.	<b>C</b>
Thickness	4" max. <sup>1</sup>	<b>D</b>

<sup>1</sup>Special and creative signs that have a three dimensional quality may have a greater thickness subject to approval by the review authority.

**C. Location**

Clear Height	8' min.	<b>E</b>
Projection	5' max.	<b>F</b>
Signs per Building	1 per storefront max.	



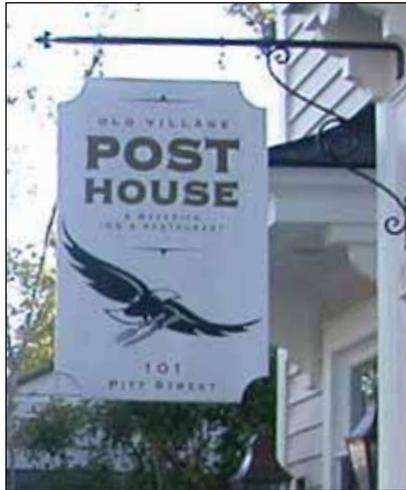
Wood blade sign with a wrought iron hanger.



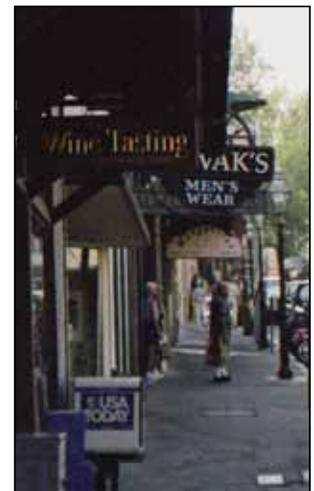
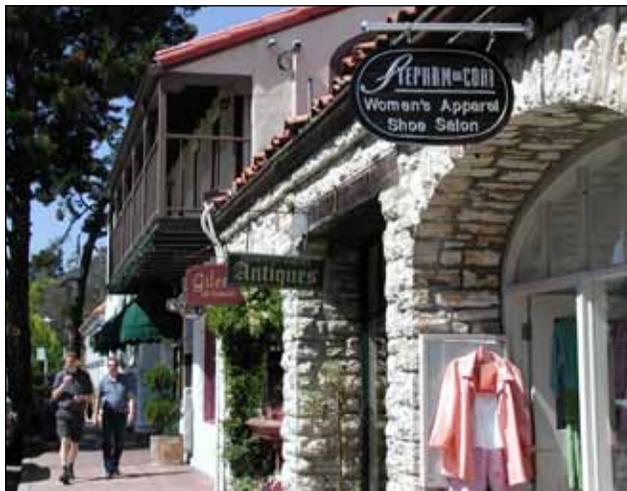
Wrought iron blade sign.



Wood blade sign with a wrought iron hanger.



Examples of blade signs.



Examples of streetscapes with blade signs.

4.60.130 Sidewalk Signs



**A. Description**

Sidewalk signs provide secondary signage and may be used to announce daily specials, sales, or point to shops off the sidewalk (i.e. a shop located along a paseo). They may be painted wood panels or cut wood shapes. Traditional slate boards are highly recommended. Chaser lights or illuminated signs may not be used.

**B. Size**

Sign Area	6 sf max.	<b>A</b>
Width	30" max.	<b>B</b>
Height	42" max.	<b>C</b>

**C. Location**

Signs per Building	1 per storefront max.
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Sidewalk signs must not interfere with pedestrian travel or encroach upon the required accessible path.

Sidewalk signs may only be displayed during business hours and must be removed when the business is closed.



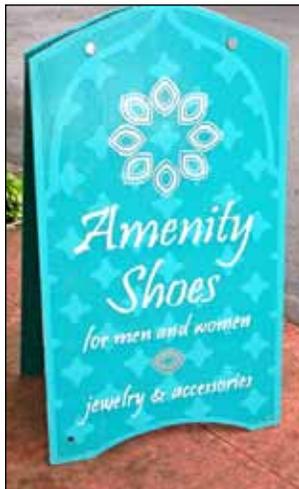
Wood and slate sidewalk sign.



Ornamental wood stand and slate sign.



Painted wood sidewalk sign.



Painted sidewalk sign.



Sidewalk sign compliments primary signage.



Sidewalk sign located to maintain accessible route.



Slate sidewalk sign located on corner of intersection,

4.60.140 Awning Signs



**A. Description**

Awnings are a traditional storefront fitting and can be used to protect merchants' wares and keep storefront interiors shaded and cool in hot weather. Retail tenant signs may be painted, screen printed, or appliquéed on the awnings.

**B. Size**

**Projecting**

Sign Area	1 square foot per linear foot of storefront, max..	<b>A</b>
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Lettering Height	16" max.	<b>B</b>
------------------	----------	----------

Lettering Thickness	6" max.	<b>C</b>
---------------------	---------	----------

**Sloping Plane**

Sign Area	25% coverage max.	<b>D</b>
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Lettering Height	18" max.	<b>E</b>
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**B. Size (continued)**

**Valance**

Sign Area	75% coverage max.	<b>F</b>
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Width	Storefront width, max.	<b>G</b>
-------	------------------------	----------

Height	8" min.; 16" max.	<b>H</b>
--------	-------------------	----------

Lettering Height	8" max.	<b>I</b>
------------------	---------	----------

**C. Location**

Clear Height	8' min.	<b>J</b>
--------------	---------	----------

Signs per Awning	1 projecting; or 1 valance and 1 sloping plane max.
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**D. Miscellaneous**

Only the tenant's store name, logo, and/or address should be applied to the awning. Additional information is prohibited.

Open-ended awnings are strongly encouraged.

Vinyl or plastic awnings are strongly discouraged.



Awning with valance and sloping pane signage.



Projecting signage on a metal awning.



Awning with decorative supports and open end.



Sloping panel signage on awning.

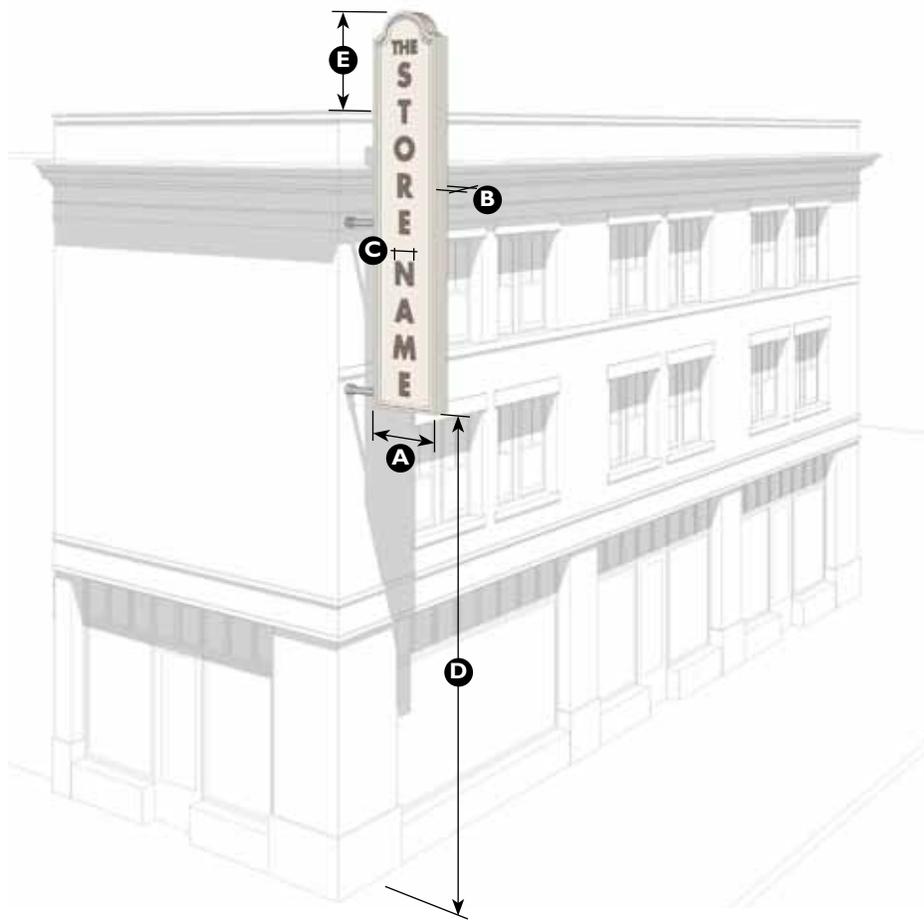


Retractable awning.



Series of awnings along a frontage.

4.60.150 Marquee Signs



**A. Description**

Marquee signs are vertical signs that are located either along the face where they project perpendicular to the facade; or at the corner of the building where they project at 45 degree angle. Marquee signs often extend beyond the parapet of the building, but may also terminate below the cornice or eave. Marquee signs often have neon lettering used in conjunction with painted lettering.

**B. Size**

Width	6 max.	<b>A</b>
Height	24" max.	<b>B</b>
Lettering Width	75% of sign width max.	<b>B</b>

**C. Location**

Clear Height	12' min.	<b>D</b>
Extension	10' max. <sup>1</sup>	<b>E</b>
Signs per Building	1 max.	

<sup>1</sup>Marquee signs may not extend beyond the eave of a pitched roof

**D. Miscellaneous**

Neon lettering may only be used in conjunction with painted lettering; signs consisting only of neon lettering are not permitted.

This signage type should be used sparingly and should not be repeated along a frontage.



Marquee sign combining text and graphics.



Marquee sign projecting above parapet.



Marquee sign.



Marquee sign at corner terminating at eave.



Lit marquee sign; neon lettering used in conjunction with painted lettering.

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# Chapter 4.70: Swedish Village Standards and Guidelines

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## Sections:

4.70.010	Introduction
4.70.020	Applicability
4.70.030	Purpose and Organization
4.70.040	Swedish Village Style

---

### 4.70.010 Introduction

The following architectural design review standards and guidelines are intended to achieve the architectural theme of a "Swedish Village" for the central commercial core, office, commercial and industrial corridors which are related to the commercial core and which comprise the visual entrances to the City from Highway 99.

Rather than providing a strict set of standards that are so rigid that they preclude innovation and creativity in the design of buildings and sites in interpreting and achieving the Swedish Village concept called for by the General Plan, these standards and guidelines are intended to establish parameters by which the Architectural Design Review Committee can judge the acceptability of a given proposal with respect to advancing the Swedish Village Concept.

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### 4.70.020 Applicability

Design review provisions of this Section shall apply to any permitted or conditional use identified in this Title that requires Planning Commission review other than single-family dwellings or multiple-family dwellings consisting of no more than two units. There shall be no exceptions to such application except as may be granted for historic structures designated by resolution of the City Council.

- A. Level 1 intensity as described in Section 7.020.020.B.1.
- B. Level 2 intensity as described in Section 7.020.020.B.2.
- C. **Exemptions.** Structures designated as historic shall be exempt from these standards and guidelines. Exemptions shall be made for all structures which have been officially designated on the National Register of Historic Places or which are designated as a Registered Historical Landmark by the State of California. Exemptions may also be designated by the City Council, upon the advice of the Kingsburg Historical Society. The City Council shall maintain a Master List of Historic Structures exempt from these standards and guidelines. For purposes of City designations, only structures which meet the criteria below will be eligible for consideration by the City Council:
  - 1. A structure may be designated a Local Architectural Landmark if it is a prototype or an outstanding example of a period, style, architectural movement or method of construction, or if it is a notable work or the best surviving work of a pioneer architect, designer or master builder.
  - 2. An architectural landmark generally will be considered only on its original site if its significance is basically derived from its design relationship to its site.

3. A reconstructed or extensively rehabilitated building generally will not be considered unless no other authentic structure of its type survives within the community.
4. Local Architectural Landmarks achieving recognition since 1940 will be considered only if they possess exceptional design merit of transcendent significance.
5. The site must be visibly accessible to the public.
6. Only the exterior walls, roof and other exterior features of a structure shall be subject to the application of these criteria. Interiors may be modified as necessary to accommodate approved uses or changes.

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**4.70.030 Purpose and Organization**

These standards and guidelines provide guidance with regards to architectural character, quality, and aesthetic as follows:

- A. **General to Swedish Village Design.** These guidelines describe different approaches to Swedish architectural expression that applicants may utilize and establish a range of acceptable precedents appropriate to the Swedish Village.
- B. **General Massing and Roofs.** These standards and guidelines describe different techniques for building massing, including approaches to bases and foundations, wall treatments, and roof forms and orientations.
- C. **Openings (Windows and Doors).** These standards and guidelines describe different approaches to façade composition, and appropriate placement, proportion, and treatments for windows, doors, and storefronts.
- D. **Exterior Elements.** These standards and guidelines describe different approaches to important exterior elements, including balconies, awnings, light fixtures, and planter boxes.
- E. **Colors and Materials.** These standards and guidelines describe the range of exterior colors and materials that are appropriate and acceptable.

**4.70.040 Swedish Village Style**

**A. General to Swedish Village Design**

**General**

1. New construction and exterior remodeling within the Village Area shall conform to the traditional and historic theme of 18th and 19th Century Sweden, with emphasis on the use of wood or wood in combination with brick, stone or stucco masonry, in the design of exterior walls.
2. The Swedish Village style in Kingsburg draws from a variety of factors and influences:
  - a. Historic wood-framed structures of 18th and 19th century Swedish towns;
  - b. Similar wood-framed buildings of the late 19th century Victorian and Edwardian styles as found in California;
  - c. The American Arts and Crafts tradition as it is expressed in early 20th century towns in the Central Valley;
  - d. The "Storybook" or Tudor styles of the early 20th century.

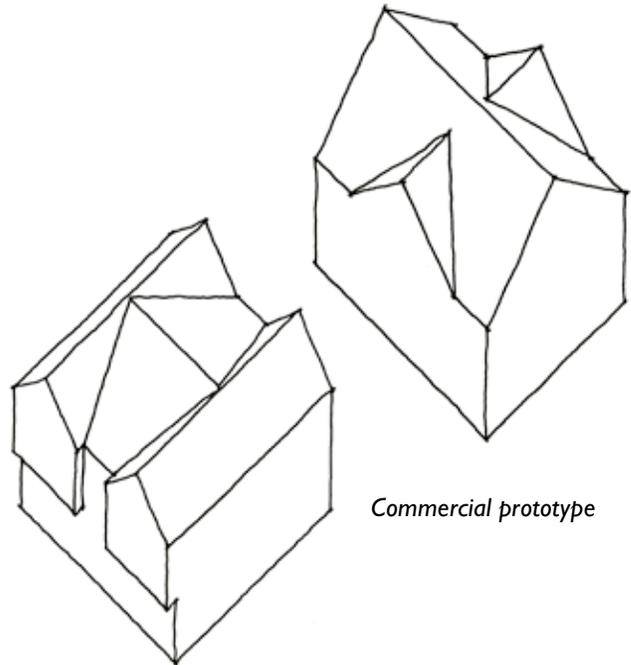
**Essential Characteristics**

1. Simple, 1.5 to 2.5-story massing, with steeply-pitched roofs utilizing dormers and gable ends;
2. The use of half-timbered elements, including gable ends, dormers, and second stories, that achieve an authentic appearance and pattern of historic Swedish architecture;
3. Well-composed facades utilizing vertically-proportioned windows and doors, and storefronts with divided lights; and
4. Integrated design elements that evoke traditional Sweden, including shutters, awnings, light fixtures, gates, and flower boxes.

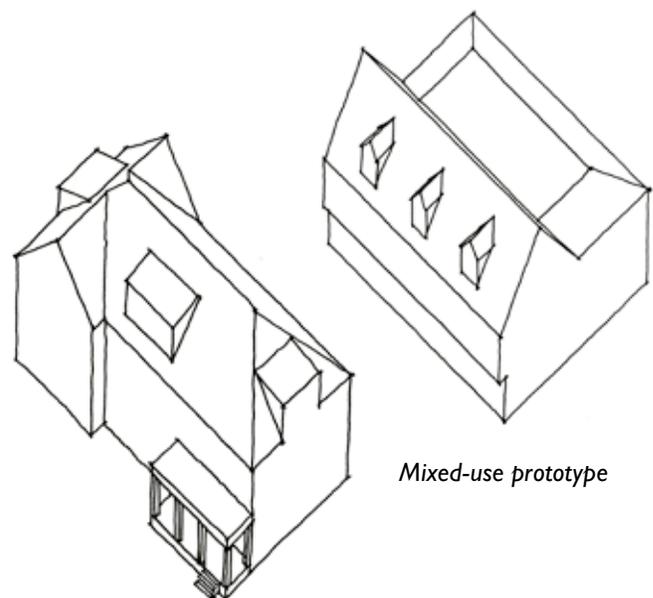
**B. General Massing and Roofs**

**General Massing**

Swedish design should utilize 1.5 to 2.5 story massing with steeply pitched roofs that incorporate gable ends and dormers.

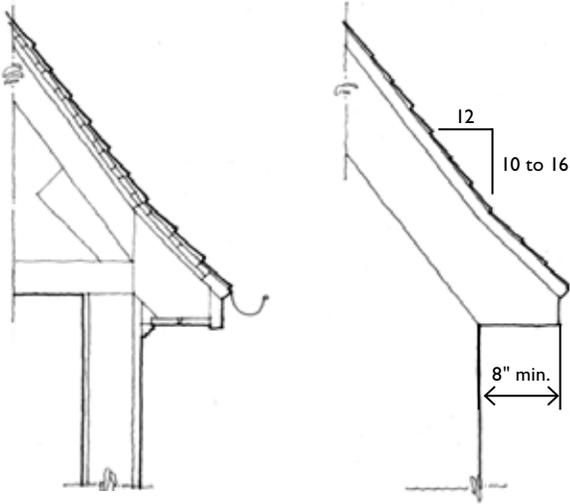


*Multifamily/Mixed-use prototype*

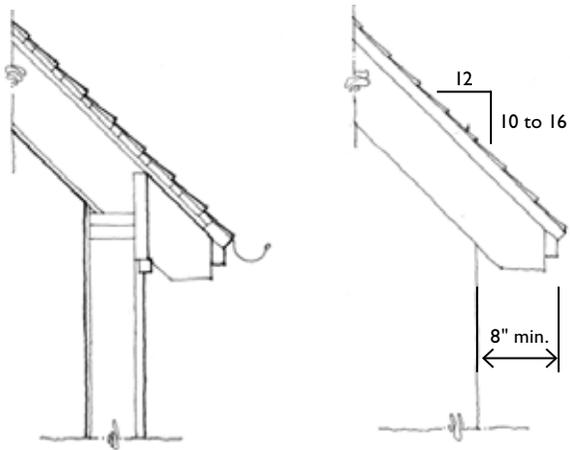


*Townhouse prototype*

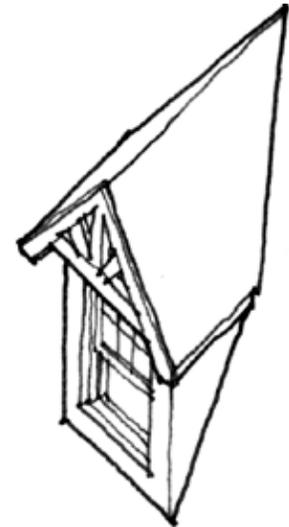
*Mixed-use prototype*



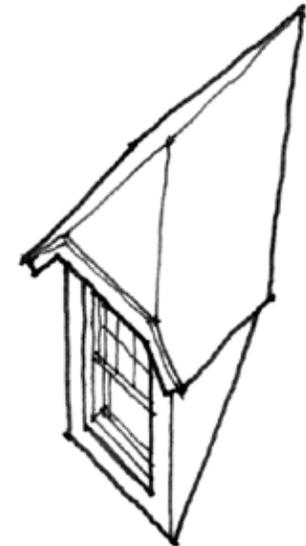
Typical Closed Eave Detail



Typical Open Eave Detail



Typical Gable Dormer



Typical Chamfered Dormer

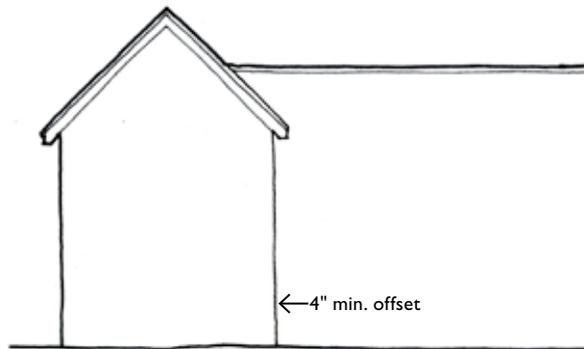
**B. General Massing and Roofs (continued)**

**Roofs**

1. Roofs are typically pitched, with some gabled or hipped, with roof slopes ranging from 10 in 12 to 16 in 12.
2. Renovated and existing commercial buildings may have low-sloped or flat roofs.
3. Flat roofs shall provide a parapet to conceal flat roof areas.
4. Mansard roofs may be utilized to simulate second stories on existing flat-roofed structures. Where the side elevation is exposed, the mansard roof shall either turn the corner or articulate a gable end.
5. Skylights shall be flat (non-bubble) unless concealed behind a parapet.

**Roof-Wall Connections**

1. Eaves typically utilize exposed rafter tails or the use of decorative brackets.
2. Roof overhangs shall have a minimum 8" overhang at eave and rake.



Mansard roof articulated as a gable end on the side elevation

**B. General Massing and Roofs (continued)**

**Primary Walls**

1. Primary walls are predominantly clad in stucco, brick, or siding.
2. Exposed wood shall be painted, or stained.
3. Brick mortar joints shall be struck.
4. Stucco shall be smooth and sand finish only.
5. The vertical delineation of wall materials should be used sparingly. Two or more wall materials may be combined on one facade only with the lighter material above the other, more substantial material (e.g. wood above stucco or masonry, or stucco above masonry).
6. Decorative moldings, cornices, or an applied ornament of stone or cast concrete may be used to express the vertical division between the base, the body, and the top.
7. Cantilevers shall be supported by visible brackets scaled as if they were supporting the weight of the mass above.
8. Exterior walls visible from streets and/or public right of ways shall be consistent and integral with the overall theme of the building.
9. Half timbering may be utilized to delineate gable ends, half stories, and second stories. Half timbering shall be at least 6" nominal dimension.

**Wall Treatments**

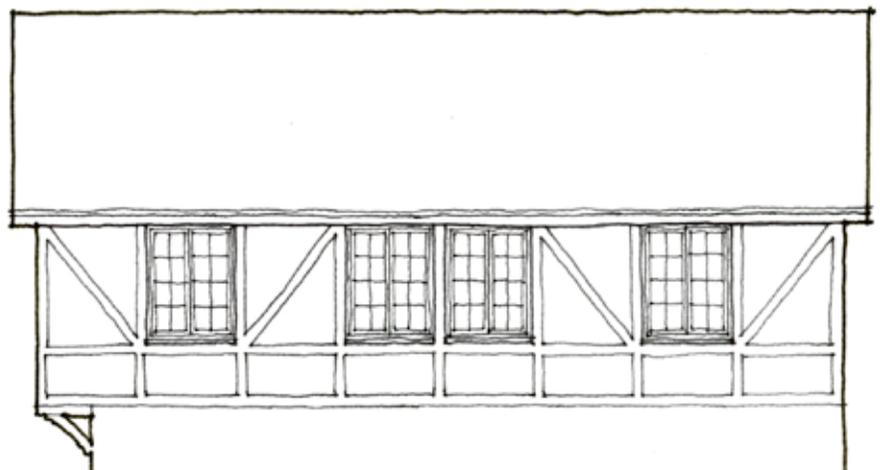


*Typical Gable End Half-Timber Treatments*

**Cantilevered Wall Treatments**



*Typical Cantilevered Gable End*



*Typical Cantilevered Second Floor*

**C. Openings**

**Facade Composition**

Simple and regular rhythm of openings.

**Windows**

1. Windows may be double hung, single hung, or hinged casement. On side and/or rear elevations of mid-block (non-corner) buildings, horizontal slider windows may be utilized.
2. When utilized with stucco or masonry cladding materials, windows shall be framed with a minimum 2.5" brickmould.
3. When utilized with wood cladding materials, windows shall be framed with a minimum 3.5" wood or fiber cement trim.
4. All windows must have a sill. The sill should not be integrated into a "picture frame" surround.
5. Windows are typically vertically- or square-proportioned and multi-paned with exterior true or simulated muntins.
6. Window panes may typically be in a 1-over-1, 6-over-1, 6-over-6, or 6-over-9, divided light pattern.
7. When windows are ganged together, the window frames or a minimum 3" mullion shall frame each individual window.
8. Shutters, when used, shall be sized equal to 1/2 the width of the window and shall be placed as if they were operable.

**Doors**

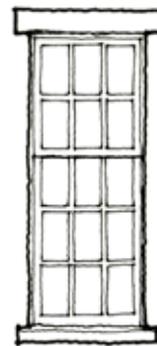
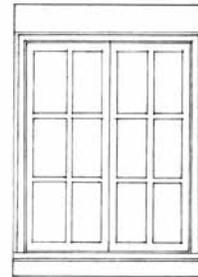
1. When utilized with stucco or masonry cladding materials, doors shall be framed with a minimum 2.5" brickmould.
2. When utilized with wood cladding materials, doors shall have a trim surround with a 3.5" minimum wood or fiber cement trim.
3. Panels and windows should be simple and rectilinear.
4. Transom windows are encouraged.

**Double-hung Windows**

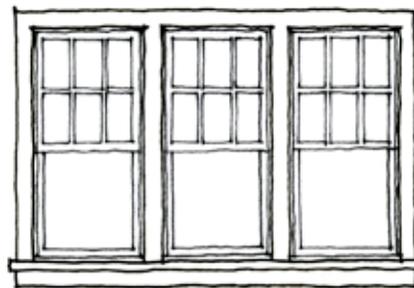
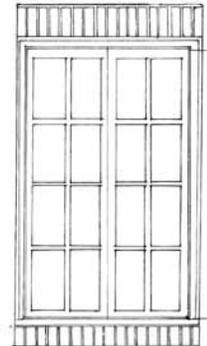
**Casement Windows**



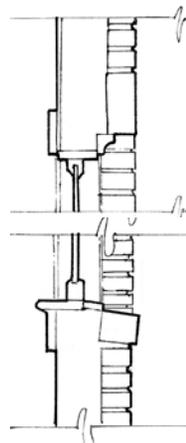
*Typical Upper Floor Window*



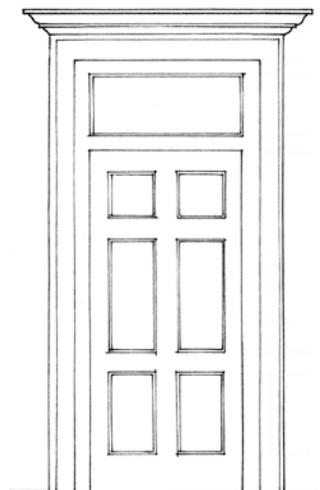
*Typical Ground Floor Window*



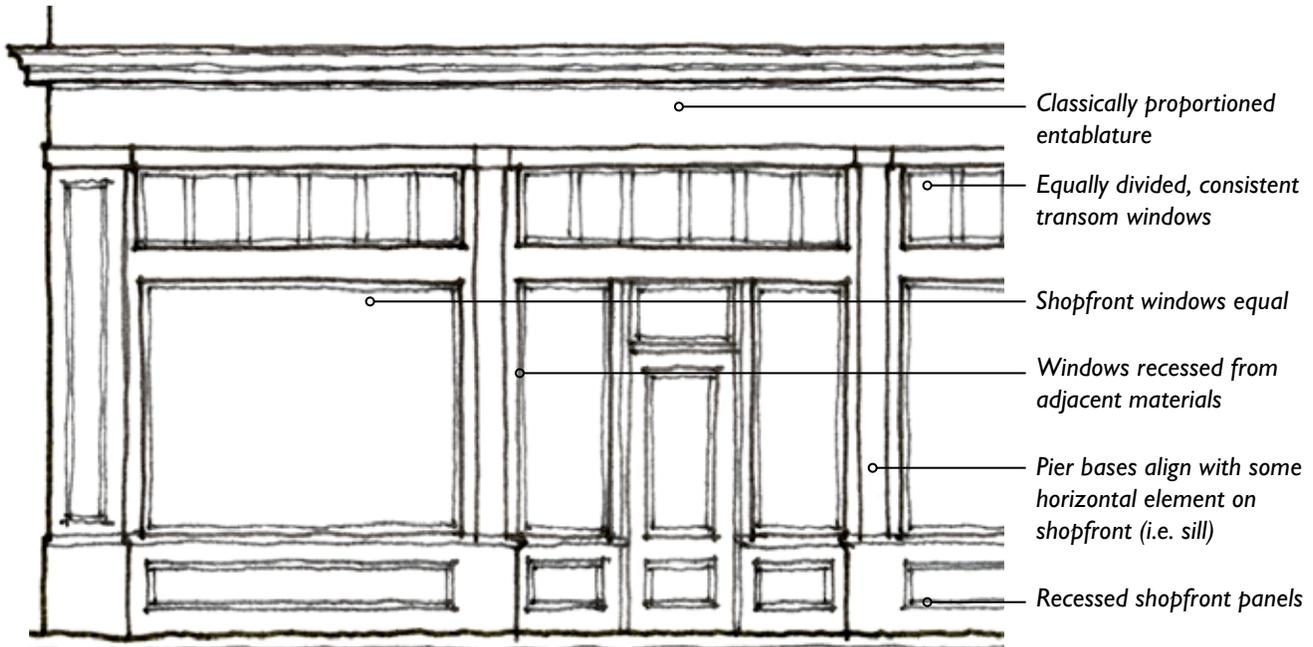
*Typical Grouping of Windows*



*Typical Brick Window Head/Sill*



*Typical Door with a Transom Window*

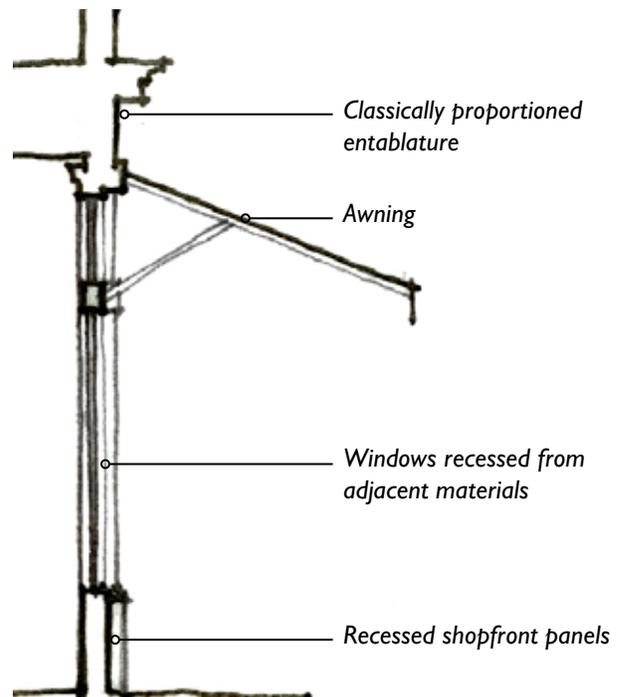


Elevation of a typical Shopfront.

**C. Openings (continued)**

**Shopfronts**

1. All regulations regarding windows and doors described in this section apply to windows and doors that are a part of a shopfront assembly.
2. Shopfront infill assemblies shall be made of painted or varnished wood, aluminum-clad wood, or painted metal.
3. In multistory buildings, there shall be a horizontal band, articulated fascia, and/or entablature to separate the ground level shopfront from the upper floors above. This band may be incorporated into the shopfront design.
4. Porches, galleries, and awnings may be incorporated into shopfront designs.
5. Lighting shall be mounted on the storefront wall, preferably centered on the piers between windows/doors or centered above the windows/doors of the shopfront. In instances where projected shed roofs are used over entries the lighting may be mounted in the shed underside.
6. Shopfront edges should integrate heavier piers or pilasters to visually carry the weight of the building above.
7. See Section 4.20.100 (Shopfront Standards) for additional standards.
8. See Division 4.60 (Signage Standards) for additional standards.



Section through a typical Shopfront.

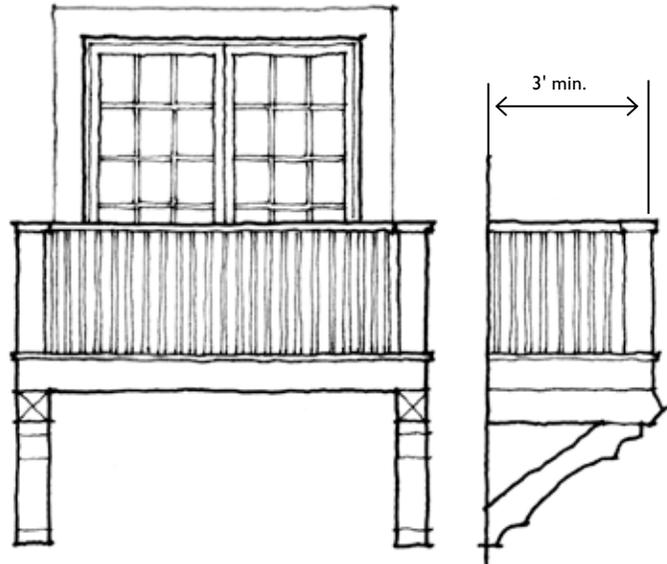
**D. Exterior Elements**

**Canopies & Awnings**

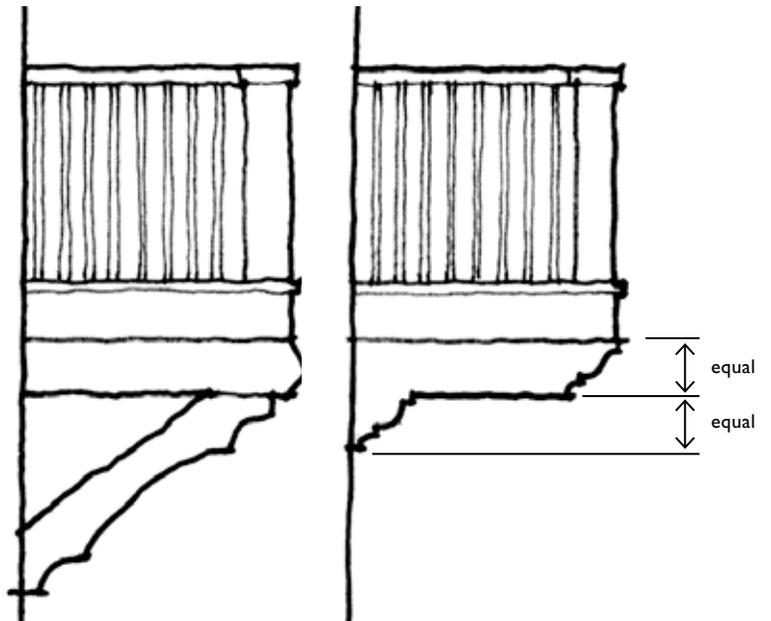
- 1. The use of canvas awnings over doors and windows is encouraged.
- 2. See Section 4.20.100 (Shopfront Standards) for additional standards.

**Balconies**

- 1. Balconies shall be made of wood or metal, and may be open or covered.
- 2. Spindles and balusters on balconies shall not exceed six inches on center, or as required by the Building Code, whichever is less.
- 3. Second floor balconies shall have a minimum height clearance of 10 feet from grade.
- 4. Second floor balconies should be a minimum of 3' deep.
- 5. Cantilevered balconies shall be supported by visible brackets scaled as if they were supporting the weight of the mass above.



Typical front and side elevation of a balcony



Typical Bracket Detail

E. Materials and Colors	
Materials	
Cladding	Brick, with struck mortar joints. Stucco, smooth and sand finish. Siding in wood, composition board, or fiber-cement board with horizontal shiplap, beaded lap, or beveled profile. Vinyl and/or T-111 siding are not allowed.
Half Timbering	Timbering in wood or fiber-cement board. Stucco wall surfaces shall be smooth and sand finish.
Foundations	Stone, cast stone, painted concrete, or stucco.
Roofing	Wood shake or fiberglass shingles.
Windows	Wood, aluminum-clad wood, or metal, with exterior true or simulated true divided lights. Glass should be clear and non-reflective.
Doors	Principal doors in factory-painted aluminum, fiberglass, or aluminum-clad wood. French doors and sliders in wood, aluminum-clad wood, or fiberglass. Vinyl windows are not allowed.
Trim	Wood, composition board, fiber-cement board, and molded millwork for built-up sections. PVC trim is not allowed. For soffits and porch ceilings, GWB, plaster, T&G wood, exposed rafters, or composite. Continuous perforated soffit materials and the use of vinyl panel systems are not allowed.
Gutters	Half round or ogee-profile metal. PVC is not allowed.
Downspouts	Round or rectangular metal. PVC is not allowed.
Brackets	Wood or clad wood.
Railings	Square balusters, turned spindles in wood or wrought iron. No anodized finishes are permitted.

D. Materials and Colors (continued)	
Colors	
Cladding	White, off-white, cream, grey-green, grey-blue, grey, light yellow, red, terracotta, or yellow.
Half Timbering	Darker than and in contrast with other exterior finishes of building walls.
Roofing	Roof shingles are typically dark grey or black.
Windows	Sashes and frames in white or off-white; Shutters in black, red, dark grey, or dark green.
Trim	White or off-white.
Gutters/ Downspouts	White, off-white, painted dark green or dark red.
Railings	White, off-white, or light grey.
Additional colors conditional upon approval of the Architectural Design Review Committee.	



Example of Swedish Architectural Style along Draper Street.



Example of Swedish Architectural Style along Draper Street. (Good massing and details, but signage is not appropriate)

**F. Additional Design Elements**

1. Integrated design elements along thoroughfares that evoke traditional Sweden, including shutters, awnings, banners, flags, coat of arms, Dala horses, light fixtures, gates, and flower boxes.
2. Integration of other amenities inside forecourts, civic spaces and open spaces including fountains, gardens, and other garden furniture and elements that evoke traditional Sweden.
3. Integration of decorative pavers that complement existing or planned stone or brick patterns in the public sidewalk.



Flowering planters hung from street lights



Flowering planters mounted below a commercial shopfront



Swedish banners along Draper Street



Wall mounted Swedish coat of arms



Two-and-a-half story commercial building



Dala Horse mounted on light pole along Draper Street.



Dala Horse statue located along a public passage



Pedestrian passage incorporating hanging pots and flowering planters.



Commercial building adjacent to a small public park

# Article 5: Specific to Thoroughfares

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## Contents:

<b>Chapter 5.10: Thoroughfare Standards</b>	<b>5.10-1</b>
5.10.010 Purpose	5.10-1
5.10.020 Applicability	5.10-1
5.10.030 Allowed Thoroughfares	5.10-2
5.10.040 Thoroughfare Design	5.10-4
5.10.050 Movement Types and Design Speed	5.10-5
5.10.060 Intersections	5.10-6
5.10.070 Public Frontages	5.10-7
5.10.080 Thoroughfare Assemblies	5.10-8
5.10.090 Thoroughfare Formulas and Components	5.10-21

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# Chapter 5.10: Thoroughfare Standards

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## Sections:

5.10.010	Purpose
5.10.020	Applicability
5.10.030	Allowed Thoroughfares
5.10.040	Thoroughfare Design
5.10.050	Movement Types and Design Speed
5.10.060	Intersections
5.10.070	Public Frontages
5.10.080	Thoroughfare Assemblies
5.10.090	Thoroughfare Formulas and Components

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### **5.10.010 Purpose**

The intent of this Chapter is to provide a catalog of pre-approved thoroughfare assemblies and components that are appropriate to use within transect zones. These components can be combined to form thoroughfares that can be used in developments.

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### **5.10.020 Applicability**

- A. This Chapter describes thoroughfare assemblies, formulas, and components and assemblies approved for the development of thoroughfares in transect zones. It supplements the "Improvement Standards." Where these standards conflict with the "Improvement Standards", the standards of this Chapter shall prevail.
- B. These thoroughfare standards are applicable for the desired modification of existing thoroughfares and the creation of new thoroughfares in any areas within the transect zones.
- C. The placement and use of thoroughfare assemblies in new development is subject to review through the development of a Street Regulating Plan per Chapter 2.10 (Traditional Neighborhood Community Plans) Section 2.10.060(Thoroughfares).
- D. Additional thoroughfare assemblies can be integrated into this Chapter as they are approved by the City.

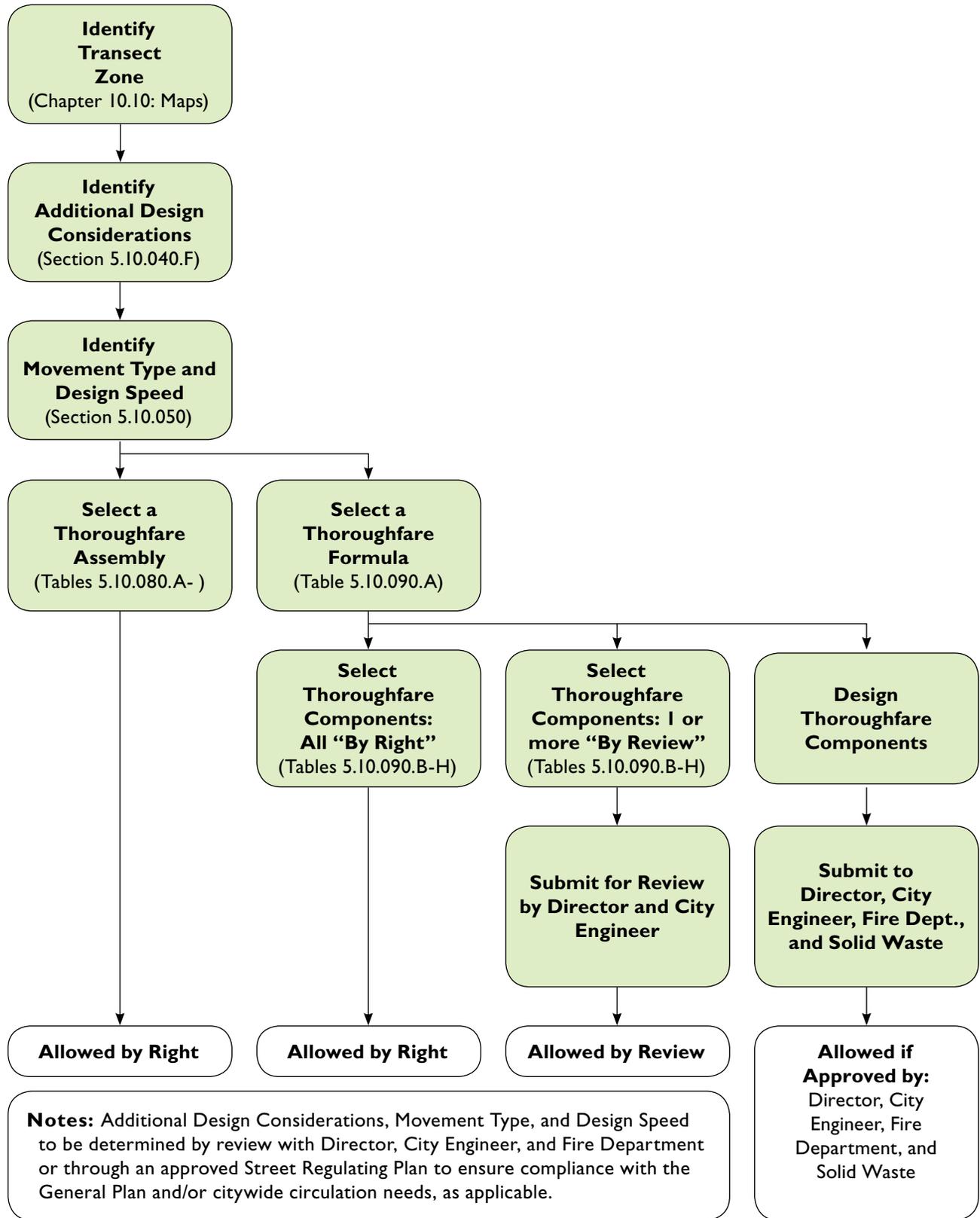
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**5.10.030 Allowed Thoroughfares**

Allowed thoroughfares shall follow the process diagram in Table 5.10.030.A (Allowed Thoroughfare Process Diagram) and are allowed by right or with the specified approvals as follows:

- A. Predefined thoroughfare assemblies found in Section 5.10.080 (Thoroughfare Assemblies) are allowed by right.
- B. Thoroughfares that meet the standards found in Table 5.10.090.A (Thoroughfare Formulas) and use only the predefined components in Tables 5.10.090.B-H are allowed By Right or By Review as follows (Thoroughfares allowed By Review are allowed if approved by the Director and City Engineer.):
  1. If all of the selected predefined components are allowed By Right, the thoroughfare is allowed By Right.
  2. If one or more of the selected predefined components is allowed By Review, the thoroughfare is allowed By Review.
- C. Thoroughfares that meet the standards found in Table 5.10.090.A (Thoroughfare Formulas) but do not use only the predefined components in Tables 5.10.090.B-H are allowed if approved by the Director, City Engineer, Fire Department, and Solid Waste.
- D. Thoroughfares that do not meet the standards in items A-C above are not allowed in any Transect zones.

**Table 5.10.030.A: Allowed Thoroughfare Process Diagram**



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**5.10.040 Thoroughfare Design**

- A. Thoroughfares are intended for use by vehicular and pedestrian traffic and to provide access to lots and open spaces.
- B. Thoroughfares shall generally consist of vehicular lanes and public frontages.
- C. Thoroughfares shall be designed in context with the urban form and general intention of the transect zones through which they pass.
  - 1. Within the more urban transect zones (T3 through T5) pedestrian comfort shall be a primary consideration of the thoroughfare design. Design conflict between vehicular and pedestrian movement generally shall be decided in favor of the pedestrian.
  - 2. Within the most rural transect zones (T1 and T2) pedestrian comfort shall be a secondary consideration of the thoroughfare design. Design conflict between vehicular and pedestrian movement generally shall be decided in favor of the vehicle.
- D. The requirements for pedestrian and bicyclist safety, comfort and access shall establish thoroughfare movement type and design speed. The movement type and design speed determines the dimensions of each thoroughfare element, such as vehicular lanes and turning (curb) radii.
- E. Thoroughfares shall be designed according to the types of vehicles expected to use each thoroughfare on a daily basis. Occasionally, large vehicles are expected on all thoroughfares. All thoroughfares shall allow these vehicles to safely pass without major difficulty. It is expected that large vehicles may encroach on the opposing lane when making turning movements.
- F. **Additional Design Considerations.** Other factors that may need to be considered in the selection of an appropriate thoroughfare in transect zones include the following:
  - 1. Topography. Thoroughfares that traverse steep slopes may need to incorporate additional design consideration for such elements as drainage facilities, additional width for bicycle lanes on the uphill side of the thoroughfare, etc.
  - 2. Parking. The provision of parking on site or on the thoroughfare may need to be considered in the selection of the appropriate thoroughfare.
  - 3. Truck Access. Thoroughfares that provide access to high volumes of large trucks may need additional design considerations to mitigate potential negative effects on walkability.
  - 4. Bus Service. Thoroughfares that will serve as public transit or school bus routes may need additional design considerations, including, but not limited to, the location of bus stops.
- G. All lane dimensions shall be measured to the face of the curb. Where no curb and gutter is provided, the lane dimension shall be to the edge of the pavement. For Yield movement types, lane dimensions assume two-way traffic and are for a single lane accommodating two-way traffic.
- H. Shared lanes with sharrow markings on the travel lanes or a bicycle boulevard, a road shared by bicycles and vehicles, are allowed and may be required on streets with a design speed of 25 mph or less. Bike Lanes may also be required to provide continuity between neighborhoods or based on traffic volumes. See Table 11-61-9.B (Bicycle Facilities Standards) for minimum dimensions.

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**5.10.050 Movement Types and Design Speed**

- A. Movement types are intended to assist in the selection of the appropriate thoroughfare design for the necessary level of pedestrian and bicyclist safety and comfort at any given location. Design speed is the primary determinant of movement type. A list of approved movement types (along with their assigned lane widths and curb radii) is provided for each transect zone in Tables 5.10.090.A-D.
- B. Following is a list of movement types:
  - 1. Yield. Drivers must proceed slowly, with extreme care, and must yield to approaching traffic when vehicles are parked on both sides of the thoroughfare creating essentially one through lane. A Yield Thoroughfare is the functional equivalent of traffic calming. In addition to Yield movement use on normal thoroughfares, this movement is also used on Alleys and Rear Lanes. For these applications, the primary purpose is access to rear loaded driveways/access for residential and commercial property. Parking in Alleys and Rear Lanes should only occur in driveways or parking structures to allow access for trash collection, service trucks, and emergency access. A Yield thoroughfare with a 12' travel lane requires areas outside of the travel lane to facilitate the yielding movement. These areas can be provided within parking lanes, a rolled curb with a mountable apron, or at driveways. Design speed is less than 20 mph.
  - 2. Slow. Drivers can proceed carefully with an occasional stop to allow a pedestrian to cross or another car to park. The character of the thoroughfare should make drivers uncomfortable exceeding the design speed due to the presence of parked cars, sense of enclosure from buildings and street trees, tight turning radii, and other design elements. Design speed is 20-25 mph.
  - 3. Low. Drivers can generally expect to travel without delay at the appropriate design speed. Thoroughfare design supports safe pedestrian movement at the higher design speed. This movement type is appropriate for thoroughfares designed to traverse longer distances or connect to higher intensity locations. Design speed is 30-35 mph.
  - 4. Suburban. This is a conventional thoroughfare design in which drivers can expect a separation of modes, (i.e., bike lanes, walking paths and roads) allowing automobiles to travel unimpeded by pedestrians or walkability concerns. This movement type is rarely used in T3 through T5 transect zones, but may be needed when a thoroughfare crosses through T1 or T2 transect zones. Design speed may be above 35 mph.
- C. The design criteria for Yield, Slow, and Low Thoroughfares shall be commensurate with local thoroughfares. Design speeds higher than 35 mph shall not be used in areas intended to support moderate or high levels of pedestrian or bicycle activity due to concerns with safety and comfort.
- D. It is important to recognize that thoroughfares with four or more lanes create challenges with keeping operating speeds low due to the ability of drivers to pass those obeying the speed limit.

**5.10.060 Intersections**

- A. Street design of narrow streets and compact intersections requires designers to pay close attention to the operational needs of transit, fire and rescue, waste collection and delivery trucks. For this reason, early coordination with transit, fire and rescue, waste collection and other stakeholder groups is essential.
- B. More regular encroachment of turning vehicles into opposing lanes will occur at compact intersections. Therefore, frequency of access, traffic volumes and the speeds on intersecting streets at those intersections must be considered when designing intersections. For fire and rescue, determination of the importance of that street for community access should be determined, e.g., primary or secondary access.
- C. The designer should use turning templates or software to evaluate intersections to ensure adequate operation of vehicles can occur. Location of on street parking around intersections should be evaluated during this analysis to identify potential conflicts between turning vehicles and on street parking. Bike lanes and on-street parking will increase the effective curb return radius, when curb extensions are not employed, by providing more room for the wheel tracking of turning vehicles.

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**5.10.070 Public Frontages**

- A. General to All Transect Zones
  - 1. The public frontage contributes to the character of the transect zone, and includes the types of sidewalk, curb, planter, and street trees.
  - 2. Public frontages shall be designed and allocated within transect zones as shown in Tables 5.10.090.E-F.
  - 3. Within the public frontages, the prescribed types of public planting and public lighting shall be as shown in Tables 5.10.090.E-H. The spacing may be adjusted with the approval of the Director to accommodate specific site conditions.
- B. Specific to Transect Zones T1, T2, T3
  - 1. The public frontage shall include trees of various species, naturalistically clustered, as well as understory.
  - 2. The introduced landscape shall consist primarily of native species requiring minimal irrigation, fertilization and maintenance.
- C. Specific to Transect Zones T4, T5
  - 1. The introduced landscape shall consist primarily of durable species tolerant of soil compaction.
- D. Specific to Transect Zones T4
  - 1. The public frontage shall include trees planted in a regularly-spaced allee pattern of single or alternated species with shade canopies of a height that, at maturity, clears at least one story.
- E. Specific to Transect Zones T5
  - 1. The public frontage shall include trees planted in a regularly-spaced allee pattern of single species with shade canopies of a height that, at maturity, clears at least one story. At retail frontages, the spacing of the trees may be irregular, to avoid visually obscuring the shopfronts.

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**5.10.080 Thoroughfare Assemblies**

- A. This section provides thoroughfare assemblies that have been approved by the City for use in transect zones.
- B. The tables in this section are added into the "Improvement Standards"

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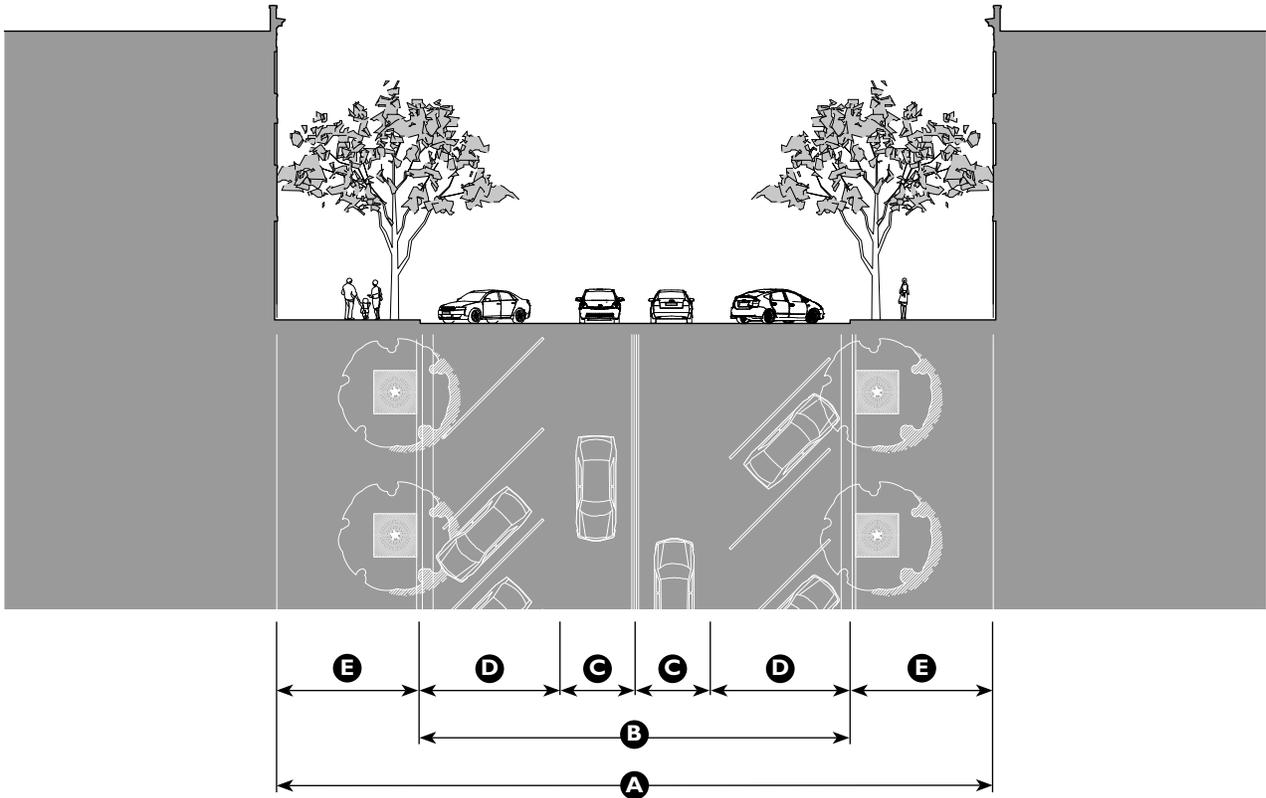
<b>Key</b>	<b>ST-57-20-BL</b>
Frontage Type	_____
Right of Way Width	_____
Pavement Width	_____
Transportation	_____

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Highway:	HW
Boulevard:	BV
Avenue:	AV
Commercial Street:	CS
Drive:	DR
Street:	ST
Road:	RD
Rear Alley:	RA
Rear Lane:	RL
Bicycle Trail:	BT
Bicycle Lane:	BL
Bicycle Route:	BR
Path:	PT
Passage:	PS
Transit Route:	TR

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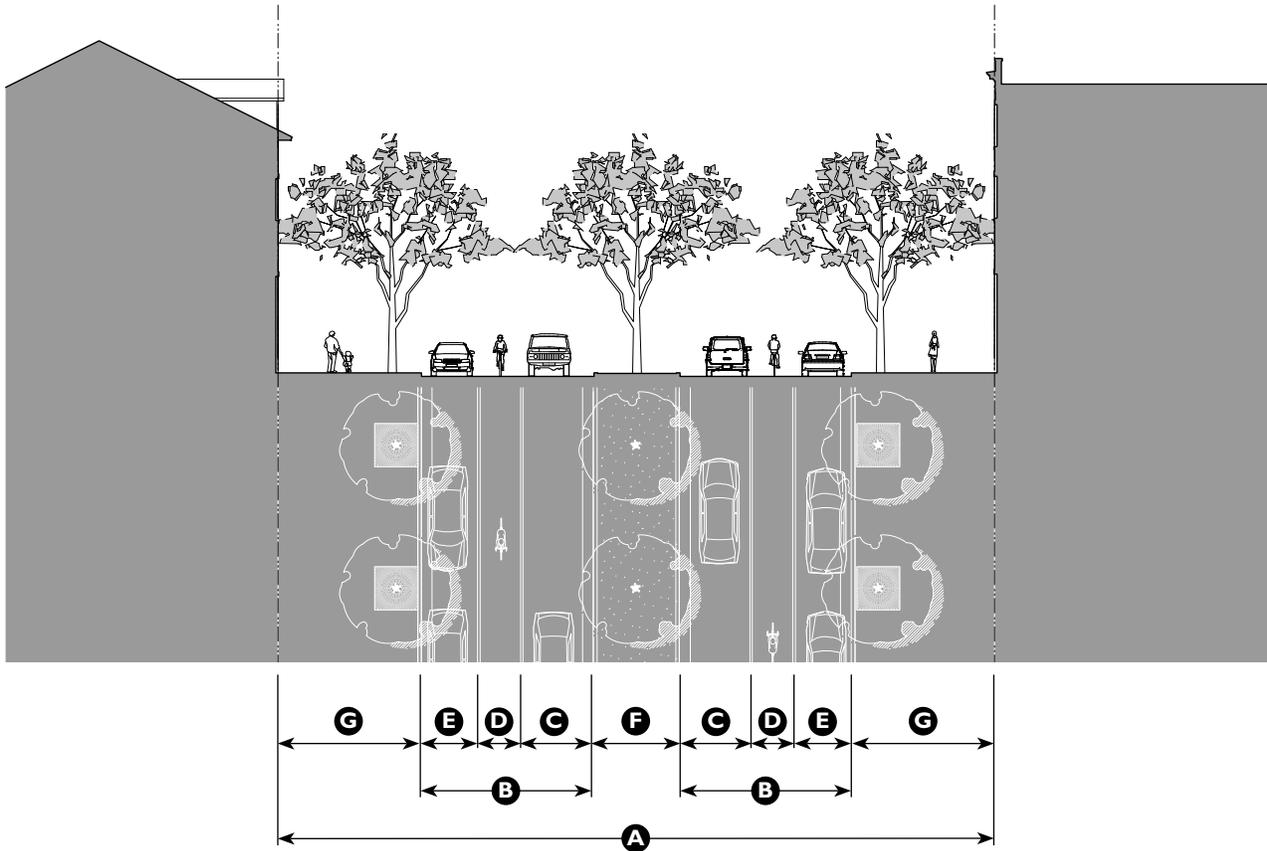
**Table 5.10.080.A: Thoroughfare Assembly CS-100-60**



Application	
Transect Zones	T5MSF, T5MS
Movement Type	Slow
Design Speed	20 mph
Overall Widths	
Right-of-Way (ROW) Width	100' <b>(A)</b>
Pavement Width	60' <b>(B)</b>
Lane Assembly	
Traffic Lanes	2 @ 12' <b>(C)</b>
Bicycle Lanes	None
Parking Lanes	2 @ 18', marked <b>(D)</b>
Medians	None

Public Frontage Assembly	
Frontage Type	Commercial Street
Drainage Collection Type	Curb and Gutter
Planter Type	4'x4' Tree Well
Landscape Type	Trees at 30' o.c. avg.
Lighting Type	Post, Column, or Double Column
Walkway Type	20' sidewalk <b>(E)</b>
Curb Type	Square

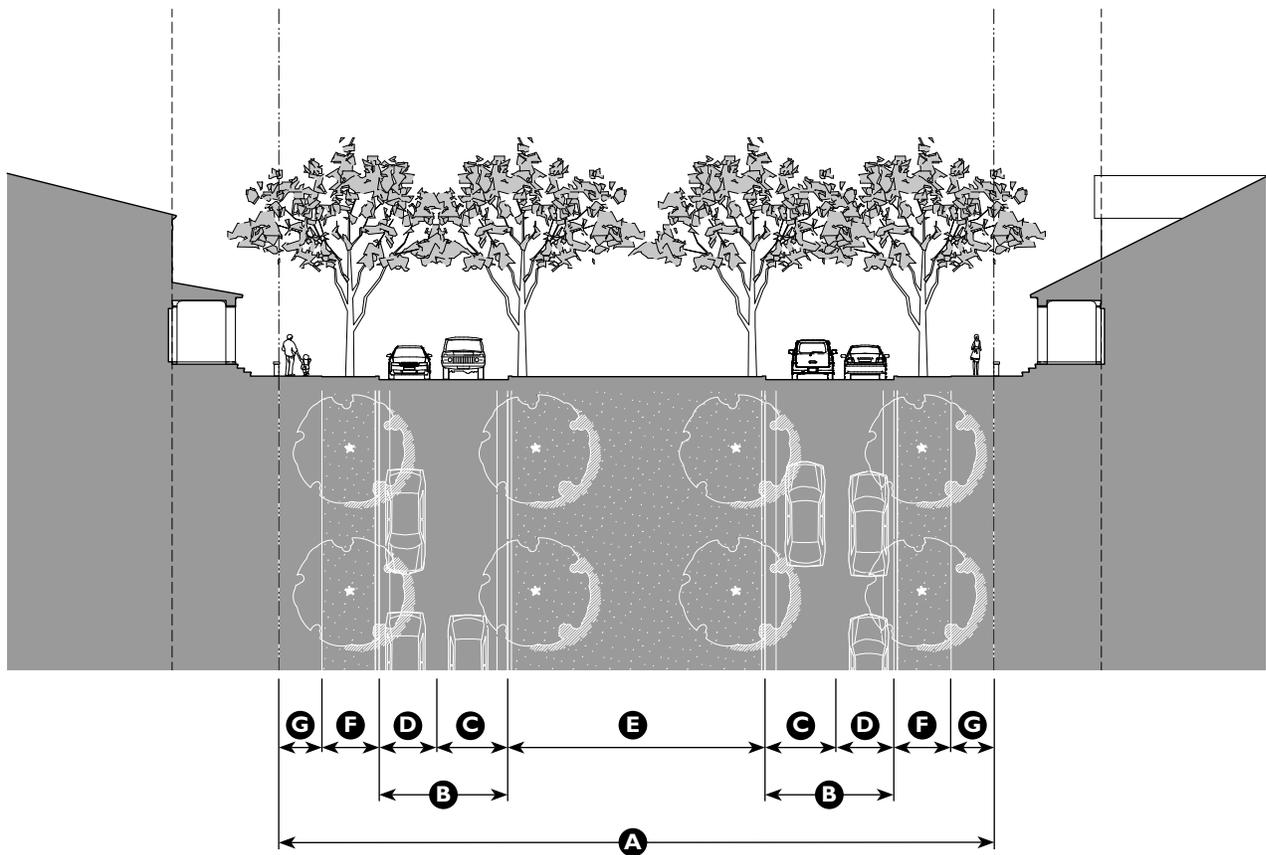
**Table 5.10.080.B: Thoroughfare Assembly CS-100-48-BL**



Application	
Transect Zones	T5MSF, T5MS
Movement Type	Low
Design Speed	30 mph
Overall Widths	
Right-of-Way (ROW) Width	100' <b>(A)</b>
Pavement Width	24' <b>(B)</b>
Lane Assembly	
Traffic Lanes	2 @ 10' <b>(C)</b>
Bicycle Lanes	2 @ 6' <b>(D)</b>
Parking Lanes	2 @ 8', marked <b>(E)</b>
Medians	12' <b>(F)</b>

Public Frontage Assembly	
Frontage Type	Commercial Street
Drainage Collection Type	Curb and Gutter
Planter Type	4'x4' Tree Well
Landscape Type	Trees at 30' o.c. avg.
Lighting Type	Post, Column, or Double Column
Walkway Type	20' sidewalk <b>(G)</b>
Curb Type	Square

**Table 5.10.080.C: Thoroughfare Assembly DR-100-36**

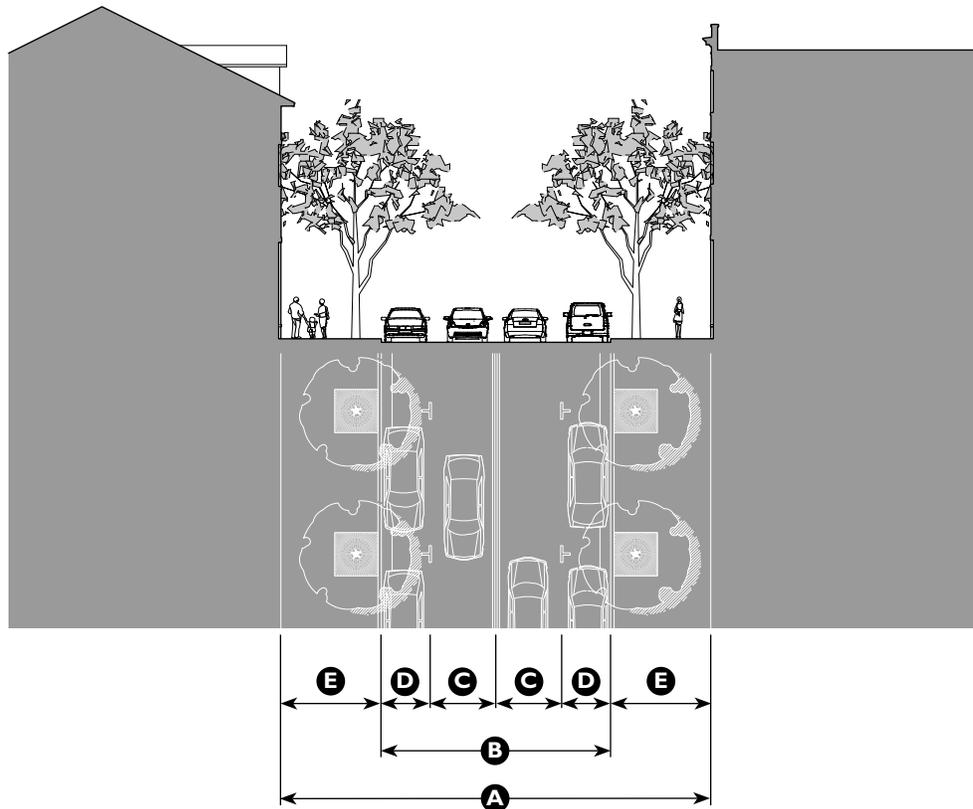


Application	
Transect Zones	T3N, T4N, T4NF, T5MSF
Movement Type	Low
Design Speed	30 mph
Overall Widths	
Right-of-Way (ROW) Width	100' <b>(A)</b>
Pavement Width	18' <b>(B)</b>
Lane Assembly	
Traffic Lanes	2 @ 10' <b>(C)</b>
Bicycle Lanes	None
Parking Lanes	2 @ 8', marked <b>(D)</b>
Medians	36' <b>(E)</b>

Public Frontage Assembly	
Frontage Type	Drive
Drainage Collection Type	Curb and Gutter
Planter Type	8' continuous planter <sup>1</sup> <b>(F)</b>
Landscape Type	Trees at 30' o.c. avg.
Lighting Type	Post, Pipe, Column, or Double Column
Walkway Type	6' sidewalk <sup>1</sup> <b>(G)</b>
Curb Type	Square

<sup>1</sup>7' Continuous planter and 7' Sidewalk for T5 Application

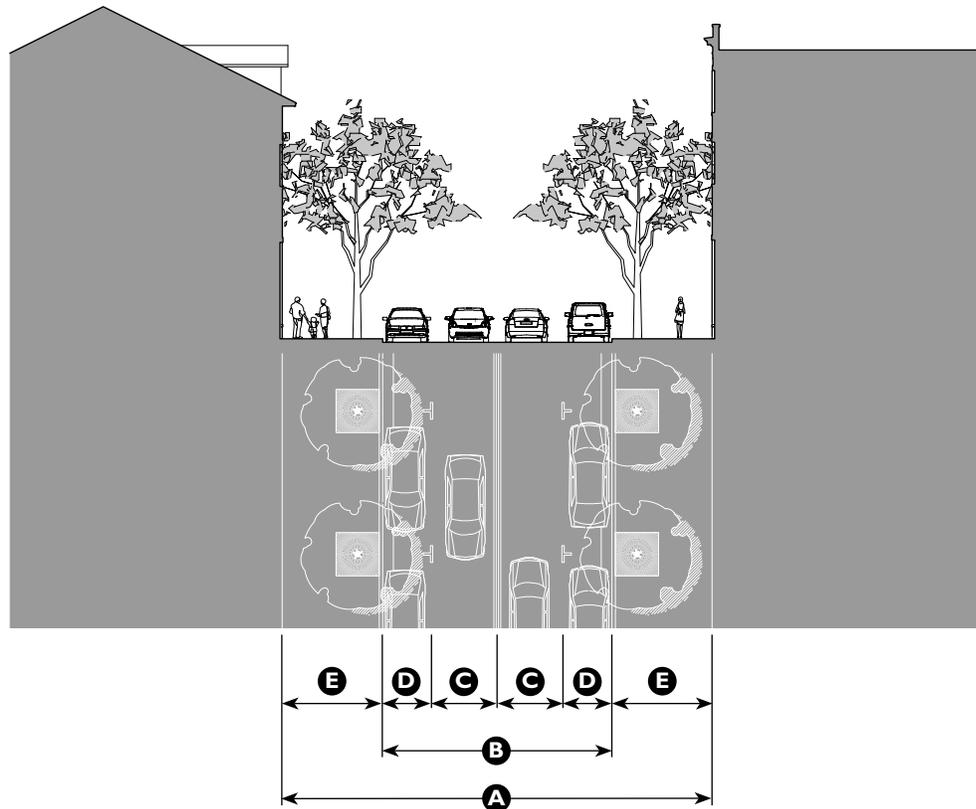
**Table 5.10.080.D: Thoroughfare Assembly CS-60-32**



Application	
Transect Zones	T5MSF, T5MS
Movement Type	Slow
Design Speed	20 mph
Overall Widths	
Right-of-Way (ROW) Width	60' <b>(A)</b>
Pavement Width	32' <b>(B)</b>
Lane Assembly	
Traffic Lanes	2 @ 9' <b>(C)</b>
Bicycle Lanes	None
Parking Lanes	2 @ 7', marked <b>(D)</b>
Medians	None

Public Frontage Assembly	
Frontage Type	Commercial Street
Drainage Collection Type	Curb and Gutter
Planter Type	4'x4' tree well
Landscape Type	Trees at 30' o.c. avg.
Lighting Type	Post or Column
Walkway Type	14' sidewalk <b>(E)</b>
Curb Type	Square

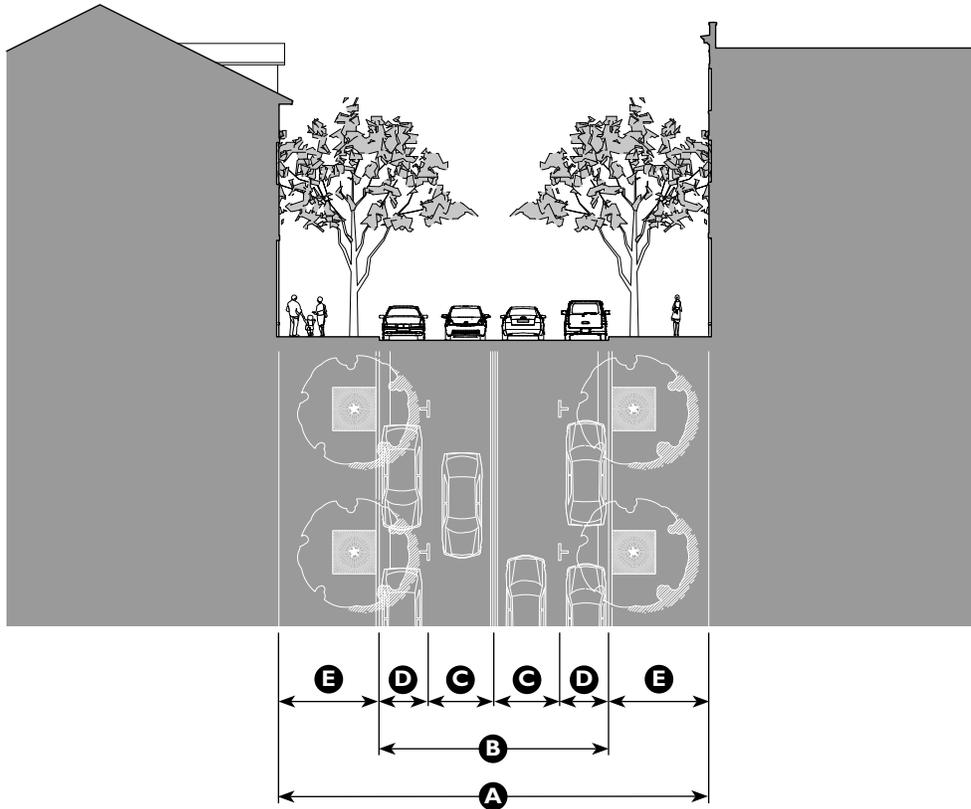
**Table 5.10.080.E: Thoroughfare Assembly CS-60-34**



Application	
Transect Zones	T5MSF, T5MS
Movement Type	Slow
Design Speed	25 mph
Overall Widths	
Right-of-Way (ROW) Width	60' <b>(A)</b>
Pavement Width	34' <b>(B)</b>
Lane Assembly	
Traffic Lanes	2 @ 10' <b>(C)</b>
Bicycle Lanes	None
Parking Lanes	2 @ 7', marked <b>(D)</b>
Medians	None

Public Frontage Assembly	
Frontage Type	Commercial Street
Drainage Collection Type	Curb and Gutter
Planter Type	4'x4' tree well
Landscape Type	Trees at 30' o.c. avg.
Lighting Type	Post or Column
Walkway Type	13' sidewalk <b>(E)</b>
Curb Type	Square

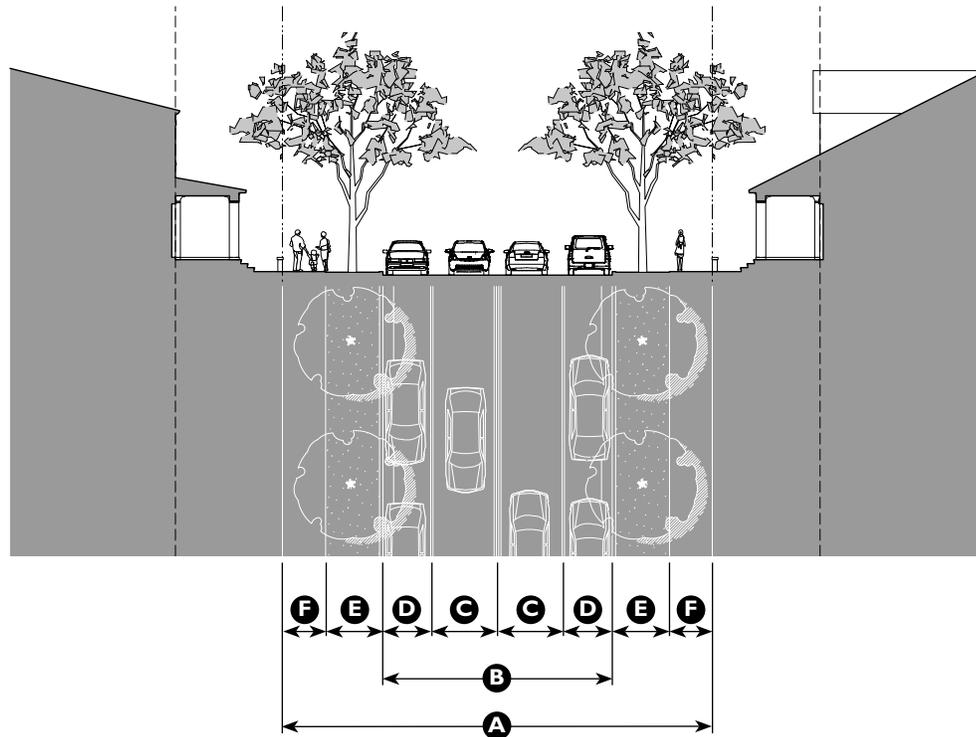
**Table 5.10.080.F: Thoroughfare Assembly CS-60-36**



Application	
Transect Zones	T5MSF, T5MS
Movement Type	Low
Design Speed	30 mph
Overall Widths	
Right-of-Way (ROW) Width	60' <b>(A)</b>
Pavement Width	36' <b>(B)</b>
Lane Assembly	
Traffic Lanes	2 @ 10' <b>(C)</b>
Bicycle Lanes	None
Parking Lanes	2 @ 8', marked <b>(D)</b>
Medians	None

Public Frontage Assembly	
Frontage Type	Commercial Street
Drainage Collection Type	Curb and Gutter
Planter Type	4'x4' tree well
Landscape Type	Trees at 30' o.c. avg.
Lighting Type	Post or Column
Walkway Type	12' sidewalk <b>(E)</b>
Curb Type	Square

**Table 5.10.080.G: Thoroughfare Assembly ST-60-32**

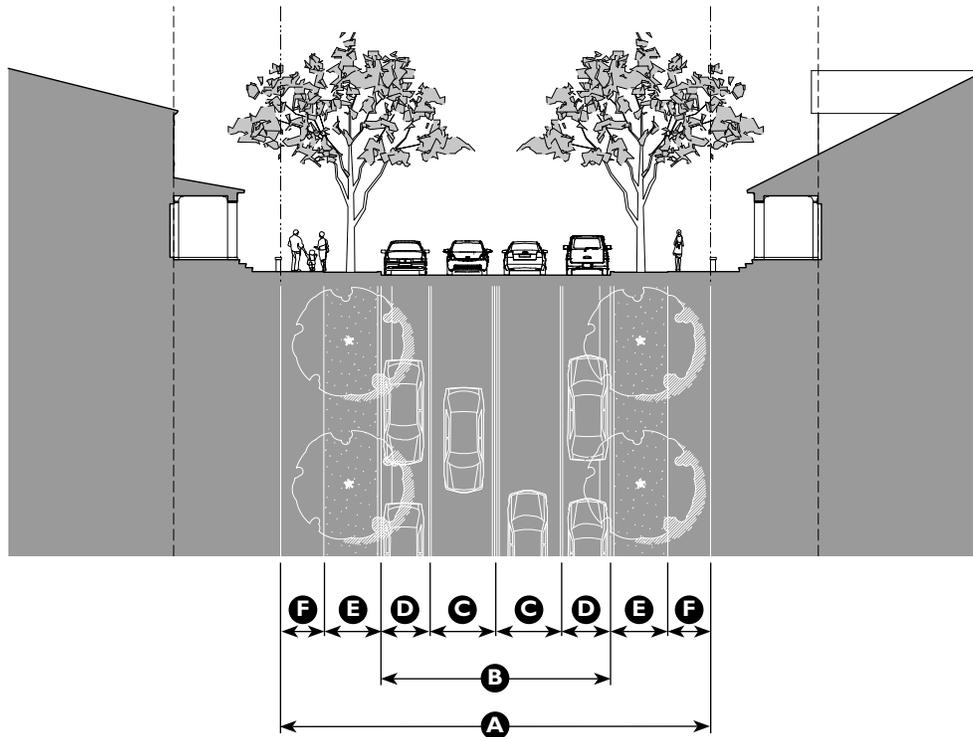


Application	
Transect Zones	T3N, T4N, T4NF
Movement Type	Slow
Design Speed	20 mph
Overall Widths	
Right-of-Way (ROW) Width	60' <b>(A)</b>
Pavement Width	32' <b>(B)</b>
Lane Assembly	
Traffic Lanes	2 @ 9' <b>(C)</b>
Bicycle Lanes	None
Parking Lanes	2 @ 7', marked <b>(D)</b>
Medians	None

Public Frontage Assembly	
Frontage Type	Street
Drainage Collection Type	Curb and Gutter
Planter Type	8' continuous planter <sup>1</sup> <b>(E)</b>
Landscape Type	Trees at 30' o.c. avg.
Lighting Type	Pipe, Post, or Column
Walkway Type	6' Sidewalk <sup>1</sup> <b>(F)</b>
Curb Type	Square

<sup>1</sup> 7' Continuous planter and 7' Sidewalk for T5 Application

**Table 5.10.080.H: Thoroughfare Assembly ST-60-34**

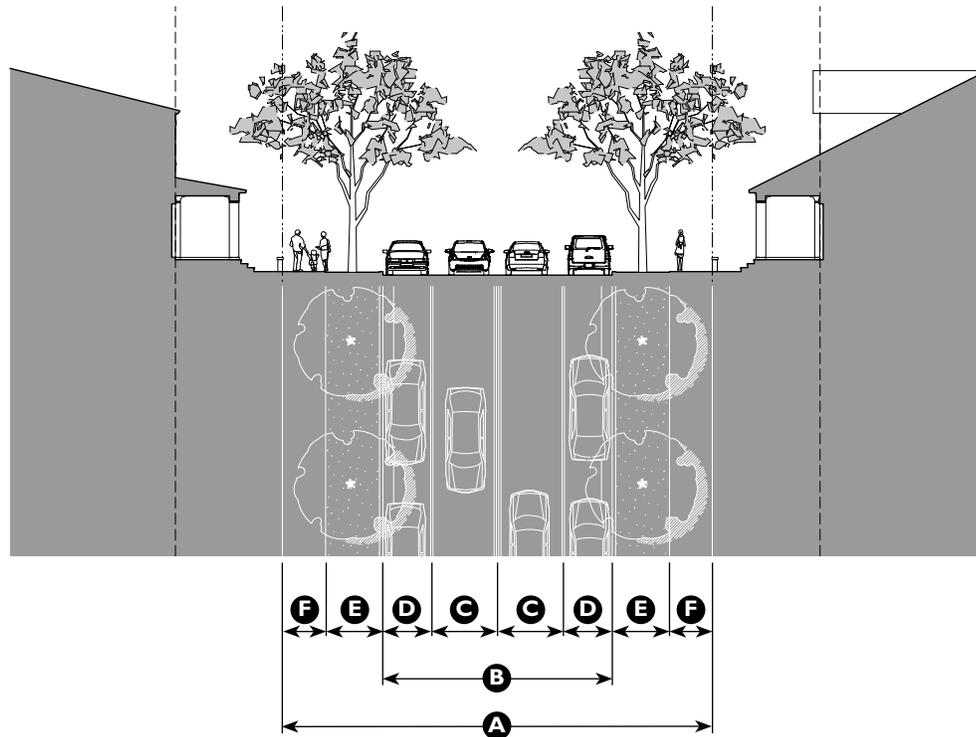


Application	
Transect Zones	T3N, T4N, T4NF
Movement Type	Slow
Design Speed	25 mph
Overall Widths	
Right-of-Way (ROW) Width	60' <b>(A)</b>
Pavement Width	34' <b>(B)</b>
Lane Assembly	
Traffic Lanes	2 @ 10' <b>(C)</b>
Bicycle Lanes	None
Parking Lanes	2 @ 7', marked <b>(D)</b>
Medians	None

Public Frontage Assembly	
Frontage Type	Street
Drainage Collection Type	Curb and Gutter
Planter Type	7' continuous planter <sup>1</sup> <b>(E)</b>
Landscape Type	Trees at 30' o.c. avg.
Lighting Type	Pipe, Post, or Column
Walkway Type	6' Sidewalk <sup>1</sup> <b>(F)</b>
Curb Type	Square

<sup>1</sup> 6' Continuous planter and 7' Sidewalk for T5 Application

**Table 5.10.080.I: Thoroughfare Assembly ST-60-36**

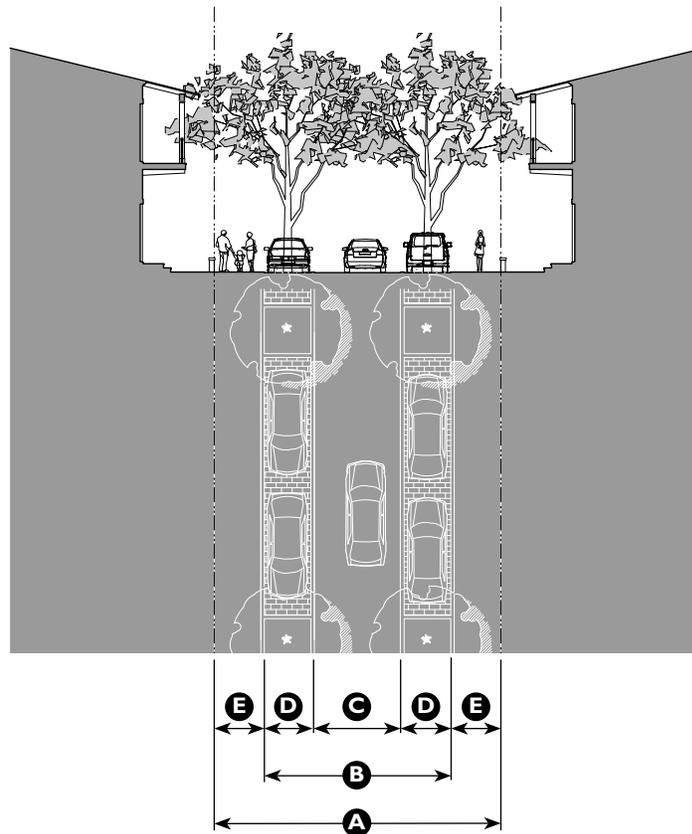


Application	
Transect Zones	T3N, T4N, T4NF
Movement Type	Low
Design Speed	30 mph
Overall Widths	
Right-of-Way (ROW) Width	60' <b>(A)</b>
Pavement Width	36' <b>(B)</b>
Lane Assembly	
Traffic Lanes	2 @ 10' <b>(C)</b>
Bicycle Lanes	None
Parking Lanes	2 @ 8', marked <b>(D)</b>
Medians	None

Public Frontage Assembly	
Frontage Type	Street
Drainage Collection Type	Curb and Gutter
Planter Type	6' continuous planter <sup>1</sup> <b>(E)</b>
Landscape Type	Trees at 30' o.c. avg.
Lighting Type	Pipe, Post, or Column
Walkway Type	6' Sidewalk <sup>1</sup> <b>(F)</b>
Curb Type	Square

<sup>1</sup> 5' Continuous planter and 7' Sidewalk for T5 Application

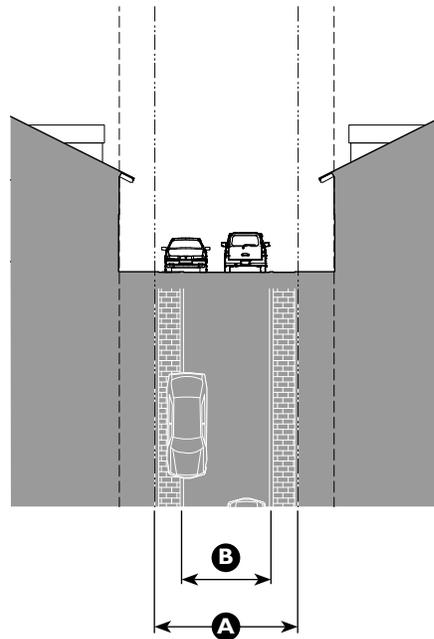
**Table 5.10.080.J: Thoroughfare Assembly ST-40-26**



Application	
Transect Zones	T3N, T4N, T4NF, T5MSF
Movement Type	Yield
Design Speed	<20 mph
Overall Widths	
Right-of-Way (ROW) Width	40' <b>(A)</b>
Pavement Width	26' <b>(B)</b>
Lane Assembly	
Traffic Lanes	1 @ 12' <b>(C)</b>
Bicycle Lanes	None
Parking Lanes	2 @ 7', marked <b>(D)</b>
Medians	None

Public Frontage Assembly	
Frontage Type	Street
Drainage Collection Type	Valley Gutter or Sheet Flow
Planter Type	6'x6' planter at 50' o.c.
Landscape Type	Trees at 50' o.c. avg.
Lighting Type	Post or Column
Walkway Type	7' Sidewalk <b>(E)</b>
Curb Type	Rolled or flush

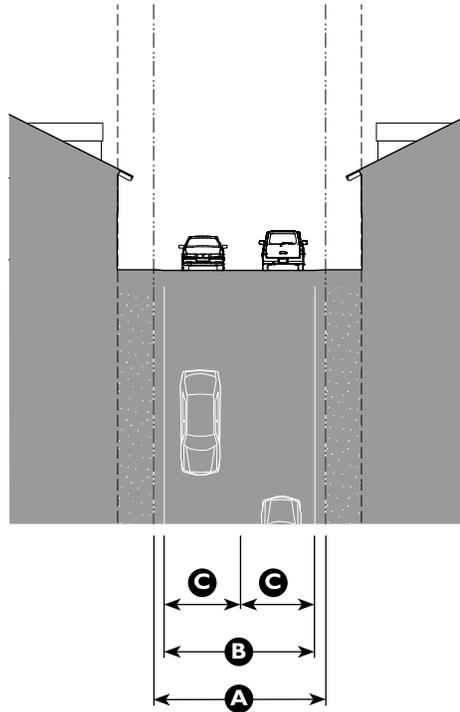
Table 5.10.080.K: Thoroughfare Assembly RL-20-12



Application	
Transect Zones	T3N, T4N, T4NF
Movement Type	Yield
Design Speed	<20 mph
Overall Widths	
Right-of-Way (ROW) Width	20' <b>A</b>
Pavement Width	12' <b>B</b>
Lane Assembly	
Traffic Lanes	1@12' <b>B</b>
Bicycle Lanes	None
Parking Lanes	None
Medians	None

Public Frontage Assembly	
Frontage Type	Rear Lane
Drainage Collection Type	Valley Gutter or Sheet Flow
Planter Type	None
Landscape Type	None
Lighting Type	Pipe or Post (if provided)
Walkway Type	None
Curb Type	Rolled or flush

**Table 5.10.080.L: Thoroughfare Assembly RA-24-2I**



<b>Application</b>	
Transect Zones	T4NF, T5MSF, T5MS
Movement Type	Slow
Design Speed	<20 mph
<b>Overall Widths</b>	
Right-of-Way (ROW) Width	24' <b>(A)</b>
Pavement Width	21' <b>(B)</b>
<b>Lane Assembly</b>	
Traffic Lanes	2@10'6" <b>(C)</b>
Bicycle Lanes	None
Parking Lanes	None
Medians	None

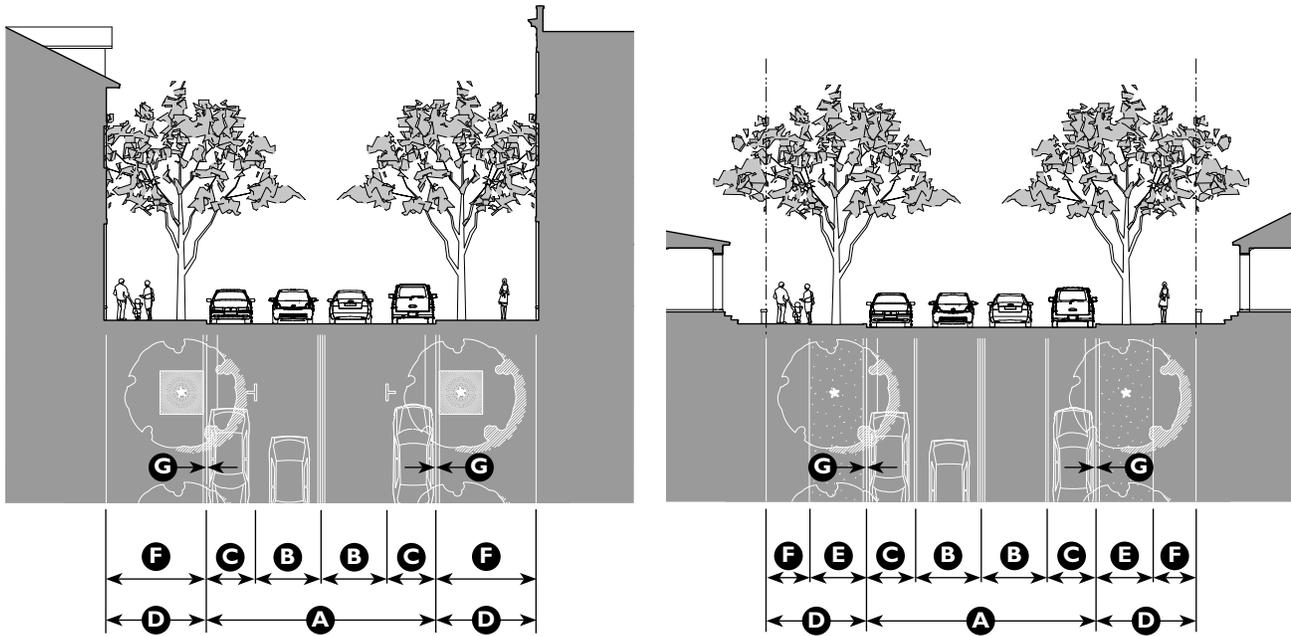
<b>Public Frontage Assembly</b>	
Frontage Type	Rear Alley
Drainage Collection Type	Valley Gutter or Sheet Flow
Planter Type	None
Landscape Type	None
Lighting Type	Pipe or Post (if provided)
Walkway Type	None
Curb Type	Rolled or flush

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**5.10.090 Thoroughfare Formulas and Components**

- A. This section provides thoroughfare components that have been approved by the Planning Department, City Engineer, Fire Department, and Solid Waste for use in transect zones.
- B. The tables in this section are added into the City of Kingsburg Improvement Standards.

**Table 5.10.090.A: Thoroughfare Formulas**



Movement Type	Speed	Lane Assembly <b>A</b>		Public Frontage Assembly <b>D</b>			
		Travel Lanes <b>B</b>	Parking Lanes <b>C</b>	Planting min. <b>E</b>	Walkway min. <b>F</b>	Assembly min. <b>D</b>	Edge Treatment <b>G</b>

T1 and T2 Allowed Movement Types	Speed	Lane Assembly		Public Frontage Assembly			
		Travel Lanes	Parking Lanes	Planting <sup>1</sup> min.	Walkway <sup>1</sup> min.	Assembly min.	Edge Treatment
Slow: 20	20 mph	9'	-	5'	5'	13'	R or C
Slow: 25	25 mph	10'	-	5'	5'	13'	R or C
Low: 30	30 mph	10'	-	5'	5'	13'	R or C
Low: 35	35 mph	11'	-	5'	5'	13'	R or C

T3 Allowed Movement Types	Speed	Lane Assembly		Public Frontage Assembly			
		Travel Lanes	Parking <sup>1</sup> Lanes	Planting min.	Walkway min.	Assembly min.	Edge Treatment
Yield	<20 mph	12'	7'	5'	5'	10'	C
Yield: Rear Lane	10 mph	12'	-	-	-	4'	R, C, or RB
Slow: 20	20 mph	9'	7'	5'	5'	10'	C
Slow: 25	25 mph	10'	7'	5'	5'	10'	C

**End Notes**

<sup>1</sup> If provided.

<sup>1</sup> Parking is required on at least one side in order to facilitate yield movement.

<sup>2</sup> 16' parking lanes allowed for reverse angled parking if a 2' overhang area clear of obstructions is provided along the curb.

<sup>3</sup> 25 mph design speed requires 2 lanes in each direction with 12' outside travel lanes (adjacent to angled parking) and 10' inside travel lanes.

**Key** - = Not Allowed    **R** = Rural Edge Treatment    **C** = Curb Edge Treatment    **RB** = Ribbon Curb (18")

Table 5.10.090.A: Thoroughfare Formulas (continued)							
Low: 30	30 mph	10'	8'	5'	5'	10'	C
T4 Allowed Movement Types	Speed	Lane Assembly		Public Frontage Assembly			
		Travel Lanes	Parking Lanes	Planting <sup>1</sup> min.	Walkway min.	Assembly min.	Edge Treatment
Yield	<20 mph	12'	7'	5'	6'	11'	C
Yield: Rear Lane	10 mph	12'	-	-	-	4'	R, C, or RB
Yield: Alley	10 mph	21'	-	-	-	1.5'	RB
Slow: 20	20 mph	9'	7'	5'	6'	12'	C
Slow: 20 w/ 45° angle parking	20 mph	12'	16'/18' <sup>2</sup>	5'	6'	12'	C
Slow: 25	25 mph	10'	7'	5'	6'	12'	C
Slow: 25 w/ 45° angle parking	25 mph	12'/10' <sup>3</sup>	16'/18' <sup>2</sup>	5'	6'	12'	C
Low: 30	30 mph	10'	8'	5'	6'	12'	C
T5 Allowed Movement Types	Speed	Lane Assembly		Public Frontage Assembly			
		Travel Lanes	Parking Lanes	Planting <sup>1</sup> min.	Walkway min.	Assembly min.	Edge Treatment
Yield: Alley	10 mph	21'	-	-	-	1.5'	RB
Slow: 20	20 mph	9'	7'	5'	7'	12'	C
Slow: 20 w/ 45° angle parking	20 mph	12'	18' <sup>2</sup>	5'	7'	12'	C
Slow: 25	25 mph	10'	7'	5'	7'	12'	C
Slow: 25 w/ 45° angle parking	25 mph	10'/12' <sup>3</sup>	18' <sup>2</sup>	5'	7'	12'	C
Low: 30	30 mph	10'	8'	5'	7'	12'	C
Low: 35	35 mph	11'	8'	5'	7'	12'	C

**End Notes**

<sup>1</sup> If provided.

<sup>1</sup> Parking is required on at least one side in order to facilitate yield movement.

<sup>2</sup> 16' parking lanes allowed for reverse angled parking if a 2' overhang area clear of obstructions is provided along the curb.

<sup>3</sup> 25 mph design speed requires 2 lanes in each direction with 12' outside travel lanes (adjacent to angled parking) and 10' inside travel lanes.

**Key** - = Not Allowed    **R** = Rural Edge Treatment    **C** = Curb Edge Treatment    **RB** = Ribbon Curb (18")

Table 5.10.090.B: Vehicular Lane Assemblies			
Movement Type	Yield	Slow	Slow
Design Speed	<20 MPH	20 MPH	25 MPH
No Parking	<p>Rear Lane</p>		
No Parking	<p>Rear Alley</p>		
Limited Parking			
One-Side Parking			
Two-Side Parking			
<b>Key</b>	<b>T#</b> By Right	<b>T#</b> By Review	<b>T#</b> Not Allowed

**Table 5.10.090.B: Vehicular Lane Assemblies (continued)**

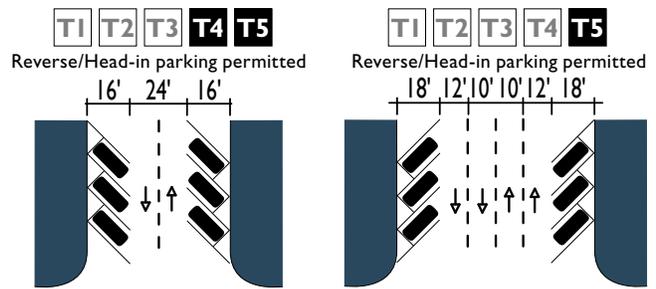
Movement Type	Low	Low
Design Speed	30 MPH	35 MPH
No Parking (continued)		
No Parking (continued)		
Limited Parking (continued)		
One-Side Parking (continued)		
Two-Side Parking (continued)		

**T#** By Right                      **T#** By Review                      **T#** Not Allowed

**Table 5.10.090.B: Vehicular Lane Assemblies (continued)**

Movement Type	Yield	Slow	Slow
Design Speed	<20 MPH	20 MPH	25 MPH

Angle Parking

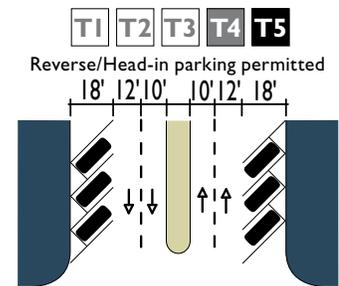


Medians With Parking

Medians With Parking

Medians With Parking

Medians With Angled Parking



Key

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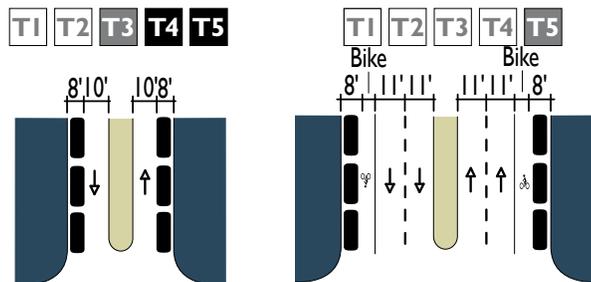
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**Table 5.10.090.B: Vehicular Lane Assemblies (continued)**

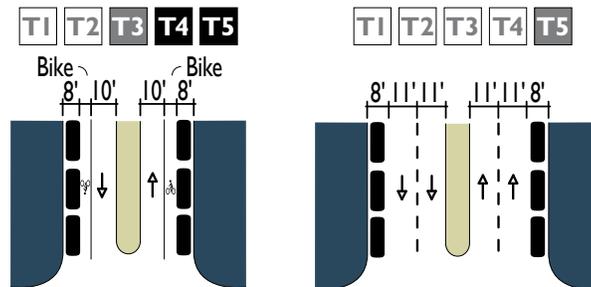
Movement Type	Low	Low
Design Speed	30 MPH	35 MPH

Angle Parking  
(continued)

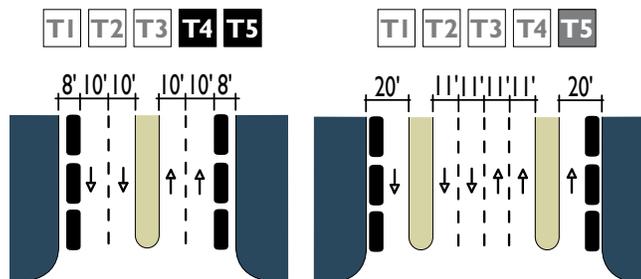
Medians With Parking  
(continued)



Medians With Parking  
(continued)



Medians With Parking  
(continued)



Medians With Angled  
Parking (continued)

Key

**T#** By Right

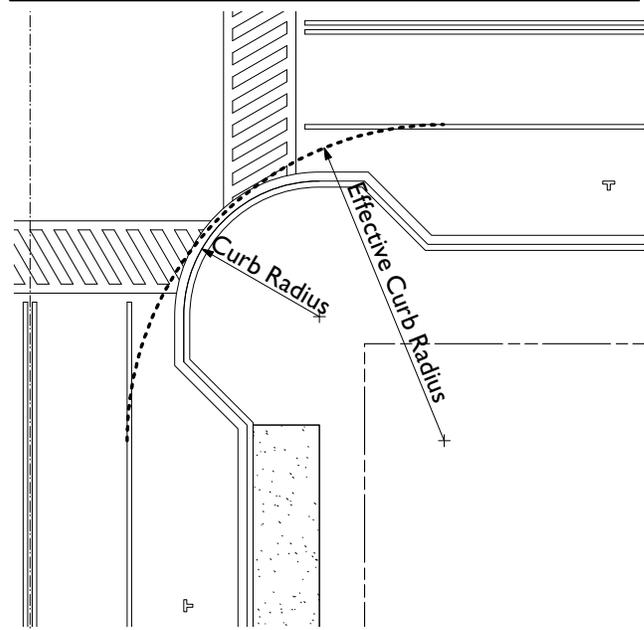
**T#** By Review

**T#** Not Allowed

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Table 5.10.090.C: Bicycle Facilities Standards	
<b>Class I: Multi-Use Trail</b>	
Transect Zones	<b>T1</b> <b>T2</b> <b>T3</b> <b>T4</b> <b>T5</b>
Movement Types	Slow, Low
Width	
One-way	8' min.
Two-way	12' min.
<b>Class II: Bicycle Lane</b>	
Transect Zones	<b>T1</b> <b>T2</b> <b>T3</b> <b>T4</b> <b>T5</b>
Movement Types	Slow, Low <sup>1</sup>
Width Adjacent to:	
Rural Edge	5' min.
Parking	6' min.
Curb and Gutter	5½' to face of curb
<b>Class III: Shared Lanes/Bicycle Boulevard</b>	
Transect Zones	<b>T1</b> <b>T2</b> <b>T3</b> <b>T4</b> <b>T5</b>
Movement Types	Yield, Slow
Width	no minimum
<sup>1</sup> Bicycle Lanes on Thoroughfares with a design speed >30 mph are allowed By Review only.	
<b>Key</b>	<b>T#</b> By Right <b>T#</b> By Review <b>T#</b> Not Allowed

Table 11-61-9.D: Curb Radius



Movement Type	Speed	Curb Radius <sup>1</sup>
Yield	<20 mph	5' - 10'
Slow	20-25 mph	10' - 15'
Low	30-35 mph	15' - 20'

<sup>1</sup>This table provides the allowed curb radius range by movement type and speed. The dimensions above require the provision of an effective curb radius and/or mountable curbs that meet the needs of fire and emergency access. All intersections shall be designed to meet the requirements in 5.10.060 (Intersections).

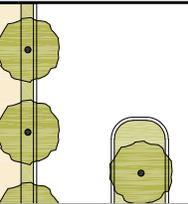
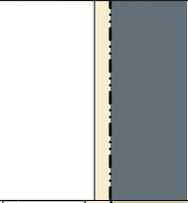
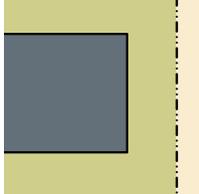
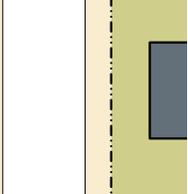
**Table 5.10.090.E: Public Frontage Types**

The public frontage is the area between the curb of the vehicular lanes and the Property Line/ROW. Dimensions are provided in Table F (Public Frontage Standards).

Public Frontage Type	LOT/ PRIVATE FRONTAGE	R.O.W./ PUBLIC FRONTAGE	Transect Zone
<b>(HW) For Highway.</b> The For Highway Frontage has bicycle trails, no parking and open swales drained by percolation. The landscaping consists of the natural condition or multiple species arrayed in naturalistic clusters. Buildings are buffered by distance or berms.			T1 T2 T3 T4 T5
<b>(RD) For Road.</b> The For Road Frontage has open swales drained by percolation, a walking path or bicycle trail along one or both sides, and yield parking. The landscaping consists of multiple species arrayed in naturalistic clusters.			T1 T2 T3 T4 T5
<b>(ST) For Street.</b> The For Street Frontage has raised curbs drained by inlets and sidewalks separated from the vehicular lanes by individual or continuous planters. The landscaping consists of street trees of a single or alternating species aligned in a regularly spaced alley. <sup>1</sup>			T1 T2 T3 T4 T5
<b>(DR) For Drive.</b> The For Drive Frontage has raised curbs drained by inlets and a wide sidewalk or paved path along one side, related to a Civic Space. It is separated from the vehicular lanes by individual or continuous planters. The landscaping consists of street trees of a single or alternating species aligned in a regularly spaced alley.			T1 T2 T3 T4 T5
<b>(AV) For Avenue.</b> The Avenue Frontage has raised curbs drained by inlets and wide sidewalks separated from the vehicular lanes by a narrow continuous planter with parking on both sides. The landscaping consists of a single tree species aligned in a regularly spaced alley.			T1 T2 T3 T4 T5
<b>(CS) For Commercial Street or Avenue.</b> The For Commercial Street or Avenue Frontage has raised curbs drained by inlets and very wide sidewalks along both sides separated from the vehicular lanes by separate tree wells with grates. The landscaping consists of a single tree species aligned with regular spacing where possible.			T1 T2 T3 T4 T5

Key T# By Right T# By Review T# Not Allowed

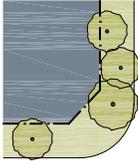
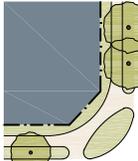
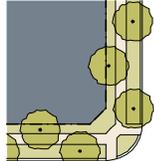
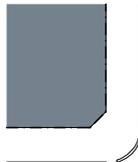
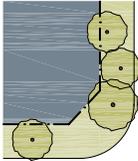
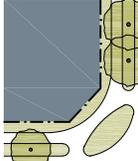
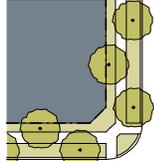
**Table 5.10.090.E: Public Frontage Types (continued)**

Public Frontage Type (continued)	LOT/ PRIVATE FRONTAGE	R.O.W./ PUBLIC FRONTAGE	Transect Zone
<p><b>(BV) For Boulevard.</b> The Boulevard Frontage has slip roads on both sides. It consists of raised curbs drained by inlets and sidewalks along both sides, separated from the vehicular lanes by planters. The landscaping consists of double rows of a single tree species aligned in a regularly spaced alley.</p>			<p>T1 T2 T3 T4 T5</p>
<p><b>(RA) For Rear Alley.</b> The Rear Alley Frontage is located to the rear of lots. It consists of a paved surface and ribbon curb at the edges adjacent to property lines or buildings. Alleys are typically not landscaped.</p>			<p>T1 T2 T3 T4 T5</p>
<p><b>(RL) For Rear Lane.</b> The Rear Lane Frontage is located to the rear of lots. It consists of a paved surface and compacted gravel or similar material placed on the outer edges. Lanes are typically not landscaped.</p>			<p>T1 T2 T3 T4 T5</p>

Key **T#** By Right **T#** By Review **T#** Not Allowed

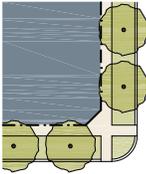
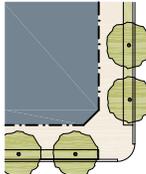
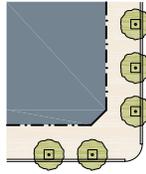
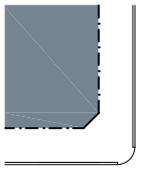
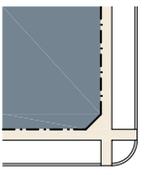
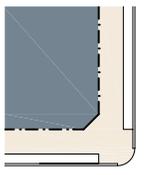
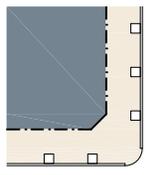
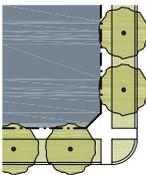
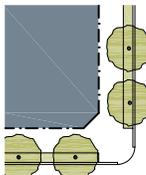
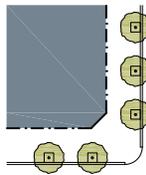
**Table 5.10.090.F: Public Frontage Standards**

This table assembles prescriptions and dimensions for the public frontage elements - curbs, walkways, and planters - relative to specific frontage types within transect zones. The Assembly row assembles all of the elements for the various frontage types.

Transect Zone	T1 T2 T3 T4 T5	T1 T2 T3 T4 T5	T1 T2 T3 T4 T5
Public Frontage Type	HW-RD-ST	RD-ST	ST-DR-AV-BV
<b>Assembly:</b> The principal variables are the type and dimension of curbs, walkways, planters and landscape.			
Total Width	13' - 22'	13' - 22'	10' - 17'
<b>Curb:</b> The detailing of the edge of the vehicular pavement, incorporating drainage.			
Type	Rural	Raised Curb	Raised Curb
<b>Walkway:</b> The pavement dedicated exclusively to pedestrian activity.			
Type	Path (if provided)	Sidewalk	Sidewalk
Width	5' min.	5' min.	5' min.
<b>Planter:</b> The layer which accommodates street trees and other landscape			
Arrangement	Clustered	Clustered	Regular
Species	Multiple	Multiple	Multiple
Type	Continuous Planter	Continuous Planter	Continuous Planter
Width	5' min.	5' min.	5' min.

**Key** T# By Right T# By Review T# Not Allowed

**Table 5.10.090.F: Public Frontage Standards (continued)**

Transect Zone	T1 T2 T3 T4 T5	T1 T2 T3 T4 T5	T1 T2 T3 T4 T5
Public Frontage Type	ST-DR-AV-BV	CS-DR-AV-BV	CS-DR-AV-BV
<b>Assembly:</b> The principal variables are the type and dimension of curbs, walkways, planters and landscape.			
Total Width	12' - 16'	12' - 19'	12' - 30'
<b>Curb:</b> The detailing of the edge of the vehicular pavement, incorporating drainage.			
Type	Raised Curb	Raised Curb	Raised Curb
<b>Walkway:</b> The pavement dedicated exclusively to pedestrian activity.			
Type	Sidewalk	Sidewalk	Sidewalk
Width	6' min.	7' min.	12' min.
<b>Planter:</b> The layer which accommodates street trees and other landscape			
Arrangement	Regular	Regular	Opportunistic
Species	Single/Alternating	Single	Single
Type	Continuous Planter	Continuous Planter	Tree Well
Width	5' min.	5' min.	4'-6' (tree wells located within Walkway width)

Key **T#** By Right **T#** By Review **T#** Not Allowed

**Table 5.10.090.G: Public Planting**

This table shows common street tree types and their appropriateness within the transect zones. The City of Kingsburg Comprehensive Street Tree Planting Guide and Street Tree List provides additional information with regards to locating, spacing, selecting, preparing, and maintaining street trees. The City of Kingsburg Engineering Design and Construction Standards and Specifications for New Construction provides detailed specifications for landscaping along thoroughfares. Trees designated with a (\*) should be used sparingly as street trees.

Standards	Illustration	Recommended Species
<p><b>T1 T2 T3 T4 T5</b></p> <p>Tree Shape: Oval</p> <p>Placement: Spacing 20' - 35' o.c.</p>		<p>Chinese Elm, Chinese Pistache, Southern Live Oak, Southern Magnolia, Maidenhair Tree*, Sweet Gum (Fruitless), Golden Rain tree, Japanese Blueberry Tree</p>
<p><b>T1 T2 T3 T4 T5</b></p> <p>Tree Shape: Ball</p> <p>Placement: Spacing 20' - 30' o.c.</p>		<p>Camphor Tree, Chinese Hackberry, Crape Myrtle, Eastern Redbud, Olive (Fruitless), Sawleaf Zelkova, Valley Oak, Purple-Leaf Plum (Fruitless)*, Interior Live Oak*, American Ash, London Plane, Holly Oak, Sweet Bay Laurel, Chinese Tallow, Strawberry Tree</p>
<p><b>T1 T2 T3 T4 T5</b></p> <p>Tree Shape: Pyramid</p> <p>Placement: Spacing 25' - 35' o.c.</p>		<p>Canary Island Pine, Aleppo Pine, Mondell Pine</p>
<p><b>T1 T2 T3 T4 T5</b></p> <p>Tree Shape: Umbrella</p> <p>Placement: Spacing 20' - 30' o.c.</p>		<p>Chaste Tree, Cork Oak, Australian Willow, Chinese Fringe Tree, Chinese Scholar Tree</p>
<p><b>T1 T2 T3 T4 T5</b></p> <p>Tree Shape: Vase</p> <p>Placement: Spacing 25' - 35' o.c.</p>		<p>Shoestring Acacia</p>

**Key** **T#** By Right **T#** By Review **T#** Not Allowed

**Table 5.10.090.G: Public Planting**

**T1 T2 T3 T4 T5**

Tree Shape: Palm

Placement: Spacing 20' - 30' o.c.



Mexican Blue Palm, Mexican Fan Palm, California Fan Palm, Canary Island Date Palm, Texas Sabal Palm, Queen Palm

**Table 5.10.090.H: Public Lighting**

Lighting varies in brightness and also in the character of the fixture according to the transect zones. This table shows the types of light poles and fixtures that may be approved by the City of Kingsburg Public Works Department and PG&E assigned to the transect zones. Within these fixture types, the Public Works Department and PG&E must be included in the selection of light poles and light fixtures. Street light fixtures must be equipped with LED lamps.

Transect Zone	<b>T1 T2</b>	<b>T1 T2 T3</b>	<b>T2 T3 T4</b>	<b>T3 T4 T5</b>	<b>T5</b>
Fixture Type	Cobra Head	Pipe	Post	Column	Double Column
Illustration					

**Key** **T#** By Right **T#** By Review **T#** Not Allowed

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# Article 6: Specific to Civic Spaces

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**Contents:**

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<b>Chapter 6.10: Civic Space Standards</b>	<b>6.10-1</b>
6.10.010 Purpose	6.10-1
6.10.020 Applicability	6.10-1
6.10.030 Civic Spaces	6.10-1
6.10.040 Additional Standards	6.10-7

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# Chapter 6.10: Civic Space Standards

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## Sections:

6.10.010	Purpose
6.10.020	Applicability
6.10.030	Civic Spaces
6.10.040	Additional Standards

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### 6.10.010 Purpose

The purpose of this Chapter is to provide a set of civic space types and their associated standards to use within the transect zones.

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### 6.10.020 Applicability

The standards established in this Chapter shall apply to all proposed development within the transect zones, and shall be considered in combination with the standards for the applicable zone in Article 3 (Specific to Zones) and Article 4 (Supplemental to Zones).

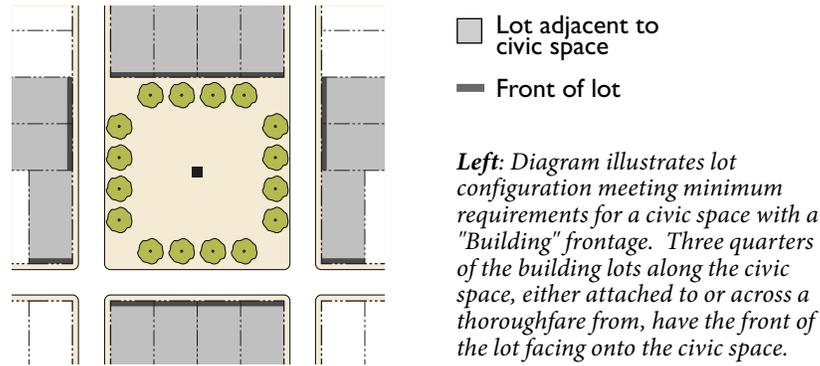
The standards established in this Chapter may also be used in the non-transect zones with Director approval.

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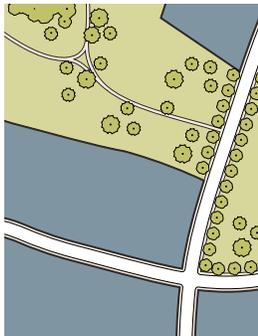
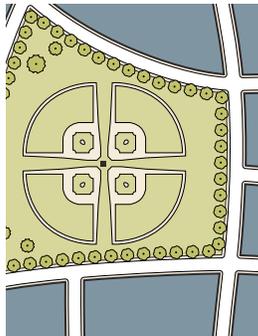
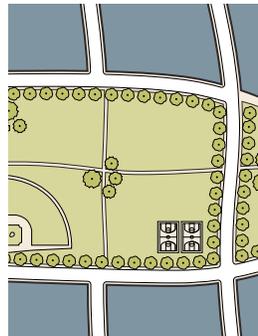
### 6.10.030 Civic Spaces

- A. The standards established in this Chapter provide the transect zones with a diverse palette of parks and other publicly accessible civic spaces that are essential components of walkable urban environments.
- B. There are 11 different civic space types defined in Table A (Civic Space Type Standards). Two of the civic space types, Playgrounds and Community Gardens, may be incorporated into any of the other nine types or may stand alone.
- C. In Table A (Civic Space Type Standards), the illustration and description of each civic space type are illustrative in nature and not regulatory.
- D. The service area, size, frontage and disposition of elements standards of each civic space type are regulatory.
  - 1. **Service Area.** Describes how the civic space relates to the City as a whole and the area that will be served by the civic space.
  - 2. **Size.** The overall range of allowed sizes of the civic space.

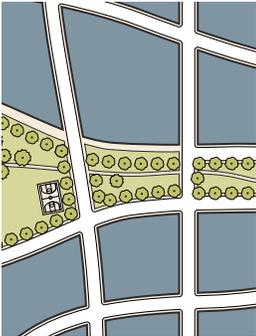
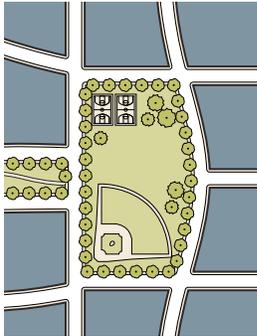
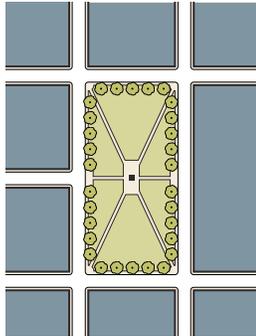
3. **Frontage.** The relationship along property lines of a civic space to adjacent buildings or lots.
- a. **Building.** Civic spaces that are listed as having a “Building” frontage shall have the fronts of buildings, either attached to the park or across a thoroughfare, facing on to the civic space for a minimum of three quarters of the perimeter.



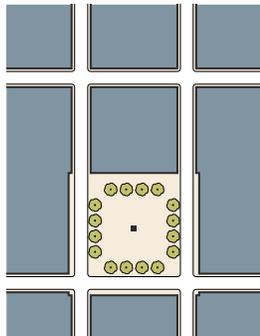
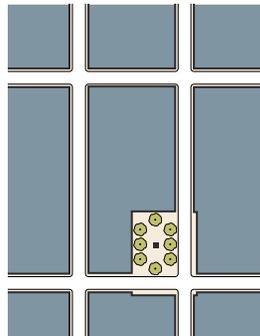
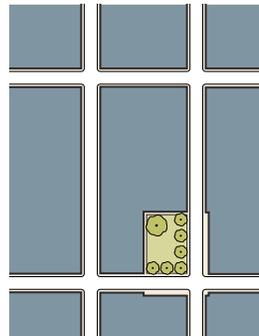
- b. **Independent.** Civic spaces that are listed as having an “Independent” frontage shall have the fronts of buildings, either attached to the park or across a thoroughfare, facing onto the civic space to the maximum extent possible, but may have the side or rear of a building or lot front onto the civic space.
4. **Disposition of Elements.** The placement of objects within the civic space.
- a. **Natural.** Civic spaces with natural character are designed in a natural manner with no formal arrangement of elements.
- b. **Formal.** Civic spaces with a formal character have a more rigid layout that follows geometric forms and has trees and other elements arranged in formal patterns.
- c. **Informal.** Civic spaces with an informal character have a mix of formal and natural characteristics.
- E. **Typical Facilities.** A list of the typical facilities found within the civic space. This list is not intended to be a complete list of facilities allowed nor is it intended that every civic space would contain each of the facilities listed.
- F. The civic spaces specified in Table A (Civic Space Type Standards) are allowed by right or with the specified approvals in the designated transect zones. The City may require the applicant pay a fee towards a Lighting and Landscaping District to pay for ongoing costs associated with maintaining the civic space.

<b>Table 6.10.A Civic Space Type Standards</b>			
<b>Transect Zone</b>	<b>T1 T2 T3 T4 T5</b>	<b>T1 T2 T3 T4 T5</b>	<b>T1 T2 T3 T4 T5</b>
<b>Civic Space Type</b>	<b>Regional Park</b>	<b>Sport Complex</b>	<b>Community Park</b>
<b>Illustration</b>			
<b>Description</b>	A natural preserve available for unstructured recreation.	An open space that consolidates heavily programmed athletic fields and associated facilities.	An open space available for unstructured recreation and a limited amount of structured recreation.
<b>Location and Size</b>			
<b>Location</b>			
Service Area	Regional	Regional	Multiple Neighborhoods
<b>Size</b>			
Minimum	200 acres	25 acres	12 acres
Maximum	-	-	-
<b>Character</b>			
Frontage	Independent	Independent	Independent
Disposition of Elements	Natural, Formal or Informal	Formal or Informal	Informal
<b>Typical Facilities</b>			
	Passive and Active Recreation, Accessory Structure, Drinking Fountains, Community Facility < 7,500 gsf, Paths and Trails	Passive and Active Recreation, Accessory Structure, Drinking Fountains, Community Facility < 7,500 gsf, Paths and Trails	Passive and Active Recreation, Accessory Structure, Drinking Fountains, Community Facility < 5,000 gsf, Paths and Trails

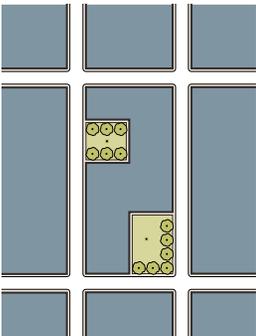
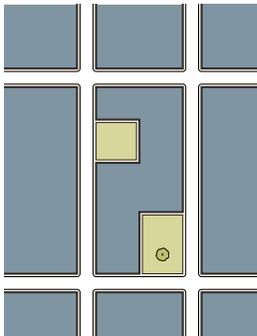
<b>Key</b>	<b>T#</b> Allowed	<b>T#</b> By Director	<b>T#</b> Not Allowed
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<b>Table 6.10.A Civic Space Type Standards (continued)</b>			
<b>Transect Zone</b>	<b>T1 T2 T3 T4 T5</b>	<b>T1 T2 T3 T4 T5</b>	<b>T1 T2 T3 T4 T5</b>
<b>Civic Space Type</b>	<b>Greenway</b>	<b>Green</b>	<b>Square</b>
<b>Illustration</b>			
<b>Description</b>	A linear open space that may follow natural corridors providing unstructured and limited amounts of structured recreation.	An open space available for unstructured and limited amounts of structured recreation.	An open space available for civic purposes, unstructured and limited amounts of structured recreation.
<b>Location and Size</b>			
<b>Location</b>			
Service Area	Multiple Neighborhoods	Neighborhood	Neighborhood
<b>Size</b>			
Minimum	8 acres (60' wide by 1 mile long)	1 acre	½ acre
Maximum	-	15 acres	5 acres
<b>Character</b>			
Frontage	Independent or Building	Building	Building
Disposition of Elements	Natural or Informal	Informal	Formal
<b>Typical Facilities</b>			
	Passive and Active Recreation, Accessory Structure, Drinking Fountains, Community Facility < 5,000 gsf, Paths and Trails	Passive and Active (unstructured or structured) Recreation, Accessory Structure, Drinking Fountains, Community Facility < 5,000 gsf, Paths and Trails	Passive and Active (unstructured or structured) Recreation, Accessory Structure, Drinking Fountains, Community Facility < 5,000 gsf, Paths and Trails

<b>Key</b>	<b>T#</b> Allowed	<b>T#</b> By Director	<b>T#</b> Not Allowed
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<b>Table 6.10.A Civic Space Type Standards (continued)</b>			
<b>Transect Zone</b>	T1 T2 T3 <b>T4 T5</b>	T1 T2 T3 <b>T4 T5</b>	T1 T2 <b>T3 T4 T5</b>
<b>Civic Space Type</b>	<b>Plaza</b>	<b>Pocket Plaza</b>	<b>Pocket Park</b>
<b>Illustration</b>			
<b>Description</b>	A formal open space available for civic purposes and commercial activities. Plazas are typically hardscaped.	A formal open space available for civic purposes and commercial activities. Pocket Plazas are typically hardscaped.	An open space available for informal activities in close proximity to neighborhood residences.
<b>Location and Size</b>			
<b>Location</b>	Neighborhood	Neighborhood	Neighborhood
<b>Service Area</b>	Neighborhood	Neighborhood	Neighborhood
<b>Size</b>			
Minimum	½ acre	4,000 sf	4,000 sf
Maximum	2½ acres	½ acre	1 acre
<b>Character</b>			
Frontage	Building	Building	Building
Disposition of Elements	Formal	Formal	Formal or Informal
<b>Typical Facilities</b>	Passive Recreation, Accessory Structure, Drinking Fountains, Paths and Trails	Passive Recreation, Accessory Structure, Drinking Fountains, Paths and Trails	Passive Recreation, Accessory Structure, Drinking Fountains, Paths and Trails

<b>Key</b>	<b>T#</b> Allowed	<b>T#</b> By Director	<b>T#</b> Not Allowed
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Table 6.10.A Civic Space Type Standards (continued)		
Transect Zone	T1 T2 T3 T4 T5	T1 T2 T3 T4 T5
Civic Space Type	Playground	Community Garden
Illustration		
Description	An open space designed and equipped for the recreation of children. A Playground should be fenced and may include an open shelter. Playgrounds may be included within other civic spaces.	An open space designed as a grouping of garden plots that are available to nearby residents for small-scale cultivation. Community Gardens may be included within other civic spaces.
<b>Location and Size</b>		
Location		
Service Area	Neighborhood	Neighborhood
Size		
Minimum	-	-
Maximum	-	-
Character		
Frontage	Independent or Building	Independent or Building
Disposition of Elements	Formal or Informal	Formal or Informal
<b>Typical Facilities</b>	Accessory Structure, Drinking Fountains, Paths and Trails	Accessory Structure, Drinking Fountains, Paths and Trails

Key	<b>T#</b> Allowed	<b>T#</b> By Director	<b>T#</b> Not Allowed
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**6.10.040 Additional Standards**

- A. **Accessory Structure Standards.** All accessory structures within parks and open spaces, including, but not limited to, restrooms, open-air pavilions, gazebos, picnic shelters and outdoor theaters, shall not be subject to the physical form requirements in Article 3 (Specific to Zones). They shall be designed and furnished to be consistent with the character of the transect zone in which they are located. Such consistency may require accessory structures to maintain building setbacks, frontage, massing, disposition and character similar to adjacent development as determined by the Director.

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# Article 7: Permits and Approvals

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# **Chapter 7.010: Application Processing Procedures [New]**

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## **Sections:**

7.010.010	Purpose
7.010.020	Authority for Land Use and Zoning Decisions
7.010.030	Application Preparation and Filing
7.010.040	Application Fees
7.010.050	Initial Review of Application
7.010.060	Environmental Assessment
7.010.070	Burden of Proof

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### **7.010.010 Purpose**

This Chapter provides procedures and requirements for the preparation, filing, and initial processing of the land use permit applications required by this Development Code.

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### **7.010.020 Authority for Land Use and Zoning Decisions**

- A. Table 7.010.020.A (Permits and Approvals) identifies the Permits required by this Development Code and their applicability.
- B. Table 7.010.020.B (Review Authority) identifies the Review Authority responsible for reviewing and making decisions on each type of application required by this Development Code.

**Table 7.010.020.A: Permits and Approvals**

<b>Name of Permit</b>	<b>Code Chapter/ Section</b>	<b>Applicability of Permit</b>
<b>Permits and Approvals Required by this Development Code</b>		
Design Review	7.020.020	Design Review is required for all non-residential projects and residential projects greater than 2 units in size in areas included in Level 1 or Level 2 review as specified in Section 7.020.020. The purpose of the design review process is to avoid the unsightly, inharmonious and monotonous appearance of structures and signs and to foster the Swedish architectural theme called for by policies of the General Plan.
Home Occupation Permit	7.020.030	A Home Occupation Permit is required to allow for home occupations that are conducted within a dwelling located in a residential zone, clearly incidental and secondary to the use of the dwelling for residential purposes, and compatible with surrounding residential uses, as specified by Chapter 4.30 (Specific to Uses).
Site Plan Review	7.020.040	Site Plan Review is required before construction of any structure (except most single-family residential) within Article 3 (Specific to Zones).
Temporary Use Permit	7.020.050	A Temporary Use Permit is required to allow short term activities that might not meet the normal development or use standards of the applicable zone, but may otherwise be acceptable because of their temporary nature.
Minor Use Permit	7.020.060	Minor Use Permit is required to authorize proposed land uses specified by Article 3 (Specific to Zones) as being allowable in the applicable zone, subject to the approval of a Minor Use Permit by the Director.
Use Permit	7.020.060	Use Permit is required to authorize proposed land uses specified by Article 3 (Specific to Zones) as being allowable in the applicable zone, subject to the approval of a Use Permit by the Planning Commission.
<b>Additional Permits and Approvals</b>		
Variances	7.020.070	A Variance may be requested to allow an adjustment from any of the development standards required by this Development Code.
<b>Subdivision Maps and Other Approvals</b>		
Lot Line Adjustments, Mergers, and Approvals		See Table 8.10.060.A (Authority for Subdivision Decisions)
Tentative Maps, Final and Parcel Map		See Table 8.10.060.A (Authority for Subdivision Decisions)

<b>Table 7.010.020.B: Review Authority</b>					
<b>Type of Action</b>	<b>Code Chapter/Section</b>	<b>Role of Review Authority</b>			
		<b>Director<sup>2</sup></b>	<b>Site Plan Review Committee</b>	<b>Planning Commission</b>	<b>City Council</b>
<b>Administrative and Legislative Actions</b>					
Development Code Amendment	7.090			Recommend	Decision
General Plan Amendment	7.020			Recommend	Decision
Zoning Map Amendment	7.020			Recommend	Decision
Development Agreements	7.020			Recommend	Decision
Specific Plans and Amendments	7.050			Recommend	Decision
<b>Planning Permits and Approvals</b>					
Design Review	7.020.020	Decision		Appeal	Appeal
Home Occupation Permit	7.020.030	Decision		Appeal	Appeal
Site Plan Review	7.020.040		Decision	Appeal	Appeal
Temporary Use Permit	7.020.050	Decision		Appeal	Appeal
Minor Use Permit	7.020.060	Decision		Appeal	Appeal
Use Permit	7.020.060			Decision	Appeal
Variances	7.020.070			Decision	Appeal
<b>Subdivision Maps and Other Approvals</b>					
Traditional Neighborhood Community Plans (Initial)	2.10.120			Decision	Appeal
Traditional Neighborhood Community Plans (Final)	2.10.120	Decision		Appeal	Appeal
Lot Line Adjustments, Mergers, and Approvals		See Table 8.10.060.A (Subdivision Review Authorities)			
Tentative Maps, Final and Parcel Map		See Table 8.10.060.A (Subdivision Review Authorities)			

**Notes**

<sup>1</sup> “Recommend” means that the Review Authority makes a recommendation to a higher decision making body; “Decision” means that the Review Authority makes the final decision on the matter; “Appeal” means that the Review Authority may consider and decide upon appeals to the decision of an earlier decision making body, in compliance with Chapter 7.080 (Appeals).

<sup>2</sup> The Director may defer action and refer the request to the Planning Commission for consideration and final action.

**7.010.030 Application Preparation and Filing**

- A. **Pre-application conference.** The City has a Project Review Committee process which includes a pre-application meeting between City staff and the applicant. It is an optional process for the applicant. Additional information about the process is available at the City.
- B. **Application contents.** Each application for a permit, amendment, or other matter pertaining to this Development Code shall be filed with the Planning Department on a City application form, together with all required fees and/or deposits and all other information and materials specified in the Planning Department handout for the specific type of application and/or as specified by the Director.
- C. **Concurrent filing and processing.**
1. **Concurrent filing.** An applicant for a development that requires the filing of more than one application (e.g., Zoning Map amendment and a Use Permit, etc.), shall file all related applications concurrently, unless the concurrent filing requirements are waived by the Director.
  2. **Concurrent processing.** Multiple applications for the same project shall be processed concurrently, and shall be reviewed, and approved or denied by the highest Review Authority designated by this Development Code for any of the applications (i.e., a development for which applications for Zoning Map amendment and a Use Permit are filed shall have both applications recommended by the Planning Commission and decided by the City Council, instead of the Planning Commission acting upon the Use Permit as otherwise required by Table 7.010.020.B).
- D. **Eligibility for filing**
1. The application shall be signed by the owner of record or by an authorized agent.
  2. Authorized agents shall provide written authorization signed by property owner.
- E. **Without scope**
1. In cases where the Director considers the reasons and conditions specified in the application not within the scope of the requested permit or approval, or that the application is incomplete, the applicant shall be so informed.
  2. Acceptance of the application does not constitute an indication of support or approval.
- F. **Report by Expert Consultants.** The City may require additional evidence to establish that the proposed use will conform to the applicable regulations and standards specified in this Development Code.

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**7.010.040 Application Fees**

- A. **Fee Schedule**
1. The City maintains a schedule of fees for the processing of the applications required by this Development Code, hereafter referred to as the Planning Fee Schedule. Any additional costs associated with submittal of an application and the application process shall be borne by the applicant.

2. The Planning Fee Schedule is evaluated and amended annually and is adopted by resolution of the City Council. The Planning Fee Schedule may be evaluated and/or amended as often as determined to be necessary by the City Council.
3. The Planning Fee Schedule is on file at the Planning Department.
4. Projects subject to time and materials charges.
  - a. Projects which do not fit any category in the Planning Fee Schedule or which are otherwise extraordinary may be charged on a time and materials basis at the Director's sole discretion.
  - b. Staff time required on a project, post entitlement, and not part of another formal application (e.g., Final Map, Design Review, etc.) will be recovered on a time and materials basis at the Director's sole discretion.
  - c. The fees specified in the Planning Fee Schedule reflect standard processing time. Projects requiring excessive review time will be recovered on a time and materials basis.

**B. Timing of payment**

1. Applications shall not be deemed complete, and processing shall not commence, on any application until all required fees or deposits have been paid.
2. Failure to pay supplemental requests for payment of required fees and/or deposits in a timely fashion shall be a basis for postponement of any permit or other requested entitlement, notwithstanding any other provisions of this Development Code.

**C. Refunds and withdrawals**

1. No refund due to denial shall be allowed.
2. In the case of a withdrawal, the Director shall have the discretion to authorize a partial refund based upon the pro-rated costs to-date and the status of the application at the time of withdrawal.

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**7.010.050 Initial Review of Application**

- A. Review for completeness.** The Director shall review each application for completeness and accuracy before it is accepted as being complete and officially filed. The Director's determination of completeness shall be based on the City's list of required application contents and any additional information determined by the Director to be necessary to determine project conformance to all applicable policies (see Section 7.010.030 [Application Preparation and Filing], above).
1. **Notification of applicant.** As required by Government Code Section 65943, within 30 calendar days of application filing, the applicant shall be informed in writing, either that the application is complete and has been accepted for processing, or that the application is incomplete and that additional information, specified in the Director's letter, shall be provided.
  2. **Submittal of additional information.** The Director's review of the any information resubmitted by the applicant shall be accomplished in compliance with Subparagraph A. 1., above, along with another 15/30-day period of review for completeness.
  3. **Expiration of application**

- a. If an applicant fails to provide the additional information specified in the Director's letter within 180 days following the date of the letter, or shorter time frame as determined by the Director, the application shall expire and be deemed withdrawn without any further action by the City, unless an extension is approved by the Director for good cause shown.
  - b. After the expiration of an application, future City consideration shall require the submittal of a new, complete application and associated filing fees.
4. **Environmental information.** After an application has been accepted as complete, the Director may require the applicant to submit additional information needed for the environmental review of the project in compliance with the California Environmental Quality Act (CEQA), the City's CEQA guidelines, and Section 7.010.060 (Environmental Assessment), below.
- B. **Referral of application.** At the discretion of the Director, or where otherwise required by this Development Code or State or Federal law, an application may be referred to any public agency that may be affected by or have an interest in the proposed project.

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#### 7.010.060 Environmental Assessment

- A. **CEQA review.** After acceptance of a complete application, the development shall be reviewed by the Director in compliance with the California Environmental Quality Act (CEQA) and the City's CEQA guidelines in order to determine whether:
  1. The proposed development is exempt from the requirements of CEQA;
  2. The proposed development is not a project as defined by CEQA;
  3. A Negative Declaration may be issued;
  4. A Mitigated Negative Declaration may be issued;
  5. An Environmental Impact Report (EIR) shall be required; or
  6. An addendum and/or supplemental information and materials are required in compliance with (CEQA).
- B. **Compliance with CEQA.** These determinations and, where required, the preparation of appropriate environmental documents, shall be in compliance with CEQA.
- C. **Compliance with NEPA.** Where applicable, projects shall also comply with the requirements of the National Environmental Policy Act (NEPA).
- D. **Special studies required.** At the applicant's expense, special study(ies) may be required by the City; and consultant selection may be done at City's sole discretion.

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#### 7.010.070 Burden of Proof

The burden of proof to establish the evidence in support of the required finding(s) for any permit or approval in compliance with this Development Code is the responsibility of the applicant.

# Chapter 7.020: Permit Review Procedures

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## Sections:

7.020.010	Purpose
7.020.020	Design Review [17.80]
7.020.030	Home Occupation Permit <i>[New]</i>
7.020.040	Site Plan Review
7.020.050	Temporary Use Permits <i>[New]</i>
7.020.060	Use Permit <i>[Existing]</i> and Minor Use Permit <i>[New]</i>
7.020.070	Variances

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## 7.020.010 Purpose

This Section provides procedures for the final review and approval or denial of the applications and other review requirements as established by this Development Code. The procedures of this Section are carried out after those described in Chapter 7.010 (Application Processing Procedures).

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## 7.020.020 Design Review [17.80]

- A. **Purpose.** The purpose of the design review process is to avoid the unsightly, inharmonious and monotonous appearance of structures and signs through the review of the design, materials, textures, colors and other elements of construction which affect the exterior appearance of structures; to encourage originality in building design and construction in a manner which will enhance the physical appearance and attractiveness of the community; to preserve the investments in properties which exhibit tasteful consideration of the external physical appearance of the site and structures thereon; and to encourage and enhance the desirability of private investment within the surrounding area. The design review process is also intended to foster the Swedish architectural theme called for by policies of the General Plan.
- B. **Applicability.** Design review provisions of this Section shall apply to any permitted or conditional use identified in this Title other than single-family dwellings or multiple-family dwellings consisting of no more than two units. There shall be no exceptions to such application except as may be granted for historic structures designated by resolution of the City Council. Provisions shall be applied in accordance with the intensity areas as described below:
1. Level 1 intensity shall apply to the downtown triangle bounded by the State Route Freeway 99, 18th Avenue and Sierra Street, with parcels on the north side of Sierra Street within the downtown triangle also included. Level 1 intensity shall also apply to shopping centers, strip malls and parcels adjacent to Sierra Street west of State Route Freeway 99 to Rafer Johnson Drive; on the north side of Sierra Street west from Rafer Johnson Drive to the City Limit line; and adjacent to the west side of State Route Freeway 99 north of Sierra Street to the City limit line.
  2. Level 2 intensity shall apply to that portion of the City within the triangle area bounded by Sierra Street, State Route Freeway 99 and Bethel Avenue; between State

Route Freeway 99 and Simpson Street north of Sierra Street to the City limit line; and along Draper Street west of State Route Freeway 99.

- C. **Swedish Design Standards.** The City Council is empowered to adopt by resolution Swedish Village Design Standards and Guidelines, which contains specific criteria and guidelines for review of applications for new construction and exterior remodels within the Level 1 and Level 2 areas described in Section 7.020.020 above.
- D. **Application Review.** Any project located within a Level 1 or Level 2 area as described in Section 7.020.020, shall be reviewed for compliance with the Swedish Village Design Standards and Guidelines as follows:
1. Level 1. All new construction and exterior remodeling shall conform to the Swedish Village Design Standards and Guidelines as adopted by the City Council.
  2. Level 2
    - a. The applicant shall make a good faith effort to conform new construction and exterior remodeling to the traditional and historic theme of the Swedish Village Design Standards and Guidelines with emphasis on the use of wood or wood in combination with brick, stone or stucco masonry, in the design of the exterior walls.
    - b. Taking into consideration the type and size of the project, the applicant shall make good faith efforts to incorporate as many Level 1 intensity elements as possible, including, without limitation, flower boxes, planters, awnings, mullion windows, use of brick or stone, and emulation of half-timbering, and/or such additional decorative features as window shutters, Dala horses, banners, Swedish and American flags, and other items with a Swedish theme.
- E. **Drawings to be submitted.** Projects subject to design review are required to submit an application to the Planning Department. Applications should be submitted concurrent with site plan review applications, if applicable.
1. Included in the project application package submitted to the Planning Department shall be architectural drawings or sketches, drawn to scale, showing all elevations of the proposed structures as they will appear upon completion of construction. All exterior surfacing materials and colors shall be specified. Scale drawings of all signs shall be submitted showing size, location, material, colors and illumination (if any).
- F. **Referral and Action**
1. The Director shall review all Project application drawings within 15 days after the application is deemed complete by the City.
  2. The Director shall determine whether the Project complies with the Swedish Village Design Standards and Guidelines and either approve, approve with conditions ensuring compliance, or deny the design review.
  3. For projects requiring subsequent approvals by the Planning Commission and/or City Council, the Director's determination shall be included in the reports to the Planning Commission or City Council.

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**7.020.030 Home Occupation Permit [New]**

- A. **Purpose.** The purpose of this Chapter is to allow home occupations that represent a legal commercial enterprise conducted by an occupant(s) of a dwelling.
- B. **Applicability.** A home occupation may only be conducted when allowed by Article 3 (Specific to Zones).
- C. **Review Authority.** The Director may approve a Home Occupation Permit, deny the application, or defer action and refer the application to the Planning Commission for review and final decision.
- D. **Application Filing, Processing, and Review**
  1. **Filing.** An application for a Home Occupation Permit shall be filed and processed in compliance with Chapter 7.010 (Application Processing Procedures).
  2. **Public Notice.** If the application is accepted, public notices will be prepared for mailing to the owners of all properties within three hundred (300) feet of the location of the proposed home occupation based on assessor's parcel records. The notice will include information about the application and an invitation for interested persons to comment by contacting the planning and development department. The comment period will remain open for a period of 14 days following mailing of the notices.
  3. **Hearings**
    - a. **Administrative Approval.** If any negative comment is received about the proposed home occupation during the comment period, or if the Director or designee makes the independent determination that the proposal could possibly cause significant impacts to the surrounding neighborhood, the application will be referred to the Planning Commission. If no negative comment is received and if it is determined that the proposal will not have significant neighborhood impact, when the comment period ends the application will be approved and a home occupation permit issued.
    - b. **Planning Commission Hearing.** If it is determined that a hearing must be held before the Planning Commission, public notice of the hearing will be published in a newspaper of general circulation at least 10 days in advance of the hearing and mailed to owners of properties within 300 feet of the location of the proposed home occupation based on assessor's parcel records. After receiving oral testimony at the hearing, and reviewing written comments presented prior to and during the hearing, the Planning Commission shall approve, approve with conditions, or deny the application. The decision of the Planning Commission will be final unless formally appealed by the applicant or other interested party to the City Council within 10 days of the Planning Commission decision. If the application is approved and if no appeal is filed within the 10 day period, a permit shall be issued. If the application is conditionally approved and no appeal is filed within the 10 day period, a permit shall be issued after it has been demonstrated to the planning and development department that the conditions have been, or are being, satisfied.
  4. **Compliance with standards.** Home occupations shall comply with the applicable locational, developmental, and operational standards specified in Section 4.30.060 (Home Occupations).

5. **Business License Tax required.** In conjunction with the Home Occupation Permit, the applicant shall obtain a Business License in compliance with Municipal Code Title 5 (Business Licenses and Regulations).
6. **Exemption.**
  - a. **Live/work.** A legal live/work facility is exempt from the requirement of a Home Occupation Permit.
  - b. **Small family day care home.** A small family day care home for eight or fewer children operated in compliance with State law and Section 4.30.030 (Child Day Care Facilities) is exempt from the requirement of a Home Occupation Permit.
- E. **Findings.** The Review Authority may approve a Home Occupation Permit application, with or without conditions, only after first making all of the following findings:
  1. The proposed home occupation will:
    - a. Be consistent with the General Plan, any applicable Specific Plan, and the development and design standards of the subject zone;
    - b. Comply with the applicable locational, developmental, and operational standards specified in Section 4.30.060 (Home Occupations) as well as any conditions or terms imposed on the Home Occupation Permit; and
    - c. Be clearly incidental and secondary to the use of the dwelling for residential purposes and be compatible with surrounding residential uses.
  2. The proposed home occupation will not:
    - a. Be detrimental to the public convenience, health, interest, safety, or welfare, or materially injurious to the properties or improvements in the immediate vicinity; or
    - b. Interfere with the use or enjoyment of neighboring existing or future residential developments, and will not create traffic or pedestrian hazards.
- F. **Conditions of Approval.** In approving a Home Occupation Permit application, the Review Authority may impose conditions (e.g., buffers, hours of operation, landscaping and maintenance, lighting, parking, performance guarantees, property maintenance, surfacing, time limits, traffic circulation, etc.) deemed reasonable and necessary to ensure that the approval would be in compliance with this Development Code.
- G. **Permit Expiration.** When a home occupation has been discontinued for at least 90 days the Home Occupation Permit shall immediately expire.
- H. **Other Requirements**
  1. **Changes in home occupation.** A change in the type of home occupation activity (e.g., a change from one allowed activity to another allowed activity) conducted by a permittee shall require a new Home Occupation Permit.
  2. **Not transferable.** The Home Occupation Permit is not transferable to another resident at the same location.

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**7.020.040 Site Plan Review**

- A. **Purpose.** The purposes of the Site Plan Review process are to enable the Site Plan Review Committee to make a finding that the proposed development is in conformity with the intent and provisions of this Development Code and to guide the building official in the issuance of Building Permits. More specifically, Site Plan Review is provided to ensure the following:
1. That structures, parking areas, walks, refuse containers, landscaping and street improvements are properly related to their sites and to surrounding sites and structures;
  2. To prevent excessive grading of the land and creation of drainage hazards;
  3. To prevent the indiscriminate clearing of property and the destruction of trees and shrubs of ornamental and ecological value;
  4. To avoid unsightly, inharmonious, monotonous and hazardous site development, and to encourage originality in site design and development in a manner which will enhance the physical appearance and attractiveness of the community. The Site Plan Review process is intended to provide for expeditious review of environmental impact assessments required by official policy of the City and CEQA.
- B. **Applicability**
1. Site Plan Review shall be required for all of the following construction or development activities:
    - a. Any development within the non-transect zones, excepting single family residential uses which are to be constructed on a residential site with complete street improvements.
    - b. Any development subject to an environmental impact assessment under applicable provisions of City policy as adopted by resolution pursuant to CEQA.
  2. Minor Change in Property Use or Change in Occupancy.
    - a. Minor changes in property use or occupancy that are obviously in a neglected state of repair or maintenance, as determined by the Planning Department, will be required to be processed as a Site Plan Review and be required to totally upgrade the property under the provisions of Subsection E (Conditions of Approval).
- C. **Site Plan Review Committee**
1. The site plan review committee shall be comprised of staff representatives of the fire, engineering, planning, building, solid waste, police, community services and public works departments. In addition, the planning department may request input from any other City department or public agency such as the school district and Selma-Kingburg-Fowler Sanitation District.
  2. Powers and Duties. The site plan review committee shall review and approve, conditionally approve or deny a site plan review application in accordance with City codes and ordinances. If additional permits or entitlements are required, the site plan review committee determinations will be forwarded to the appropriate decision making body.

#### D. Application Filing, Processing, and Review

##### 1. Filing

- a. An application for a Site Plan Review shall be filed and processed in compliance with Chapter 7.010 (Application Processing Procedures).
- b. The application shall include the information and materials specified in the Planning Department handout for Site Plan Review applications, together with the required fee in compliance with the Planning Fee Schedule.
- c. It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection E (Findings), below.

2. **Review with other land use applications.** If the project for which the request for Site Plan Review is being made also requires some other discretionary approval (e.g., Use Permit, etc.), the applicant shall file the information required by Subsection C.1. (Filing), above, together for concurrent review with the application for discretionary approval.

3. **Application review.** Each application for a Site Plan Review shall be reviewed to ensure that the application is consistent with the purpose of this Chapter; applicable development standards and regulations of this Development Code.

- a. Within 15 working days after submission the site plan review committee shall review the site plan. If the committee determines that the site plan cannot be approved without the granting of a Variance or Use Permit, or the enactment of an Amendment to the Development Code, the Director shall inform the applicant and shall not act on the application until proper application for a Variance or an Amendment has been filed with the Director and acted upon in compliance with this Development Code.
- b. The site plan review committee shall approve, approve with conditions, or disapprove the site plan. In approving the site plan, the site plan review committee shall make the findings prescribed under Subsection E (Findings), below.
- c. The decision of the site plan review committee may be appealed to the Planning Commission within 10 calendar days after the date of decision. The decision of the Planning Commission shall be final unless appealed to the City Council. The appeals process is specified in Chapter 7.080 (Appeals).
- d. The approved site plan, with any conditions shown thereon or attached thereto, shall be dated and signed by the Director, with one copy mailed to the applicant and one copy filed with the building official.
- e. Revisions by the applicant to an approved site plan shall be resubmitted to the Planning Department in the manner required for drawings first submitted.  
[17.72.030]

#### E. Findings

1. **Meets requirements of this Chapter.** The Review Authority shall determine whether or not the application meets the requirements of this Chapter in compliance with Section 7.010.050 (Initial Review of Application).
2. **Other Review Authority**
  - a. If other discretionary permits are required for the project undergoing Site Plan Review, the decision to approve or deny the site plan shall be made by the

- authority responsible for reviewing the other discretionary land use application (e.g., Use Permit, Variance, etc.) in compliance with the applicable review procedure for the other discretionary review.
- b. The decision to approve or deny the Site Plan Review shall be made in compliance with Subsection D.3 (Required Findings), below.
3. **Required findings.** The Review Authority may approve a Site Plan Review application, only after first making all of the following findings. The proposed development will:
- a. Comply with all applicable provisions of this Chapter;
  - b. Be designed such that:
    - (1) Architectural design and functional plan of the structure(s) and related improvements are of reasonable aesthetic quality and compatible with adjacent developments, and
    - (2) Structure(s) and related improvements are suitable for the proposed use of the property and provide adequate consideration of the existing and contemplated uses of land and orderly development in the general area of the subject site;
  - c. Have the following so arranged that traffic congestion is avoided and that pedestrian and vehicular safety and public health, safety, or general welfare are protected and there will not be adverse effects to adjacent property:
    - (1) Facilities and improvements.
    - (2) Vehicular ingress, egress, internal circulation and off-street parking and loading.
    - (3) Setbacks.
    - (4) Height of buildings.
    - (5) Location of service.
    - (6) Walls and fences.
    - (7) Landscaping, including screen planting and street trees.
    - (8) Drainage of site.
    - (9) Refuse enclosures.
  - d. Provide lighting arranged as to deflect the light away from adjoining properties.
  - e. Ensure signs will comply with all of the applicable provisions of Chapter 4.60 (Specific to Signage).

In making the above findings, the site plan review committee shall determine that approvals will be consistent with established legislative policies relating to traffic safety, street dedications and street improvements, environmental quality, and to zoning, fire, police, building and health codes. [17.72.050]

#### F. Conditions of Approval

1. **Necessary conditions.** In approving a Site Plan Review application, the site plan review committee may impose conditions deemed reasonable and necessary to ensure that the approval would be in compliance with the findings required by Subsection E (Findings).

2. **Similarity of style may be required.** When a neighborhood or zone has adopted/assumed a distinct character or style, and it is found that it is desirable to continue the character or style in the architectural features of the proposed structure, the similarity may be required. See Section 7.020.020 Design Review.
- G. **Street Dedications and Improvements.** Because of changes that may occur due to drainage conditions, utility service requirements, or vehicular traffic generated by facilities requiring a Site Plan Review, the following dedications and improvements may be deemed necessary and may be required as a condition or conditions to the approval of any site plan:
1. **Development Bordering or Traversed by an Existing Street.** If the development borders or is traversed by an existing street, the applicant may be required to:
    - a. Dedicate all necessary rights-of-way to widen a bordering minor or collector street to the extent of one-half the ultimate width established by the City as the standard for such minor or collector street, or the full extent required for a frontage road.
    - b. Dedicate all necessary rights-of-way to widen a traversing minor or collector street to its ultimate width established by the City as the standard for such minor or collector street.
    - c. Dedicate all necessary rights-of-way to widen a bordering or traversing arterial street to the standards of width established by the City for the arterial street.
    - d. Set back all facilities the required distance from ultimate property lines along an arterial street as shown on any master, official or precise plan of streets and highways, or by the General Plan.
    - e. Install curbs, gutters, sidewalks, street signs, street lights and street trees along one side of a bordering or along both sides of a traversing minor, collector or arterial street.
    - f. Install utilities and drainage facilities to the full extent of the service requirements generated by the development.
    - g. Grade and improve bordering minor or collector streets from curb to the center line of the ultimate right-of-way.
    - h. Grade and improve traversing minor or collector streets from curb to curb.
    - i. Grade and improve the parking lane and one traffic lane adjacent to the development, or the full half width along a bordering arterial street.
    - j. Grade and improve both parking lanes and the two outside traffic lanes, or the full width of, a traversing arterial street.
    - k. The extent of improvements required for arterial street improvements will be based on the extent of traffic generated by the proposed project, with reimbursement by agreement with the City to be provided where the extent of improvement is greater than that generated by the proposed project.
  2. Except as provided in Subsections 3 and 4 below, all new roads shall be dedicated and improved in accordance with the requirements of Subsection G.1 above.
  3. Where a frontage road is provided and improved along an arterial street in compliance with City standards, the curb, gutter, sidewalk, street sign, street light, grading and paving requirements of Subsections G.1.e and G.1.j, pertaining to arterial streets may be waived.

4. Where total access to or from a bordering or traversing arterial street is prohibited as a condition of approval, or by law, the curb, gutter, sidewalk, street sign, street light, grading and paving requirements of Subsections G.1.e and G.1.j, pertaining to arterial streets, may be waived.
5. All improvements shall be in compliance with City standards existing at the time the site plan is approved and shall be installed at the time of the proposed development. Where it is determined by the City that it is impractical to put in any or all improvements at the time of the proposed development, an agreement to make such improvements may be accepted in lieu thereof. In any event, the applicant shall enter into an agreement with the City for the provision of improvements before a Building Permit may be issued, at which time there shall be money deposited with or in favor of the City, or a letter of credit or performance bond posted with the City, in an amount equal to 150 percent of the estimated cost of improvements, as estimated by the City Engineer, to guarantee the making of such improvements.
6. Street dedications and improvements which may be required by this Section shall be considered only on the principle that they are required as near as practical in proportion to the traffic, utility and other demands generated by the proposed development. [17.72.060]

#### H. Issuance of Other Required Permits and Approvals

1. **Permits for grading, structures, and uses.** Upon approval or conditional approval of a Site Plan Review, or a revised Site Plan Review, permits may be issued for grading, structures, and uses.
  2. **Compliance with Site Plan Review.** Grading shall not be commenced and no structure shall be altered, enlarged, erected, moved, or rebuilt subject to the provisions of this Chapter, except in full compliance with the approved site plan and the conditions imposed as part of the review.
  3. **Determination by Director.** Compliance shall be determined by the Director, or in the case of disagreement with the applicant, by the applicable Review Authority.
  4. **Determination by Building Inspector.** Before a Building Permit may be issued for any structure in a development requiring Site Plan Review, the Building Inspector shall make a determination that the proposed structure(s) is in compliance with the approved site plan.
- I. **Minor Changes by Director.** Minor changes in a site plan that do not involve an increase in structure area or height, an increase in the number of dwelling units, or an intensity of use may be approved by the Director in compliance with Section 7.030.080 (Changes to an Approved Project).  
[17.72.130].
- J. **Expiration of Site Plan Approval.**
1. A site plan approval shall automatically expire and be of no further force or effect one year after the date of approval by the site plan review committee, or if appealed, the approval by Planning Commission or City Council, unless, prior to the expiration of one year, a building permit is issued by the City and construction is commenced and diligently pursued toward completion of the site or structures which were the subject of the site plan.
  2. Site plan approval may be extended only once for an additional period of up to one year upon written application to the Planning Commission before expiration of the initial one year approval.

- K. **Revocation.** Revocation of the site plan approval may occur as deemed necessary by the City in compliance with Section 7.040.030 (Permit Modifications and Revocations).
- L. **Site Plan Approval to Run with the Land.** A site plan approved pursuant to the provisions of this chapter shall run with the land and shall continue to be valid upon a change of ownership of the site which was the subject of the site plan. [17.72.120].

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### 7.020.050 Temporary Use Permits [New]

- A. **Purpose.** The purpose of this Chapter is to allow for short term activities that are interim, non-permanent, and/or seasonal in nature and would be compatible with adjacent and surrounding uses when conducted in compliance with this Chapter.
- B. **Applicability.** A Temporary Use Permit allows short term activities identified in Subsection H (Allowed Temporary Uses) that might not meet the normal development or use standards of the applicable zone, but may otherwise be acceptable because of their temporary nature. Exempt temporary uses are identified in Subsection G (Exempt Temporary Uses).
- C. **Review Authority.** The Director may approve a Temporary Use Permit for a temporary use that would be operated in compliance with Subsection F (Conditions of Approval) below; or the Director may deny the application or refer the application to the Planning Commission for review and final decision.
- D. **Application Filing, Processing and Review**
  - 1. **Filing.** An application for a Temporary Use Permit shall be filed with the Planning Department in compliance with Chapter 7.010 (Application Processing Procedures).
  - 2. **Public hearing not required.** A public hearing shall not be required for the Director's decision on a Temporary Use Permit application.
- E. **Findings.** The Director (or the Planning Commission on a referral) may approve a Temporary Use Permit application, with or without Conditions of Approval (Subsection F), only after first making all of the following findings:
  - 1. The operation of the requested temporary use at the location proposed and within the time period specified will not endanger, jeopardize, or otherwise constitute a menace to the public convenience, health, safety, or general welfare;
  - 2. The operation of the requested temporary use will not be detrimental to adjoining properties through the creation of excessive dust, light, noise, odor, or other objectionable characteristics;
  - 3. The proposed parcel is adequate in size and shape to accommodate the temporary use without detriment to the enjoyment of other properties located adjacent to and in the vicinity of the subject parcel;
  - 4. The proposed parcel is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that the temporary use will or could reasonably be expected to generate; and
  - 5. Adequate temporary parking to accommodate vehicular traffic to be generated by the use will be available either on-site or at alternate locations acceptable to the Director.

- F. **Conditions of Approval.** In approving a Temporary Use Permit application, the Director (or the Planning Commission on a referral) may impose conditions that are deemed reasonable and necessary to ensure that the permit would be in full compliance with the findings required by Subsection E (Findings). Other City departments (e.g., Building, Engineering, Fire, and Police) may also recommend conditions for incorporation into the approved Temporary Use Permit. These conditions may address any pertinent factors affecting the operation of the temporary event, or use, and may include the following:
1. **Fixed period of time.** A provision for a fixed period (e.g. 30 days for a temporary use not occupying a structure, including promotional activities, or 12 months for all other temporary uses);
  2. **Operating hours and days.** Regulation of operating hours and days;
  3. **Temporary pedestrian and vehicular circulation.** Provision for adequate temporary pedestrian and vehicular circulation, parking facilities (including vehicular ingress and egress), and public transportation;
  4. **Regulation of nuisance factors.** Regulation of nuisance factors including prevention of glare or direct illumination on adjacent parcels, dirt, dust, gases, heat, noise, odors, smoke, trash, and vibration;
  5. **Regulation of temporary structures.** Regulation of temporary structures and facilities, including placement, height and size, location of equipment and open spaces, including buffer areas and other yards;
  6. **Sanitary and medical facilities.** Provision for sanitary and medical facilities;
  7. **Waste collection, recycling, and/or disposal.** Provision for solid, hazardous, and toxic waste collection, recycling, and/or disposal;
  8. **Police/security and safety measures.** Provision for police/security and safety measures;
  9. **Signs.** Regulation of signs;
  10. **Performance bond or other security.** Submission of a performance bond or other security measures, in compliance with Section 7.030.050 (Performance Guarantees) and satisfactory to the Director, to ensure that any temporary facilities or structures used will be removed from the site within a reasonable time following the event and that the property will be restored to its former condition, or better, as determined by the Director;
  11. **Condition of Site.** The site shall be cleaned of debris, litter, or any other evidence of the temporary use upon completion or removal of the use, and shall continue to be used in compliance with this Development Code.
  12. **Compliance with applicable provisions.** A requirement that the approval of the requested Temporary Use Permit is contingent upon compliance with applicable provisions of the Municipal Code and the successful approval of any/all required permits from any other department or governing agency; and
  13. **Other conditions.** Other conditions that would ensure that the operation of the proposed temporary use would be conducted in an orderly and efficient manner, and in full compliance with the purpose of this Chapter.
- G. **Exempt Temporary Uses.** The following minor and limited duration temporary uses are exempt from the requirement for a Temporary Use Permit.

1. **Emergency facilities.** Emergency public health and safety needs/land use activities, as determined by the City Council or City Manager. Emergency facilities shall include emergency temporary housing.
  2. **Construction Yards – On-Site**
    - a. On-site contractors' construction/storage yard(s), in conjunction with an approved construction project on the same parcel.
    - b. The construction yard shall be removed immediately upon completion of the construction project, or the expiration of the companion Building Permit, authorizing the construction project, whichever first occurs.
  3. **Garage/yard sales.** Garage/yard sales (e.g., personal property sales) only when conducted on residentially zoned property in compliance with the following standards:
    - a. Only one garage/yard sale may be conducted within any four-month period and the sale shall be limited to not more than three consecutive days or to two consecutive weekends not to exceed four days in all.
    - b. All signs advertising a garage/yard sale shall be in compliance with Section 4.60.070 (Temporary Signs). All garage/yard sale signs shall be removed within 24 hours following the final close of the sale.
    - c. The sale shall not be conducted between the hours of 8:00 p.m. and 7:00 a.m. of the following day.
    - d. The sales shall not encroach or be made on or from public streets or rights-of-way.
    - e. No licensed retail or wholesale dealer shall be allowed to consign or offer for sale any goods or merchandise.
  4. **Special Event Permits.** A Special Event Permit shall be obtained before conducting athletic events, parades, and public assemblies, occurring on or within the public rights-of-way or other publicly owned property.
- H. **Allowed Temporary Uses.** The following temporary uses are allowed on private property, subject to the issuance of a Temporary Use Permit.
1. **Contractors' construction yards – off-site.** The temporary use of a site for an off-site contractor's construction/storage yard(s). The permit may be effective for up to 12 months, or the expiration of the companion Building Permit, authorizing the construction project, whichever first occurs.
  2. **Entertainment events.** Amusement rides, arts and crafts exhibits, auctions, carnivals, circuses, concerts, fairs, festivals, flea markets, food events, outdoor entertainment/ sporting events, and other similar events as determined by the Director for a period not to exceed 10 days twice per year, separated by at least 30 days between uses.
  3. **Outdoor displays and sales.** Outdoor displays and sales conducted by a retail business holding a valid business license, issued in compliance with Municipal Code Title 5 (Business Licenses and Regulations), may be allowed for a maximum of four outdoor sale events (excluding City sponsored activities). For purposes of this Subsection an outdoor display and sales shall be no longer than four consecutive days in duration.

4. **Seasonal sales events.** Seasonal sales (e.g., Halloween pumpkin sales and Christmas tree sale lots) not to exceed 40 days or four events per year with a maximum of five days for each event.
5. **Storage of structures or equipment.** Temporary storage structures within residential areas, not to exceed 30 days.
6. **Mobile homes.** A mobile home to be utilized as a temporary dwelling while a single-family dwelling is under construction on the same parcel subject to all of the following provisions:
  - a. The mobile home may only be located and occupied while actual construction activities are taking place upon the parcel. In no case may the period of placement and use exceed 12 months.
  - b. The mobile home may only be occupied by the property owner; who is also the builder designated on the Building Permit, and the owner's/builder's family.
  - c. City may require surety adequate to ensure the timely removal and compliance with all conditions of approval in compliance with Section 7.030.050 (Performance Guarantees).
  - d. The minimum yards for the zone shall be maintained.
7. **Temporary real estate sales office and model home complex.**
  - a. The office shall be used only for the sale of property located within the subdivision in which the office is located.
  - b. The temporary real estate office shall be removed at the end of two years following the date of the recording of the Final Map of the subject subdivision.
  - c. If any parcels within the subdivision have not been sold at the end of the original two-year period, the Director may approve extensions.
8. **Temporary work trailers.**
  - a. A trailer or mobile home may be used as a temporary work site for employees of a business:
    - (1) During construction or remodeling of a permanent commercial, industrial, or mixed-use structure, when a valid Building Permit is in force; or
    - (2) Upon demonstration by the applicant that the temporary work site is a short term necessity, while a permanent work site is being obtained.
  - b. A permit for temporary work trailer(s) may be approved for up to 12 months. The Director may approve extensions.
9. **Other similar temporary uses.** Similar temporary uses that, in the opinion of the Director, are compatible with the subject zone and surrounding land uses.

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**7.020.060 Use Permit [Existing] and Minor Use Permit [New]**

- A. **Purpose.** A Use Permit or Minor Use Permit provides a process for reviewing uses that may be appropriate in the applicable zone, but whose effects on a site and surroundings cannot be determined before being proposed for a specific site.
- B. **Applicability**

1. **Uses listed in Article 3.** A Use Permit or Minor Use Permit is required to authorize proposed land uses specified by Article 3 (Specific to Zones) as being allowable in the applicable zone.
- C. **Review Authority**
1. **Use Permits.** Use Permits shall be approved or denied by the Planning Commission.
  2. **Minor Use Permits**
    - a. Minor Use Permits shall be approved or denied by the Director.
    - b. The Director may choose to refer any Minor Use Permit application to the Planning commission for review and final decision.
- D. **Application Requirements.** An application for a Use Permit shall be prepared, filed, and processed in compliance with Chapter 7.010 (Application Processing Procedures). It is the responsibility of the Applicant to provide evidence in support of the findings required by Subsection F. below.
- E. **Public Hearing Noticing and Procedures**
1. **Use Permits.** Notice of the public hearing shall be provided and the hearing shall be conducted in compliance with Chapter 7.070 (Public Hearings).
  2. **Minor Use Permits.** Before a decision on a Minor User Permit, the City shall provide notice in compliance with Chapter 7.070 (Public Hearings), and as follows:
    - a. **Notice.** The notice shall state that the Director will decide whether to approve or deny the Minor Use Permit application on a date specified in the notice, and that a public hearing will be held only if requested in writing by any interested person before the specified date for the decision.
    - b. **If hearing is requested.** If a public hearing is requested the Director shall notice and conduct the hearing in compliance with Chapter 7.070 (Public Hearings).
    - c. **If no hearing is requested.** If no public hearing is requested, the Director shall render a decision on the date specified in the notice referred to in Subsection E.2.a.
- F. **Findings.** The Review Authority may approve a Use Permit or Minor Use Permit only after first making all of the following findings:
1. The proposed use is consistent with the General Plan and any applicable Specific Plan;
  2. The proposed use is allowed within the subject zone and complies with all other applicable provisions of this Development Code and the Municipal Code;
  3. The design, location, size, and operating characteristics of the proposed activity will be compatible with the existing and future land uses in the vicinity;
  4. The subject site is:
    - a. Physically suitable in terms of design, location, operating characteristics, shape, size, topography, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities; and
    - b. Served by highways and streets adequate in width and improvement to carry the kind and quantity of traffic the proposed use would likely generate.
  5. The site's suitability ensures that the type, density, and intensity of use being proposed will not endanger, jeopardize, or otherwise constitute a hazard to the

public interest, health, safety, convenience, or welfare, or be materially detrimental to the improvements, persons, property, or uses in the vicinity and zone in which the property is located; and

6. The applicant agrees in writing to comply with any and all of the conditions imposed by the Review Authority.
- G. **Conditions of Approval.** In approving a Use Permit or Minor Use Permit, the Review Authority may impose conditions deemed reasonable and necessary to ensure that the approval will comply with the findings required by Subsection F (Findings).

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## 7.020.070 Variances

### A. Purpose [17.84.010]

1. The Purpose of this Chapter is to ensure that:
  - a. Variances are only approved when, because of special circumstances applicable to the property, the strict application of this Development Code denies the owner of the property privileges enjoyed by other property located nearby and in an identical zone; and
  - b. Conditions are applied that would ensure that the Variance shall not constitute an approval of special privilege(s) inconsistent with the limitations upon other property in the vicinity and zone in which the subject property is located.
2. The power to approve Variances does not extend to allowable land uses in compliance with Government Code Section 65906.

B. **Review Authority [17.84.020].** The Planning Commission may grant variances to the development standards required by this Development Code only with respect to size, shape, topography, location or surroundings, and including fences and walls, site areas, coverage, yards, height of and distances between structures, off-street parking facilities and off-street loading facilities.

C. **Application Filing, Processing, and Review [New].** An application for a Variance or Minor Variance shall be filed and processed in compliance with Chapter 7.010 (Application Processing Procedures).

D. **Public Hearing [17.84.060].** Public hearings shall be held in compliance with Chapter 7.070 (Public Hearing).

E. **Findings [17.84.060].** The Planning Commission may grant a Variance as the Variance was applied for or in modified form, if, on the basis of the application, investigation and evidence submitted, the Planning Commission makes the following findings:

1. That there are special circumstances or conditions applicable to the property involved, such that strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zone.
2. That the granting of the Variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the vicinity and in the same zone.
3. With respect to off-street parking or loading requirements:

- a. That neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specified regulation.
  - b. That the granting of the Variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic on the streets.
  - c. That the Variance will not create a safety hazard or any other condition inconsistent with the objectives of the Development Code.
4. With respect to off-street parking for non-residential development in order that some or all of the required parking spaces can be located offsite, including locations outside of the city limits, or that in-lieu fees or facilities be provided instead of the required parking spaces, both of the following conditions must be met:
    - a. That the variance will be an incentive to, and a benefit for the non-residential development.
    - b. That the variance will facilitate access to the non-residential development by patrons of public transit facilities.
  5. A Variance may be revocable, may be granted for a limited time period, or may be granted subject to such conditions as the Planning Commission may prescribe. The Planning Commission may deny a Variance application.
  6. A Variance shall become effective 10 days following the date on which the Variance was granted by the Planning Commission unless an appeal is filed with the City Council in compliance with Chapter 7.080 (Appeals).
- F. **Precedents [New].** Each application shall be reviewed on an individual case-by-case basis and the approval of a prior Variance is not admissible evidence for the approval of a new Variance.
- G. **Conditions of Approval [New].** In approving a Variance application, the Review Authority may impose conditions deemed reasonable and necessary to ensure that the approval would be in compliance with the findings required by Subsection E (Findings).
- H. **Permits to Run with the Land [New].** A Variance approved in compliance with the provisions of this Chapter shall continue to be valid upon a change of ownership of the business, parcel, service, structure, or use that was the subject of the permit application.
- I. **New Application [New].** Following the denial of a Variance application or the revocation of a Variance in compliance with Chapter 7.040 (Permit Modifications and Revocations), no application for the same or substantially the same Variance on the same or substantially the same site shall be filed within six months of the date of denial of the Variance application or revocation of the Variance.

# Chapter 7.030: Permit Implementation, Time Limits, and Extensions [New]

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## Sections:

7.030.010	Purpose
7.030.020	Effective Dates of Permits
7.030.030	Permits to Run with the Land
7.030.040	Applications Deemed Approved
7.030.050	Performance Guarantees
7.030.060	Expiration
7.030.070	Time Extensions
7.030.080	Changes to an Approved Project
7.030.090	Resubmittals

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### **7.030.010 Purpose**

This Chapter provides requirements for the implementation of the permits or approvals required by this Development Code, including time limits and procedures for approving extensions of time.

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### **7.030.020 Effective Dates of Permits**

The approval of a planning permit shall become effective 15 days following the date of application approval by the Review Authority if no appeal is filed in compliance with Chapter 7.80 (Appeals).

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### **7.030.030 Permits to Run with the Land**

Unless otherwise specified, permits and approvals granted pursuant to this Chapter shall run with the land, and shall continue to be valid upon a change of ownership of the site or structure to which it applies, with the exception of Home Occupation Permits, as long as a Building Permit is active for the project or a final building inspection or Certificate of Occupancy has been granted.

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### **7.030.040 Applications Deemed Approved**

A permit application deemed approved in compliance with Government Code Section 65956(b) shall be subject to all applicable provisions of this Development Code, which shall be fully satisfied by the applicant before a building permit is issued or a land use not requiring a building permit is established.

**7.030.050 Performance Guarantees****A. Deposit of security**

1. As a condition of approval, upon a finding that the City's health, safety, and welfare warrant, the Review Authority may require the execution of a covenant to deposit security in a reasonable amount to ensure the faithful performance of one or more of the conditions of approval in the event that the obligor fails to perform.
2. The security shall, as required by law or otherwise at the option of the City, be in a form which includes but is not limited to cash, a certified or cashier's check, letter of credit, or a performance bond executed by the applicant and a corporate surety authorized to do business in California and approved by the City.
3. The security shall remain in effect until all of the secured conditions have been performed to the satisfaction of the Director.
4. Security required in compliance with this Section shall be payable to the City.

**B. Release of security.** Upon satisfactory compliance with all applicable provisions of this Section, the security deposit shall be released.**C. Failure to comply**

1. Upon failure to perform any secured condition(s), the City may perform the condition, or cause it to be done, and may collect from the obligor all costs incurred, including administrative, engineering, legal, and inspection costs.
2. Any unused portion of the security shall be refunded to the obligor after deduction of the cost of the work.

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**7.030.060 Expiration**

- A. To ensure continued compliance with the provisions of this Development Code, the permit or approval shall be implemented within one year following the date of approval, unless, by conditions of the permit or approval, a different (either greater or lesser) time is prescribed, or the permit or approval shall expire and be deemed void, unless an extension is approved by the applicable Review Authority, in compliance with Section 7.030.070 (Time Extensions), below
- B. If after construction commencement, work is discontinued for a minimum period of one year, the permit or approval shall expire and be deemed void.
- C. A permit or approval shall be implemented before its expiration. The permit or approval shall not be deemed implemented until the applicant has:
  1. Obtained a Building Permit and continuous on-site construction activity including pouring of foundations, installation of utilities, or other similar substantial improvement has commenced and diligently pursued toward completion; or
  2. Obtained a Grading Permit and has completed a significant amount of on-site grading, as determined by the Director, in preparation for the work described in Subparagraph a, above; and
  3. Diligently continued the approved grading and construction activities in a timely manner in compliance with the subject Building Permit; or

4. Actually implemented the allowed land use, in its entirety, on the subject property in compliance with the conditions of approval; or
5. Met all of the applicable requirements as determined by the Director.

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**7.030.070 Time Extensions****A. Director's action to extend**

1. The Director shall have the authority to extend the period specified in Section 7.030.060 (Expiration), for up to one additional one-year period. The Director may instead refer the matter to the Planning Commission for review and final decision.
2. The applicant's written request for an extension of time shall be on file with the Planning Department before expiration of the permit or approval, together with the filing fee required by the Planning Fee Schedule.
3. Public hearing is not required.
  - a. A public hearing shall not be required for the Director's decision on an extension of time.
  - b. However, the Director may conduct a public hearing in compliance with Chapter 7.70 (Public Hearings) if deemed appropriate by the Director.
  - c. The Planning Commission shall conduct a public hearing on a referral from the Director in compliance with Chapter 7.70 (Public Hearings).

**B. Suspension of expiration**

1. The filing of a written extension request shall suspend the actual expiration of the permit or approval until the extension request has been acted upon by the Director.
2. Building or Grading Permits shall not be issued in compliance with the permit or approval during the period of the suspension.

**C. Applicable Review Authority action on further extension**

1. Upon good cause shown, a further extension may be approved, approved with modifications, or denied by the applicable Review Authority which originally granted the permit or approval, subject to the findings identified in Subsection D (Required findings).
2. The permit or approval may be extended for up to one additional one-year period, up to a maximum of three years following the original date of approval, unless otherwise allowed by State law.
3. A public hearing shall not be required for the Director's decision. However, the Director may conduct a public hearing in compliance with Chapter 7.70 (Public Hearings) if deemed appropriate by the Director.
4. The Planning Commission or City Council shall conduct a public hearing in compliance with Chapter 7.70 (Public Hearings).

- D. Required findings.** An extension of the permit or approval may be granted only if the applicable Review Authority first finds that there have been no changes in circumstances, law, or General Plan or Development Code policies that would preclude the Review Authority from making the findings upon which the original approval was based.

- E. **Further extensions.** An application for an extension of the permit or approval in excess of three years following the original date of approval shall be treated as a new application, which shall be filed in compliance with Chapter 7.10 (Application Processing Procedures).

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**7.030.080 Changes to an Approved Project****A. Application**

1. A development or new land use allowed through a planning permit or approval shall be in substantial compliance with the approved drawings and plans, and any conditions of approval imposed by the Review Authority, except where changes to the project are approved in compliance with this Section.
2. An applicant shall request desired changes in writing, and shall also furnish appropriate supporting materials and an explanation of the reasons for the request.
3. Requested changes may involve changes to one or more conditions imposed by the Review Authority or actual changes to the project (e.g., hours of operation, expansion of a use, etc.) as originally proposed by the applicant or approved by the Review Authority.
4. Changes shall not be implemented until first approved by the applicable Review Authority in compliance with this Section, and may be requested either before or after construction or establishment and operation of the approved use.

- B. **Notice and hearing.** If the matter originally required a noticed public hearing, the Review Authority shall hold a public hearing, except for the minor changes outlined below (See Subsection C), and shall give notice, in compliance with Chapter 7.70 (Public Hearings).

- C. **Minor changes by Director.** The Director may authorize minor changes to an approved permit or other approval only if the changes:

1. Are consistent with all applicable provisions of this Development Code and the spirit and intent of the original approval; and
2. Do not involve a feature of the project that was:
  - a. A basis for findings in a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report for the project;
  - b. A basis for conditions of approval for the project; or
  - c. A specific consideration by the Review Authority in granting the permit or approval.
3. Do not involve any expansion or intensification of the use or structure.

- D. **Major changes.** Major changes include changes to the project involving features specifically described in Subsection C, above, and shall only be approved by the original Review Authority through a new application, processed in compliance with this Development Code.

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**7.030.090 Resubmittals****A. Resubmittal after denial with prejudice**

1. The Review Authority may deny an application for a discretionary planning permit, or amendment, on the grounds that two or more similar applications for the same site have been denied in the past two years (also known as denial with prejudice), or that another cause exists for limiting the refiling of the application.
2. For a period of 12 months following the actual date of denial with prejudice by the Director, Planning Commission, or City Council, or, if appealed, the actual date of denial by the applicable Review Authority considering the appeal, of a discretionary planning permit or amendment, no application for the same or substantially similar planning permit or amendment shall be filed for the same site, or any portion thereof.

**B. Exception to Subsection A.** The Director may allow exception to Subsection A., based on one or more of the following findings:

1. New evidence material to a revised decision will be presented that was unavailable or unknown to the applicant at the previous hearing(s) and that could not have been discovered in the exercise of reasonable diligence by the applicant.
2. There has been a substantial and permanent change of circumstances since the previous hearing(s), which materially affects the applicant's real property.
3. A mistake was made at the previous hearing(s) that was a material factor in the denial of the previous application.

**C. Resubmittal after denial without prejudice.** There shall be no limitation on subsequent applications for a site where a project was denied without prejudice.**D. Director's determination, appeal**

1. The Director shall determine whether a new application is for a planning permit or amendment that is the same or substantially similar to a previously approved or denied permit or amendment, and shall either process or reject the application in compliance with this Section.
2. The Director's determination may be appealed to the Planning Commission, in compliance with Chapter 7.80 (Appeals).

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# **Chapter 7.040: Permit Modifications and Revocations [New]**

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**Sections:**

- 7.040.010 Purpose
- 7.040.020 Modifications
- 7.040.030 Revocations
- 7.040.040 Hearing and Notice Required
- 7.040.050 Findings to Modify or Revoke

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**7.040.010 Purpose**

This Chapter provides procedures for securing punitive modification or revocation of previously approved permits or approvals.

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**7.040.020 Modifications**

The City’s action to modify a permit or approval, instead of revocation, may include conditioning any aspect of the project, including buffers, duration of the permit or entitlement, hours of operation, landscaping and maintenance, lighting, parking, performance guarantees, property maintenance, signs, surfacing, traffic circulation, or any other aspect/condition determined to be reasonable and necessary to ensure that the permit or approval is operated in a manner consistent with the original findings for approval.

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**7.040.030 Revocations**

- A. Upon violation of any applicable provisions of this Development Code, or, upon failure to comply with a condition of approval, a permit shall be suspended automatically.
- B. The City’s action to revoke a permit or approval, instead of modification, shall have the effect of terminating the permit or approval and denying the privileges granted by the original approval.

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**7.040.040 Hearing and Notice Required**

- A. **Holding a public hearing.** Within 30 days of the suspension the appropriate Review Authority shall hold a public hearing to modify or revoke a permit or approval.
  - 1. **Home Occupation Permit Exception.** A hearing is not required if the violation that caused the Home Occupation Permit suspension is rectified within 14 days of the issuance of the notice. If no action is taken within 14 days a public hearing shall be scheduled before the Planning Commission for consideration of revocation of the permit. [17.56.010.G]
  - 2. **Noticing.** The hearing shall be noticed and conducted in compliance with Chapter 7.70 (Public Hearings).

**B. Notice**

1. Ten days before the public hearing, notice shall be mailed or delivered to the applicant for the permit or approval being considered for modification or revocation, and/or owner of the property for which the permit or approval was granted.
2. The only exception to the 10-day notice provision shall be for Temporary Use Permits which, because of their short term nature, shall only require a 24-hour notice.
3. Notice shall be deemed delivered two days after being mailed, certified and first class, through the United States Postal Service, postage paid, to the owner as shown on the County's current equalized assessment roll and to the project applicant, if not the owner of the subject property.

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**7.040.050 Findings to Modify or Revoke**

- A. Permits.** A City planning permit or approval (except a Variance, see Subsection B., below) may be modified or revoked by the Review Authority that originally approved the permit, if the Review Authority can make any one of the following findings:
1. Circumstances under which the permit or approval was granted have been changed by the applicant to an extent that one or more of the findings that justified the original approval can no longer be made, and the public health, safety, and welfare require the modification or revocation;
  2. The permit or other approval was granted, in whole or in part, on the basis of a fraud, misrepresentation, or omission of a material statement in the application, or in the applicant's testimony presented during the public hearing, for the permit or approval;
  3. One or more of the conditions of the original permit or approval have not been substantially fulfilled or have been violated;
  4. The approved use or structure, except those approved under a Use Permit, has not been implemented within one year of the date of approval;
  5. The approved use or structure has ceased to exist or has been suspended for a period in excess of 12 months;
  6. An improvement authorized in compliance with the permit or approval is in violation of any applicable code, law, ordinance, regulation, or statute; or
  7. The improvement/use allowed by the permit or approval has become detrimental to the public health, safety, or welfare or the manner of operation constitutes or is creating a nuisance.
- B. Variances.** A Variance may be modified or revoked by the Review Authority which originally approved the Variance, if the Review Authority first makes any one of the following findings, in addition to any one of the findings specified in Subsection A:
1. Circumstances under which the original approval was granted have been changed by the applicant to a degree that one or more of the findings contained in the original approval can no longer be made in a positive manner, and the grantee has not substantially exercised the rights granted by the Variance; or

2. One or more of the conditions of the Variance have not been met, or have been violated, and the grantee has not substantially exercised the rights granted by the Variance.

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# Chapter 7.050: Specific Plans [New]

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## Sections:

7.050.010	Purpose
7.050.020	Review Authority
7.050.030	Initiation of Specific Plans
7.050.040	Application Filing, Processing and Review
7.050.050	Public Hearing
7.050.060	Adoption of Specific Plan
7.050.070	Amendment of Specific Plan

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### **7.050.010 Purpose**

The purpose of this Chapter is to provide a process for preparing, processing, reviewing, adopting, and amending Specific Plans in compliance with Government Code Section 65450 et seq. or as that section may be amended or replaced from time to time.

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### **7.050.020 Review Authority**

An application for a Specific Plan shall be considered by the Planning Commission and City Council.

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### **7.050.030 Initiation of Specific Plans**

A Specific Plan may be set in motion in the following manner:

- A. **Initiated.** May be initiated by the City Council;
- B. **Proposed.** May be proposed by the Director; or
- C. **Filed.** An application may be filed by the owner(s) of one or more parcels that would be the subject of the Specific Plan. If filed by a property owner(s), the following shall first occur.
  - 1. A pre-application conference with the Director before the filing of a Specific Plan application, in compliance with Section 7.010.050 (Initial Review of Application).
  - 2. Neither the pre-application review nor the provision of information and/or pertinent policies shall be construed as either a recommendation for approval or denial of the Specific Plan by the Director and/or any City staff. Failure to identify all required studies or all applicable requirements shall not constitute a waiver of those requirements.

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**7.050.040 Application Filing, Processing and Review**

- A. **Filing.** If filed by a property owner(s), the Specific Plan application shall comply with all of the following.
1. An application for a Specific Plan shall be filed and processed in compliance with Chapter 7.010 (Application Processing Procedures).
  2. The draft Specific Plan shall include the detailed information in the form of text and diagram(s), organized in compliance with Government Code Section 65451.
- B. **Processing.** If filed by a property owner(s), the draft Specific Plan shall be processed in the same manner as required for General Plans by State law, and as follows.
1. **Director's evaluation**
    - a. If the draft plan is not in compliance, it shall be returned to the applicant with written specification(s) as to why it does not comply, and with suggested revisions to ensure compliance.
    - b. When a draft plan is returned by the applicant to the Department and the Director determines it is complete and in compliance with this Chapter, the plan shall be deemed to be complete and accepted for processing, in compliance with Section 7.010.050 (Initial Review of Application).
  2. **Environmental review required.** The draft Specific Plan shall be subject to environmental review as identified in Section 7.010.060 (Environmental Assessment).
  3. **Staff report.** A written staff report shall be prepared for the draft Specific Plan that shall include a detailed recommendation for approval or denial.

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**7.050.050 Public Hearing**

Public hearings shall be required for the Planning Commission's recommendation and the City Council's action on a Specific Plan or an amendment in compliance with Chapter 7.070 (Public Hearings).

- A. At least one public meeting shall be held before the City Council to inform the City Council and members of the public about the Specific Plan and to identify potential community concerns and anticipated impacts relating to the proposed Specific Plan.
- B. Public notice of the meeting shall be given in compliance with Chapter 7.070 (Public Hearings).

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**7.050.060 Adoption of Specific Plan**

- A. **Mandatory finding for adoption.** A Specific Plan may only be adopted if consistent with the General Plan in compliance with Government Code Section 65454.
- B. **Method of adoption.** The Specific Plan shall be adopted by ordinance or by resolution of the City Council, in compliance with Government Code Section 65453.

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**7.050.070    Amendment of Specific Plan**

- A. **Process for amendment.** A Specific Plan may be amended through the same procedure specified by this Chapter for the adoption of a Specific Plan.
- B. **Mandatory finding for amendment.** A Specific Plan may only be amended if first found consistent with the General Plan in compliance with Government Code Section 65454.
- C. **Frequency of amendments.** The Specific Plan may be amended as often as deemed necessary by the City Council, in compliance with Government Code Section 65453.

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## Chapter 7.060: Development Agreements [New]

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### Sections:

7.060.010	Purpose
7.060.020	Applicability
7.060.030	Contents of Development Agreements
7.060.040	Application Requirements
7.060.050	Consideration and Decision
7.060.060	Amendment and Cancellation
7.060.070	Effect of Development Agreement
7.060.080	Agreements for Newly Annexed Areas

---

### 7.060.010 Purpose

- A. **Provide procedures.** The purpose of this Chapter is to provide procedures for the processing of Development Agreements in compliance with the Government Code Sections 65864 through 65869.5.
- B. **Compliance required.** All Development Agreements shall be processed in compliance with this Chapter.

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### 7.060.020 Applicability

- A. **Filing by owner**
  - 1. An application for a Development Agreement may only be filed by a person having a legal or equitable interest in the subject real property.
  - 2. The Director shall require an applicant to submit a title report or other evidence satisfactory to the Director to verify the applicant's interest in the real property.
  - 3. If the real property is located in unincorporated territory within the City's sphere of influence, the Development Agreement shall not become operative unless annexation proceedings annexing the property to the City are completed within the period of time specified by the Development Agreement.
  - 4. If the annexation is not completed within the time specified, the Development Agreement is void.
- B. **Application fees.** The applicant shall pay fees for the filing and processing of a Development Agreement application as established by the Planning Fee Schedule. [Section 65865.]

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**7.060.030 Contents of Development Agreements****A. Required provisions**

1. A Development Agreement shall include, but are not limited to all of the following, as applicable:
  - a. The duration of the Development Agreement;
  - b. The allowed uses of the property;
  - c. The density or intensity of the use;
  - d. The maximum height and size of the proposed structures;
  - e. Provisions for the dedication of land for public purposes;
  - f. The public benefit offered by the applicant as consideration for entering into the Development Agreement; and
  - g. The provisions specified in Subsection 7.060.070.B (Limitations), below.
2. Provisions in Subparagraphs 1.b., c., and d., above, may be satisfied by incorporating the terms of a Planned Unit Development governing the same property.

**B. Optional provisions.** A Development Agreement may include the following:

1. Conditions, terms, restrictions, and requirements for subsequent discretionary actions; provided, that the conditions, terms, restrictions, and requirements shall not prevent development of the land for the uses and to the density or intensity of development specified in the Development Agreement;
2. Provisions providing that construction shall begin within a specified time and that the project or any phase be completed within a specified time; and
3. Terms and conditions relating to applicant financing of necessary public facilities and subsequent reimbursement over time.

**C. Provisions not allowed.** A Development Agreement shall not include the following:

1. Requirements for the City to provide public facilities, improvements, or services;
2. Requirements for the City to exercise its legislative or quasi-judicial powers in a particular way; or
3. Waivers or modifications of any City fees or requirements [Section 65865.2].

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**7.060.040 Application Requirements****A. Completeness**

1. The Director shall determine whether the application is complete.
2. The Director shall schedule the proposed Development Agreement for the required hearing for initial review in compliance with this Section.

**B. Initial review not required.** Initial review under this Section is not required for an amendment to an existing Development Agreement.

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**7.060.050 Consideration and Decision****A. Director's responsibilities**

1. The Director shall coordinate the negotiations with the developer, other City staff and other agencies regarding terms of the Development Agreement.
2. The Director shall determine what environmental review is appropriate under the California Environmental Quality Act (CEQA) following procedures set forth in 7.010.060.
3. Once negotiations are completed, the Director shall schedule the proposed Development Agreement for the required hearings in compliance with this Section.

**B. Planning Commission and City Council hearing and determination**

1. The Planning Commission and City Council shall hold a public hearing to consider whether the Development Agreement should be approved.
2. Notice of the hearing shall be given as provided in Government Code Sections 65090 and 65091 and Chapter 7.070 (Public Hearings).
3. The Planning Commission may recommend approval, approval subject to conditions, or denial of the application based on the findings specified in Subsection C., below.
4. Approval by the City Council, authorizing the City Manager to sign the Development Agreement, shall be by ordinance (which takes effect 30 days after publication), based on the findings specified in Subsection C, below.

**C. Findings.** The Planning Commission may recommend approval and the City Council may approve the Development Agreement only after first making all of the following findings:

1. The Development Agreement provides benefit to the City;
2. The Development Agreement is consistent with the purpose, intent, goals, policies, programs, and land use designations of the General Plan, any applicable Specific Plan, and this Development Code; and
3. The Development Agreement complies with the requirements of Government Code Sections 65864 through 65869.5.

**D. Recordation.** Within 10 days after the City and the applicant enter into a Development Agreement, the City Clerk shall record a copy, at the applicant's expense, of the Development Agreement with the County Recorder.

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**7.060.060 Amendment and Cancellation**

- A. Same procedures.** A Development Agreement may be amended or cancelled using the same procedure for entering into the agreement in compliance with Section 7.060.050 (Consideration and Decision), above.
- B. No initial review required.** Initial review in compliance with Section 7.060.040 (Application Requirements) is not required [Section 65868].

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**7.060.070 Effect of Development Agreement**

- A. **Vested development rights.** The development of the property shall be governed by those rules, regulations, and official policies in effect at the time of execution of the Development Agreement, regarding allowed uses of the land, density, design, improvement and construction standards and specifications, except:
1. As otherwise provided by the Development Agreement; or
  2. As provided in Subsection B (Limitations), below.
- B. **Limitations.** Notwithstanding the vested rights specified in Subsection A (Vested development rights), above, the property owner shall:
1. Pay the processing and development impact fees in effect at the time those fees are paid;
  2. Comply with Building Code requirements in effect on a Citywide basis at the time of construction;
  3. Comply with construction and technical design standards or specifications for public improvements which are applicable Citywide;
  4. Comply with changes in City laws, regulations, plans, or policies applicable Citywide, the terms of which are found by the City Council, based on substantial evidence, to be necessary to protect members of the public from a condition dangerous to their health or safety;
  5. Comply with a change in a City law, regulation, plan, or policy which is:
    - a. Specifically mandated by State or Federal law, or by any regional governmental agency that has legal authority over the City under State law or a joint powers agreement;
    - b. A result of or in response to State or Federal law, or regional agency action, made necessary in order for the City to avoid losing or not receiving substantial funding or other substantial public benefits or facilities that would be available to the City only if it makes a change; or
    - c. Specifically mandated by, or necessary for compliance with or implementation of, the terms of any permit, entitlement, or other authorization necessary for the development of the property issued or granted to the City, County and/or property owners by any Federal, State or regional agency.
  6. Following any subsequent environmental review, comply with required mitigation measures.
- C. **City's rights.** A Development Agreement does not prevent the City in subsequent actions applicable to the property from:
1. Applying new rules, regulations, and policies which do not conflict with those specified in the Development Agreement; or
  2. Denying or conditionally approving any subsequent development project application on the basis of the existing or new rules, regulations, and policies [Section 65866.].

**7.060.080     Agreements for Newly Annexed Areas**

If newly annexed area comprises territory that was formerly unincorporated, any Development Agreement entered into by the County before the effective date of annexation shall be governed by Government Code Section 65865.3.

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# Chapter 7.070: Public Hearings [New]

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## Sections:

7.070.010	Purpose
7.070.020	Notice of Hearing
7.070.030	Scheduling of Hearing
7.070.040	Hearing Procedures
7.070.050	Recommendation by Planning Commission
7.070.060	Decision and Notice
7.070.070	Effective Date of Decision

---

### 7.070.010 Purpose

- A. This Chapter provides procedures for public hearings required by this Development Code.
- B. When a public hearing is required, advance notice of the hearing shall be given, and the hearing shall be conducted, in compliance with this Chapter.

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### 7.070.020 Notice of Hearing

When this Development Code requires a noticed public hearing before a decision on a permit, or for another matter, the public shall be provided notice of the hearing in compliance with Government Code Sections 65090, 65091, 65094, and Public Resources Code 21000 et seq., and as required by this Chapter.

- A. **Content of notice.** Notice of a public hearing shall include all of the following information, as applicable.
  - 1. **Hearing information.** The date, time, and place of the hearing and the name of the Review Authority; a brief description of the City's general procedure concerning the conduct of hearings and decisions (e.g., the public's right to appear and be heard); and the phone number, street address, and website of the Planning Department, where an interested person could call or visit to obtain additional information.
  - 2. **Project information.** The date of filing of the application and the name of the applicant; the City's file number assigned to the application; a general explanation of the matter to be considered; and a general description, in text and/or by diagram, of the location of the property that is the subject of the hearing.
  - 3. **Statement on environmental document.** If a proposed Negative Declaration, Mitigated Negative Declaration, or final Environmental Impact Report has been prepared for the project in compliance with the California Environmental Quality Act (CEQA), the hearing notice shall include a statement that the Review Authority will also consider approval of the proposed CEQA determination.
- B. **Method of notice distribution.** Notice of a public hearing required by this Chapter for a planning permit, amendment, appeal, or other approval shall be given as follows, as required by Government Code Sections 65090 and 65091.

1. **Mailing.** Notices shall be first class mailed with postage prepaid or delivered at least 10 days before the scheduled hearing to the following:
  - a. **Project site owner(s) and the applicant.** The owner(s) of the property being considered in the application or the owners' authorized agent, and the applicant.
  - b. **Local agencies.** Each local agency expected to provide roads, schools, sewage, streets, water, or other essential facilities or services to the property that is the subject of the application, whose ability to provide those facilities and services may be significantly affected.
  - c. **Affected owners**
    - (1) All owners of real property, as shown on the latest adopted tax roll of the County, located within a radius of a minimum of 300 feet of the exterior boundaries of the parcel that is the subject of the hearing.
    - (2) The Director shall have the authority to extend the radius specified in Subparagraph (1), at the Director's sole discretion.
  - d. **Persons requesting notice.** Any person who has filed a written request for notice with the Director, and has paid the required fee for the notice.
  - e. **Other person(s).** Any other person(s), whose property might, in the judgment of the Director, be affected by the proposed project.
2. **Alternative to mailing.** If the number of property owners to whom notice would be mailed in compliance with Subparagraph B.1, above is more than 1,000, the Director may choose to provide the alternative notice allowed by Government Code Section 65091(a)(3).
3. **Publication and posting.** Either one of the following, publication or posting, shall be required for all applications requiring public notice:
  - a. **Publication required.** Notice shall be published at least once in a newspaper of general circulation in the City at least 10 days before the scheduled hearing; or
  - b. **Posting required.** Notice shall be posted at least 10 days before the scheduled hearing in at least three public places within the City, including one on the development site.
    - (1) **When required by the Director.** When required by the Director, the development site shall be posted in compliance with the following courtesy notice provisions:
      - (a) Once an application has been scheduled for hearing, the applicant will receive a letter from the Planning Department specifying that courtesy notice shall be posted. Included in this letter will be the Planning Department's courtesy notice original to use as an example.
      - (b) On sites less than one acre, a four-square-foot sign not to exceed six feet in height is required.
      - (c) On sites one acre or larger, a 32-square-foot sign not to exceed eight feet in height is required.
      - (d) The applicant will be required to post the courtesy notice on the development site a minimum of 10 days before the scheduled hearing.

- (e) Upon posting of the courtesy notice, the applicant will be required to complete the “Certificate of Posting” and return it to the Planning Department at least three days before the scheduled hearing.
  - (f) The courtesy notice shall remain posted until all hearings have taken place. This may include Planning Commission and/or City Council hearings.
  - (g) If the development is approved, the sign shall be amended to include anticipated construction dates.
  - (h) Following final City action on the project, the applicant is responsible for removing all courtesy notices from the project site within 10 days.
- (2) **Placement of courtesy notice.** Courtesy notices shall be placed on the development site within 25 feet from the primary street frontage of the development site and properly maintained.
  - (3) **Installation of courtesy notice.** The courtesy notice shall be staked at between a height of four feet and seven feet above grade and shall not be attached to fences, telephone poles, or trees.
- 4. **Additional notice.** In addition to the types of notice required above, the Director may provide any additional notice with content or using a distribution method (e.g., posting on the City’s website) as the Director determines is necessary or desirable.
  - 5. **Failure of receipt of notice.** Failure of property owners to receive notice of a hearing shall in no way affect the validity of action taken, as required by Government Code Section 65093.

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#### 7.070.030 Scheduling of Hearing

After the completion of any environmental document required by the California Environmental Quality Act (CEQA) and a Planning Department staff report, a matter requiring a public hearing shall be scheduled on an agenda (Director, Planning Commission, or City Council, as applicable) reserved for public hearings, but no sooner than any minimum time period established by State law.

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#### 7.070.040 Hearing Procedures

- A. **Time and place of hearing.** A hearing shall be held at the date, time, and place for which notice was given.
- B. **Continued hearing.** Any hearing may be continued from time to time without further notice; provided, the chair of the hearing body announces the date, time, and place to which the hearing will be continued before the adjournment or recess of the hearing.
- C. **Deferral of final decision.** The Review Authority may announce a tentative decision, and defer their action on a final decision until appropriate findings and/or conditions have been prepared.

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**7.070.050 Recommendation by Planning Commission**

After a public hearing on a proposed Development Agreement or amendment, a Specific Plan or amendment, or an amendment to this Development Code, the General Plan, or the Zoning Map, the recommendation and findings of the Planning Commission shall be forwarded to the City Council.

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**7.070.060 Decision and Notice****A. Decision**

1. The Review Authority may announce and record their decision on the matter being considered at the conclusion of a scheduled hearing, or defer action and continue the matter to a later meeting agenda in compliance with Section 7.070.040 (Hearing Procedures).
2. Prior to making a decision, the Director may instead refer the matter to the Planning Commission for review and final decision.
3. The decision of the City Council on any matter shall be final and conclusive.

**B. Notice of decision**

1. **Provision of notice.** Following the final decision on an application for a permit or other approval required by this Development Code, the City shall provide notice of its final action to the applicant and to any person who specifically requested notice of the City's final action.
2. **Contents of notice.** The notice of the final decision shall contain applicable findings, conditions of approval, reporting/monitoring requirements deemed necessary to mitigate any impacts and protect the public convenience, health, interest, safety, or general welfare of the City, and the procedure for appeal.

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**7.070.070 Effective Date of Decision**

- A. **Director's or Planning Commission's decision.** The decision of the Director or Planning Commission is final and effective after 5:00 p.m. on the 15th day following the actual date the decision is rendered, when no appeal to the decision has been filed in compliance with Chapter 7.080 (Appeals).
- B. **City Council's decision**
  1. **Adoption of ordinance.** City Council's action to adopt or amend a Development Agreement, a Specific Plan (adopted by ordinance), this Development Code, or the Zone Map shall become effective on the 30th day following the date the ordinance is actually adopted by the City Council.
  2. **Adoption of resolution.** City Council's action to grant a permit or other approval or adopt or amend the General Plan or a Specific Plan (adopted by resolution) is final and shall become effective on the actual date the decision is rendered by the City Council.

# Chapter 7.080: Appeals [New]

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## Sections:

7.080.010	Purpose
7.080.020	Appeal Jurisdiction
7.080.030	Filing and Processing of Appeals
7.080.040	Judicial Review

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### 7.080.010 Purpose

This Chapter establishes procedures for the appeal of determinations and decisions rendered by the Planning Commission and Director.

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### 7.080.020 Appeal Jurisdiction

- A. **Director's decisions.** Any decision of the Director may be appealed to the Planning Commission.
- B. **Planning Commission's decisions.** Any decision of the Planning Commission may be appealed to the City Council.

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### 7.080.030 Filing and Processing of Appeals

- A. **Eligibility.** An appeal may be filed by any aggrieved person, except that in the case of a decision on a Use Permit, Variance, and/ or other decision that followed a public hearing, an appeal may only be filed by a person who, in person or through a representative, appeared at the public hearing in connection with the decision being appealed, or who otherwise informed the City in writing of the nature of their concerns before the hearing. A City Council member acting as an individual may appeal any action or decision by the Planning Commission or Director.
- B. **Timing and form of appeal.** An appeal shall be submitted in writing and shall specifically state the pertinent facts and the basis for the appeal.
  - 1. The pertinent facts and the basis for the appeal shall include, at a minimum, the specific grounds for the appeal, where there was an error or abuse of discretion by the previous Review Authority (e.g., Planning Commission, Director, or other City Official) in the consideration and action on the matter being appealed, and/or where the decision was not supported by the evidence on the record. Appeals filed by a City Official, a Planning Commissioner, or a City Council member shall be exempt from the requirements of this Subparagraph.
  - 2. The appeal shall be filed with the Planning Department or City Clerk, as applicable, within 15 days following the actual date the decision was rendered, with the exception of appeals to variance, amendment, and site plan decisions, which shall be filed within five days following the actual date the decision was rendered.

- a. Appeals addressed to the Planning Commission shall be filed with the Planning Department; and
  - b. Appeals addressed to the City Council shall be filed with the City Clerk.
  3. Once an appeal is filed, any action on the associated project is suspended until the appeal is processed and a final decision is rendered by the applicable Review Authority.
- C. **Scope of planning permit appeals.** An appeal of a decision on a planning permit shall be limited to issues raised at the public hearing, or in writing before the hearing, or information that was not known at the time of the decision that is being appealed.
- D. **Report and scheduling of hearing**
1. When an appeal has been filed, the Director shall prepare a report on the matter, including all of the application materials in question, and schedule the matter for a public hearing by the appropriate review authority, identified in Section 7.080.020 (Appeal Jurisdiction), above.
  2. Notice of the hearing shall be provided, and the hearing shall be conducted, in compliance with Chapter 7.070 (Public Hearings).
- E. **Decision**
1. In deciding an appeal the Review Authority considering the appeal shall not hear or consider any evidence of any kind other than the evidence received from the previous Review Authority, or any argument on the merits of the case other than that contained in the notice of appeal, unless it sets the matter for hearing before itself, as provided in this Chapter, and gives the same notice of hearing as is required in compliance with Chapter 7.070 (Public Hearings).
  2. If new or different evidence is presented on appeal, the Planning Commission or City Council may refer the matter to the Director or Planning Commission, as applicable, for further consideration.
  3. In the event of a tie vote by the Review Authority on an appeal, the decision being appealed shall stand.
  4. Provision of notice of decision.
    - a. Following the final decision on an application for a permit or other approval required by this Development Code, the City shall provide notice of its final decision to the appellant, applicant (if not the appellant), and to any person who specifically requested notice of the City's final action.
    - b. The notice of the final decision shall contain applicable findings, conditions of approval, and the reporting/monitoring requirements deemed necessary to mitigate any impacts and protect the public convenience, health, interest, safety, or general welfare of the City.
- F. **Effective date of appeal decisions**
1. **Planning Commission's decision.** A decision of the Planning Commission is final and effective after 5:00 p.m. on the 15th day following the actual date the decision is rendered, when no appeal to the decision has been filed in compliance with this Chapter.
  2. **Council's decision**

- a. **Adoption of ordinance.** City Council's action to adopt or amend a Development Agreement, a Specific Plan (adopted by ordinance), this Development Code, or the Zone Map shall become effective on the 30th day following the date the ordinance is actually adopted by the Council.
- b. **Adoption of resolution.** City Council's action to grant a permit or other approval or adopt or amend the General Plan or a Specific Plan (adopted by resolution) is final and shall become effective 30 days after publication.

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**7.080.040 Judicial Review**

No person shall seek judicial review of a City decision on a planning permit or other matter in compliance with this Development Code until all appeals to the Planning Commission and City Council have first been exhausted in compliance with this Chapter.

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# Chapter 7.090: Amendments

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## Sections:

7.090.010	Purpose <i>[17.88.010_revised]</i>
7.090.020	Initiation of Amendment <i>[17.88.020_revised to consider General Plan amendments]</i>
7.090.030	Notice and Hearings <i>[New]</i>
7.090.040	Planning Commission's Action on Amendment <i>[17.88.070]</i>
7.090.050	City Council's Action on Amendment <i>[17.88.080]</i>
7.090.060	Findings
7.090.070	Special zoning exceptions <i>[17.88.100]</i>
7.090.080	Effective Dates
7.090.090	Change of Zoning Map <i>[17.88.110]</i>
7.090.100	New Application <i>[17.88.120]</i>

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### **7.090.010 Purpose** *[17.88.010\_revised]*

This Chapter provides procedures for the amendment of the General Plan, this Development Code, and the Official Zoning Map.

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### **7.090.020 Initiation of Amendment** *[17.88.020\_revised to consider General Plan amendments]*

#### **A. General Plan or Zoning Map Amendment**

1. General Plan or Zoning Map amendment applications may be filed in compliance with Chapter 7.010 (Application Processing Procedures) by all of the property owners, authorized agent(s)/representative(s) of the property owner(s), or the plaintiff in an eminent domain action to acquire the subject property.

#### **B. Development Code.**

1. The Development Code may be amended by changing the boundaries of any zone, or by changing any zoning regulation, off-street parking or loading requirement, general provision, exception, procedure, or any other provision thereof whenever the public necessity, convenience, or general welfare requires such amendment. Amendments may be initiated by:
  - a. City Council request to the Planning Commission;
  - b. Resolution of intention of the Planning Commission;
  - c. Application of all land owners or their duly authorized representatives for amendments to the Development Code involving the zoning of their land;
  - d. Application of a plaintiff in an action in eminent domain for amendments to the Development Code involving the zoning of the land to be acquired by plaintiff in an action in eminent domain;
  - e. Application of any interested person for a text amendment;
  - f. City Council may adopt an interim ordinance as an urgency measure in compliance with Government Code Section 65858.

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**7.090.030 Notice and Hearings [New]**

The Planning Commission and City Council shall each conduct one or more public hearings regarding the amendment in compliance with Chapter 7.070 (Public Hearings).

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**7.090.040 Planning Commission's Action on Amendment [17.88.070]**

The Planning Commission shall forward a recommendation to the City Council to approve, approve in modified form, or deny the proposed amendment, based on the findings identified in Section 7.090.060 (Findings).

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**7.090.050 City Council's Action on Amendment [17.88.080]**

**A. Approve or Deny.** Upon receipt of the Planning Commission's recommendation the City Council shall conduct a public hearing and either approve, approve in modified form, or deny the proposed amendment based on the findings identified in Section 7.090.060 (Findings).

**B. Referral to Planning Commission**

1. If the City Council proposes to adopt a substantial modification(s) to the amendment not previously considered by the Planning Commission, the proposed modification shall be first referred to the Planning Commission for its recommendation, in compliance with Government Code Sections 65356 (General Plan amendments) and 65857 (Development Code or Zoning Map amendments).
2. Failure of the Planning Commission to report back to the City Council within the time limits specified in Government Code Sections 65356 and 65857 following the referral shall be deemed approval by the Planning Commission of the proposed modification(s).

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**7.090.060 Findings**

An amendment to the General Plan, this Development Code, or the Zoning Map may be approved only if all of the following findings are made, as applicable to the type of amendment:

**A. Findings for General Plan Amendments**

1. The amendment is internally consistent with all other provisions of the General Plan;
2. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City; and
3. The affected site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access, public services, and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the

proposed or anticipated uses and/or development will not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located.

**B. Findings for Development Code and Zoning Map Amendments**

1. The proposed amendment is consistent with the General Plan and any applicable Specific Plan; and
2. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

**C. Additional finding for Development Code Amendments.** The proposed amendment is internally consistent with other applicable provisions of this Development Code.

**D. Additional finding for Zoning Map Amendments.** The affected site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access, public services, and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the requested zone designation and the proposed or anticipated uses and/or development will not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located.

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**7.090.070 Special zoning exceptions [17.88.100]**

In lieu of granting or denying a Zoning Map Amendment application, the Planning Commission may recommend and the City Council may grant the applicant a special zoning exception by resolution that will permit the applicant to develop or use the property in accordance with the approved application and the provisions of this Section.

- A. Before a special zoning exception may be granted by the Planning Commission, the Planning Commission may require the applicant to submit additional information relative to the application in the manner required in the filing of an application for a Use Permit in compliance with Section 7.020.060 (Use Permit and Minor Use Permit). In any event, all of the provisions of this Chapter shall apply. In filing an application, the applicant may request that the application be considered as a request for a special zoning exception.
- B. The City Council may grant a special zoning exception subject to any of the conditions prescribed in this Article.
- C. Upon being granted a special zoning exception by the City Council, the applicant shall develop the property in accordance with approved plans and conditions in compliance with this Section.
- D. Upon the development and use of property in compliance with Subsection C, the zone or part thereof for which the special zoning exception was granted, shall be thereon rezoned, altered, amended and established in accordance with the original application, or as set forth in the order of the City Council made at the time said zoning exception was granted.

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**7.090.080 Effective Dates**

- A. **General Plan.** A General Plan amendment shall become effective immediately upon the adoption of a resolution by the City Council.
- B. **Development Code and Zoning Map.** A Development Code or Zoning Map amendment shall become effective on the 30th day following the date of publication.

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**7.090.090 Change of Zoning Map [17.88.110]**

A Zoning Map Amendment shall be indicated on the Zoning Map with a notation of the date and number of the ordinance amending the map.

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**7.090.100 New Application [17.88.120]**

Following the denial of an application for a General Plan, Development Code or Zoning Map Amendment, no application for the same or substantially the same amendment shall be filed within six months of the date of denial of the application.

# Chapter 7.100: Nonconforming Provisions [New]

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## Sections:

7.100.010	Purpose
7.100.020	Proof of Legal Nonconformity
7.100.030	Restrictions on Nonconforming Uses and Structures
7.100.040	Residential Exemptions
7.100.050	Loss of Nonconforming Status
7.100.060	Nonconforming Parcels
7.100.070	Effect of Use Permit and Minor Use Permit Requirements

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### 7.100.010 Purpose

- A. **Purpose.** This Chapter provides regulations for nonconforming land uses, structures, and parcels that were lawful before the adoption, or amendment of this Development Code, but which would be prohibited, regulated, or restricted differently under the current terms of this Development Code or an amendment that changed applicable requirements.
1. In order to limit the number and extent of nonconforming uses, structures, parcels, created by adoption of this Development Code, it is the City's intent to generally allow nonconformities to continue until they are removed, but not to encourage their long term survival.
  2. It is further the intent of this Chapter that nonconformities shall not be altered, enlarged, expanded, extended, moved, or reestablished after abandonment or discontinuance or restored after involuntary destruction, except in compliance with this Chapter.
  3. This Chapter shall not apply to any use or structure established in violation of the previously adopted Development Code for the City, unless the use or structure presently conforms to the provisions of this Development Code.

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### 7.100.020 Proof of Legal Nonconformity

The property owner has the burden to prove the claim of legal nonconformity and the related protected status that comes with that claim as specified in this Chapter.

- A. **Property owner's responsibility.** The property owner shall provide sufficient evidence to the satisfaction of the Director that the subject property is a legal nonconformity as specified in this Chapter.
- B. **City is not responsible.** The City is not responsible to prove the absence of legal nonconformity.
- C. **Appeal of determination.** The Director's determination of legal nonconformity shall be appealable in compliance with Chapter 7.080 (Appeals).

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**7.100.030 Restrictions on Nonconforming Uses and Structures**

A legal nonconforming land use and the use of a legal nonconforming structure, as those terms are defined in Article 9 (Definitions), may be continued, including transfers of ownership; provided, that their continuation shall comply with the requirements of this Section. See Section 7.100.040 (Residential Exemptions), below for exceptions regarding certain residential uses and structures.

- A. **Nonconforming uses.** The continuance of a legal nonconforming use shall be allowed subject to the following provisions:
1. **Change of ownership.** Change of management, ownership, or tenancy of a nonconforming use shall not affect its nonconforming status; provided, that the use and intensity of use, as determined by the Director, does not change.
  2. **Additional development.** Additional development of any property on which a nonconforming use exists shall require that all new uses be in compliance with the applicable provisions of this Development Code.
  3. **Conversion of a nonconforming use.** If a nonconforming use is converted to a conforming use, no nonconforming use may be resumed.
  4. **Changes to a nonconforming use.** A nonconforming use shall not be established or replaced by another nonconforming use, nor shall any nonconforming use be expanded or changed, except as provided in this Chapter.
  5. **Single-tenant structures.** A nonconforming use operating within a single-tenant structure may only be replaced by a conforming use or another nonconforming use that is the same as or similar to the previous nonconforming use, provided not more than 180 days have passed since the cessation of the previous nonconforming use, and further provided the replacement nonconforming use does not create new impacts or an increase in intensity of the land use.
  6. **Multi-tenant structures.** A nonconforming use operating within a multi-tenant structure may be replaced by a conforming use, a nonconforming use that is the same as or similar to the previous nonconforming use within the tenant space, provided not more than 180 days has passed since the cessation of the previous nonconforming use, or by a nonconforming use that is the same as or similar to an existing nonconforming use within the structure, and further provided the replacement nonconforming use does not create new impacts or an increase in intensity of the land use.
- B. **Nonconforming structures**
1. **Alteration.** Nonconforming structures shall not be altered so as to increase the difference between the existing conditions and the development standards specified in the regulations for the zone in which the structure is located.
  2. **Moving or enlargement.** Nonconforming structures shall not be moved or enlarged unless the new location or enlargement shall conform to the current development standards for the zone in which the structure is located.
  3. **Ordinary maintenance and repairs.** Nonconforming structures may undergo ordinary maintenance and repairs.

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**7.100.040 Residential Exemptions**

An involuntarily damaged or destroyed nonconforming single- or multi-family dwelling unit may be reconstructed or replaced with a new structure with the same footprint (including pre-existing nonconforming setbacks), height, and number of dwelling units, in compliance with current Building and Fire Code requirements.

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**7.100.050 Loss of Nonconforming Status****A. Termination by discontinuance**

1. **Nonconforming use.** If a nonconforming use is discontinued for a continuous period of 180 or more consecutive calendar days, the use shall lose its legal nonconforming status, and the continued use of the property shall be required to be in compliance with the applicable provisions of this Development Code.
2. **Affordable rental housing units.** None of the restrictions specified in this Subsection shall apply if doing so would decrease the number of low-income rental housing units available in the City.

**B. Termination by destruction.** Nonconforming status shall terminate if a nonconforming structure, or a conforming structure occupied by a nonconforming use, is involuntarily damaged or destroyed as a result of an accident or by earthquake, fire, flood, or other act of nature; except as provided by Section 7.100.040 (Residential Exemptions), and except as follows.

1. **50 percent or less.** If the cost of repairing or replacing the damaged portion of the structure is 50 percent or less of the appraised value of the structure immediately before the damage, the structure may be restored to no more than the same size and use, and the use continued, if the restoration is started within one year of the date of damage and be completed within two years following initiation of restoration.
2. **Exceeds 50 percent**
  - a. If the cost of repairing or replacing the damaged portion of the structure exceeds 50 percent of the appraised value of the structure immediately before the damage, or the structure is voluntarily razed or is required by law to be razed, the structure shall not be restored except in full compliance with the applicable regulations for the zone in which it is located and the nonconforming use shall not be resumed.
  - b. This limitation shall not apply if doing so would decrease the number of affordable rental housing units available in the City.
3. **Appraised and estimated values**
  - a. All appraised values referred to in this Section shall be determined by a State licensed appraiser and confirmed by the Building Official.
  - b. Estimates of repairing or replacing the damaged portion of the structure for purposes of this Section shall be made by or shall be reviewed and approved by the Building Official and shall be based on the minimum cost of construction in compliance with the Building Code.

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**7.100.060 Nonconforming Parcels**

- A. **Legal building site.** A nonconforming parcel that does not comply with the applicable area, depth, or width, requirements of this Development Code shall be considered a legal building site if it meets at least one of the following criteria, as documented to the satisfaction of the Director by evidence furnished by the applicant.
1. **Approved subdivision.** The parcel was created by a recorded subdivision as a legal building site;
  2. **Individual parcel legally created by deed.** The parcel is under one ownership and was legally created by a recorded deed as a legal building site before the effective date of the amendment that made the parcel nonconforming; or
  3. **Partial government acquisition.** The parcel was created in compliance with the provisions of this Development Code, but was made nonconforming when a portion was acquired by a governmental entity so that the parcel size is decreased not more than 20 percent and the yard facing a public right-of-way was decreased not more than 50 percent.
- B. **Subdivision of a nonconforming parcel.** No subdivision or lot line adjustment shall be approved that would result in the nonconformity of an existing parcel or any nonconforming use on the parcel.

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**7.100.070 Effect of Use Permit and Minor Use Permit Requirements**

- A. **Absence of Use Permit or Minor Use Permit.** A use lawfully existing without the approval of a Use Permit or Minor Use Permit that would be required by the Development Code shall be deemed conforming only to the extent of its previous lawful use (e.g., maintaining the same site area boundaries, hours of operation, etc.). Any change in use would require the approval of a Use Permit.
- B. **Previous Use Permit in effect.** A use that was authorized by a Use Permit but is not allowed by this Development Code in its current location may continue, but only in compliance with the original Use Permit conditions of approval.

# Chapter 7.110: Enforcement

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## Sections:

7.110.010	Purpose <i>[New]</i>
7.110.020	Permits, Certificates and Licenses <i>[17.92.010]</i>
7.110.030	Authority <i>[17.92.020]</i>
7.110.040	Abatement <i>[17.92.021]</i>
7.110.050	Violations and Remedies <i>[17.92.030]</i>
7.110.060	Property Maintenance <i>[17.92.040]</i>
7.110.070	Administrative Citation <i>[17.92.041]</i>
7.110.080	Service of Administrative Citation <i>[17.92.042]</i>
7.110.090	Proof of Service of Administrative Citation <i>[17.92.043]</i>
7.110.100	Abatement Work - Extension of Time <i>[17.92.044]</i>
7.110.110	Fines Assessed <i>[17.92.045]</i>
7.110.120	Appeal of Administration Citation <i>[17.92.046]</i>
7.110.130	Performance of Abatement - City Authority <i>[17.92.047]</i>
7.110.140	Entering Property for Abatement Work <i>[17.92.048]</i>
7.110.150	Dangerous Nuisance -- Immediate Abatement -- Notice and Cost <i>[17.92.049]</i>
7.110.160	Cost of Abatement - Record Keeping <i>[17.92.051]</i>
7.110.170	Appeal of Cost of Abatement <i>[17.92.052]</i>
7.110.180	Notice of Lien <i>[17.92.053]</i>
7.110.190	Confirmed Assessment -- Collection <i>[17.92.054]</i>
7.110.200	Remedies of Private Parties <i>[17.92.055]</i>
7.110.210	Alternatives <i>[17.92.056]</i>
7.110.220	Violation

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### **7.110.010 Purpose *[New]***

This Chapter establishes provisions that are intended to ensure compliance with the requirements of this Development Code and any conditions of planning permit approval, to promote the City's planning efforts, and for the protection of the public health, safety, and welfare of the City.

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### **7.110.020 Permits, Certificates and Licenses *[17.92.010]***

- A. All officials, departments and employees of the City vested with the authority or duty to issue permits, certificates or licenses, shall comply with the provisions of this Development Code and shall issue no permit, certificate or license that conflicts with the provisions of this Development Code.
- B. Any permits, certificates or licenses issued in conflict with the provisions of this Development Code shall be void.
- C. Before issuing a business license for any new business or for a new location for any existing business activity, the City Clerk or other authorized licensing official shall obtain the approval of the Building Department with regard to compliance with the provisions of this Development Code.

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**7.110.030 Authority [17.92.020]**

- A. **Responsibility of Director.** The Director shall exercise the authority provided in California Penal Code Section 836.5, and issue Notices of Violation, stop work orders, and citations for any violations of this Development Code pertaining to the use of any land, and the addition, alteration, construction, conversion, erection, installation, moving, reconstruction, or use of any structure.
- B. **Responsibility of Police Chief and City Attorney.** The Police Chief and City Attorney shall render any and all necessary assistance to the Director for the enforcement of this Development Code.
- C. **Enforcement authority [17.92.057].** Enforcement of this Chapter by the City may be accomplished by the Director, or other authorized agents (collectively "Code Enforcement Officer") in any manner authorized by law. The procedures set forth in this chapter shall not be exclusive and shall not in any manner limit or restrict the city from enforcing other city ordinances or abating violations and/or public nuisances in any other manner provided by law.

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**7.110.040 Abatement [17.92.021]**

Whenever the Code Enforcement Officer has inspected and finds that conditions constituting a violation of this Development Code and/or a public nuisance exists, the City may use the procedures set forth in this Chapter for the abatement of such violation or nuisance.

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**7.110.050 Violations and Remedies [17.92.030]**

- A. **Violations of this Development Code.** Any person, firm, corporation or organization violating any provision of this Development Code shall be guilty of an infraction.
- B. **Cumulative.** A person, firm, corporation or organization shall be deemed guilty of a separate offense for each and every day a violation is committed, and continues to exist.
- C. **Public nuisance.** Any violations of this Development Code shall be and are hereby declared to be unlawful and a public nuisance. The City Attorney is authorized to institute legal proceedings in order to prosecute said infraction and/or for the abatement, removal and enjoinder of such public nuisance in the manner provided by law and shall take such other steps as may be necessary in order to enforce the provisions of Title 17 of the Kingsburg Municipal Code.
- D. **Citations.** A fine for violations of this Development Code may be assessed by means of an administrative citation issued by the Code Enforcement Officer and shall be payable to the City.
- E. **Penalty fine.** Fines assessed by means of an administrative citation shall be collected in accordance with the procedures specified in this Chapter.
- F. **Other remedies.** The City may seek any and all other civil or administrative remedies provided by law.
- G. **Cumulative, not exclusive.** All remedies provided for herein shall be cumulative and not exclusive.

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**7.110.060 Property Maintenance [17.92.040]**

- A. It is hereby declared to be a public nuisance for any person owning, leasing, occupying or having charge or possession of any property within the City to maintain such premises in such a manner that any of the following conditions are found to exist:
1. Premises not maintained so as to constitute a fire hazard by reason of weeds, grass, rank overgrowth or accumulation of debris, or which could harbor rats or other vermin, create unsightly appearance, or create conditions which are detrimental to neighboring properties.
  2. Broken windows or other structural defects which create hazardous conditions and invite trespassing and malicious mischief, including unsafe structural supports, boarded doorways and windows, dry rot, termites and similar hazards.
  3. Clothes lines within front setback areas.
  4. Failure to maintain any wall, fence or hedge as to constitute a hazard to persons or property or to create an unsightly appearance.

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**7.110.070 Administrative Citation [17.92.041]**

The Code Enforcement Officer shall issue an administrative citation, and serve the same in accordance with the provision of Section 7.110.080 on the landowner and the person, if other than the landowner, occupying or otherwise in apparent charge or control of the property. The administrative citation shall contain the following:

- A. The street address or assessor's parcel number and location description sufficient for identification of the property on which the violation and/or public nuisance exists;
- B. A statement that the Code Enforcement Officer has determined that a violation and/or a public nuisance exists on the property, with a brief description of the conditions that render the property in violation and/or as a public nuisance and identification of the section(s) of the Kingsburg Municipal Code or other law or regulation violated;
- C. A statement to require the violator(s) to obtain all appropriate permits and correct the violation or abate the public nuisance within the time period identified in the administrative citation which time period shall not exceed 10 days from the date of service of the administrative citation, unless the Code Enforcement Officer identifies a longer period of time on the administrative citation;
- D. A statement advising that the disposal of material removed from the property in order to comply with the administrative citation shall be disposed of in the manner required by law;
- E. A statement advising that if the required work is not commenced within the time specified, the Code Enforcement Officer may proceed to cause the work to be done, and bill the persons named in the administrative citation for all abatement costs and administrative expenses of the City and/or levy the costs against the property by recordation of a notice of lien in accordance with Section 7.110.180 (Notice of Lien);
- F. Amount of fine imposed for the violation(s);
- G. Explanation of how the fine shall be paid and the consequences of failure to pay the fine;
- H. Signature of the Code Enforcement Officer and the signature of the violator if the violator can be located. If the violator refuses or does not sign the administrative citation, the lack

of such signature shall in no way affect the validity of the administrative citation and subsequent proceedings;

- I. A statement advising the person(s) identified in the administrative citation that they may appeal the issuance of the administrative citation in accordance with Section 7.110.120 (Appeal of Administrative Citation).

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**7.110.080 Service of Administrative Citation [17.92.042]**

The administrative citation, and any documents related thereto shall be served by one of the following methods:

- A. Personal service; or
- B. First class mail, postage prepaid, to each person identified in Section 7.110.070 at the address as it appears on the last equalized assessment roll of the County, or as otherwise known to the Code Enforcement Officer. The address of the property owner shown on the assessment roll shall be conclusively deemed to be the property address for the purpose of service of the administrative citation. Service by mail in the manner described above shall be effective on the date of mailing;
- C. The failure of the person with an interest in the property to receive any administrative citation served in accordance with this section shall not affect the validity of any proceedings taken under this Chapter. If the owner of record, after diligent search cannot be found, the administrative citation may be served by posting a copy thereof in a conspicuous place upon the property for a period of 10 days.

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**7.110.090 Proof of Service of Administrative Citation [17.92.043]**

Proof of service of the administrative citation shall be documented at the time of service by a declaration under penalty of perjury executed by the person effecting service, declaring the date and manner in which service was made. If the administrative citation is published, an affidavit of publication shall be obtained from the newspaper publishing the administrative citation.

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**7.110.100 Abatement Work - Extension of Time [17.92.044]**

Upon receipt of a written request from any person required to comply with the administrative citation, the Code Enforcement Officer may grant an extension of time within which to complete the work or abatement, if the Code Enforcement Officer determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property and if such person has begun and is diligently accomplishing the work or abatement. The Code Enforcement Officer shall have the authority to place reasonable conditions on any such extensions.

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**7.110.110 Fines Assessed [17.92.045]**

- A. The City Council by resolution shall establish the amount of the fine to be assessed for administrative citations issued by the Code Enforcement Officer.
- B. If the violator or property owner fails to correct the violation; subsequent administrative citations may be issued for the same violation(s).
- C. Payment of the fine shall not excuse the failure to correct the violation nor shall it bar further enforcement action by the City.
- D. All fines assessed shall be payable to the City.
- E. The failure of any person to pay a fine assessed by administrative citation within the time specified on the citation shall result in the assessment of additional fines.
- F. The failure of any person to pay a fine assessed by administrative citation within the time specified on the administrative citation constitutes a debt to the City. To enforce that debt, the Code Enforcement Officer may file a claim with the small claims court; impose an assessment lien in compliance with Section 7.110.180 (Notice of Lien); or pursue any other legal remedy to collect such money.

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**7.110.120 Appeal of Administration Citation [17.92.046]**

- A. Any person receiving an administrative citation may appeal the issuance of the administrative citation to the City Council. The notice of appeal must be submitted on an appeal form provided by the Building Department, must specify the basis for the appeal in detail and must be filed with the City Clerk within 10 days after the date on the administrative citation.
- B. If the notice of appeal is filed in accordance with the provisions of Subsection A, the enforcement of the violations identified in the administrative citation and the requirement to pay any fine shall be stayed until the date that the appeal hearing is held by the City Council. Except that, if the Code Enforcement Officer determines that the violations identified in the administrative citation constitute an immediate threat to the health or safety of the occupant of the property or the public in general, the Code Enforcement Officer shall proceed with enforcement of the violations.
- C. As soon as practicable after receiving the written notice of appeal, the building official or city clerk shall fix a date, time and place for the hearing. Written notice of the date, time and place for the hearing shall be served at least 10 days prior to the date of the hearing to the party appealing the administrative citation by any one of the following means:
  - 1. Personal service;
  - 2. First class mail and posting the notice of hearing conspicuously on or in front of the property on which the violation is located.
- D. The failure of any person with an interest in the property to receive such notice shall not affect the validity of any proceedings taken under this Chapter. Service by normal delivery mail in the manner described above shall become effective on the date of mailing.
- E. Failure of any person to file an appeal in accordance with the provisions of this Section shall constitute waiver of that person's rights to administrative determination of the merits of the administrative citation and the amount of the fine.

- F. The City Council shall conduct an orderly proceeding and accept oral and written evidence regarding the administration citation in the following manner:
  - 1. The Director or the Code Enforcement Officer shall present testimony and evidence relating to the violation and the appropriate means of correcting the violation.
  - 2. The owner, agent or person responsible for the violation may present testimony or evidence concerning the violation and the means and time frame for correction.
- G. The Director shall establish all appropriate rules for conducting hearings and rendering decisions pursuant to this Section.
- H. The City Council may sustain, notify or overrule the administrative citation.
- I. The decision of the City Council regarding any appeal is the final administrative order and decision.

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**7.110.130 Performance of Abatement - City Authority [17.92.047]**

If the violator and/or property owner fails to comply with the requirements of the administrative citation within the time periods set forth therein, the work to be performed and/or the abatement of the nuisance may, in the discretion of the Code Enforcement Officer, be performed by the City or by a contractor retained by the City.

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**7.110.140 Entering Property for Abatement Work [17.92.048]**

- A. The Code Enforcement Officer or any employee, contractor or authorized representative of the City may enter upon private property to abate the violation and/or nuisance in accordance with the provisions of this Chapter.
- B. No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of the City whenever such person is engaged in the work or abatement, or in performing any necessary act preliminary to or incidental to such work or abatement, as authorized or directed pursuant to this Chapter.

---

**7.110.150 Dangerous Nuisance -- Immediate Abatement -- Notice and Cost [17.92.049]**

When the Code Enforcement Officer determines that a violation or public nuisance is so imminently dangerous to life or adjacent property that such condition must be immediately corrected or isolated, the Code Enforcement Officer may institute the following procedures:

- A. **Notice.** The Code Enforcement Officer shall attempt to make contact through a personal interview, or by telephone, with the landowner or the person, if any, occupying or otherwise in apparent charge or control of the property. In the event contact is made, the Code Enforcement Officer shall notify such person or persons of the danger involved and require that such condition be immediately removed, repaired or isolated so as to preclude harm to any person or property.
- B. **Abatement.** In the event the Code Enforcement Officer is unable to make contact as herein above noted, or if the appropriate persons, after notification by the Code Enforcement Officer, do not take action as specified by the Code Enforcement Officer,

within 24 hours or such lesser time as circumstances may warrant in the discretion of the Code Enforcement Officer, then the Code Enforcement Officer may, with the approval of the building official take all steps deemed necessary to repair, remove or isolate such dangerous condition, or conditions with the use of City forces or a contractor retained by the City.

- C. **Costs.** The Code Enforcement Officer shall keep an itemized account of the work and abatement costs and administrative expenses incurred by the City in repairing, removing, or isolating such condition or conditions. Administrative expenses may be recovered in the same manner that work and abatement costs are recovered.

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**7.110.160 Cost of Abatement - Record Keeping [17.92.051]**

- A. The Code Enforcement Officer shall keep an itemized account of the expenses and costs incurred by the City in the work and abatement of any violation or public nuisance.
- B. Upon completion of the work and abatement, the Code Enforcement Officer shall prepare a report specifying the work and abatement performed, the itemized costs of the work on the property, including direct and indirect costs, a description of the property, and the names and addresses of the persons entitled to service in compliance with Section 7.110.080 (Service of Administrative Citation). Any such report may include expenses and costs on any number of properties, whether or not contiguous to each other.
- C. Each person named in the administrative citation shall be jointly and severally liable for such work and abatement costs and administrative expenses, and the amount of such costs and expenses shall be a debt owed to the City.
- D. The report prepared by the Code Enforcement Officer shall be served upon the persons identified therein in compliance with Section 7.110.080 (Service of Administrative Citation), together with a demand that the amount identified therein be paid within 30 days of receipt of the report.

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**7.110.170 Appeal of Cost of Abatement [17.92.052]**

The written demand for payment identified in Section 7.110.160 (Cost of Abatement - Record Keeping) shall advise the person or persons identified in the written demand that they may appeal the demand for payment and the calculation of the amounts identified in the Code Enforcement Officer's report, within 10 days from the date of service of the written demand. The appeal shall be conducted in compliance with Section 7.110.120 (Appeal of Administrative Citation).

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**7.110.180 Notice of Lien [17.92.053]**

- A. **Notice of Lien.** If a violator fails to pay a fine within the time period identified on the administrative citation or should the violator fail to pay the costs of abatement within the time period identified in Section 7.110.160 (Cost of Abatement - Record Keeping) or within 10 days after the date of the decision of the hearing officer should the hearing officer affirm the collection of a fine or the costs of abatement, the Code Enforcement

Officer shall execute and file in the office of the County Recorder a notice of lien of substantially the following form:

NOTICE OF LIEN

Pursuant to the authority vested in the Code Enforcement Officer of the City of Kingsburg Municipal Code, said Code Enforcement Officer, by the provisions of the City of Kingsburg Municipal Code, and on or about, said Code Enforcement Officer did assess a fine and/or, on or administrative expenses and abatement costs upon that certain real property commonly known as, Kingsburg, California, and more particularly described in Exhibit "A", which is attached hereto and made a part hereof ("Real Property"), and neither the same has been paid. The City of Kingsburg hereby claims a lien on the Real Property for said fine and/or administrative expenses and abatement costs in the amount of \$. This amount shall be a lien upon the Real Property until the sum has been paid in full and discharged of record.

Dated: This day of \_\_\_\_\_, 2011.

CODE ENFORCEMENT OFFICER OF THE CITY OF KINGSBURG

(ACKNOWLEDGMENT)

- B. **Recordation.** Immediately upon the recording of the notice of lien, the assessment shall constitute a lien on the real property assessed. Such lien shall, for all purposes, be upon a parity with the lien of state and local taxes.

**7.110.190 Confirmed Assessment -- Collection [17.92.054]**

- A. **Assessment Book.** The notice of lien, after recording, shall be delivered to the tax assessor of Fresno or Tulare County, who shall enter the amount on the county assessment book opposite the description of the real property, and the amount shall be collected together with all other taxes levied thereon against the real property.
- B. **Collection.** Thereafter, the amount set forth in the notice of lien shall be collected at the same time and in the same manner as ordinary county taxes are collected, and shall be subject to the same penalties and interest and to the same procedure under foreclosure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection and enforcement of county taxes are made applicable to such assessment. The amount set forth in the notice of lien shall be returned to the city to the fund designated for code enforcement activities.

**7.110.200 Remedies of Private Parties [17.92.055]**

The provisions of this chapter shall not affect the rights of private parties to pursue any and all legal remedies.

**7.110.210 Alternatives [17.92.056]**

Nothing in this Chapter shall prevent the City Council from requesting the City Attorney to commence a civil or criminal proceeding to abate a violation and/or a public nuisance as an alternative to the proceedings set forth in this Chapter.

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**7.110.220 Violation****A. Penalty violation [17.92.058]**

1. Any person who removes any notice or order posted as required in this Chapter without the consent of the City is guilty of an infraction.
2. Any person who obstructs, impedes or interferes with any representative or contractor of the City or with any person who owns or holds any estate or interest in real property, buildings or premises which has been ordered to be vacated, repaired, rehabilitated or demolished or brought into compliance with this Chapter, when any of the aforementioned individuals are engaged in work involving the abatement, is guilty of an infraction.

**B. Abatement violation [17.92.059]**

1. It is unlawful for a person to violate any provision or to fail to comply with any of the requirements of this Chapter. A violation of any of the provisions or failing to comply with any of the mandatory requirements of this Chapter shall constitute an infraction that shall be punishable by fine as established by the resolution of the City Council.
2. Each such person may be charged with a separate offense for each and every day during any portion of which any violation of any provision of this Chapter is committed, continued or allowed by such person and shall, upon conviction, be punished accordingly.

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# Article 8: Subdivision Procedures

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## Chapter 8.10: General Provisions

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### Sections:

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8.10.080	Applications Deemed Approved
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8.10.100	Appeals
8.10.110	Enforcement of Subdivision Regulations

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### **8.10.010 Purpose**

The subdivision ordinance is adopted to preserve, protect and promote the public health, safety, convenience, prosperity and general welfare. The provisions of this Article are intended to supplement and implement the State Subdivision Map Act (the “Act”) as specified in Government Code § 66410 et seq.

The Subdivision Ordinance is adopted in order to achieve the following objectives:

- A. Implement the Kingsburg General Plan and any applicable specific plan.
- B. Regulate and control the division of land within the City.
- C. Regulate and control the content of all required maps and the procedures for securing City approval of maps.
- D. Accommodate new development in a manner that preserves and enhances the City's living environment and creates attractive areas of development.
- E. Provide streets of adequate capacity for the anticipated vehicle traffic, and to ensure that they are designed to promote a safe circulation system.
- F. Provide for water supply, sewage disposal, storm drainage, solid waste pickup and other utilities and facilities.
- G. Ensure that the costs of providing public and private rights-of-way, street and alley improvements, utilities and public areas and facilities needed to serve new developments are borne fairly and equitably by the subdivider and property owners in direct benefit rather than by property owners of the City-at-large.
- H. Protect and enhance real property values.
- I. Coordinate development policies and standards with those of the County of Fresno to ensure the unimpeded annexation and development of such land that is logical, desirable and in accordance with goals, policies, standards and proposals of the Kingsburg General Plan.

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**8.10.020 Authority**

This Article is adopted in compliance with the Act as a “local ordinance,” as the term is used in the Act. All provisions of the Act and future amendments to the Act not incorporated into this Article shall, nevertheless, apply to all subdivision maps and proceedings.

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**8.10.030 Applicability**

- A. **Subdivision approval required.** Each subdivision of land within the City shall be authorized through the approval of a map or other entitlement in compliance with this Chapter.
- B. **Conflicts with Map Act.** In the event of any conflicts between the provisions of this Chapter and the Map Act, the Map Act shall control.
- C. **Compliance with other regulations required.** The approval or conditional approval of a subdivision map shall not authorize an exception or deviation from any zoning regulation in this Development Code, or as an approval to proceed with any development in violation of other applicable provisions of the Municipal Code or other applicable ordinances or regulations of the City.

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**8.10.040 Responsibility for Administration**

The Director and City Engineer are authorized and directed to administer and enforce the provisions of this Article and applicable provisions of the Map Act for subdivisions within the City, except as otherwise provided by this Article.

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**8.10.050 Advisory Agency**

- A. **Advisory agency established.** The advisory agency for subdivision review shall be the Planning Commission.
- B. **Authority and duties.** The advisory agency shall perform the following duties, and as further detailed in Section 8.10.060 (Authority for Subdivision Decisions):
  - 1. Approve, conditionally approve, or disapprove Tentative Maps;
  - 2. Recommend to the City Council the approval, conditional approval, or disapproval of requests for exceptions to the City’s design and improvement standards, in compliance with Section 8.10.090 (Exceptions to Subdivision Standards);
  - 3. Recommend modifications of the requirements of this Article;
  - 4. Review and make recommendations concerning proposed subdivisions in compliance with the Map Act; and
  - 5. Perform additional duties and exercise additional authorities as prescribed by law and by this Article.

**8.10.060 Authority for Subdivision Decisions**

Table 8.10.060.A (Subdivision Review Authority) identifies the City official or authority responsible for reviewing and making decisions on each type of subdivision application and other decision required by this Article.

<b>Table 8.10.060.A: Authority for Subdivision Decisions</b>					
<b>Type of Decision</b>	<b>Applicable Section</b>	<b>Role of Review Authority<sup>1</sup></b>			
		<b>Director</b>	<b>City Engineer</b>	<b>Planning Commission</b>	<b>City Council<sup>2</sup></b>
Certificate of Compliance	8.40.020	-	Decision	Appeal	Appeal
Final Map	8.30	-	Decision	Appeal	Appeal
Lot Line Adjustment	8.40.040	Decision	-	Appeal	Appeal
Parcel Map	8.30	Recommend	Decision	Appeal	Appeal
Parcel Merger	8.40.050	-	Decision	Appeal	Appeal
Reversion to Acreage	8.40.060	Recommend	Decision	Appeal	Appeal
Tentative Map	8.20	Recommend	Recommend	Decision	Appeal

**Notes**

<sup>1</sup> “Recommend” means that the Review Authority makes a recommendation to a higher decision-making body; “Decision” means that the Review Authority makes the final decision on the matter; “Appeal” means that the Review Authority may consider and decide upon appeals to the decision of an earlier decision-making body,

<sup>2</sup> Decisions of the City Council may not be appealed.

**8.10.070 Type of Subdivision Approval Required**

The subdivision of an existing parcel into two or more parcels shall require approval by the City in compliance with this Article. In general, the procedure for subdivision first requires the approval of a Tentative Map, and then the approval of a Parcel Map for a subdivision creating four or fewer parcels, or a Final Map for a subdivision creating five or more parcels, to complete the subdivision process. The Tentative Map review process evaluates the compliance of the proposed subdivision with the adopted City standards, and the appropriateness of the proposed subdivision design. Parcel and Final Maps are precise engineering documents that detail the location and dimensions of all parcel boundaries in an approved subdivision and, after approval, are recorded in the office of the County Recorder.

**A. Tentative Map requirements.** The filing and approval of a Tentative Map is required for:

1. A subdivision or resubdivision of four or fewer parcels, as authorized by Map Act § 66428; and
2. A subdivision or resubdivision of five or more parcels, and all other types of subdivisions required to have Tentative Map approval by Map Act § 66426.

**B. Parcel and Final Map requirements.** A Parcel or Final Map shall be required as follows:

1. **Parcel Map.** The filing and approval of a Parcel Map (Chapter 8.30) shall be required for a subdivision creating four or fewer parcels, with or without a designated

remainder in compliance with Map Act Article 2, Chapter 1, except for the following subdivisions:

- a. **Public agency or utility conveyances.** Any conveyance of land, including a fee interest, an easement, or a license, to a governmental agency, public entity, public utility or a subsidiary of a public utility for rights-of-way, unless the Director determines based on substantial evidence that public policy necessitates a Parcel Map in an individual case;
  - b. **Rail right-of-way leases.** Subdivisions of a portion of the operating right-of-way of a railroad corporation as defined by § 230 of the California Public Utilities Code, which are created by short-term leases (terminable by either party on not more than 30 days' notice in writing); or
  - c. **Waived Parcel Map.** A subdivision that has been granted a waiver of Parcel Map requirements in compliance with Section 8.30.030 (Waiver of Parcel Map).
2. **Final Map.** The filing and approval of a Final Map (Chapter 8.30) shall be required for a subdivision of five or more parcels.
- C. **Exemptions from subdivision approval requirements.** The types of subdivisions identified by Map Act § 66411, 66412, 66412.1, 66412.2, and 66426.5, or other applicable Map Act provision as not being subject to the requirements of the Map Act, and/or not being considered to be divisions of land for the purposes of the Map Act, shall be exempt from the subdivision approval requirements of this Article.

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#### 8.10.080 Applications Deemed Approved

A subdivision application deemed approved in compliance with Government Code § 65956, or 66452 et seq., shall comply with all applicable provisions of this Development Code, and any conditions imposed by the Review Authority, which shall be satisfied by the subdivider before any zoning approval or Building Permit is issued. A Parcel or Final Map filed for record after its Tentative Map is deemed approved shall remain subject to all the mandatory requirements of this Article and the Map Act, including Map Act § 66473, 66473.5 and 66474.

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#### 8.10.090 Exceptions to Subdivision Standards

An exception to a provision of Chapter 8.50 (Subdivision Design and Improvement) may be requested by a subdivider in compliance with this Section. An exception shall not be used to waive or modify a provision of the Map Act, or a provision of this Article that is duplicated or paraphrased from the Map Act.

- A. **Application.** An application for an exception shall be submitted on forms provided by the Planning Department together with the required filing fee. The application shall include a description of each standard and requirement for which an exception is requested, together with the reasons why the subdivider believes the exception is justified.
- B. **Filing and processing.** A request for an exception shall be filed and processed as follows.
  1. An exception shall be processed and acted upon in the same manner as the Tentative Map, concurrently with the Tentative Map if the exception request was filed at the same time.

2. The approval of an exception shall not constitute approval of the Tentative Map and the approval or denial of an exception shall not extend the time limits for the expiration of the map established by Section 8.20.130 (Tentative Map Time Limits and Expiration).
  3. An exception request may be filed after the approval of a Tentative Map, but shall be considered by the Tentative Map Review Authority in the same manner (e.g., after a public hearing) as the original Tentative Map.
- C. **Approval of exception.** The City Council may approve or deny exception requests in compliance with this Section. The City Council shall not grant an exception unless all the following findings are first made:
1. For exceptions granting relief of a specified requirement or standard:
    - a. Due to special circumstances or conditions affecting this property, the strict application of Chapter 8.50 would create an unnecessary hardship;
    - b. The exception is consistent with the intent of the requirements of Chapter 8.50 and does not constitute a grant of special privilege;
    - c. The exception would not result in significant increased adverse environmental impacts compared to the strict application of the requirements of Chapter 8.50;
    - d. The granting of the exception will not be detrimental to the public health, safety, convenience and general welfare or injurious to other property in the territory in which said property is situated; and
    - e. The exception will not affect the consistency of the proposed subdivision with the General Plan or any applicable specific plan.
- D. **Conditions of approval.** In granting an exception, the City Council shall secure substantially the same objectives of the regulations for which the exception is requested and shall impose whatever conditions it deems necessary to protect the public health, safety, general welfare and convenience, and to mitigate any environmental impacts in compliance with CEQA.

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**8.10.100 Appeals**

Any interested person may appeal any decision of the Director or City Engineer to the Planning Commission, and may appeal any decision of the Planning Commission to the City Council, in compliance with Chapter 7.080 (Appeals).

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**8.10.110 Enforcement of Subdivision Regulations**

- A. **Violations.** Any person who violates any provision of this Article shall be subject to the penalties specified by Map Act Division 2, Chapter 7, Article 1 and/or, where applicable, shall be guilty of a misdemeanor or infraction as specified in Chapter 7.110 (Enforcement).
- B. **Remedies.** If construction activity on property subject to a Final Map or Parcel Map is occurring contrary to the Map Act, a requirement of the Map, or any other Federal, State, or local law, rule, or ordinance, the City Engineer may order the activity stopped by written notice served on any person responsible for the activity, in addition to the

remedies outlined in Map Act Division 2, Chapter 7, Article 2. The responsible person shall immediately stop the activity until authorized by the City Engineer to proceed. For the purposes of this Section, construction activities include grading, earth moving, and/or tree removal.

## Chapter 8.20: Tentative Map Filing and Processing

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### Sections:

8.20.010	Purpose
8.20.020	Letter of Intent to Subdivide
8.20.030	Tentative Map Application
8.20.040	Tentative Map Filing and Processing
8.20.050	Planning Commission Review and Decision
8.20.060	Tentative Map Findings
8.20.070	Conditions of Approval
8.20.080	Effective Date of Tentative Map Approval
8.20.090	Changes to Approved Tentative Map or Conditions
8.20.100	Completion of Subdivision Process
8.20.110	Vesting Tentative Maps
8.20.120	Tentative Map Time Limits and Expiration
8.20.130	Extensions of Time for Tentative Maps

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### **8.20.010 Purpose**

This Chapter establishes requirements for the preparation, filing, approval or denial of tentative maps, consistent with the requirements of the Act.

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### **8.20.020 Letter of Intent to Subdivide**

Prior to the filing of a tentative subdivision map, a subdivider shall submit a letter to the Director indicating an intention to subdivide. Such letter of intention is required to alert City officials and interested public and private agencies of such intention so that they may have the opportunity to inform the subdivider of physical conditions, facts, policies and environmental concerns which are or may be pertinent to the preparation of the tentative map.

- A. The letter of intent to subdivide shall contain at least the following information:
1. Location of the proposed subdivision with reference to the names of any streets which bound or traverse the property, the assessor's parcel number for the affected property and a preliminary title report on the property.
  2. Name, address and telephone number of the record owner and of the subdivider.
  3. The area of the property in acres, existing General Plan and zoning district designations, and the range of lot sizes and uses contemplated.
  4. Means of vehicular access.
  5. Proposed methods or means of utility service.
- B. The letter of intent shall be accompanied by a preliminary map, sketch or concept plan, drawn to an appropriate scale, as an aid to the review and discussion of the applicant's proposals. The number of copies and method of distribution shall be as described for the letter of intent under Subsection B of this Section.

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**8.20.030 Tentative Map Application**

Tentative Map submittal shall include the application forms, and all information and other materials prepared as required by the Planning Department and the City Engineer.

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**8.20.040 Tentative Map Filing and Processing**

**A. General filing and processing requirements.** The Planning Department shall:

1. Review and evaluate each Tentative Map as to its compliance and consistency with applicable provisions of this Development Code, the General Plan, any applicable specific plan, the California Environmental Quality Act (CEQA), and the Map Act in compliance with Map Act § 66474.2;
2. Refer the application to affected agencies, see Subsection B, below;
3. Determine the extent to which the proposed subdivision complies with the findings in Section 8.20.060 (Tentative Map Findings); and
4. Evaluate the application in a staff report in compliance with Chapter 7.010 (Application Processing Procedures) to the Review Authority describing the conclusions of the evaluations of the map, and recommending to the Review Authority the approval, conditional approval, or denial of the Tentative Map. The staff report shall be mailed to the subdivider (and each tenant of the subject property, in the case of a condominium conversion (Section 8.40.030) at least three days before any hearing or action on the Tentative Map by the Review Authority in compliance with Section 8.20.050 or 8.20.060.

**B. Referral to affected agencies.** The procedure provided by this Subsection is in addition to the procedures in Chapter 7.010 (Application Processing Procedures).

1. Required referrals. The Director shall refer a Tentative Map application for review and comment to agencies that will be expected to provide service to the proposed subdivision, including, as appropriate, City departments, other cities, special districts, and local agencies, public utilities, and State agencies.
2. Time limits for referrals. As required by Map Act § 66453 through 66455.7, referral shall occur within five days of the Tentative Map application being determined to be complete in compliance with Section 7.010.070 (Initial Review of Application). An agency wishing to respond to a referral shall provide the Planning Department with its recommendations within 15 days after receiving the Tentative Map application.

**C. Fees.** No tentative map shall be considered as filed with the City until all of the fees and charges required by the City as pertains to the subdivision of land have been paid, and all applicable requirements of this Article have been fulfilled.

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**8.20.050 Planning Commission Review and Decision**

The Planning Commission shall:

- A. Conduct a public hearing on the proposed Tentative Map in compliance with Chapter 7.070 (Public Hearings), and consider the recommendations of the Director, any agency comments on the map, and any public testimony;

- B. Review and evaluate each Tentative Map as to its compliance and consistency with applicable provisions of this Development Code, the General Plan, any Specific Plan, and the Map Act. The evaluation shall be based on the staff report, information provided by an initial study or environmental impact report (EIR), where applicable, and any public testimony received; and
- C. Approve, conditionally approve, or disapprove the Tentative Map within 30 days after the Director files the staff report with the Planning Commission, but no later than 50 days after the Tentative Map application was deemed complete in compliance with Section 7.40.050 (Initial Review of Application).

Tentative Map approval shall require that the Planning Commission first make all findings required by Section 8.20.060 (Tentative Map Findings). The Planning Commission may require conditions of approval in compliance with Section 8.20.070 (Conditions of Approval). A decision by the Planning Commission to approve, conditionally approve, or deny a Tentative Map may be appealed to the City Council, in compliance with Chapter 7.080 (Appeals).

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#### 8.20.060 Tentative Map Findings

In order to approve or recommend the approval of a Tentative Map and conditions of approval, or to disapprove a Tentative Map, the Review Authority shall make the findings required by this Section. In determining whether to approve a Tentative Map, the City shall apply only those ordinances, policies, and standards in effect at the date the Planning Department determined that the application was complete in compliance with Section 8.20.040 (Tentative Map Filing and Processing), except where the City has initiated General Plan, specific plan or Development Code changes, and provided public notice as required by Map Act § 66474.2.

- A. **Required findings for approval.** The Review Authority must make a finding that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan and any applicable specific plan, and that none of the findings for denial in Subsection C can be made. The finding shall apply to each proposed parcel as well as the entire subdivision, including any parcel identified as a designated remainder in compliance with Map Act § 66424.6.
- B. **Supplemental findings.** In addition to the findings required for approval of a Tentative Map by Subsection A above, the Review Authority shall not approve a Tentative Map unless it can also make the following findings, when they are applicable to the specific subdivision proposal.
  - 1. **Construction of improvements.** In the case of a Tentative Map that will require a subsequent Parcel Map, it is in the interest of the public health and safety and necessary to the orderly development of the surrounding area, to require the construction of road improvements within a specified time after recordation of the Parcel Map.
  - 2. **Condominiums.** Any applicable findings required by Section 8.40.030 for condominium conversions.
  - 3. **Waiver of Parcel Map.** The findings required by Section 8.30.030 (Waiver of Parcel Map), if waiver of a Parcel Map has been requested with the Tentative Map application.

- C. **Findings requiring denial.** A Tentative Map or a Parcel Map for which a Tentative Map was not required shall be denied if the Review Authority makes any of the following findings, as required by Map Act § 66474 and 66474.6.
1. The proposed map and/or subdivision design or improvements are not consistent with the General Plan or any applicable specific plan;
  2. The site is not physically suitable for the type or proposed density of development;
  3. 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;
  4. The design of the subdivision or type of improvements is likely to cause serious public health or safety problems;
  5. 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. This finding may not be made if the Review Authority finds that alternate easements for access or use will be provided and that they will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record or to easements established by judgement of a court of competent jurisdiction, and no authority is hereby granted to the Review Authority to determine that the public at large has acquired easements of access through or use of property within the proposed subdivision; or
  6. The discharge of sewage from the proposed subdivision into the community sewer system would result in violation of existing requirements prescribed by the California Regional Water Quality Control Council.

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#### 8.20.070 **Conditions of Approval**

Along with the approval of a Tentative Map, the Planning Commission may adopt any conditions of approval deemed necessary to carry out the purposes of this Development Code, provided that all conditions shall be consistent with the requirements of the Map Act.

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#### 8.20.080 **Effective Date of Tentative Map Approval**

The approval of a Tentative Map shall become effective for the purposes of filing a Parcel or Final Map, including compliance with conditions of approval, immediately after the adoption of the resolution of decision by the Planning Commission.

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#### 8.20.090 **Changes to Approved Tentative Map or Conditions**

A subdivider may request changes to an approved Tentative Map or its conditions of approval before recordation of a Parcel or Final Map in compliance with this Section. Changes to a Parcel or Final Map after recordation are subject to Section 8.20.90 (Amendments to Recorded Maps).

- A. **Limitation on allowed changes.** Changes to a Tentative Map that may be requested by a subdivider in compliance with this Section include major adjustments to the location

of proposed lot lines and improvements, and reductions in the number of approved lots (but no increase in the number of approved lots), and any changes to the conditions of approval, consistent with the findings required by Subsection D of this Section. All other proposed changes shall require the filing and processing of a new Tentative Map.

- B. **Application for changes.** The subdivider shall file an application and filing fee with the Planning Department, using the forms furnished by the Department, together with the following additional information:
1. A statement identifying the Tentative Map number, the features of the map or particular conditions to be changed and the changes requested, the reasons why the changes are requested, and any facts that justify the changes; and
  2. Any additional information deemed appropriate by the Planning Department.
- C. **Processing.** Proposed changes to a Tentative Map or conditions of approval shall be processed in the same manner as the original Tentative Map, except as otherwise provided by this Section.
- D. **Findings for approval.** The Review Authority shall not modify the approved Tentative Map or conditions of approval unless all of the applicable findings for approval required by Sections 8.20.060 A and B can still be made, and it first finds that the change is necessary because of one or more of the following circumstances:
1. There was a material mistake of fact in the deliberations leading to the original approval;
  2. There has been a change of circumstances related to the original approval; or
  3. A serious and unforeseen hardship has occurred, not due to any action of the applicant subsequent to the enactment of this Development Code.
- E. **Effect of changes on time limits.** Approved changes to a Tentative Map or conditions of approval shall not be considered as approval of a new Tentative Map, and shall not extend the time limits provided by Section 8.20.120 (Tentative Map Time Limits and Expiration).

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#### 8.20.100 Completion of Subdivision Process

- A. **Compliance with conditions, improvement plans.** After approval of a Tentative Map in compliance with this Chapter, the subdivider shall proceed to fulfill the conditions of approval within any time limits specified by the conditions and the expiration of the map and, where applicable, shall prepare, file and receive approval of improvement plans in compliance with Chapter 8.50 (Subdivision Design and Improvement), before constructing any required improvements.
- B. **Parcel or Final Map preparation, filing and recordation.**
1. A Parcel Map for a subdivision of four or fewer parcels shall be prepared, filed, processed and recorded in compliance with Chapter 8.30 (Parcel and Final Maps), to complete the subdivision, unless a Parcel Map has been waived in compliance with Section 8.30.030 (Waiver of Parcel Map).
  2. A Final Map for a subdivision of five or more parcels shall be prepared, filed, processed and recorded as set forth in Chapter 8.30 (Parcel and Final Maps), to complete the subdivision.

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**8.20.110 Vesting Tentative Maps**

The preparation, filing, processing, approval or disapproval, of a Vesting Tentative Map shall comply with Map Act Sections 66452 and 66498.1 et seq.

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**8.20.120 Tentative Map Time Limits and Expiration**

An approved Tentative Map is valid for 36 months after its effective date (Section 8.20.080), except as otherwise provided by Map Act Sections 66452.6, 66452.11, 66452.13, or 66463.5. At the end of 36 months, the approval shall expire and become void unless:

- A. A Parcel or Final Map, and related security and improvement agreements, have been filed with the City Engineer in compliance with Chapter 8.30 (Parcel and Final Maps); or
- B. An extension of time has been granted in compliance with Section 8.20.130. Expiration of an approved Tentative Map or vesting Tentative Map shall terminate all proceedings. The application shall not be reactivated unless a new Tentative Map application is filed.

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**8.20.130 Extensions of Time for Tentative Maps**

When a subdivider has not completed all Tentative Map or Vesting Tentative Map conditions of approval and filed a Parcel or Final Map with the City within the time limits established by Section 8.20.120, time extensions may be granted in compliance with this Section.

- A. **Filing of extension request.** An extension request shall be in writing and shall be filed with the Planning Department on or before the date of expiration of the approval or previous extension, together with the required filing fee.
- B. **Approval of extension.** The City Council may grant one 12-month extension to the initial time limit, only after finding that:
  1. There have been no changes to the provisions of the General Plan, any applicable Specific Plan or this Development Code applicable to the project since the approval of the Tentative Map;
  2. There have been no changes in the character of the site or its surroundings that affect how the policies of the General Plan or other standards of this Development Code apply to the project; and
  3. There have been no changes to the capacities of community resources, including but not limited to water supply, sewage treatment or disposal facilities, roads or schools so that there is no longer sufficient remaining capacity to serve the project. A time extension of more than 12 months may be granted only in compliance with Map Act § 66452.6.



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## Chapter 8.30: Parcel and Final Maps

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### Sections:

- 8.30.010 Purpose
- 8.30.020 Parcel Map
- 8.30.030 Waiver of Parcel Map
- 8.30.040 Parcel Map Form and Content
- 8.30.050 Parcel Map Filing Procedure
- 8.30.060 Parcel Map Approval
- 8.30.070 Final Map
- 8.30.080 Final Map Form and Content
- 8.30.090 Final Map Filing Procedure
- 8.30.100 Final Map Approval
- 8.30.110 Supplemental Information Sheets
- 8.30.120 Amendments to Recorded Maps

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### **8.30.010 Purpose**

This Chapter establishes requirements for the preparation, filing, approval, and recordation of Parcel Maps and Final Maps consistent with the requirements of the Act.

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### **8.30.020 Parcel Map**

As required by Sections 8.10.070 (Type of Subdivision Approval Required) and 8.20.100 (Completion of Subdivision Process), a Parcel Map shall be filed and approved for a subdivision of four or fewer parcels, except when the requirement for a Parcel Map is waived as set forth in Section 8.30.030. A Parcel Map shall be prepared, filed and processed as set forth in Section 8.30, et seq.

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### **8.30.030 Waiver of Parcel Map**

A subdivider may request the waiver of the requirement for a Parcel Map, and the waiver may be granted, in compliance with the Map Act § 66428, provided that the Review Authority shall first find that the proposed subdivision complies with the requirements of this Development Code and the Map Act as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and all other applicable requirements of this Article and the Map Act. Such a request shall be submitted on a form provided by the Planning Department.

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**8.30.040 Parcel Map Form and Content**

The Parcel Map shall be prepared by or under the direction of a State-registered civil engineer or licensed land surveyor. All data, profiles, and other engineering drawings submitted with the Parcel Map shall be prepared and signed by a registered civil engineer.

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**8.30.050 Parcel Map Filing Procedure**

- A. **Filing with the City Engineer.** The Parcel Map, together with all application forms, data, information and materials required by Section 8.30 shall be submitted to the City Engineer. The Parcel Map shall be considered submitted when it is complete and complies with all applicable provisions of this Development Code and the Map Act.
- B. **Review of Parcel Map.** The City Engineer shall:
1. Determine whether all applicable provisions of this Development Code and the Map Act have been complied with, that the map is technically correct, and that it is in substantial compliance with the approved Tentative Map; and
  2. Obtain verification from the Planning Department that the Parcel Map conforms to the approved Tentative Map and that any conditions of approval for which that office is responsible have been completed. If the Parcel Map does not conform as required above, the subdivider shall be notified, and given the opportunity to make necessary changes and resubmit the Parcel Map, together with all required data, if the Tentative Map has not expired.
- C. **Fees and Other Requirements.** A Parcel Map shall not be considered as filed until all fees, bonds, and deposits due have been made, all corrections have been made as required by the City Engineer to the maps and improvement plans, if any, and the property has been annexed to the City and to any service areas or districts other than the City which are to provide necessary services.

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**8.30.060 Parcel Map Approval**

After determining that the Parcel Map is in compliance and is technically correct in compliance with Section 8.30.050, the City Engineer shall issue a statement that he or she has examined and approved the Parcel Map, and transmit the map to the County Recorder for filing in compliance with Map Act § 66450.

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**8.30.070 Final Map**

As required by Sections 8.10.070 (Type of Subdivision Approval Required) and 8.20.100 (Completion of Subdivision Process), a Final Map shall be filed and approved for a subdivision of five or more parcels. A Final Map shall be prepared, filed and processed in compliance with Section 8.30 et seq.

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**8.30.080 Final Map Form and Content**

The Final Map shall be prepared by or under the direction of a State-registered civil engineer or licensed land surveyor. All data, profiles, and other engineering drawings submitted with the Final Map shall be prepared and signed by a registered civil engineer. Final Map submittal shall include all information and materials required by the Engineering Department.

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**8.30.090 Final Map Filing Procedure**

- A. **Filing with City Engineer.** The Final Map shall be considered submitted when it is complete and complies with all applicable provisions of this Development Code and the Map Act.
- B. **Review of Final Map.** The City Engineer shall review the Final Map and all accompanying materials, and shall:
  - 1. Determine whether all applicable provisions of this Development Code and the Map Act have been complied with, that the map is technically correct, and that it is in substantial compliance with the approved Tentative Map; and
  - 2. Obtain verification from the Planning Department that the Final Map conforms to the approved Tentative Map and that any conditions of approval for which that office is responsible have been completed. If the Final Map does meet these requirements, the subdivider shall be notified, and given the opportunity to make necessary changes and resubmit the Final Map, together with all required data, if the Tentative Map has not expired.
- C. **Multiple Final Maps.** Multiple Final Maps may be filed if the subdivider included a statement of intention with the Tentative Map that he or she would submit multiple phased Final Maps.
- D. **Fees and Other Requirements.** A Parcel Map shall not be considered as filed until all fees, bonds, and deposits due have been made, all corrections have been made as required by the City Engineer to the maps and improvement plans, if any, and the property has been annexed to the City and to any service areas or districts other than the City which are to provide necessary services.

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**8.30.100 Final Map Approval**

After determining that the Final Map is in compliance with Section 8.30.090, the City Engineer and City Surveyor shall execute the City Engineer's and City Surveyor's certificates on the map in compliance with Map Act § 66442, and process the Final Map as follows.

- A. **Review and approval.**
  - 1. **Criteria for approval.** The City Engineer shall approve the Final Map if it conforms to all the requirements of the Map Act, all provisions of this Development Code that were applicable at the time that the Tentative Map was approved, and is in substantial compliance with the approved Tentative Map.
  - 2. **Waiver of errors.** As required by Map Act § 66473, the Review Authority may approve a Final Map that fails to meet any of the requirements of this Development

Code or the Map Act applicable at the time of approval of the Tentative Map, when the review authority determines that the failure of the map is a technical or inadvertent error which, in the determination of the review authority does not materially affect the validity of the map.

3. **Approval by inaction.** As required by the Map Act, if the City does not approve or disapprove the Final Map within the prescribed time or any authorized extension, and the map conforms to all applicable requirements, it shall be deemed approved, and the City Clerk shall certify their approval on the map.
- B. **Map with dedications.** If a dedication or offer of dedication is required on the Final Map, the City Council shall review and approve the map in compliance with Subsection A, and shall accept, accept subject to improvement, or reject with or without prejudice any or all offers of dedication, at the same time as it takes action to approve the Final Map. If the City Council rejects the offer of dedication, the offer shall remain open and may be accepted by the City Council at a later date pursuant to Map Act § 66477.2. Any termination of an offer of dedication shall be processed in compliance with Map Act § 66477.2 and the street vacation procedure.
  - C. **Map with incomplete improvements.** If improvements required by this Development Code, conditions of approval, or other law have not been completed at the time of approval of the Final Map, the Review Authority shall require the subdivider to enter into an agreement with the City as specified in Map Act § 66462, and Section 17.88.070 (Improvement Agreements and Security), as a condition precedent to the approval of the Final Map.
  - D. **Transmittal to Recorder.** After approval, and after the required signatures and seals have been affixed, the City Clerk shall transmit the Final Map to County Recorder for filing.

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### 8.30.110 Supplemental Information Sheets

In addition to the information required to be included in Parcel Maps and Final Maps (Sections 8.30.040 and 8.30.080, respectively), additional information may be required to be submitted and recorded simultaneously with a Final Map as required by this Section.

- A. **Preparation and form.** The additional information required by this Section shall be presented in the form of additional map sheets, unless the Director determines that the type of information required would be more clearly and understandably presented in the form of a report or other document. The additional map sheet or sheets shall be prepared in the same manner and in substantially the same form as required for Parcel Maps by Section 8.30.040 (Parcel Map Form and Content).
- B. **Content of information sheets.** Supplemental information sheets shall contain the following statements and information:
  1. **Title.** A title sheet, including the number assigned to the accompanying Parcel or Final Map by the City Engineer, the words "Supplemental Information Sheet;"
  2. **Explanatory statement.** A statement following the Title sheet that the supplemental information sheet is recorded along with the subject Parcel or Final Map, and that the additional information being recorded with the Parcel or Final Map is for informational purposes, describing conditions as of the date of filing, and is not intended to affect record title of interest;

3. **Location map.** A location map, at a scale not to exceed one inch equals 1,000 feet. The map shall indicate the location of the subdivision within the City;
4. **Soils or geologic hazards reports.** When a soils report or geological hazard report has been prepared, the existence of the report shall be noted on the information sheet, together with the date of the report and the name of the engineer making the report; and
5. **Information required by conditions of approval.** Any information required by the Review Authority to be included on the supplemental information sheets because of its importance to potential successors in interest to the property, including any other easements or dedications.

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**8.30.120 Amendments to Recorded Maps**

A recorded Parcel or Final Map shall be modified to correct errors in the recorded map or to change characteristics of the approved subdivision only as set forth in this Section.

- A. **Corrections.** In the event that errors in a Parcel or Final Map are discovered after recordation, or that other corrections are necessary, the corrections may be accomplished by either the filing of a certificate of correction or an amending map, in compliance with Article 7, Chapter 3 of the Map Act. For the purposes of this Section, "errors" include errors in course or distance (but not changes in courses or distances from which an error is not ascertainable from the Parcel or Final Map), omission of any course or distance, errors in legal descriptions, or any other map error or omission as approved by the City Engineer that does not affect any property right, including but not limited to lot numbers, acreage, street names, and identification of adjacent record maps. Other corrections may include indicating monuments set by engineers or surveyors other than the one that was responsible for setting monuments, or showing the proper character or location of any monument that was incorrectly shown, or that has been changed.
- B. **Changes to approved subdivision.** In the event that a subdivider wishes to change the characteristics of an approved subdivision, including but not limited to the number or configuration of parcels, location of streets or easements, or the nature of required improvements, the construction of which has been deferred through the approval of an agreement in compliance with Section 8.50.030 (Agreement and Security for Improvements), a new tentative and Parcel or Final Map shall be filed and approved as required by Section 8.10.070 (Type of Subdivision Approval Required).

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## Chapter 8.40: Additional Subdivision Procedures

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### Sections:

8.40.010	Purpose
8.40.020	Certificates of Compliance
8.40.030	Condominiums and Condominium Conversions
8.40.040	Lot Line Adjustment
8.40.050	Parcel Merger
8.40.060	Reversion to Acreage

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### 8.40.010 Purpose

This Chapter establishes requirements consistent with the Map Act for Certificates of Compliance, Condominiums and Condominium Conversions, Lot Line Adjustments, Parcel Mergers, and Reversion to Acreage.

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### 8.40.020 Certificates of Compliance

The City shall process and approve or disapprove applications for Certificates of Compliance as provided by Map Act § 66499.34 and 66499.35, and as follows.

- A. **Application.** An application for the approval of a Certificate of Compliance or Conditional Certificate of Compliance shall be filed with the City Engineer and include the information required by the Director, together with the processing fee specified by the City Fee Schedule.
- B. **Review by City Engineer.** The City Engineer shall review the completed application in the light of public records and applicable law. If the City Engineer is able to determine that the parcel is clearly in compliance with the provisions of this Article and the Map Act, a Certificate of Compliance shall be issued for the parcel and delivered the County Recorder for recordation. If the City Engineer is unable to determine that the parcel is clearly in compliance, the procedures identified in Map Act § 66499.35 shall apply.

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### 8.40.030 Condominiums and Condominium Conversions

Condominiums and condominium conversions shall comply with the following requirements.

- A. **Condominiums.** When a residential structure is proposed at the time of construction as a condominium, community apartment project, or stock cooperative, a Tentative Map for the project shall be filed in the same form, have the same contents and accompanying data and reports and shall be processed, approved or denied in the same manner in compliance with Chapter 8.20 (Tentative Map Filing and Processing). Chapter 8.30 (Parcel and Final Maps) determines whether a Parcel or Final Map shall also be filed.
- B. **Condominium Conversions.** A condominium conversion is the conversion of real property to a common interest development as defined by § 1351 of the California

Civil Code. A condominium conversion shall comply with the following procedural requirements.

1. **Approvals required.** A conversion shall require the approval of a Tentative Map, and Parcel or Final Map, except where a Parcel Map, or Tentative and Final Map are waived in compliance with Map Act § 66428(b) or 66428.1, for the conversion of a mobile home park. If a Parcel Map is waived, a Tentative Map shall still be required.
2. **Application filing and processing.** A Tentative Map for a condominium conversion shall be filed in the same form, have the same contents and accompanying data and reports and shall be processed, approved or disapproved in the same manner as set forth in Chapter 8.20.040 (Tentative Map Filing and Processing), except as otherwise provided by the following provisions of this Section.
3. **Application contents.** Condominium conversion applications shall include the same information and materials as Tentative Map applications, except for conversions of residential projects, which shall also include the following information and materials.
  - a. **Tentative Map.** The Tentative Map for a condominium, community apartment project, or the conversion of five or more existing dwelling units to a stock cooperative need not show the buildings or the manner in which the airspace above the property shown on the map are to be divided. However, the applicant shall provide an illustration of how subdivision will occur to enable verification of the accuracy of the legal descriptions on deeds for the transfer of ownership of the units.
  - b. **Verification of stock cooperative vote.** If the development being converted to a condominium is a stock cooperative, the application shall also include verification of the vote required by Map Act § 66452.10.
  - c. **Relocation assistance program.** A program proposed by the applicant that will assist tenants displaced through the conversion in relocating to equivalent or better housing.
  - d. **Vacancy rate assessment.** An assessment of the vacancy rate in multi-family housing within the City.
4. **Staff report.** The staff report on the Tentative Map for the condominium conversion shall be provided to the subdivider and each tenant of the subject property at least three days before any hearing or action on the Tentative Map by the Planning Commission or City Council.
5. **Public notice.** The following notice shall be provided in addition to that required by Chapter 7.070 (Public Hearings):
  - a. **Tenant notice.** The subdivider shall give notice to all existing or prospective tenants as set forth in Map Act § 66452.8 and 66452.9, and shall provide the Planning Department satisfactory proof that the notice was given; and
  - b. **Public hearing notice.** Notice of the public hearing(s) on the Tentative Map shall be provided to all tenants of the subject property, as required by Map Act § 66451.3.
6. **Approval of conversion, required findings.**
  - a. **Time limit, stock cooperatives.** The approval or disapproval of the conversion of an existing building to a stock cooperative shall occur within 120 days of the application being found complete in compliance with Section 8.20.040 (Tentative

Map Filing and Processing). The 120-day time limit may be extended by mutual consent of the subdivider and the City.

- b. **Conversion findings, residential projects.** Approval of a tentative or Final Map for a subdivision to be created from the conversion of residential real property into a condominium project, community apartment project or stock cooperative shall not be granted unless the findings in Map Act § 66427.1 are first made.
7. **Completion of conversion.** The filing, approval and recordation of a Parcel Map or Final Map in compliance with Chapter 8.30 (Parcel and Final Maps) shall be required to complete the subdivision process, except where a Parcel Map, or Tentative and Final Map are waived for the conversion of a mobile home park in compliance with Map Act § 66428(b).

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**8.40.040 Lot Line Adjustment**

A Lot Line Adjustment is permissible in compliance with Map Act § 66412(d), and as follows.

- A. **Application requirements.** An application for a Lot Line Adjustment shall be filed with the Director and shall include the information required by the Director, together with the processing fee specified by the City Fee Schedule.
- B. **Lot line adjustment approval.** After consultation with the Planning Department, the City Engineer shall approve a lot line adjustment provided that all criteria identified in Map Act § 66412(d) are met to the Director's satisfaction. After City approval, the applicant shall be responsible for recording the approval document and paying the necessary fees charged by the County Recorder for recording Lot Line Adjustment approval documents in compliance with the Map Act.

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**8.40.050 Parcel Merger**

- A. **Procedures for merger of parcels.** Two or more parcels may be merged as follows.
  1. Parcels may be merged in compliance with Map Act Chapter 3, Article 1.5. A parcel or unit may be merged with a contiguous parcel or unit held by the same owner if any one of the contiguous parcels or units held by the same owner does not conform to standards for minimum parcel size as identified by this Development Code applicable to the parcels or units of land, and if all of the requirements of Map Act § 66451.11 are satisfied.
  2. Parcels may also be merged in compliance with Map Act § 66499.20-1/2, or 66499.20-3/4; provided that a merger in compliance with Map Act § 66499.20-3/4 shall require the recordation of an instrument evidencing the merger in the same manner as required by Map Act § 66499.20-1/2.
- B. **Requirements for unmerger of parcels.** The unmerger of parcels within the City shall comply with Map Act Chapter 3, Article 1.7.

**8.40.060 Reversion to Acreage**

- A. A Reversion to Acreage shall be initiated, processed, reviewed, and approved or denied in compliance with Map Act Chapter 6, Article 1.
- B. An application for reversion submitted by a property owner shall include all information required by the Planning Department, and shall include the fee required by the City Fee Schedule.
- C. A Parcel Map may be filed to revert to acreage land previously subdivided that consists of four or less contiguous parcels, in compliance with Map Act § 66499.20-1/4.

# Chapter 8.50: Subdivision Design and Improvement

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## Sections:

8.50.010	Purpose
8.50.020	Applicability of Design and Improvement Standards
8.50.030	Agreement and Security for Improvements
8.50.040	Construction of Improvements
8.50.050	Subdivision Improvement Requirements
8.50.060	Subdivision Layout Standards
8.50.070	Provision for Future Passive or Natural Heating or Cooling Opportunities
8.50.080	Other Improvements

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### 8.50.010 Purpose

This Chapter establishes standards for the design and layout of subdivisions, and the design, construction or installation of public improvements within subdivisions. The purpose of these standards is to ensure, through careful site evaluation and design, the creation of new usable parcels that are consistent with the General Plan, any applicable Specific Plan, and this Development Code.

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### 8.50.020 Applicability of Design and Improvement Standards

The requirements of this Chapter apply as follows:

- A. **Extent of required improvements.** Each subdivision of four or fewer parcels (Parcel Map), and each subdivision of five or more parcels (Final Map), shall provide the improvements required by this Chapter, the City's Improvement Standards, Standard Drawings and Construction Specifications, and any additional improvements required by conditions of approval.
- B. **Applicable design standards, timing of installation.** The subdivider shall construct all on- and off-site improvements according to standards approved by the City Engineer. No Final or Parcel Map shall be presented to the City Council for approval until the subdivider either completes the required improvements, or enters into a subdivision improvement agreement with the City for the work.
- C. **Subdivision improvement standards - Conditions of approval.** The applicable subdivision improvement and dedication requirements of this Chapter and any other improvements and dedications required by the Review Authority in compliance with Section 8.20.060 (Tentative Map Findings), shall be described in conditions of approval adopted for each approved Tentative Map (Section 8.20.070). The design, construction or installation of all subdivision improvements shall comply with the requirements of the City Engineer.
- D. **Oversizing of improvements.**
  1. At the discretion of the Review Authority, improvements required to be installed by the subdivider for the benefit of the subdivision may also be required to provide supplemental size, capacity, number, or length for the benefit of property not within

the subdivision, and may be required to be dedicated to the City, in compliance with Article 6, Chapter 4 of the Map Act.

2. In the event that oversizing is required, the City shall comply with all applicable provisions of Map Act § 66485 et seq., including the reimbursement provisions of Map Act § 66486.
  3. If a parcel proposed for subdivision is subject to an existing reimbursement agreement, the subdivider shall pay the required reimbursement prior to the recordation of the Final Map, or the issuance of a building permit for construction on the parcel, whichever occurs first.
- E. **Exceptions.** Exceptions to the requirements of this Chapter may be requested and considered in compliance with Section 8.10.090 (Exceptions to Subdivision Standards).

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**8.50.030**
**Agreement and Security for Improvements**

A subdivider may file, and the City may approve, a Parcel or Final Map before completion of all the public, common area, and other improvements required by this Development Code and conditions of approval of the Tentative Map, only when the subdivider first obtains City Council approval of a subdivision improvement agreement executed and submitted for City Council review by the subdivider, and provides the City performance security as required by this Section. Improvement agreements and required security shall also comply with Chapter 5 of the Map Act.

- A. Prior to the approval of the final map by the City Engineer, the subdivider shall execute and file an agreement between him/herself and the City, specifying the period within which the subdivider shall cause all work to have been completed, and providing that if the subdivider shall fail to cause all improvement work to be completed within such time period, the City may cause the same to be completed and recover the full cost and expense from the subdivider. The agreement shall provide for the inspection of all improvements by the City Engineer. The agreement may provide for the following:
1. For the construction of improvements in units;
  2. For an extension of time under conditions therein specified; and
  3. For progress payment.

To assure full and faithful performance, the subdivider shall file with the aforesaid agreement, a bond, cash, letter of credit or other form of improvement security allowed by the Subdivision Map Act in an amount equal to 150 percent of the sum estimated by the City Engineer to be sufficient to cover the cost of said improvements and incidental expenses, and to cover replacement and repair of existing streets and other improvements that may be damaged in the development of the subdivision. A bond offered as security shall be executed by a surety company authorized to transact surety business in the State of California and must be approved by the City Attorney as to form and by the City Engineer as to sufficiency.

- B. In the event the subdivider shall fail to complete all improvement work in accordance with the provisions of the ordinance codified in this title, and the City shall have completed 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 repair of existing streets or other improvements damaged in the development of the subdivision, the City shall call on the surety for reimbursement. In any such case, if the amount of surety bond, cash

deposit, letter of credit or other security shall exceed all cost and expense incurred by the City, it shall release the remainder of such security. If the amount of the security shall be less than the cost and expense incurred by the City, the subdivider shall be liable to the City for such difference.

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**8.50.040 Construction of Improvements**

- A. The subdivider shall improve or agree to improve all lands dedicated for streets, pedestrianways, drainage channels, easements and other rights-of-way as a condition precedent to acceptance thereof and approval of the final map, subject to the exceptions prescribed in Section 8.10.090 (Exceptions to Subdivision Standards).
- B. Improvements shall conform to the standards for design and materials provided in the City's standard specifications.
- C. Improvements shall be constructed in accordance with plans approved by the City Engineer. Written notice shall be given by the subdivider to the City Engineer prior to commencing construction of improvements.
- D. Improvements shall be installed to grades specified by the City Engineer.
- E. The City Engineer shall have the right to enter upon the sites of improvements for the purpose of inspecting them, and the subdivider shall furnish the City Engineer with soils and materials tests by a competent laboratory as may be required to determine the acceptability of such materials.
- F. **Oversized facilities.** Whenever this Article requires that a subdivider install sewer, water, and drainage facilities, or related facilities, as a condition precedent to the acceptance of the final map, and where, in the opinion of the City Council, it is necessary that laterals or other facilities be constructed or be of a larger size than is necessary to serve the subdivision, for the benefit of property not within the subdivision, the City Council may, by contract with the subdivider, agree to reimburse the subdivider for such oversized facilities. Such contract shall provide that the City may collect a reasonable charge from any person using the oversized facility for the benefit of property not within the subdivision.
- G. **Final inspection.** Upon the completion of the required improvements by the subdivider, the City Engineer shall make a final inspection of the subdivision. If it is found that all improvements have been installed in accordance with approved plans and specifications, the City Engineer shall transmit a letter indicating such findings to the Planning Director.

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**8.50.050 Subdivision Improvement Requirements**

- A. **Drainage Works.** The subdivider shall provide such drainage structures, including storm sewers, drainage channels, detention basins and pumping stations as may be necessary for adequate drainage of surface and storm waters, and further including means for the disposal of surface and storm waters generated by the subdivision. Disposal of surface and storm waters into drainage wells or sewer lines shall not be permitted.
  - 1. Where facilities for the disposal of surface and storm waters are not available immediately within or adjacent to the proposed subdivision, the Planning

Commission and City Council may require the construction of off-site drainage lines and appurtenances as may be necessary to permit connection to the City's storm drainage system.

2. Where facilities for the disposal of surface and storm waters are not available within or adjacent to the proposed subdivision, the Planning Commission and City Council may require the provision of temporary facilities for the detention or disposal of such waters as may be necessary to carry out the policies of the City's master plan for storm drainage.
  3. Where storm drains for the off-tract disposal of surface and storm waters in accordance with the City's master plan for storm drainage are not reasonably available, the subdivider shall pay a fee, as prescribed in Sections 8.30.050.C and 8.30.090.D, for purposes of defraying the actual or estimated costs of constructing planned drainage facilities for the removal of such waters. Where temporary drainage facilities are approved by the City under sub-paragraph 2 of this Section, the provisions of this sub-paragraph (3) shall also be made to apply.
- B. **Watercourses.** In the event that the subdivision is bordered or traversed by any public irrigation ditch or slough, or other public watercourse, the subdivider may be required to pipe such watercourse underground to standards of the public agency having jurisdiction. Where a private irrigation ditch is involved, the subdivider may be required to pipe such ditch underground to the standards determined by the City Engineer. The subdivider may be required to dedicate rights-of-way or easements as may be required by the City Engineer for structures or channel changes required for the detention and disposal of surface and stormwater, or for vehicular access along the watercourse necessary to permit the proper maintenance thereof when such maintenance is the responsibility of a public body.
- C. **Detention Basins and Ponding Areas.** Areas which are subject to the detention or ponding of surface water shall not be subdivided until necessary measures have been taken or are required to be taken as a condition of approval of the tentative or final map by the City Council. The City Engineer shall make an investigation and report to the Planning Commission on the adequacy of measures taken or proposed to be taken by the subdivider.
- D. **Sanitary Sewers.** Sanitary sewer lines and appurtenances, including man-holes, pump stations, and off-site lines, shall be provided within all subdivisions in accordance with the policies of the collection system sewer master plan as adopted by the S-K-F sanitation district and shall connect with existing sewer lines and appurtenances. Where a sewer line is constructed or laid within a public right-of-way, the subdivider shall install a lateral connection extending to the right-of-way line to serve each lot within the subdivision. Sanitary sewer lines, appurtenances, and service connections shall be constructed and laid to grades established by the City Engineer.
- E. **Water Supply and Fire Suppression.** The subdivider shall provide and connect water mains and fire hydrants to the City's water system. The design, lay-out and locations of such facilities shall be as approved by the City Engineer, with approval of the number and location of fire hydrants to be determined by the Fire Chief.
- F. **Underground Electric, Telephone, Cable, and Telecommunication Utilities.** The subdivider shall provide electric, telephone and cable utilities by underground service to each lot within the subdivision, in accordance with applicable provisions of State law and rules and regulations of the California Public Utilities Commission. The subdivider

is encouraged to provide for the installation of telecommunication facilities for service within subdivisions created for commercial and industrial development.

- G. **Railroads and Freeway Interchanges.** Where a subdivision adjoins a freeway and the General Plan designates a freeway interchange or grade separation structure for location involving property of the proposed subdivision, the possibility of a freeway interchange, grade separation, or other treatment shall be considered by the Planning Commission. The plan of the subdivision may be required to conform to prescribed conditions in anticipation of a grade separation, freeway interchange or other treatment, subject to the standards of the California Department of Transportation (Caltrans).
- H. **Rights-of-Way and Street Improvements.**
1. Street rights-of-way, paving, curbs, gutters and sidewalks, catch basins, manholes, planting strips, street lights, traffic signals, street signs, ornamental walls and other street improvements shall be designed and constructed to the standard specifications for construction as adopted by the City Council and on record at the time of Planning Commission approval of the tentative map.
  2. No subdivision shall be recorded unless public access is provided from the subdivision to a City, County, State or federally maintained road. Such public access shall be provided to the standards of improvements set forth in the City's standard specifications.
  3. The Planning Commission and City Council may require the subdivider to improve previously dedicated roads, alleys, easements or other rights-of-way either adjacent to or traversing the subdivision, or offsite, to the degree required by sub-paragraph 1 of this Section.

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#### 8.50.060 Subdivision Layout Standards

- A. **Applicability.** All subdivisions shall be designed in compliance with the standards of Subsection B, unless otherwise modified by the Planning Commission under Chapter 8.10 of this Article. Subdivisions completed as a Traditional Neighborhood Community Plan need not comply with the standards of Subsection C but must comply with the requirements of Chapter 2.10 (Traditional Neighborhood Community Plans).
- B. **General to All Zones.**
1. **Alignment of Streets.** Streets located on opposite sides of an intersecting street, shall have their center lines directly opposite each other where it is possible; otherwise the center line shall be separated by not less than 150 feet.
  2. **Reserve Strips.**
    - a. A one foot reserve strip shall be provided at the dead-end of a stubbed street and shall be offered for dedication to the City for future street purposes.
    - b. Where a half street is to be located adjoining unsubdivided land, a one foot reserve strip shall be provided adjacent to the unsubdivided land and shall be offered for dedication to the City for future street purposes.
    - c. Reserve strips shall be designated on the final map of the subdivision and shall be specifically referred to in the dedication certificate.
  3. **Street Names.**

- a. Street names shall conform to the street naming policy encompassed by Subsections a and b of this Section except as modified by order of the City Council. The following criteria shall apply:
  - (1) North-south streets are designated as avenues except for Morgan Drive, Rafer Johnson Drive, Cardinal Lane and a portion of Meadow Lane between Rafer Johnson Drive and Sixth Avenue.
  - (2) East-west streets, Simpson Street and downtown diagonal streets are designated as streets except for the following: Kamm Avenue, Stroud Avenue and Clarkson Avenue. Exceptions will also apply to the following existing roads in the unincorporated area of Fresno County as portions are annexed into the City: Mountain View Avenue, Caruthers Avenue and Elkhorn Avenue.
  - (3) Regardless of their orientation, cul-de-sacs are designated as courts.
- b. **New Streets.** Names for streets proposed for construction shall be selected according to the following criteria, subject to review by the Director and Planning Commission and approval by the City Council:
  - (1) Where a proposed new street is in alignment with an existing street elsewhere in the City of Kingsburg, the name of the existing street shall be applied to the proposed new section.
  - (2) Where a proposed new street is not in reasonably close alignment with an existing street elsewhere in the City, a new name shall be assigned according to the following criteria:
    - (3) North-south streets east of Rafer Johnson Drive will be sequentially-numbered avenues, for example: Fifth Avenue Drive, Sixth Avenue Drive, 10th Avenue, 18th Avenue. The only exceptions are: the street that would be known as 13th Avenue, which is named Sandell Avenue instead; Cardinal Lane; and a portion of Meadow Lane between Rafer Johnson Drive and Sixth Avenue.
    - (4) North-south streets west of Morgan Drive will be lettered avenues in alphabetical order, beginning with Avenue A, then Avenue B, etc.
    - (5) East-west streets north of Kamm Avenue will be named streets with a common theme and will proceed alphabetically north until the alphabet is exhausted (with the letters X and possibly Z excluded). Then another common theme will be followed alphabetically. The first common theme shall be names of flowers. Exceptions are existing avenues in unincorporated Fresno County that will continue to be known by their current names:
      - (a) Caruthers and Mountain View Avenues.
      - (b) East-west streets south of Mehlert Avenue also will be named streets, will follow the common theme policy, and will be named alphabetically going south. Exceptions are existing avenues in unincorporated Fresno County that will continue to be known by their current names: Clarkson and Elkhorn Avenues.
- c. **Specific to Non-Transect Zone Districts.** Subdivisions located in a non-transect zone district and not subject to a Traditional Neighborhood Community Plan shall be designed in compliance with the standards of this Subsection, unless otherwise modified by the Planning Commission under Chapter 8.10 of this Article.

1. **Continuations of Existing Streets.** Subdivision streets which constitute continuation of streets in contiguous territory shall be aligned so that their center lines coincide. Where straight line continuations are not physically possible, such center lines shall be continued by curves. The continuation of a street in contiguous territory may be required by the Planning Commission where such continuation is necessary to maintain the function of the contiguous street or a desirable existing pattern of streets and blocks in the surrounding area.
2. **Streets in Subdivisions Adjoining Unsubdivided Land (acreage).**
  - a. **Stubbed Streets.** Where a subdivision adjoins unsubdivided land, streets which may be necessary to assure the proper subdivision of the adjoining land shall be provided through to the boundary line of the subdivision. A temporary turn-around of a 50 foot radius shall be provided at the end of a stubbed street where it is determined by the Planning Commission to be necessary for the movement of emergency vehicles.
  - b. **Half Streets.** Where a street is proposed adjacent and parallel to the boundary line of the subdivision, the subdivider shall dedicate and improve two-thirds of the right-of-way prescribed for any arterial or collector street, or 42 feet of any minor street needed to serve the subdivided land. Where an existing half street is located adjacent and parallel to the boundary line of the proposed subdivision, the subdivider shall dedicate such additional right-of-way and provide such additional improvements as may be necessary for the classification of street involved.
3. **Streets.**
  - a. The radius of curvature, grade, tangents between curves, and right-of-way intersection turn radius of streets shall conform with the City's standard specifications.
  - b. **Width of Streets.** The right-of-way and curb-to-curb cross-sections of streets shall conform to the standards prescribed by the General Plan.
  - c. **Intersections.** Street intersections shall be as near right angles as practicable. In no case should the angle of intersection be less than 60 degrees.
  - d. **Cul-de-sacs.** The following standards shall apply:
    - (1) The use of cul-de-sac streets shall be avoided to the greatest extent practical. If cul-de-sacs are necessary due to topographical or other physical constraints, the end of each cul-de-sac shall provide a pedestrian walkway and bikeway between private parcels to link with an adjacent cul-de-sac, street, and/or park, civic use, or open space area.
    - (2) A cul-de-sac must end in a circular turn-around bulb with a radius of 45 feet from the center of the bulb to the curb and 55 feet from the center of the bulb to the right-of-way line.
    - (3) Between the intersecting street and the turn-around bulb a cul-de-sac street must have a curb-to-curb width of at least 40 feet, with at least 60 feet of right-of-way.
    - (4) A cul-de-sac may be no longer than 500 feet, measured from the right-of-way line of the intersecting street to the center of the turn-around bulb at the opposite end, and may serve no more than 18 residential lots.
  - e. **Frontage Streets and Non-Access Rights.**

- (1) Where property is to front upon an arterial street, a frontage street separated from the arterial street by a planting strip may be required for access to the subdivision.
  - (2) Where property is to front upon a limited access highway or freeway, a frontage street separated from the limited access expressway or freeway by a planting strip shall be required for access to the subdivision.
  - (3) Frontage streets will not be required when the lots of the subdivision adjacent to a freeway are oriented so as to back onto said freeway, and access rights thereto have been acquired previously by a public agency by purchase or dedication of waiver by the subdivider.
  - (4) Where lots are proposed to back onto a freeway, and access rights to the rear of said lots are offered for dedication, an ornamental masonry wall or wall/fence combination, not less than seven feet in height, shall be required by the City to be constructed along the rear lines of said lots.
  - (5) Where a noise barrier is required under the circumstances of back-on lot design as provided under sub-paragraph (4) of this section, the barrier may be substituted for the requirement of an ornamental wall or wall/fence.
  - (6) Irrigated landscaping shall be provided along the freeway side of a wall or noise barrier provided under Subsections 4 and 5 of this Section.
- f. **Private Streets.** Private streets and alleys shall be permitted only if they are improved by the subdivider in accordance with the standards prescribed by this code, and a covenant is recorded in the office of the Fresno County Recorder, for the benefit of the City, which stipulates that the responsibility for maintenance of the private street rests with the owners of property served by said private streets.
4. **Alleys.**
- a. Alleys shall be required at the discretion of the City.
  - b. The right-of-way and curb-to-curb cross-sections of alleys shall conform to the standards prescribed by the General Plan, unless otherwise modified by the Planning Commission under Chapter 8.10 of this Article.
5. **Lots.**
- a. **Lot Area, Width, Depth and Frontage.** The area, width, depth and frontage of lots shall conform with the standards of the applicable zoning districts as provided in the Development Code.
  - b. **Double Frontage Lots.** Double frontage lots shall not be permitted except where proposed in accordance with the provisions of Section 8.10.090 (Exceptions to Subdivision Standards).
  - c. **Lot Side Lines.** The side lines of lots shall be approximately at right angles to the street line on straight streets and to the tangent on curve streets and cul-de-sacs.
  - d. **Lot Boundary Lines.** No lot shall be divided by the boundary line of a County, City school district or other taxing district.
  - e. **Lots with the Capability of Resubdivision.** Where lots are sufficiently large enough to permit resubdivision at some future time, the location of lot lines and other details of layout shall be such that resubdivision may readily take place without violating the requirements of this Chapter or the Development Code, and without interfering with the orderly extension of adjacent streets.

6. **Blocks.**

- a. **Block Length.** Blocks shall not exceed 1,000 feet in length except where necessitated by topographical or other physical conditions, provided however that longer blocks may be required adjacent to expressways in order to reduce the number of intersections. Blocks less than 600 feet in length may be cause for disapproval of the tentative map.
- b. **Block Depth.** The depth of blocks shall be sufficient to allow for two tiers of lots with easements as required, but blocks shall not exceed 300 feet in depth except where necessitated by topographical or other physical conditions, or where permitted by provisions of the Development Code for the zoning district involved.

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**8.50.070 Provision for Future Passive or Natural Heating or Cooling Opportunities**

A design of a subdivision shall provide, to the extent practical and feasible, for future passive or natural heating and cooling opportunities for individual lots within the subdivision.

- A. Examples of passive or natural heating opportunities in subdivision design include lot size and configuration to permit orientation of a structure in an east-west alignment for southern exposure.
- B. Examples of passive or natural cooling opportunities in subdivision design include lot size and configuration to permit orientation of a structure to take advantage of shade and prevailing breezes.
- C. In providing for future passive or natural heating or cooling opportunities in the design of a subdivision, consideration shall be given to local climate, parcel configuration and other design improvement requirements. Such provision shall not result in reducing allowable densities or the percentage of a lot which may be occupied by a building under applicable planning and zoning policy and standard in force at the time of filing the tentative map.
- D. The requirements of this Section shall not apply to condominium developments which consist of the subdivision of airspace in an existing building when no new structures are added.
- E. For purposes of this Section, "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account relevant economic, environmental, social and technological factors.

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**8.50.080 Other Improvements**

The subdivider shall provide such other improvements, including but not limited to bridges, culverts, fencing of watercourses and hazardous areas, ornamental walls, landscaping, noise barriers, and recreation areas and facilities, as required by the Subdivision Map Act, and as designated by applicable policies and proposals of the Kingsburg General Plan, applicable mitigation measures required by the General Plan EIR, and mitigation measures required by any type of environmental assessment pertaining to the subdivision that is certified by the City in accordance with provisions of the California Environmental Quality Act (CEQA) and local guidelines pertaining thereto.

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## Chapter 8.60: Dedications, Reservations, and Exactions

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### Sections:

8.60.010	Purpose
8.60.020	Applicability
8.60.030	Dedications and Public Utility Requirements
8.60.040	Local Transit Facilities
8.60.050	Utility Easements
8.60.060	Offers of Dedication—Rejection
8.60.070	Offers of Dedication—Termination and Abandonment

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### **8.60.010 Purpose**

This Chapter establishes standards for subdivider dedications of land or payment of fees, in conjunction with subdivision approval.

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### **8.60.020 Applicability**

Each proposed subdivision shall comply with the requirements of this Chapter for dedications, reservations, or the payment of fees.

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### **8.60.030 Dedications and Public Utility Requirements**

- A. All parcels of land shown on the final map as intended for public use shall be offered for dedication for public use at the time the map is filed, except those parcels which are intended for the exclusive use of lot owners in the subdivision, their licensees, visitors, tenants and servants.
- B. All streets, alleys, pedestrianways, drainage channels and ponding basins, easements and other rights-of-way shown on the final map as intended for public use shall be offered for dedication for public use at the time the final map is filed.
- C. All rights of access to and from streets, lots and parcels of land shown on the final map as intended to be surrendered shall be offered for dedication at the time the final map is filed.
- D. Letters shall be submitted with the final map from the public utilities that will serve the subdivision certifying that satisfactory arrangements have been made with said public utilities for providing utility service and necessary easements therefore to serve each lot within the subdivision.

**8.60.040 Local Transit Facilities**

The City may require the dedication or irrevocable offer of dedication of land within the subdivision for such local transit facilities as bus turnouts, benches, shelters, landing pads and similar facilities which will directly benefit the residents of the subdivision if the following conditions exist:

- A. The subdivision as shown on the tentative map has the potential for 200 dwelling units or more if developed to the maximum density shown by the Kingsburg General Plan, or contains 100 acres or more; and
- B. The City Council finds that transit services are or will be made available to such subdivision within a reasonable time period.

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**8.60.050 Utility Easements**

Easements shall be provided for the placement of overhead and underground utilities along property lines where necessary to provide the subdivision with electric power, telephone and cable services, street lighting, sewer lines, water lines, gas lines or drainage. Such easements shall be labeled "Easement for Public Utilities" and shall be provided subject to variations requested by public utility companies.

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**8.60.060 Offers of Dedication—Rejection**

- A. If at the time the final map is approved, any streets, paths, alleys, rights-of-way for local transit facilities such as bus turnouts, benches, shelters, landing pads and similar items, which directly benefit the residents of a subdivision, reserve strips or storm drainage easements are rejected, the offer of dedication shall remain open and the City Council may by resolution at any later date, and without further action by the subdivider, rescind its action and accept any offers of dedication which directly benefit the residents of a subdivision, or storm drainage easements for public use, which acceptance shall be recorded in the office of the County Recorder.
- B. One foot reserve strips provided across the end of stubbed streets or along partial streets adjoining unsubdivided land shall be designated by a capital letter, provided however that such reserve strip lots shall be exempt from all other provisions of the ordinance codified in this title governing the size, shape or area of lots, or which are otherwise applicable to lots. These reserve strips shall be offered to the City for dedication at the time the final map is recorded. However, the City shall reject the offer until such time as additional right-of-way is required to allow the extension of a stubbed street or completion of a partial street. All rights of vehicular access across said reserve strips shall be abandoned until such time as said reserve strips are accepted by the City for street purposes.

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**8.60.070 Offers of Dedication—Termination and Abandonment**

- A. Offers of dedication may be terminated and abandoned in the same manner as prescribed for the abandonment or vacation of streets by the streets and highways code.

- B. Except as provided by the Subdivision Map Act, if a resubdivision or reversion to acreage of the tract is subsequently filed for approval, any offer of dedication previously rejected shall be deemed to be terminated upon the approval of the map by the City Council.

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## Chapter 8.70: Growth Management System

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### Sections:

8.70.010	Purpose
8.70.020	Allocations for Housing Units
8.70.030	Senior Housing Allocations
8.70.040	Exemption to Allocation Requirements
8.70.050	Small Developments
8.70.060	Competitive Allocations
8.70.070	Rating and Ranking Criteria
8.70.080	Phased Developments
8.70.090	Exceptions and Changes

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### 8.70.010 Purpose

- A. This Chapter implements a Growth Management System that regulates residential development so that it is compatible with the character and service capabilities of the City and other service providers within the City. This Chapter implements the Growth Management Amendment to the City Charter passed by the voters of the City in the election of November 2, 2004.
- B. This Chapter establishes a Growth Management System to limit the rate of residential growth in the City to a level compatible with the size, financial limitations, resource constraints, and services capabilities of the City and service providers within the City. This Chapter also seeks to maintain aesthetic goals of the City. This Chapter implements fundamental policies of the General Plan including particular provisions of the Land Use and Housing Elements of the General Plan. The Growth Management System assists the City in addressing its responsibility to share in the provision of housing for households of various income levels as determined by the Regional Housing Needs Allocation Plan prepared by the Council of Fresno County Governments and approved by the State Department of Housing and Community Development.

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### 8.70.020 Allocations for Housing Units

- A. One hundred fifteen new allocations of housing units will become available at the beginning of each calendar year. Allocation is defined as the right to apply for a building permit to construct one single-family residence or one multi-family residential housing unit. The allocations are divided between two categories of housing: multiple-family housing units with 35 allocations (less any allocations issued to multi-family small developments as defined in Section 8.70.050) per year (30 percent) and single-family housing units, with 80 allocations per year (70 percent). Of the 80 allocations (less any allocations issued to small developments as defined in Section 8.70.050) per year of single-family housing units, 20 allocations shall be reserved for large lot development on parcels of at least 10,000 square feet.
- B. Allocations which are issued in compliance with the provisions of this Chapter are issued to the specific residential development identified and described in the application for

allocations. Allocations are not issued to any person or entity. Allocations cannot be assigned, transferred or conveyed to another residential development.

- C. Except as otherwise set forth in this Subsection, if after allocations are awarded, a residential housing development receiving allocations is modified or changed in any way, the allocations awarded to that residential housing development shall automatically terminate and become unused allocations subject to reallocation at the time of the next award of allocations. In order to obtain allocations, the modified or changed residential housing development shall apply for allocations as a new residential housing development. Except that, a residential housing development may file an application with the City requesting that the allocations not terminate but remain with the changed or modified residential housing development. The City council may grant such application only if the City council can make all of the following findings:
1. The City Council determines that: (i) any modification or change in the type (i.e., single-family, multi-family, senior, etc.) of residential housing; or (ii) any modification or change in any aspect of the residential housing development which is subject to the rating and ranking criteria set forth in Section 8.70.070, identified in the original application for allocations, satisfies a current specific housing need in the City;
  2. Any modification or change: (i) in the number of residential housing units; or (ii) any modification or change in any aspect of the residential housing development which is subject to the rating and ranking criteria set forth in Section 8.70.070, identified in the original application for allocations, results solely from a modification or change identified in subsection (C)(1) of this section and does not result in a need to increase the allocations initially issued to the residential housing development identified in the original application;
  3. The competitive points the modified or changed residential housing development receives as determined by City Staff's reevaluation of the modified or changed residential housing development in compliance with the competitive allocation process identified in Section 8.70.060, does not result in a competitive points ranking different from the residential housing development identified in the original application and does not effect the competitive points ranking of any other residential housing development that competed for allocations with the residential housing development identified in the original application;
  4. No entitlements have been approved or issued for the residential housing development prior to its application seeking to retain the awarded allocations.
- D. After allocations are issued as provided in this Chapter, all development entitlements (i.e., Parcel Map, environmental review, etc.) associated with said allocations are required by the City or applicable law, rule or standard shall be approved by the City in order to use the issued allocations. If any required development entitlements are denied, or expire, the issued allocations related thereto shall automatically expire. The City will not accept any application for development entitlements unless allocations have been approved and issued for said development entitlements. Also for issued allocations to remain effective, complete development entitlement applications (including the payment of any and all required fees) for all required development entitlements shall be submitted to the City within 180 days after the date of issuance of the allocations and construction of off-site improvements, including, without limitation, installation of utilities and construction and installation of streets, shall commence within 365 days after the date of approval of all required development entitlements ("construction start date"). No fees paid by an

applicant to the City as part of the entitlement process will be reimbursed by the City should the applicant fail to satisfy the requirements of this Chapter.

- E. An applicant may request an extension of the construction start date by submitting a written application for such extension on the form required by the City. In order to grant an extension request, the City Council, upon recommendation by the planning commission, shall find that the failure of the applicant to commence construction of off-site improvements on or before the construction start date was beyond the reasonable control of the applicant.
- F. The City Council, may, in its discretion, allow unused allocations to be carried over for a period of up to three years and allocated to first allocations and/or second allocations or both (as those terms are defined in Section 8.70.060). Unused allocations are allocations: (i) which were never issued; or (ii) previously issued and expired because of denial of development entitlements, failure to commence construction of off-site improvements on or before the construction start date or any extension thereof; or (iii) failure of the applicant to comply with the provisions of this Chapter.
- G. In order to meet the housing needs of persons who will reside in mobilehome parks or multi-family housing developments, an applicant seeking to develop a mobilehome park with more than 15 spaces and/or multi-family housing development with more than 15 units may request issuance of allocations which would otherwise be issued over a three-year period. The purpose of this three-year allocation is to satisfy the housing needs of persons who wish to reside in mobilehome or multi-family developments, through a development which is larger than would otherwise be allowed with only one year of allocations. An applicant may request a three-year allocation by submitting a written application to the City on the form required by the City.

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### **8.70.030 Senior Housing Allocations**

Demand for senior housing in the City exceeds the supply of senior housing within the City. As a result, and in order to address this need for more senior housing, allocations for a senior housing development shall be issued on the basis of one-half of one allocation for each senior housing unit to be constructed. Senior housing is defined as residential housing which requires that at least one person in residence in each dwelling unit be 55 years of age or older. The residential dwelling units shall include each of the following elements:

- A. Entryways, walkways, and hallways in the interior common areas of the development, and doorways and paths of access to and within the housing units, shall be as wide as required by current laws applicable to new multi-family housing construction for provision of access to persons using a standard-width wheelchair.
- B. Walkways and hallways in the common areas of the development shall be equipped with standard height railings or grab bars to assist persons who have difficulty with walking.
- C. Walkways and hallways in the common areas shall have lighting conditions which are of sufficient brightness to assist persons who have difficulty seeing.
- D. Access to all common areas and housing units within the development shall be provided without use of stairs, either by means of an elevator or sloped walking ramps.
- E. The development shall be designed to encourage social contact by providing at least some common open space.

- F. Refuse collection shall be provided in a manner that requires a minimum of physical exertion by residents.
- G. The development shall comply with all other applicable requirements for access and design imposed by law, including, but not limited to, the Fair Housing Act (42 U.S.C. Section 3601 et seq.), the Americans with Disabilities Act (42 U.S.C. Section 12101 et seq.), and the standards promulgated at Title 24 of the California Code of Regulations that relate to access for persons with disabilities or handicaps. If a senior housing development includes the seven elements listed previously in this section and one of the three enhancements listed in subsection (G)(1) through (3) which follow in this section, allocations for that senior housing development shall be issued on the basis of one-third of one allocation for each senior housing unit to be constructed. If a senior housing development includes the seven elements listed previously in this section and two of the three enhancements listed in subsections (G)(1) through (3) which follow in this section, allocations for that senior housing development shall be issued on the basis of one-fourth of one allocation for each senior housing unit to be constructed. If a senior housing development includes the seven elements listed previously in this section and all three of the enhancements listed in subsections (G)(1) through (3) which follow in this section, allocations for that senior housing development shall be issued on the basis of one-fifth of one allocation for each senior housing unit to be constructed. Enhancements are:
1. Development of congregate housing at a density that would meet the medium or high density residential standard in the general plan, at least seven dwelling units per net acre.
  2. Provision of support services that would enable senior citizens who are otherwise able to live independently to remain in their homes for a longer time. Examples of such services are provision of community meals, transportation, laundry services and cleaning services.
  3. Meeting the Housing Element inclusionary housing goal by making at least 15 percent of the housing units affordable to households of low or very low income (less than 80 percent of the local median income for households of the **same size**).

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**8.70.040 Exemption to Allocation Requirements**

The following types of residential housing may be constructed without the issuance of allocations:

- A. Residential housing units constructed upon parcels that were previously fully developed and which have adequate infrastructure to service the new residential development as determined by the City.
- B. Second housing units added to lots with single-family homes in conformance with the Development Code and applicable California law.
- C. Residential housing developments which received all required entitlements prior to enactment of this Chapter.

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**8.70.050 Small Developments**

New multi-family or single-family residential developments of four or fewer dwelling units ("small developments") will automatically receive allocations and will not be required to participate in the competitive allocation process identified in Section 8.70.060.

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**8.70.060 Competitive Allocations**

- A. Allocations for residential developments consisting of five or more dwelling units will compete for allocations in accordance with the process identified in this section. Each calendar year, the maximum number of allocations that can be issued through the competitive process for any one application for development entitlements to construct residential housing units is 25 allocations for single-family housing or multiple-family housing, or 35 allocations for mixed-density developments which include at least 10 single-family homes and at least 10 multiple-family dwelling units.
- B. Applications for competitive allocations shall be filed with the planning and development department on or before four o'clock p.m. on September 30th of each calendar year. If September 30th falls on a Saturday, Sunday or holiday when the City offices are closed, the time for filing applications for competitive allocations shall be extended to four o'clock p.m. on the next business day. The development proposals identified in the applications shall be rated and ranked in accordance with the rating and ranking criteria identified in this Chapter by planning Staff during the month of October and the planning Staff shall make its recommendations for competitive allocations to the planning commission.
- C. An application may not identify more than five model homes to be constructed for each group of 25 allocations issued. At the election of the applicant, the model homes will or will not be counted as part of the allocations issued to the applicant. If the applicant elects not to include model homes as part of the allocations issued to the applicant, no certificate of occupancy will be issued for the model homes until allocations are issued for the model homes in accordance with the provisions of this Chapter.
- D. At its first meeting each November, the planning commission will conduct a public hearing to review Staff's rating and ranking recommendations for the competitive allocations and make recommendations to the City Council regarding the competitive allocations. At its first regular meeting in December, the City Council will consider the recommendations of the planning commission and will issue allocations for the next calendar year ("first allocations").
- E. If not all available allocations are issued in December, then at its first meeting in February of the next year, the City Council may authorize Staff to conduct a second competitive allocation process ("second allocations"). If a second allocation is authorized by the City Council, the application process shall be the same as for the first allocations, except that all applications shall be received by the planning and development department by four o'clock p.m. on March 31st. If March 31st falls on a Saturday, Sunday or holiday when the City offices are closed, the time for filing applications for second allocations shall be extended to four o'clock p.m. on the next business day. City Staff will perform its ranking and rating process during the month of April and a public hearing will be held by the Planning Commission at its first regular meeting in May to review Staff's rating and ranking recommendations for the second allocation and make recommendations to the City Council regarding the second allocation. At its first regular meeting in June, the City

Council will consider the recommendations of the Planning Commission and determine the number of second allocations to be issued, if any.

- F. If there is only one application for second allocations, the City Council may authorize the issuance of all allocations available in the second allocation to the sole applicant, even though the allocations available in the second allocation exceed the maximum annual number of allocations available for issuance under this Section of this Chapter and even though the sole applicant for the second allocations received first allocations.

### 8.70.070 Rating and Ranking Criteria

Developments seeking allocations will be rated using a 100-point scoring system and then ranked. Rating and ranking will be based on information submitted by the applicants in their application materials, backup documentation provided by applicants and other documents and information the City deems relevant to each respective development. Lists of supporting materials likely to be included in a typical application are found at the end of the description of each scoring category. Applicants are encouraged to submit any other materials that are relevant in supporting their applications. The scoring system will be based on the following criteria:

- A. **Suitability of Location (25 Points).** The City promotes compact and efficient development. Concentric patterns of growth are preferred. Infill development within the urban limit boundary is encouraged. Leapfrog development and irregular boundaries are discouraged. Islands or corridors of unincorporated territory are to be avoided. Developments will not be considered if the property identified in the application is not sufficiently contiguous to the City limits to allow for a logical and reasonable extension of the City limits as determined by the City. Scoring for this category is as follows:

25 Points	The property proposed for development is already within the City limits.
20 Points	An infill development sufficiently surrounded by urban development as determined by the City.
15 Points	The property is bordered by the City on more than one side.
10 Points	The property is adjacent to the City limits and within the urban limit boundary, allowing for a logical and reasonable extension of the City limits, as determined by the City.
5 Points	The property is adjacent to the City limits, allowing for a logical and reasonable extension of the City limits as determined by the City, but the property is outside of the urban limit boundary.
0 Points	The property is outside of the sphere of influence and annexation to the sphere is required.

Documentation may include a map and verbal description.

- B. **Inclusionary Housing (15 Points).** The adopted Housing Element of the Kingsburg General Plan has an inclusionary housing policy calling for at least 15 percent of the housing units provided by each development to be affordable to low-income or very low-income households. If the affordable units are not incorporated into the development, the applicant may be able to comply with the policy by assisting the City in providing an equal number of affordable housing units elsewhere in the City by dedicating appropriate land or paying an in-lieu fee. For each percentage point of affordable housing included in or provided for by a development, one scoring system point will be awarded up to a

maximum of 15 points. Documentation shall include a detailed written commitment to provide the affordable housing described in the application. It shall include calculation of the probable rental or mortgage costs of the housing units in the development proposed; calculation of the housing costs a low-income household can afford (which can be based on 80 percent of the median household incomes for Fresno County for the current year as provided by the California Department of Housing and Community Development); and an explanation of how any "gap" between the two calculations will be eliminated. The "gap" is the basis for determining an appropriate in-lieu fee, or an appropriate value for land to be dedicated for affordable housing purposes. If third-party subsidies are proposed through use of governmental grant funds or partnership with non-profit affordable housing organizations, the commitment on the part of any third-party entity shall be documented in writing.

C. **Meeting Special Needs, Demonstrated Market Demands and Community Objectives (20 Points).** The City's adopted Housing Element emphasizes the accommodation of special-needs populations. Points will be awarded for developments that provide housing for populations that are underserved or have special needs that are not generally met in other developments. Examples include, without limitation, handicapped-accessible units or housing for senior citizens or large families. Points will be awarded to developments that:

1. Provide housing for populations that are underserved or have special needs that are not generally met in other developments, such as handicapped-accessible units or housing for senior citizens or large families;
2. Expand the range of housing choices available in the community by offering configurations, densities and/or price ranges that are not otherwise readily available;
3. Satisfy demonstrated market demands (e.g., large lots, senior housing); and
4. Utilize properties that have been bypassed because they are challenging to develop

Documentation may include descriptions of existing housing inventory and market conditions, demographics, explanations of challenges confronted by the applicants, description or drawings of proposed housing features, etc.

D. **Infrastructure and Services (25 Points).** Preference will be given to developments that have the most positive impacts and/or the least negative impacts on infrastructure and services provided by the City and other service entities that operate within or provide services to the City. Scoring shall be based on the following criteria:

1. Proximity to existing infrastructure systems;
2. The extent of extension or expansion needed to increase the capacity of existing infrastructure to serve the proposed development and, if appropriate, future development;
3. The willingness of the applicant to enter into a reimbursement agreement if the development involves construction of master-planned facilities and such an agreement is appropriate;
4. Agreement to construct and install new oversized infrastructure and/or construct and install new infrastructure that extends beyond the applicant's development in order to service future growth, with reimbursement to applicant in compliance with a reimbursement agreement providing for reimbursement by future development connecting to the oversized and/or extended infrastructure;

5. Dedication of real property to the City to improve systems and services, including, without limitation, rights-of-way for streets, alleys or green belts, or sites for water wells, lift stations, drainage basins, parks, and schools sites, etc;
6. Incorporation of resource conservation features, including, without limitation, active or passive solar systems, water conservation features, drought-tolerant landscaping and energy-efficient appliances.

Documentation of infrastructure considerations and property dedications can take the form of written descriptions and commitments, maps and diagrams. Conservation features can also be documented with industry or manufacturer data and literature.

- E. **Architectural Design and Aesthetic Considerations (15 Points).** Kingsburg continues to project an image as "the Swedish Village" which gives the City a unique identity. Residential housing should include distinctive design, quality construction and accompanying amenities. Features that will receive points through the scoring system include:

1. Custom homes or customized features on tract homes that prevent houses in the same development from appearing repetitious;
2. Fostering of neighborhood character;
3. Compatibility with neighboring developments (e.g., lot sizes and square footage of homes);
4. Utilization of alleys for garage access from the rear;
5. Variable front yard setbacks;
6. 6. Landscaping of street medians and parkways;
7. Green belts with pathways for pedestrians, skaters and bicyclists;
8. Pedestrian-friendly design;
9. Bicycle lanes in appropriate locations;
10. Preservation of existing trees;
11. Open space and recreation facilities.

In addition to written descriptions, diagrams and maps, such documentation as elevations, renderings, floor plans and photographs of similar developments may help to illustrate the proposed development.

In the case of walled and gated communities, aesthetics and amenities that are generally viewed by and available to residents and selected guests exclusively will not be considered in scoring in this architectural design and aesthetic considerations category. Only those features that are visible to the general citizenry outside of the walled and gated community will be evaluated.

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## 8.70.080 Phased Developments

Developments having more residential units than the maximum allocation allowable or available in a single allocation period may be phased. Allocations for phased developments may include allocations for the calendar year and allocations for up to two years thereafter. Approval of allocations for a phased development shall identify the number of allocations that will be issued by the City and used by the applicant during each phase of the development. A

separate Final Map is not required for each phase of a residential subdivision development. Phasing requirements, including, without limitation, number of allocations available for use in each phase, numbers of units that can be constructed and timing of construction, will be enforced as conditions of approval of the Tentative Map and Final Map and as provisions of the Subdivision Agreement. If a multiple-family residential development includes phasing, phasing requirements including those identified in this Section will be enforced through conditions of approval of the site plan and as provisions of the Development Agreement if one is required by the City.

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**8.70.090 Exceptions and Changes**

- A. The provisions of Section 8.10.090 shall not apply to this Chapter.
- B. The City Council shall have the power to increase, decrease, change or reallocate allocations by resolution of the City Council.

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# Article 09: Definitions

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# Chapter 9.10: Definitions

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## Sections:

- 9.10.010 Definitions of Specialized Terms and Phrases
- 9.10.020 Definitions of Land Uses

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## 9.10.010 Definitions of Specialized Terms and Phrases

### A. Definitions

**Accessory Structure.** A structure physically detached from, secondary and incidental to, and commonly associated with a primary structure and/or use on the same site. The use of the Accessory Structure must not change the character of the use for the site. Accessory Structures normally associated with a residential use property include, but are not limited to: Garages (unenclosed or enclosed) for the storage of automobiles (including incidental restoration and repair), personal recreational vehicles and other personal property; studios; workshops; greenhouses (noncommercial); enclosed cabanas and pool houses; storage sheds; and outdoor saunas.

Accessory Structures normally associated with a non-residential use property include, but are not limited to: Garages (unenclosed or enclosed) for the storage of automobiles and work related vehicles and equipment (including incidental restoration and repair); storage structures; workshops; and studios.

A permitted Accessory Structure is not allowed by right to have an Accessory/Secondary Unit. This use is regulated separately as “Dwelling, Accessory/Secondary Unit.” See also “Agricultural Accessory Structure” and “Dwelling, Accessory/Secondary Unit.”

**Adult bookstore.** An establishment that devotes more than ten percent (10%) of the total display, shelf, rack, table, stand or floor area of the premises to the display for sale, rent or display of merchandise, books, magazines, periodicals or other printed matter, photographs, films, motion pictures, video cassettes, slides, tapes, records, DVDs, CD-ROMs, or other forms of visual or audio representations which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas or instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.

**Adult cabaret.** Any nightclub, bar, restaurant, or other similar establishment that regularly features live performances or features films, motion pictures, video cassettes, DVDs, CD-ROMs, slides or other photographic reproductions that are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas for observation by patrons.

**Adult drive-in theater.** An open lot or part thereof, devoted primarily to the presentation of live performances, motion pictures, films, theatrical productions or other forms of visual productions, to persons in motor vehicles or on outdoor seating, where the material being presented is distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

**Adult mini-motion picture theater.** An establishment, with a capacity of more than five but less than fifty (50) persons, where films, motion pictures, video cassettes, DVDs, CD-ROMs, slides or similar photographic reproductions are shown and where the material shown is distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

**Adult model studio.** Any establishment open to the public where figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. This provision shall not apply to any school of art which is operated by an individual, firm, association, partnership, corporation, or institution that is authorized under the California Education Code to issue or confer a diploma.

**Adult motel.** A motel or similar establishment offering public accommodations which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, DVDs, CD-ROMs or other photographic reproductions distinguished or characterized by an emphasis upon the depiction or description specified sexual activities or specified anatomical areas.

**Adult motion picture arcade (peep show).** Any place where coin- or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are available for observation to show images and the images so shown or displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

**Adult motion picture theater.** An establishment with a seating capacity of fifty (50) or more persons where films, motion pictures, video cassettes, DVDs, CD-ROMs, slides or similar photographic reproductions are shown and where the material is distinguished or characterized by an emphasis upon the depiction or description to specified sexual activities or specified anatomical areas.

**Adult theater.** Any theater, concert hall, auditorium, or similar business either indoor or outdoor, which regularly features live performances that are distinguished or characterized by an emphasis on specified sexual activities or exposure of specified anatomical areas.

**Adult video cassette, DVD and CD-ROM sales and rental.** Same meaning as "adult bookstore."

**Adult video games.** Coin-operated or electronic game machines having visual displays and animation that depict in any manner any sort of activity characterized by emphasis upon depiction or description of specified anatomical areas or specified sexual activities.

**Agent.** One authorized by law to act in that capacity for that type of property, and is licensed as a real estate broker under Chapter 3 (commencing with Section 10130) of Part of Division 4 of the Business and Professions Code or is a licensee, as defined in Section 18006 of the Health and Safety Code.

**Agricultural land.** All real property within the boundaries of the city of Kingsburg, and those properties immediately surrounding the city, currently used for agricultural operations or upon which agricultural operations may in the future be established.

**Agricultural operation.** Includes, but not be limited to, cultivation and tillage of the soil; dairying; the production, irrigation, frost protection, cultivation, growing, harvesting and processing of any agricultural commodity, including viticulture, horticulture, timber; the raising of livestock, fur bearing animals, fish or poultry; and any commercial agricultural practices performed as incident to or in conjunction with such operations, including preparation for market, delivery to storage or to market, or to carriers for transportation to market.

**Alley.** A public way permanently dedicated or reserved as a secondary means of access to the rear or side of abutting property.

**Allowed Use.** Uses that are allowed by right and are not subject to the conditions of approval, mandatory review periods, or expiration periods as required for Use Permits or Minor Use Permits.

**Ancillary Structure/Ancillary Building.** See "Accessory Structure."

**Apartment House.** See Chapter 4.10 (Specific to Building Types).

**Architectural Features.** Exterior building elements intended to provide ornamentation to the building massing, including, but not limited to: eaves, cornices, bay windows, window and door surrounds, light fixtures, canopies, and balconies.

**At-Grade Highway.** A section of highway, the grade of which is within five feet of the grade of the adjacent properties.

**Awning Sign.** See Chapter 4.60 (Specific to Signage)

**B. Definitions**

**Billboard.** A freestanding sign or wall sign advertising off-site services, ideas, and products.

**Block.** The properties abutting on one side of a street and laying between the two nearest intersecting or intercepting streets, railroad rights-of-way, unsubdivided land or watercourse

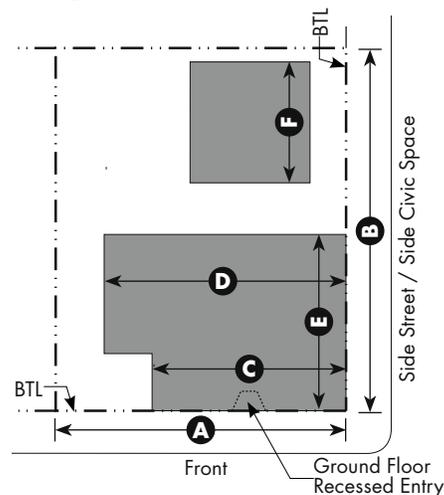
**Blade Sign.** See Chapter 4.60 (Specific to Signage)

**Body painting studio.** An establishment or business which provides the service of applying paint or other substance, whether transparent or nontransparent, to or on specified anatomical areas.

**Building Type.** A structure defined by its combination of configuration, disposition and function.

**Build-to Line (BTL).** A line parallel to a property line or right-of-way where a building facade must be placed. The BTL may appear graphically on the regulating plan or be stated as a dimension from the property line or right-of-way. Figures x.x and x.x depict how to calculate the % of BTL Defined by a Building and % of Building at the BTL as may be required in the Building Form Standards. Minor deviations from the BTL are allowed for architectural features, recessed entries, and recessed balconies and do not count against the calculations of % of BTL Defined by a building or Building at the BTL.

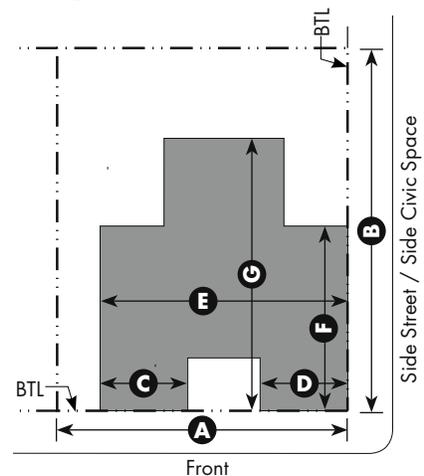
*Example 1:*



% of BTL Defined by a Building:  
 Front =  $\frac{C}{A}$   
 Side Street =  $\frac{E}{B}$

% of Building at the BTL:  
 Front =  $\frac{C}{D}$   
 Side Street =  $\frac{E}{(E + F)}$

*Example 2:*



% of BTL Defined by a Building:  
 Front =  $\frac{(C + D)}{A}$   
 Side Street =  $\frac{F}{B}$

% of Building at the BTL:  
 Front =  $\frac{(C + D)}{E}$   
 Side Street =  $\frac{F}{G}$

**Bungalow Court.** See Chapter 4.10 (Specific to Building Types).

**Buyer.** Includes any transferee.

### C. Definitions

**Carriage House.** See Chapter 4.10 (Specific to Building Types).

**Ceiling Height, Ground Floor.** Height from finished floor to finished ceiling of primary rooms on the ground floor, not including secondary rooms such as bathrooms, closets, utility rooms and storage spaces.

**Ceiling Height, Upper Floor(s).** Height from finished floor to finished ceiling of primary rooms on the floor(s) above the ground floor, not including secondary rooms such as bathrooms, closets, utility rooms and storage spaces.

**Charrette.** A multiple-day collaborative design and planning workshop held on-site and inclusive of all affected stakeholders.

**Civic.** A term defining not-for-profit organizations that are dedicated to arts, culture, education, religious activities, recreation, government, transit, and public parking facilities.

**Civic Building.** A structure operated by governmental or not-for-profit organizations and limited to civic and related uses.

**Civic Space.** An outdoor area dedicated for civic activities.

**Co-location.** Locating more than one antenna on the same antenna mount.

**Commercial.** A term defining workplace, office and retail uses collectively.

**Common Yard.** See Chapter 4.20 (Specific to Private Frontages)

**Common Courtyard.** An entry court, forecourt or courtyard shared by multiple residential units or commercial spaces.

**Communication tower.** A structure higher than its diameter used to support antennas for wireless communications.

**Community Garden.** See Chapter 6.10 (Civic Space Standards).

**Community Park.** See Chapter 6.10 (Civic Space Standards).

**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, industrial, or commercial building on such real property, such as an apartment, office or store. Courtyard Building. See Chapter 4.10 (Specific to Building Types).

**Cul-de-sac.** A road which terminates in a permanent turn-around and which by design is not intended to continue beyond its terminal point.

**Cultivation of Medical Marijuana.** The growing of medical marijuana for medical purposes as defined in strict accordance with California Health and Safety Code Sections 11362.5 and 11362.7 et seq.

### D. Definitions

**Dedication.** A transfer by a subdivider to the City or County of Fresno of title to real property or any interest therein, or of an easement or right in real property, the transfer of facilities, or the installation of improvements, or any combination thereof.

**Depressed Highway.** A section of highway, the grade of which is more than five feet below of the grade of the adjacent properties.

**Depth, Ground-Floor Commercial Space.** The distance from the street-facing facade to the rear interior wall of the ground-floor space available to a commercial tenant.

**Development Agreement.** A contract duly executed and legally binding between the City of Kingsburg and a developer(s) that delineates the terms and conditions agreed upon by two or more parties.

**Director.** The Planning and Development Director or his or her duly appointed designee.

**Dooryard.** See Chapter 4.20 (Specific to Private Frontages)

**Duplex.** See Chapter 4.10 (Specific to Building Types).

#### E. Definitions

**Elevated Highway.** A section of highway, the grade of which is more than five feet above the grade of the adjacent properties.

**Encroachment.** Any architectural feature, structure or structural element, such as a gallery, fence, garden wall, porch, stoop, balcony, bay window, terrace or deck, that breaks the plane of a vertical or horizontal regulatory limit extending into a setback, beyond the build-to-line, into the public frontage, or above a height limit

**Establishing an adult entertainment business.** Means and includes the opening or commencement of any such business as a new business; the conversion of an existing business, whether or not an adult entertainment business, to any of the adult entertainment businesses defined in this chapter; the addition of any of the adult entertainment businesses defined herein to any other existing adult entertainment business; or the relocation of any adult entertainment business.

#### F. Definitions

**Facade.** The vertical surface of a building.

**Facade Zone.** The area between the minimum and maximum setback lines.

**Finish Level, Ground Floor.** Height difference between the ground floor finished floor of residential or commercial space, excluding lobbies and common-use areas, and the adjacent public walk. In the case of a loading dock frontage that serves as the public right-of-way, the floor finish level is the height of the walk above the adjacent street.

**Flex Space.** A room or group of internally connected rooms designed to accommodate an evolution of use over time in response to an evolving market demand. Typically designed to accommodate future commercial uses, while accommodating less intense short-term uses, such as residential or live/work, until the full commercial demand has been established.

**Forecourt.** See Chapter 4.20 (Specific to Private Frontages)

**Formally Disposed.** Composed in a formal arrangement, in a regular, classical, and typically symmetrical manner.

**Freestanding sign.** Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure, or sign taller than eight feet in height with a height limit of 35 feet. Includes sign types that are independent of a building.

**Front.** The primary frontage(s) of a lot, determined as follows:

For lots with frontages along multiple thoroughfares, the frontage along the thoroughfare with the most pedestrian activity, as determined by the Director, will always be the Front. All other frontages may be considered to be Side Street Frontages.

For lots with frontages along a thoroughfare and a civic space, the Front may be the frontage along either the thoroughfare or the civic space, or both frontages may be

treated as Fronts, with the following exception: the frontage along certain Civic Spaces may be required to be a Front, as per the Civic Space Standards (see Chapter 6.10).

For lots with a single frontage along a thoroughfare or a Civic Space, but not both, that frontage is the Front.

Frontages along Alleys, Service Drives, and Parking Drives may never be a Front.

**Frontage.** A strip or extent of land abutting a thoroughfare, civic space or other public right-of-way.

1. Frontage, Private.
2. Frontage, Public. The area between the curb of the vehicular lanes and the frontage line.

**Frontage Line.** The property line(s) of a lot fronting a thoroughfare or other public way, or a Civic Space.

**Frontage road.** A road which parallels a freeway, expressway, highway or Arterial street, providing for access to abutting property or for circulation, and which is separated from the freeway, expressway, highway or Arterial street by a median or dividing strip.

**Frontage Type.** The way in which a building engages the public realm. See Chapter 4 (Frontage Type Standards).

#### G. Definitions

**Gallery.** See Chapter 4.20 (Specific to Private Frontages)

**Garage.** A structure, or part thereof, used or intended to be used for the parking and storage of motor vehicles.

**Gateway sign.** A freestanding sign in which the bottom of the sign is in contact with the ground and marks a perceptual designated entry into city or county borders.

**General bookstore.** An establishment engaged in the buying, selling and/or trading of new and/or used books, manuscripts, and periodicals of general interest. A general bookstore does not include an establishment that is encompassed by the definition of adult bookstore.

**General motion picture theater.** A building or part of a building intended to be used for the specific purposes of presenting entertainment as defined in this chapter, or displaying motion pictures, DVDs, CD-ROMs, slides or closed circuit television pictures before an individual or assemblage of persons whether such assemblage be of a public, restricted or private nature, except a private home provided, however, that any such presentations are not distinguished or characterized by an emphasis on the depiction or description to specified sexual activities or specified anatomical areas but such depiction or description is only incidental to the plot or story line.

**Greenway.** See Chapter 6.10 (Civic Space Standards).

**Guyed tower.** A communication tower that is supported, in whole or in part, by guy wires and ground anchors.

#### H. Definitions

**Headshop.** An establishment or place where more than fifteen percent (15%) of the floor area in any room is used for the sale and display of such paraphernalia and literature commonly associated with the use of narcotics and controlled substances, including, but not limited to cocaine; and sniffing kits; glass mirrors for cutting narcotics or controlled substances; snorting spoons and tubes; strainers to sift narcotics or controlled substances; water pipes

(bongs); everyday items with special removable tops that have been converted to conceal narcotics and drugs, including beer cans, oil cans and plastic photographic film vials; roach clips (for holding marijuana cigarettes); books and magazines extolling the use of narcotics or controlled substances. Such a place is an adult entertainment establishment. This definition does not limit licensed pharmacies in selling and displaying medicinal equipment prescribed by licensed medical practitioners.

**Height.** A limit to the vertical extent of a building that is measured in number of stories. Height limits do not apply to masts, belfries, clock towers, chimney flues, water tanks, elevator bulkheads, and similar structures, which may be of any height approved by the Director.).

#### I. Definitions

**Infill.** The development of vacant land that was bypassed by earlier waves of development and is now largely surrounded by developed land.

#### J. Definitions

No specialized terms beginning with the letter J are defined at this time.

#### K. Definitions

No specialized terms beginning with the letter K are defined at this time.

#### L. Definitions

**Lattice tower.** A self-supporting telecommunications tower consisting of an open work structure made of crossing bars or rods forming a network used for support.

**Legitimate or live theater.** A theater, concert hall, auditorium or similar establishment which regularly features live performances which are not distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas in that any such depiction or description is only incidental to the primary purpose of the performance.

**Liner Building.** An occupiable structure specifically designed to mask a parking lot or a parking structure from a frontage.

**Listing agent.** One who has obtained a listing of property and is authorized by law to act as an agent for compensation.

**Lot.** A parcel of subdivided land under one or a common ownership used or susceptible to be used in accordance with the standards of the Development Code and this ordinance that are applicable to the area in which the parcel is located.

1. Lot, double frontage (or through lot). A lot having frontage on two roads and having the right of access to either one or both of those roads, but excluding corner lots.
2. Lot, reversed corner. A corner lot, the street side line of which is substantially a continuation of the front line of the lot upon which it rears. A corner lot is not a reversed corner lot where it is separated by an alley from the lot upon which it rears.

#### M. Definitions

**Main Street Mixed-Use Building.** See Chapter 4.10 (Specific to Building Types).

**Marquee sign.** (Non-transect Zones) Any sign supported by structure or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure, or sign taller than eight feet in height with a height limit of 100 feet. A marquee

sign will advertise multiple destinations within a set location and eliminate visual clutter by combining what would otherwise be multiple freestanding signs.

**Marquee Sign.** (Transect Zones) See Chapter 4.60 (Specific to Signage)

**Mansion Apartment.** See Chapter 4.10 (Specific to Building Types).

**Massage parlor.** An establishment and any appurtenant facilities that are primarily where massage, alcohol rub, fomentation, body scrub, body shampoo, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless the treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional person licensed by the State of California. This definition does not include an athletic club, health club, pool, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

**Medical Marijuana.** Defined in strict accordance with California Health and Safety Code Sections 11362.5 and 11362.7 et seq.

**Medical Marijuana Collective or Cooperative.** The association of two or more persons including, without limitation, qualified patients, persons with valid identification cards, and designated primary caregivers who collectively or cooperatively cultivate, use, sell, transport, process, administer, deliver, dispense, or give away marijuana for medical purposes as defined in strict accordance with California Health and Safety Code Sections 11362.5 and 11362.7 et seq.

**Medical Marijuana Dispensary.** Any facility or location, whether fixed or mobile, where medical marijuana is made available to, distributed by, or distributed to one or more of the following: (1) a qualified patient, (2) a person with an identification card, or (3) a primary caregiver. All three of these terms are defined in strict accordance with California Health and Safety Code Section 11362.5 and 11362.7 et seq.

**Mixed-Use.** Multiple functions within the same building or the same general area through superimposition or within the same area through adjacency.

**Mixed-Use Project.** A development that combines both commercial and residential uses on the same site, typically with the commercial uses occupying the ground floor street frontage and the residential uses above.

**Monopole.** A self-supporting communication tower consisting of a single pole.

**Monument signs.** A freestanding sign in which the entire bottom of the sign is in contact with the ground, and which does not exceed eight feet in height.

#### N. Definitions

**Naturally Disposed.** A preservation of the existing natural condition or a composition of elements arranged as they would appear in a nature, with irregular shapes and asymmetry.

**Neighborhood.** A developed area of at least 40 acres that is based on a partial or entire pedestrian shed (See Section 2.10.040) with a Neighborhood Center or Main Street at its center (see Section 2.10.080).

**Neighborhood Green.** See Chapter 6.10 (Civic Space Standards).

#### O. Definitions

**Original parcel.** A contiguous area of land at the time of division, in one or a common ownership, any portion or all of which is proposed to be divided under this code.

**Official plan line.** A precise location for the right-of-way of a future street or the future expansion of an existing street as shown on any specific plan or map adopted as such by the City or by the County of Fresno.

**Outcall entertainment business.** Any person who, for a fee, commission, hire, reward or profit, furnishes or offers to furnish an outcall entertainer, as defined in this section, for any individual or group at a location other than a fixed business establishment identified in section 17.86.040. Outcall entertainment business includes businesses that provide outcall entertainers such as lingerie models and strippers.

**Outcall entertainer.** Includes strippers for bachelor and bachelorette parties, lingerie models, and other similar entertainers or any person who entertains while nude or whose performance is distinguished or characterized by an emphasis upon the display of specific anatomical areas or specified sexual activities.

## P. Definitions

**Parking Management District.** A predefined area in which the provision (supply) and requirements (demand) of parking is calculated and managed as a whole rather than on a lot by lot basis.

**Passive Recreation.** Recreation requiring little or no physical exertion focusing on the enjoyment of one's natural surroundings.

**Pedestrian Shed.** An area centered on a major destination. Its size is limited by an average distance that may be traversed at an easy walking pace in a given amount of time from its center to its edge. Pedestrian sheds are useful for planning walkable areas. See Section 2.10.040 (Pedestrian Sheds).

**Person.** Any individual, firm, co-partnership, joint venture, association, corporation, estate, or any group or combination acting as a unit, including the plural as well as the singular number.

**Planting strip.** Any strip of land within a public right-of-way intended to be planted with trees, shrubs, groundcover, lawn or other type of ornamental vegetation.

**Plaza.** See Chapter 6.10 (Civic Space Standards).

**Playground.** See Chapter 6.10 (Civic Space Standards).

**Pocket Park.** See Chapter 6.10 (Civic Space Standards).

**Pocket Plaza.** See Chapter 6.10 (Civic Space Standards).

**Porch.** See Chapter 4.20 (Specific to Private Frontages)

1. Projecting. See Chapter 4.20 (Specific to Private Frontages)
2. Engaged. See Chapter 4.20 (Specific to Private Frontages)

**Private viewing room.** An area separated from the sales display area of an establishment by a curtain, wall, door, shade or similar obstruction thus allowing the private viewing by customers of the establishment of video tapes, movies, DVDs, CD-ROMs, transparencies, films or projectable motion picture the content of which is distinguished or characterized by an emphasis on depicting or describing specific sexual activities or specified anatomical areas.

**Property.** Real property.

**Public park.** A publicly owned area that is designated by the city as a park.

**Q. Definitions**

No specialized terms beginning with the letter Q are defined at this time.

**R. Definitions**

**Regional.** The City of Kingsburg and its immediate environments.

**Regional Park.** See Chapter 6.10 (Civic Space Standards).

**Regulating Plan.** A plan or map of the regulated area designating the locations where different building form standards apply, based on clear community intentions regarding the physical character of the area being coded.

**Religious institution.** Any church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities.

**Remaining parcel.** That portion of a subdivision designated on the tentative subdivision map or tentative parcel map, which is not being subdivided for the purpose of sale, lease, or financing. Such parcels are commonly designated as being "not a part" of the tentative map.

**Reserve strip.** A strip of property not less than one foot in width and contiguous to a public right-of-way for the purpose of regulating access to part-width and dead-end or stubbed streets until such time as such streets may be completed or extended. Procedurally, such offer of dedication is rejected by the City in approving a tentative map until adjacent right-of-way is acquired by the City through subsequent action of development.

**Residential.** Premises used primarily for human habitation.

**S. Definitions**

**School.** An institution of learning for minors, whether public or private, which offers instruction in those courses of study required by the California Education Code and which is maintained pursuant to standards set by the state board of education. This definition includes a nursery school, kindergarten, elementary school, junior high school, senior high school, or any special institution of learning under the jurisdiction of the state department of education, but it does not include a vocation or professional institution or an institution of higher education, including a community college.

**Sell or Sale.** means any transfer of fee title.

**Selling Agent.** An agent who acts in cooperation with a listing agent and who sells, finds and obtains a buyer for the property.

**Setback.** The mandatory clear distance between a property line and a structure.

**Sexual encounter establishment.** An establishment, other than a hotel, motel or similar establishment offering public accommodations, which provides a place where two or more persons may congregate, associate, or consort in connection with specified sexual activities or the exposure of specified anatomical areas. This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the State of California engages in sexual therapy. Sexual encounter establishment shall include massage parlor and other similar establishments.

**Shared Parking.** Any parking spaces assigned to more than one user, where different persons utilizing the spaces are unlikely to need the spaces at the same time of day.

**Shopfront.** See Chapter 4.20 (Specific to Private Frontages)

**Sidewalk Sign.** See Chapter 4.60 (Specific to Signage)

**Single-Family/Unit House.** See Chapter 4.10 (Specific to Building Types).

1. Cottage. See Chapter 4.10 (Specific to Building Types).
2. Village. See Chapter 4.10 (Specific to Building Types).
3. Estate. See Chapter 4.10 (Specific to Building Types).

**Social service institution.** An organization engaged in activities that promote social welfare, including philanthropic assistance to the sick or needy.

**Sold.** includes an exchange. A property is sold when a deed is recorded.

**Specific plan.** A plan adopted by action of the City Council in accordance with the provisions of Title 7, Division 1, Chapter 3, Article 8 of the California Government Code, referred to as the planning and zoning law.

**Specified anatomical.** Means and includes less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolae, or human male genitals in a discernible turgid state, even if completely and opaquely covered.

**Specified sexual activities.** Means and includes any fondling or other touching of human genitals, pubic region, buttocks, anus or female breasts; sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; masturbation, actual or simulated; or excretory functions as part of or in connection with any of the activities set forth in this subsection.

**Sports Complex.** See Chapter 6.10 (Civic Space Standards).

**Square.** See Chapter 6.10 (Civic Space Standards).

**Standard specifications.** Specifications of the City of Kingsburg established by recommendation of the Planning Commission and adopted by resolution of the City Council pertaining to the design and installation of public improvements applicable at the time of approving a tentative subdivision or tentative parcel map. Such standards are set forth in the manual of standard specifications as maintained for the City by the City Engineer.

**Storefront.** The portion of a frontage composed of the display window and/or entrance and its components, including windows, doors, transoms and sill pane, that is inserted into various frontage types, such as a shopfront or gallery, to accommodate retail uses.

**Stoop.** See Chapter 4.20 (Specific to Private Frontages)

**Story.** An above-grade habitable floor level within a building.

1. Half. A conditioned space that rests primarily underneath the slope of the roof, usually having dormer windows.

**Street.**

1. Street, arterial. A street designated as an arterial street by the Kingsburg General Plan or by a specific plan, which, because of its design and location with respect to other streets, comprises part of the principal network for cross-town traffic flow within the community and connects areas of major traffic concentration.
2. Street, collector. A street providing for traffic movement between arterial and minor streets and for traffic movement within major centers of activity. A collector street also provides for access to abutting properties.
3. Street, minor. A street which provides for direct access to abutting properties and for very localized traffic movements within residential, commercial and industrial areas.

4. Street, stubbed. A street having only one outlet for vehicular traffic and which is intended to be extended or continued to serve future subdivisions or developments on adjacent land

**Structure.** Anything constructed or erected, the use of which requires attachment to the ground, attachment to something located on the ground, or placement on the ground.

**Subdivision.** The division by any subdivider of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest assessment roll of Fresno County as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future except for leases of agricultural land for agricultural purposes. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement or railroad rights-of-way. "Subdivision" includes a condominium development, as defined in the Civil Code § 1351(f), a community apartment development, as defined in the Business and Profession Code § 11004, or the conversion of five or more existing dwelling units to a stock cooperative, as defined in the Business and Professions Code § 11003.2. As used in this Section, "agricultural purposes" means the cultivation of food or fiber or the grazing or pasturing of livestock.

## T. Definitions

**Tandem Parking.** A parking space deep enough to allow two cars to park, one behind the other.

**Temporary Parking Lots.** Parking lots that are not permanent, are only intended to fulfill a short-term need, and ultimately will be replaced by a permanent building or structure. Temporary Parking lots are not subject to the parking location regulations and liner requirements for above grade parking in the Building Form Standards, but must comply with all landscaping standards.

**Tentative map.** A map for the purposes of showing the design and improvements intended for a proposed subdivision, prepared in accordance with the provisions of this code.

**Tentative parcel map.** A map for the purposes of showing the design and improvement for a proposed division of land as a parcel map, prepared in accordance with the provisions of this code.

**Terrace.** See Chapter 4.20 (Specific to Private Frontages)

**Townhouse.** See Chapter 4.10 (Specific to Building Types).

**Transect.** A cross-section of the environment showing a range of different habitats. The rural-to-urban transect of the human environment is divided into multiple transect zones that describe the physical form and character of a place according to the intensity of its land use and urbanism.

**Transect Zone.** One of several areas on the regulating plan. See Chapter 3.20 (Transect Zones).

**Transfer of ownership or control.** Means and includes the sale, lease or sublease of an adult entertainment business; the transfer of securities, membership or partnership interests or other type of ownership interest which constitute a controlling interest in such business, whether by sale, exchange or similar means; or the establishment of a trust, gift or other similar legal device which transfers the ownership or control of such business, except for transfer by bequest or other operation of law upon the death of the person possessing such ownership or control.

**Transit Station.** A lot or structure used for the purpose of parking, loading and unloading freight and passengers from train or bus transportation. May include parking facilities and other commercial amenities to service transit passengers.

**Transit Stop.** A location where buses stop to load and unload passengers. A transit stop may or may not include a shelter or a pullout.

#### U. Definitions

**Use Permit, Minor.** See Section 7.020.060 (Use Permit and Minor Use Permit).

**Use Permit.** See Section 7.020.060 (Use Permit and Minor Use Permit). These permits are issued by the Planning Commission for conditional uses allowed within a district.

**Utilities.** Installations or facilities or means for furnishing to the public, electricity, gas, steam, communications, water, drainage, sewage disposal, or flood control, irrespective of whether such facilities or means are underground or above ground; utilities may be owned and operated by any person, firm, corporation, municipal department or board, duly appointed by state or municipal regulations. Utility or utilities as used herein may also refer to such persons, firms, corporations, departments, or boards.

#### V. Definitions

No specialized terms beginning with the letter V are defined at this time.

#### W. Definitions

**Wall sign.** (Non-Transect Zones) ny sign attached parallel to, but within six inches of a wall; painted on the surface of a wall; or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

**Wall Sign.** (Transect Zones) See Chapter 4.60 (Specific to Signage)

**Wall Mural Sign.** See Chapter 4.60 (Specific to Signage)

**Window Sign.** See Chapter 4.60 (Specific to Signage)

**Work/Live Unit.** An integrated housing unit and working space in a structure that has been designed or structurally modified to accommodate joint residential occupancy and work activity with a substantial commercial component that may accommodate employees and walk-in trade.

#### X. Definitions

No specialized terms beginning with the letter X are defined at this time.

#### Y. Definitions

**Yard Sign.** See Chapter 4.60 (Specific to Signage)

#### Z. Definitions

No specialized terms beginning with the letter Z are defined at this time.

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**9.10.020 Definitions of Land Uses**
**A. Definitions**

**Agricultural Accessory Structure.** A building for sheltering animals or agricultural equipment, hay, feed, etc. These structures include, but are not limited to: barns, non-commercial greenhouses, coops, corrals, and pens. Does not include pasture fencing.

**Alcoholic Beverage Sales.** The retail sale of beer, wine, and/or spirits for on-site or off-site consumption, either as part of another retail use or as a primary business activity.

**Animal Keeping, Small.** The raising or keeping of small animals kept wholly or partially outside of a residential structure, including, but not limited to: rabbits, fowl, and poultry. Does not include animals normally considered as household pets (as determined by the Director).

**Animal Keeping, Livestock.** The raising or keeping of large animals kept wholly or partially outside of a residential structure, including, but not limited to: horses, mules, llamas, bison, elk deer, cattle, swine, sheep, poultry, ostrich and goats. Does not include animals normally considered as household pets (as determined by the Director).

**Animal Kennel.** A commercial facility for the grooming, keeping, boarding or maintaining of five or more animals (four months of age or older), except for dogs or cats for sale in pet shops or in animal hospitals. Includes pet day care.

**Animal Medical Services, Animal Clinic and Animal Hospital.**

1. Animal Clinic. An establishment used by a veterinarian where animals are treated
2. Animal Hospital. An establishment where a veterinarian treats animals of any size and where there may be functions and facilities that are not completely enclosed within a structure.

**ATM.** An automated teller machine (computerized, self-service machine used by banking customers for financial transactions, including deposits, withdrawals and fund transfers, without face-to-face contact with financial institution personnel), located outdoors at a bank or in another location. Does not include drive-up ATM's.

**Automobile Filling Station.** Where petroleum products are dispensed for retail sales to automobiles, and may include a canopy, car wash, and/or accessory retail. Does not include the repair or servicing of vehicles (see "Vehicle Services").

**B. Definitions**

**Bank/Financial Services.** Financial institutions, including, but not limited to: banks and trust companies, credit agencies, holding (but not primarily operating) companies, lending and thrift institutions, other investment companies, securities/commodity contract brokers and dealers, security and commodity exchanges, and vehicle finance (equity) leasing agencies. Does not include check-cashing stores. (See also "ATM.")

**Bar/Tavern/Night Club.**

1. Bar, Tavern. A business where alcoholic beverages are sold for on-site consumption, which are not part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May also include beer brewing as part of a micro brewery ("brew-pub"), and other beverage tasting facilities.
2. Night Club. A facility serving alcoholic beverages for on-site consumption, and providing entertainment, examples of which include live music and/or dancing, comedy, etc. Does not include adult oriented businesses.

**Building Supplies/Lumber Yard.** An establishment in which building or construction and home improvement materials are offered or kept for retail sale, which may also include the fabrication of certain materials related to home improvement and/or the outdoor storage of such materials designated for retail sale.

**Business Support Service.** An establishment within a building that provides services to other businesses. Examples of these services include, but are not limited to: Computer-related services (rental, repair) (see also “Maintenance Service - Client Site Services”), copying, quick printing, and blueprinting services, film processing and photofinishing (retail), mailing and mailbox services.

### C. Definitions

**Campground.** An area of land utilized for temporary occupation by travelers in recreational vehicles, campers, tents, and camping cabins not exceeding three hundred seventy-five (375) square feet. Does not include mobile home parks.

#### **Commercial Recreation Facility.**

1. Indoor. An establishment providing indoor amusement and entertainment services for a fee or admission charge, including:  
  
Bowling alleys, coin-operated amusement arcades, electronic game arcades (video games, pinball, etc.), ice skating and roller skating, pool and billiard rooms as primary uses.  
  
Any establishment with four or more electronic games or amusement devices (e.g., pool or billiard tables, pinball machines, etc.) or a premises where 50 percent or more of the floor area is occupied by electronic games or amusement devices is considered a commercial recreation facility; three or fewer machines or devices are not considered a use separate from the primary use of the site. Does not include adult-oriented businesses.
2. Fitness facility. A fitness center, gymnasium, or health and athletic club, which may include any of the following: sauna, spa or hot tub facilities; indoor tennis, handball, racquetball; archery and shooting ranges; and other indoor sports activities. Does not include adult-oriented businesses.
3. Golf Course and Country Club. This land use consists of golf courses and accessory facilities and uses including: clubhouses with bar and restaurant; locker and shower facilities; “pro shops” for on-site sales of golfing equipment and clothing; and golf cart storage and sales facilities.
4. Outdoor. A facility for outdoor recreational activities where a fee is charged for use. Examples include amusement and theme parks; camping and picnicking areas; go-cart tracks; golf driving ranges; miniature golf courses; and water slides. May also include commercial facilities customarily associated with the above outdoor commercial recreational uses, including bars and restaurants, video game arcades, etc. Does not include golf courses.
5. Swimming Pool, Public or Private. Any pool, pond, lake or open tank located within or outside of a building, and containing or normally capable of containing water to a depth at any point greater than one and one-half feet.

**Community Garden.** A site used for growing plants for food, fiber, herbs, and flowers and shared and maintained by community residents.

**Community/Public Safety Facility.** A facility operated by a public agency including fire stations, other fire preventive and fire fighting facilities, police and sheriff substations and headquarters, including interim incarceration facilities. May include ambulance dispatch on the same site.

**Crop Production.** Commercial agricultural production field and orchard uses, including the production of the following, primarily in the soil on the site and not in containers, other than for initial propagation prior to planting in the soil on the site: Field crops, ornamental crops, flowers and seeds, tree nuts, fruits, trees and sod, grains, vegetables, melons. Also includes associate crop preparation services and harvesting activities, and retail sales in the field or a Produce Stand – a temporary business established and operated for a specific time, selling raw, unprocessed fruits, vegetables, nuts, and other produce in its raw or natural state, and that is accessory to an on-site or adjacent agricultural operation.

#### D. Definitions

**Day Care, Child or Adult.** A state-licensed facility that provides non-medical care and supervision for adult clients or minor children for periods of less than 24 hours per day for any client. These facilities include the following, all of which are classified and required to be licensed by the California State Department of Social Services.

1. Day Care Center. As defined by California Health and Safety Code Section 1596.76, any child or adult day care facility other than a family day care home, and includes infant centers, preschools, extended day care facilities, and school age child care centers.
2. Family Day Care Home, Large. A day care facility in a single dwelling where an occupant of the residence provides family day care for seven to 14 clients, inclusive, including adult clients and children under the age of 10 years who reside in the home.
3. Family Day Care Home, Small. A day care facility in a single residence where an occupant of the residence provides family day care for eight or fewer clients, including adult clients and children under the age of 10 years who reside in the home.

**Drive-Through Facility.** Facilities where food or other products may be purchased or services may be obtained by motorists without leaving their vehicles. Examples of drive-through sales facilities include fast-food restaurants, drive-through coffee, photo stores, pharmacies, bank teller windows and ATMs, dry cleaners, etc., but do not include gas station or other vehicle services which are separately defined under "Vehicle Sales and Services."

**Dwelling/Dwelling Unit/Housing Unit.** A room or group of internally connected rooms that have sleeping, cooking, eating, and sanitation facilities, but not more than one kitchen, which constitute an independent housekeeping unit, occupied by or intended for one household on a long-term basis.

4. Accessory/Secondary Unit. An auxiliary dwelling unit located within an accessory structure of a primary dwelling unit on the lot. Includes, but is not limited to dwelling units in guest houses, carriage houses, pool houses, carriage houses, and above or beside a garage.
5. Single Family/Unit. A structure containing one primary dwelling unit on a single lot.
6. Two Family/Unit. A structure containing two dwelling units on a single lot.
7. Multi-Family/Unit. A structure containing two or more dwelling units on a single lot.

#### E. Definitions

No land-uses beginning with the letter E are defined at this time.

#### F. Definitions

**Farmers' Market.** The temporary use of a site for the outdoor sales of food and farm produce items, in compliance with the California Food and Agriculture Code Sections 1392 et seq.

**Furniture and Fixtures Manufacturing, Cabinet Shop.** A business that manufactures wood and metal household furniture and appliances; bedsprings and mattresses; all types of office furniture and partitions, shelving, lockers and store furniture; and miscellaneous drapery hardware, window blinds and shades. Includes furniture re-upholstering businesses, and wood and cabinet shops, but not sawmills or planning mills.

#### G. Definitions

**General Retail.** Stores and shops intended to serve the City as destination retail, rather than convenience shopping. Examples of these stores and lines of merchandise include:

Art galleries; retail; art supplies, including framing services; books, magazines, and newspapers; cameras and photographic supplies; clothing, shoes, and accessories; collectibles (cards, coins, comics, stamps, etc.); drug stores and pharmacies; dry goods; fabrics and sewing supplies; furniture and appliance stores; hobby materials; home and office electronics; jewelry; luggage and leather goods; musical instruments; parts; accessories; small wares; specialty grocery store; specialty shops; sporting goods and equipment; stationery; toys and games; variety stores; videos, DVD's, records, and CD's, including rental stores.

**General Services.** Establishments that provide non-medical services to individuals as a primary use. Examples of these uses include: Barber and beauty shops, clothing rental, dry cleaning pick-up stores with limited equipment, home electronics and small appliance repair, laundromats (self-service laundries), locksmiths, massage (licensed, therapeutic, non-sexual), nail salons, pet grooming with no boarding, shoe repair shops, tailors, tanning salons.

**Group Home.** A residential facility for unrelated persons providing living facilities, sleeping rooms, and meals. This category does not include a home for the developmentally disabled or other institutional uses such as protective living or sheltered care facilities, see "Institutional Residential."

1. 8 or Fewer Residents, in a Home. residential facility for eight or fewer unrelated persons providing living facilities, sleeping rooms, and meals. This use shall be considered as a single-family dwelling, in terms of applicable building form standards. The number listed does not include the operator, members of the operator's family, or persons employed by the operator as staff, except that the total number of persons living in a group home shall not exceed 10. This category does not include a home for the developmentally disabled or other institutional uses such as protective living or sheltered care facilities, see "Institutional Residential."
2. Co-housing. A building that would otherwise be categorized as a single-family home, except for the fact that the number of unrelated individuals living in the unit does not qualify under the definition of family. The operation of a group home shall be self-operating and controlled by the residents in a family living environment, as opposed to an institutional environment, whereby operations are mainly controlled by a professional staff. If the unit would otherwise qualify as other types of dwelling units defined in this chapter, such as apartment or attached housing, then the use shall be treated as such. Not included are co-ops, nursing homes, other institutional residential and boardinghouse types of operations since these are institutional or commercial lodging uses.
3. Congregate Care Facility: A facility for long-term residence exclusively by persons 62 years of age or older, and which may include, without limitation, common dining and social and recreational features, special safety and convenience features designed for the needs of the elderly, such as emergency call systems, grab bars and handrails, special door hardware, cabinets, appliances, passageways, and doorways designed

to accommodate wheelchairs, and the provision of social services for residents which must include at least two of the following: meal services, transportation, housekeeping, linen, and organized social activities.

4. **Dormitories:** A building or portion thereof which contains living quarters for nine or more students, staff, or members of a college, university, primary or secondary boarding school, theological school, or other comparable organization, provided that such building is either owned or managed by such organization. Single family and two-family dwellings are defined separately. See "Rooming and Boarding Facilities."

#### H. Definitions

**Health/Fitness Facility.** A fitness center, gymnasium, health and athletic club, which may include any of the following:

Exercise machines, weight facilities, group exercise rooms, sauna, spa or hot tub facilities, indoor tennis, handball, racquetball, archery and shooting ranges and other indoor sports activities, indoor or outdoor pools.

**Home Occupation.** Residential premises used for the transaction of business or the supply of professional services. Home occupation shall be limited to the following: agent, architect, artist, broker, consultant, draftsman, dressmaker, engineer, interior decorator, lawyer, notary public, teacher, and other similar occupations, as determined by the Director.

#### I. Definitions

**Institutional Residential.** Facilities for living, sleeping and sanitation and may include facilities for eating and cooking, for occupancy by other than a family.

1. **Convent or Monastery.** The living quarters or dwelling units for a religious order or for the congregation of persons under religious vows.
2. **Custodial Care Facility.** A facility providing care and treatment in a protective living environment for persons residing voluntarily, by court placement, or under protective control of federal, State, county, or City governance including, without limitation, correctional and post-correctional facilities, juvenile detention facilities, temporary detention facilities, chronically ill tenants, domestic violence victims, outpatient clients, and developmentally disabled.
3. **Homeless Shelter.** A supervised publicly or privately operated shelter and services designed to provide temporary living accommodations to individuals or families who lack a fixed, regular and adequate nighttime residence.
  - a. **Emergency Shelter.** A facility that provides temporary housing on a first-come, first-served basis where clients must leave in the morning and have no guaranteed bed for the next night OR provide beds for a specific period of time, regardless of whether or not clients leave the building. Facilities that provide temporary shelter during extremely cold weather (such as churches) are also included.
  - b. **Short Term Housing.** A facility that provides housing for individuals or families (not to exceed 6 months) with a continued identified bed space. The facility would also provide personal assistance to indigent, needy, homeless or transient persons who lack a fixed, regular, and adequate nighttime residence. Such personal assistance must include food and/or shelter, and in addition may include needed and necessary supportive services.

- c. **Transitional Housing.** A structure or a group of structures providing housing for clients with a maximum stay of two years and offer supportive services to promote self-sufficiency and to help obtain permanent housing.
4. **Nursing Home.** A health care institution other than a hospital or sheltered care home which provides inpatient or resident beds and is licensed by the Arizona State Department of Health Services as a skilled nursing facility for two or more unrelated persons. A nursing home provides services to those who need continuous care but do not require hospital care or direct daily care from a physician (does not include housing for the elderly, see “Housing for the Elderly”).
5. **Protective Living Facility.** A facility providing custodial care and treatment in a protective living environment for persons residing voluntarily or by court placement including, without limitation, correctional and post-correctional facilities, juvenile detention facilities, and temporary detention facilities.
6. **Protective Living Facility.** Residential living facilities for eight or fewer occupants where residents are under protective control of federal, State, county, or City governance. The number listed does not include the operator, members of the operator's family, or persons employed by the operator as staff, except that the total number of persons living in a group home shall not exceed 10. It includes halfway houses, work release programs, and other similar programs. Also includes residential housing and service facilities for chronically ill tenants, domestic violence victims, outpatient clients, and developmentally disabled.
7. **Sheltered Care Home.** An institutional living facility for nine – 16 unrelated persons providing living facilities, sleeping rooms, and meals. The number listed does not include the operator, members of the operator’s family, or persons employed by the operator as staff, except that the total number of persons living in a Sheltered Care Home shall not exceed 18. Also includes temporary or permanent residential housing and service facilities for chronically ill tenants, domestic violence victims, and outpatient clients. It includes State licensed facilities. This does not include a home for the developmentally disabled as regulated by A.R.S. §36-582. This does not include group homes (see “Group Home”) or custodial care facilities (see “Custodial Care Facility”).

#### J. Definitions

No land uses beginning with the letter J are defined at this time.

#### K. Definitions

No land uses beginning with the letter K are defined at this time.

#### L. Definitions

**Laundry, Dry Cleaning Plant.** A service establishment engaged primarily in high volume laundry and garment services, including: carpet and upholstery cleaners; diaper services; dry cleaning and garment pressing; commercial laundries; and linen supply. These facilities may include accessory customer pick-up facilities. These facilities do not include coin-operated laundries or dry cleaning pick up stores without dry cleaning equipment, see “Personal Services”.

**Library, Museum.** Public or quasi-public facilities, examples of which include: aquariums, arboretums, art galleries and exhibitions, botanical gardens, historic sites and exhibits, libraries, museums, planetariums, and zoos. May also include accessory retail uses such as a gift/book shop, restaurant, etc.

**Live/Work Unit.** An integrated housing unit and working space, occupied and utilized by a single household in a structure that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes: Complete kitchen space and sanitary facilities in compliance with the Building Code; and Working space reserved for and regularly used by one or more occupants of the unit.

**Lodging: Bed & Breakfast Inn (B&B), Hostel, Hotel/Motel, Inn/Lodge, Resort, and Rooming and Boarding Facility.**

1. Bed & Breakfast Inn (B&B). (5 or Fewer Rooms) The use of a single residential structure for commercial lodging purposes, with up to five bedrooms used for the purpose of the lodging transient guests and in which meals may be prepared for them, provided that no meals may be sold to persons other than such guests.
2. Hostel. A facility for residence of under twenty-nine (29) days that provides simple dormitory or sleeping rooms and common rooms for cooking, meeting, recreational, and educational use; that is chartered or approved by the International Hostel Federation or its national or regional affiliates, or similar organizations; and that is supervised by resident house-parents or managers.
3. Hotel/Motel (25 or Greater Rooms). A lodging establishment of 25 or more rooms in a building or group of buildings offering transient lodging accommodations on a daily rate to the general public. Additional services may include a restaurant, meeting rooms, and recreational facilities.
4. Inn (6 to 24 rooms). A building or group of buildings used as a lodging establishment having six to 24 guest rooms providing overnight accommodations and breakfast to transient guests.
5. Resort. Lodging that serves as a destination point for visitors, located and designed with some combination of recreational uses or natural areas, such as marinas, beaches or pools, tennis, golf, equestrian, other special recreation opportunities, and/or a variety of restaurants and shops to serve the guests. Buildings and structures in the resort shall complement the scenic and natural qualities of the location and area where it is situated.
6. Rooming and Boarding Facility. A residence or dwelling, other than a hotel, wherein three or more rooms, with or without individual or group cooking facilities, are rented to individuals under separate rental agreements or leases, either written or oral, whether or not an owner, agent, or rental agent is in residence. Includes dormitories, single room occupancy, fraternities, and sororities.

**M. Definitions**

**Maintenance Yard.** An outdoor storage area for storage of large equipment, vehicles, and/or other common materials used by the city and/or master developer for maintenance of public/private infrastructure; storage of scrap materials used for repair and maintenance; and buildings or structure for uses such as repair facilities. May include an accessory office.

**Manufacturing/ Processing, Light.** A facility accommodating manufacturing processes involving less intense levels of fabrication and/or production such as the assembly, fabrication, and conversion of already processed raw materials into products, where the operational characteristics of the manufacturing processes and the materials used are unlikely to cause significant impacts on surrounding land uses or the community. Examples of light manufacturing/assembly uses include:

1. Artisan/Craft Product Manufacturing. An establishment that manufactures and/or assembles small products primarily by hand, including jewelry, pottery and other

ceramics, as well as small glass and metal art and craft products, where any retail sales are incidental to the manufacturing activity.

2. **Clothing and Fabric Product Manufacturing.** An establishment that assembles clothing, draperies, and/or other products by cutting and sewing purchased textile fabrics, and related materials including leather, rubberized fabrics, plastics and furs. Does not include custom tailors and dressmakers not operating as a factory and not located on the site of a clothing store (see “Personal Services”). Does not include the production of textile fabrics and related materials.
3. **Handcraft Industries, Small-Scale Manufacturing.** Establishments manufacturing and/or assembling small products primarily by hand, including jewelry, pottery and other ceramics, as well as small glass and metal art and craft products, and taxidermists. Also includes manufacturing establishments producing small products not classified in another major manufacturing group, including: brooms and brushes; buttons, costume novelties; jewelry; musical instruments; pens, pencils, and other office and artists’ materials; sporting and athletic goods; toys; etc.
4. **Photo/Film Processing Lab.** A facility that provides high volume and/or custom processing services for photographic negative film, transparencies, and/or prints, where the processed products are delivered to off-site retail outlets for customer pick-up. Does not include small-scale photo processing machines accessory to other retail businesses.

**Manufacturing and Processing, Heavy.** A facility accommodating manufacturing processes that involve and/or produce basic metals, building materials, chemicals, fabricated metals, paper products, machinery, textiles, and/or transportation equipment, where the intensity and/or scale of operations may cause significant impacts on surrounding land uses or the community. Examples of heavy manufacturing uses include the following:

1. **Chemical Product Manufacturing.** An establishment that produces or uses basic chemicals, and other establishments creating products predominantly by chemical processes. Examples of these products include: basic chemicals, including acids, alkalis, salts, and organic chemicals; chemical products to be used in further manufacture, including synthetic fibers, plastic materials, dry colors, and pigments; and finished chemical products to be used for ultimate consumption, including drugs/pharmaceuticals, cosmetics, and soaps; or to be used as materials or supplies in other industries including paints, fertilizers, and explosives. Also includes sales and transportation establishments handling the chemicals described above, except as part of retail trade.
2. **Concrete, Gypsum, and Plaster Product Manufacturing.** An establishment that produces bulk concrete, concrete building block, brick, and/or other types of precast and prefabricated concrete products. Also includes ready-mix concrete batch plants, lime manufacturing, and the manufacture of gypsum products, including plasterboard.
3. **Glass Product Manufacturing.** An establishment that manufactures glass and/or glass products by melting silica sand or cullet, including the production of flat glass and other glass products that are pressed, blown, or shaped from glass produced in the same establishment. Artisan and craftsman type operations of a larger scale than home occupations are instead included under (“Manufacturing – Light - Handcraft Industries and Small-Scale Manufacturing”).

4. **Paving and Roofing Materials Manufacturing.** The manufacture of various common paving and petroleum-based roofing materials, including bulk asphalt, paving blocks made of asphalt, creosote wood, and various compositions of asphalt and tar.
5. **Petroleum Refining and Related Industries.** Industrial plants for purifying petroleum, and the compounding of lubricating oils and greases from purchased materials. Also includes oil or gas processing facilities, liquefied natural gas (LNG) facilities, the manufacture of petroleum coke and fuel briquettes, tank farms, and terminal facilities for pipelines. Does not include petroleum pipeline surge tanks and pump stations ("Public Services"), or petroleum product distributors ("Flammable Liquid, Gas, and Bulk Fuel - Storage and Sale").
6. **Plastics, other Synthetics, and Rubber Product Manufacturing.** The manufacture of rubber products including: tires, rubber footwear, mechanical rubber goods, heels and soles, flooring, and other rubber products from natural, synthetic, or reclaimed rubber. Also includes establishments engaged primarily in manufacturing tires; products from recycled or reclaimed plastics or styrofoam; molding primary plastics for other manufacturers, manufacturing miscellaneous finished plastics products, fiberglass manufacturing, and fiberglass application services. Does not include establishments engaged primarily in recapping and retreading automobile tires (See "Vehicle Sales and Services").
7. **Primary Metal Industries.** An establishment engaged in: the smelting and refining of ferrous and nonferrous metals from ore, pig, or scrap; the rolling, drawing, and alloying of metals; the manufacture of castings, forgings, stampings, extrusions, and other basic metal products; and the manufacturing of nails, spikes, and insulated wire and cable. Also includes merchant blast furnaces and by-product or beehive coke ovens.
8. **Pulp and Pulp Product Manufacturing.** An establishment that manufactures pulp, paper, or paperboard. Includes pulp, paper, and paperboard mills. Does not include establishments primarily engaged in converting paper or paperboard without manufacturing the paper or paperboard, including envelope manufacturing, converted paper products, paper coating and glazing, paper bags, assembly of paperboard boxes, wallpaper (See "Manufacturing - Light - Paper Product Manufacturing").
9. **Textile and Leather Product Manufacturing.** An establishment that converts basic fibers (natural or synthetic) into a product, including yarn or fabric, that can be further manufactured into usable items (See "Manufacturing - Light - Clothing and Fabric Product Manufacturing"), and industries that transform hides into leather by tanning or curing. Includes: 1. Coating, waterproofing, or otherwise treating fabric Manufacturing woven fabric, carpets, rugs from yarn 2. Dressed and dyed furs Preparation of fiber and subsequent manufacturing of yarn, threads, braids, twine cordage 3. Dyeing and finishing fiber, yarn, fabric, and knit apparel Scouring and combing plants 4. Leather-tanned, curried, and finished Upholstery manufacturing 5. Manufacture of knit apparel and other finished products from yarn Yarn and thread mills 6. Manufacture of felt goods, lace goods, non-woven fabrics and miscellaneous textiles.

**Media Production.** Facilities for motion picture, television, video, sound, computer, and other communications media production.

**Medical Services: Clinic, Urgent Care; Doctor Office; and Extended Care.**

1. **Clinic, Urgent Care.** A facility other than a hospital where medical, mental health, surgical and other personal health services are provided on an outpatient basis. Examples of these uses include: Medical offices with five or more licensed

practitioners and/or medical specialties, outpatient care facilities, urgent care facilities, other allied health services. These facilities may also include incidental medical laboratories. Counseling services by other than medical doctors or psychiatrists are included under “Offices - Professional/Administrative.”

2. **Doctor Office.** A facility other than a hospital where medical, dental, mental health, surgical, and/or other personal health care services are provided on an outpatient basis, and that accommodates no more than four licensed primary practitioners (for example, chiropractors, medical doctors, psychiatrists, etc., other than nursing staff) within an individual office suite. A facility with five or more licensed practitioners is instead classified under “Medical Services – Clinic, Urgent Care.” Counseling services by other than medical doctors or psychiatrists are included under “Office – Professional, Administrative.”
3. **Extended Care.** Residential facilities providing nursing and health-related care as a primary use with in-patient beds. Examples of these uses include: board and care homes; convalescent and rest homes; extended care facilities; and skilled nursing facilities. Long-term personal care facilities that do not emphasize medical treatment are included under “Residential Care.”

**Meeting Facility, Public or Private.** A facility for public or private meetings, including: Community centers, religious assembly facilities (e.g., churches, mosques, synagogues, etc.), civic and private auditoriums, Grange halls, union halls, meeting halls for clubs and other membership organizations, etc. Also includes functionally related internal facilities such as kitchens, multi-purpose rooms, and storage. Does not include conference and meeting rooms accessory and incidental to another primary use, and which are typically used only by on-site employees and clients, and occupy less floor area on the site than the offices they support. Does not include: Cinemas, performing arts theaters, indoor commercial sports assembly or other commercial entertainment facilities. Related on-site facilities such as day care centers and schools are separately defined and regulated.

**Metal Products Fabrication, Machine or Welding Shop.** An establishment engaged in the production and/or assembly of metal parts, including the production of metal cabinets and enclosures, cans and shipping containers, doors and gates, duct work, forgings and stampings, hardware and tools, plumbing fixtures and products, tanks, towers, and similar products. Examples of these uses include: Blacksmith and welding shops, plating, stripping, and coating shops, sheet metal shops, machine shops and boiler shops.

**Museum.** See “Library, Museum.”

#### N. Definitions

**Neighborhood Market.** A neighborhood serving retail store, primarily offering food products, which may also carry a range of merchandise oriented to daily convenience shopping needs, and may be combined with food service (e.g., delicatessen).

#### O. Definitions

**Office: Business, Service and Professional, Administrative.**

1. **Business, Service.** Establishments providing direct services to consumers. Examples of these uses include employment agencies, insurance agent offices, real estate offices, travel agencies, utility company offices, elected official satellite offices, etc. This use does not include “Bank, Financial Services,” which is separately defined.
2. **Professional, Administrative.** Office-type facilities occupied by businesses that provide professional services, or are engaged in the production of intellectual property. Examples of these uses include: Accounting, auditing and bookkeeping services,

advertising agencies, attorneys, business associations, chambers of commerce, commercial art and design services, construction contractors (office facilities only), counseling services, court reporting services, design services including architecture, engineering, landscape architecture, urban planning, detective agencies and similar services, doctors, educational, scientific and research organizations, financial management and investment counseling, literary and talent agencies, management and public relations services, media postproduction services, news services, photographers and photography studios, political campaign headquarters, psychologists, secretarial, stenographic, word processing, and temporary clerical employee services, security and commodity brokers, writers' and artists' offices.

#### P. Definitions

**Parking Facility, Public or Commercial.** Parking lots or structures operated by the City or a private entity, providing parking either for free or for a fee. Does not include towing impound and storage facilities.

**Personal Services.** Establishments that provide non-medical services to individuals as a primary use. Examples of these uses include: barber and beauty shops, clothing rental, dry cleaning pick-up stores with limited equipment, home electronics and small appliance repair, laundromats (self-service laundries), locksmiths, massage (licensed, therapeutic, non-sexual), nail salons, pet grooming with no boarding, shoe repair shops, tailors, tanning salons. These uses may also include accessory retail sales of products related to the services provided.

**Plant Nursery.** A commercial agricultural establishment engaged in the production of ornamental plants and other nursery products, grown under cover either in containers or in the soil on the site, or outdoors in containers. The outdoor production of ornamental plants in the soil on the site is instead included under "Crop Production, Horticulture, Orchard, Vineyard."

Also includes establishments engaged in the sale of these products ) e.g. wholesale and retail nurseries) and commercial-scale greenhouses (home greenhouses are included under "Residential Accessory Use or Structure"). The sale of house plants or other nursery products entirely within a building is also included under "General Retail."

**Printing & Publishing.** An establishment engaged in printing by letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying; and other establishments serving the printing trade such as bookbinding, typesetting, engraving, photoengraving and electrotyping. This use also includes establishments that publish newspapers, books and periodicals; establishments manufacturing business forms and binding devices. "Quick printing" services are included in the definition of "Business Support Services."

**Public Safety Facility.** A facility operated by a public agency including fire stations, other fire preventive and fire fighting facilities, police and sheriff substations and headquarters, including interim incarceration facilities. May include ambulance dispatch on the same site.

#### Q. Definitions

No land uses beginning with the letter Q are defined at this time.

#### R. Definitions

**Recycling - Small collection facility.** A center where the public may donate, redeem or sell recyclable materials, which may include the following, where allowed by the applicable Transect Zone:

Reverse vending machines.

Small collection facilities which occupy an area of 350 square feet or less and may include a mobile unit.

**Residential Care.** A single dwelling or multi-unit facility, licensed or supervised by a Federal, State, or local health/welfare agency, that provides 24-hour nonmedical care of unrelated persons who are disabled and in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual in a family-like environment. Does not include day care facilities, which are separately defined.

1. **Small, in a Home.** A residential care facility that provides care, supervision, or assistance for 8 or fewer clients in a place of residence. Clients in care are from different family households and are not related to the head of household.
2. **Large.** A residential care facility that provides care, supervision, or assistance for 9 or more clients.

**Restaurant, Cafe, Coffee Shop.** A retail business selling ready-to-eat food and/or beverages for on- or off-premise consumption. These include eating establishments where customers are served from a walk-up ordering counter for either on- or off-premise consumption (“counter service”); and establishments where customers are served food at their tables for on-premise consumption (“table service”), that may also provide food for take-out, but does not include drive-through services, which are separately defined and regulated.

## S. Definitions

**School, Private or Public.** Includes the following facilities:

1. **Elementary, Middle, Secondary.** A public or private academic educational institution, including elementary (kindergarten through 6th grade), middle and junior high schools (7th and 8th grades), secondary and high schools (9th through 12th grades), and facilities that provide any combination of those levels. May also include any of these schools that also provide room and board.
2. **Specialized Education/Training.** A school that provides education and/or training, including tutoring, or vocational training, in limited subjects. Examples of these schools include:

Art school, ballet and other dance school, business, secretarial, and vocational school, computers and electronics school, drama school, driver education school, establishments providing courses by mail, language school, martial arts, music school, professional school (law, medicine, etc.), Seminaries/religious ministry training facility

Does not include pre-schools and child day care facilities (see “Day Care”). See also the definition of “Studio: Art, Dance, Martial Arts, Music, etc.” for smaller-scale facilities offering specialized instruction.

**Storage, Outdoor.** The storage of various materials outside of a structure other than fencing, either as an accessory or primary use.

**Storage Facility: Personal Storage Facility, Indoor; and Warehouse.**

3. **Personal Storage Facility, Indoor.** Structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces and characterized by low parking demand.
4. **Warehouse.** Facilities for the storage of furniture, household goods, or other commercial goods of any nature. May include an outdoor storage component, provided that the outdoor storage is not the primary use. Does not include warehouse, storage, or mini-storage facilities offered for rent or lease to the general public (see “Storage Facility: Personal Storage Facility, Indoor); warehouse

facilities primarily used for wholesaling and distribution (see “Wholesaling and Distribution”); or terminal facilities for handling freight.

**Studio - Art, Dance, Martial Arts, Music, etc.** Small-scale facilities, typically accommodating no more than two groups of students at a time, in no more than two instructional spaces. Examples of these facilities include: Individual and group instruction and training in the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; martial arts training studios; gymnastics instruction, and aerobics and gymnastics studios with no other fitness facilities or equipment. Also includes production studios for individual musicians, painters, sculptors, photographers, and other artists.

#### T. Definitions

**Temporary Parking Lots.** Parking lots that are not permanent, are only intended to fulfill a short-term need, and ultimately will be replaced by a permanent building or structure. Temporary Parking lots are not subject to the parking location regulations and liner requirements for above grade parking in the Building Form Standards, but must comply with all landscaping standards.

**Theater (Cinema or Performing Arts).** An indoor facility for group entertainment, other than sporting events. Examples of these facilities include: Civic theaters, facilities for “live” theater and concerts, and movie theaters.

**Transit Station.** A lot or structure used for the purpose of parking, loading and unloading freight and passengers from train or bus transportation. May include parking facilities and other commercial amenities to service transit passengers.

**Transit Stop.** A location where buses stop to load and unload passengers. A transit stop may or may not include a shelter or a pullout.

**Transitional/Supportive Housing.** A state licensed residential dwelling occupied with a 24-hour per day resident attendant directly employed for the temporary care, assistance and supervision of not more than eight (8) adults, with or without children, who require transitional housing accommodations made necessary due to conflict or threat of personal harm arising from the person’s former living arrangement.

#### U. Definitions

**Utilities.** Installations or facilities or means for furnishing to the public, electricity, gas, steam, communications, water, drainage, sewage disposal, or flood control, irrespective of whether such facilities or means are underground or above ground; utilities may be owned and operated by any person, firm, corporation, municipal department or board, duly appointed by state or municipal regulations. Utility or utilities as used herein may also refer to such persons, firms, corporations, departments, or boards.

#### V. Definitions

**Vehicle Sales and Rental.** A retail or wholesale establishment selling and/or renting automobiles, trucks, vans, trailers, motorcycles, and/or scooters with internal combustion engines. May also include repair shops and the sales of parts and accessories incidental to vehicle dealerships. Does not include the sale or rental of trailers, boats, and/or RVs; businesses dealing exclusively in used parts, auto wrecking and/or salvage; the sale of auto parts/accessories separate from a vehicle dealership (see “Auto Parts Sales”); or service stations (see “Auto Service Stations”).

**Vehicle Services.**

1. Minor Maintenance and Repair. Incidental minor repairs to include replacement of parts and service to passenger cars, but not including any operation defined as “automobile repair, major,” or any other operation similar thereto.
2. Major Maintenance and Repair. General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service including body or frame, straightening or repair, overall painting, or paint shop.
3. Service station. A building and/or lot or use having pumps and storage tanks where motor vehicle fuels or lubricating oil or grease or accessories for motor vehicles are dispensed, sold, or offered for sale at retail only; where deliveries are made directly into motor vehicles, including greasing and oiling on the premises and car washing; and where repair services is incidental to the use. Incidental accessory retail sales are limited to 1,800 square feet of convenience market.

#### W. Definitions

**Warehousing and Distributions.** Facilities for the storage and distribution of manufactured products, supplies and equipment. May include an outdoor storage component, provided that the outdoor storage is not the primary use. Does not include storage, or mini-storage facilities offered for rent or lease to the general public (see “Storage Facility: Personal Storage Facility, Indoor);hazardous material storage; or terminal facilities for handling freight.

**Wireless Telecommunications Facility.** Public, commercial and private electromagnetic and photoelectric transmission, broadcast, repeater and receiving stations for radio, television, telegraph, telephone, data network, and wireless communications, including commercial earth stations for satellite-based communications. Includes antennas, commercial satellite dish antennas, and equipment buildings. Does not include telephone, telegraph and cable television transmission facilities utilizing hard-wired or direct cable connections.

**Work/Live Unit.** An integrated housing unit and working space in a structure that has been designed or structurally modified to accommodate joint residential occupancy and work activity with a substantial commercial component that may accommodate employees and walk-in trade.

#### X. Definitions

No land uses beginning with the letter X are defined at this time.

#### Y. Definitions

No land uses beginning with the letter Y are defined at this time.

#### Z. Definitions

No land uses beginning with the letter Z are defined at this time.

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# Article 10: Maps

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# **Chapter 10.10: Maps**

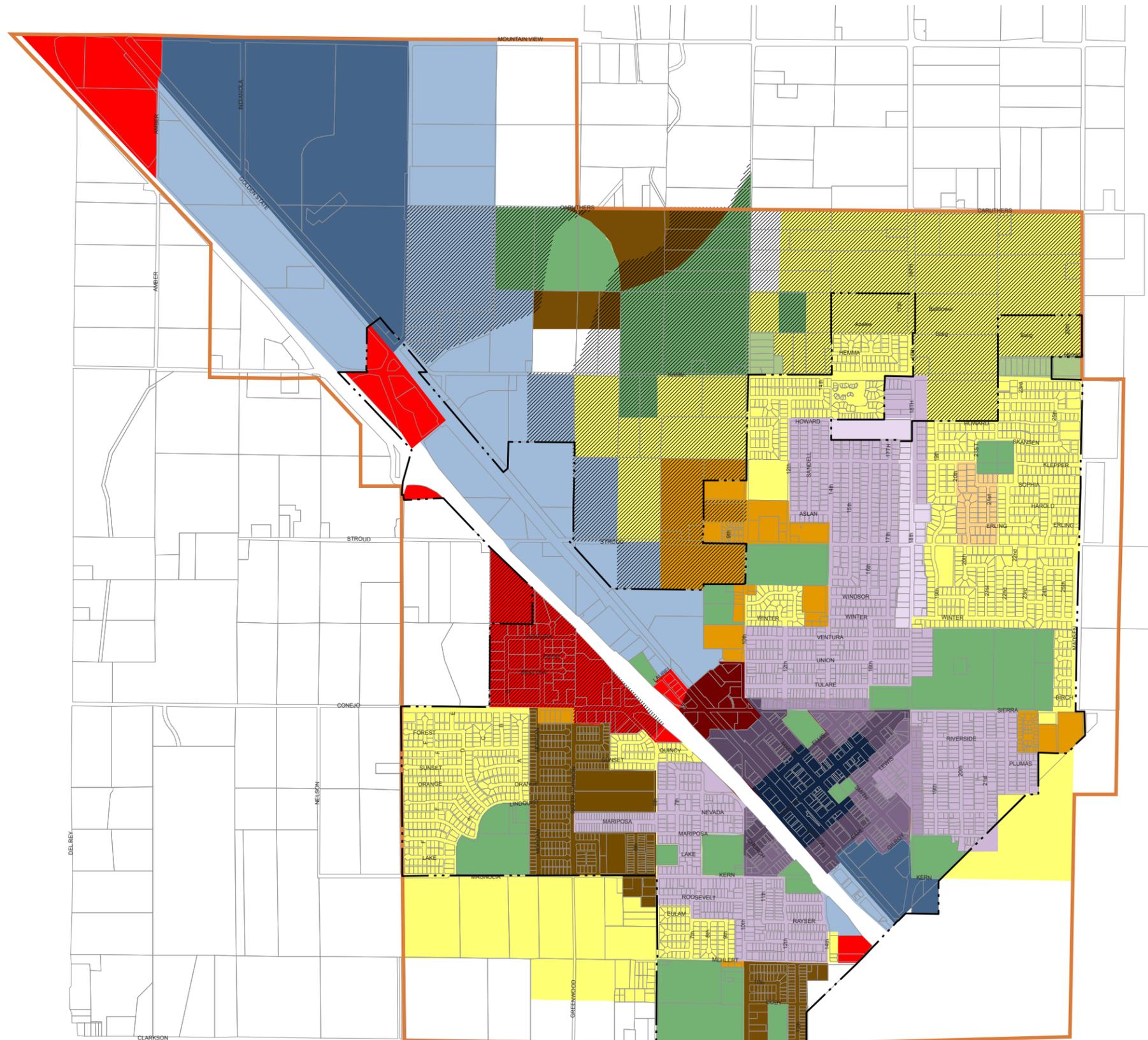
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## **Sections:**

10.10.010      Zoning Map

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10.10.010 Zoning Map



Key

- City Limits
- Sphere of Influence

Transect Zones

- T5 Main Street (T5MS)
- T5 Main Street Flex (T5MSF)
- T4 Neighborhood Flex (T4NF)
- T4 Neighborhood (T4N)
- T3 Neighborhood (T3N)
- T3 Neighborhood Edge (T3NE)
- T2 Rural

Non-Transect Zones

- Service Commercial Zone (CS)
- Highway Commercial Zone (CH)
- Heavy Industrial Zone (IH)
- Light Industrial Zone (IL)
- One-Family Residential Zone (R-I-7)
- One-Family Residential Zone (R-I-10)
- Multi-Family Residential Zone (RM-3)
- Multi-Family Residential Zone (RM-5.5)
- Multi-Family Residential Zone (RM-MH))
- Resource, Conservation, and Open Space District (RCO)

Overlays

- ▨ TNCP Overlay