

City Council Special Meeting Agenda



APRIL 14, 2015

5:00 p.m.

City of Turlock Yosemite Room
156 S. Broadway, Turlock, California

**and via teleconference:
Simon Fraser University LDC 222
8888 University Drive
Burnaby, B.C. Canada V5A 1S6
Telephone (778) 782 4080

Mayor
Gary Soiseth

Council Members
William DeHart, Jr. **Steven Nascimento**
Matthew Jacob **Amy Bublak**
Vice Mayor

City Manager
Roy W. Wasden
City Clerk
Kellie E. Weaver
City Attorney
Phaedra A. Norton

SPEAKER CARDS: To accommodate those wishing to address the Council and allow for staff follow-up, speaker cards are available for any agenda item or any other topic delivered under Public Comment. Please fill out and provide the Comment Card to the City Clerk or Police Officer.

NOTICE REGARDING NON-ENGLISH SPEAKERS: The Turlock City Council meetings are conducted in English and translation to other languages is not provided. Please make arrangements for an interpreter if necessary.

EQUAL ACCESS POLICY: If you have a disability which affects your access to public facilities or services, please contact the City Clerk's Office at (209) 668-5540. The City is committed to taking all reasonable measures to provide access to its facilities and services. Please allow sufficient time for the City to process and respond to your request.

NOTICE: Pursuant to California Government Code Section 54954.3, any member of the public may directly address the City Council on any item appearing on the agenda, including Consent Calendar and Public Hearing items, before or during the City Council's consideration of the item.

AGENDA PACKETS: Prior to the City Council meeting, a complete Agenda Packet is available for review on the City's website at www.cityofturlock.org and in the City Clerk's Office at 156 S. Broadway, Suite 230, Turlock, during normal business hours. Materials related to an item on this Agenda submitted to the Council after distribution of the Agenda Packet are also available for public inspection in the City Clerk's Office. Such documents may be available on the City's website subject to staff's ability to post the documents before the meeting.

1. CALL TO ORDER

2. PUBLIC PARTICIPATION – LIMITED TO ITEMS DESCRIBED IN THE NOTICE FOR THIS MEETING

This is the time set aside for citizens to address the City Council concerning any item that has been described in the notice for the meeting, including Consent Calendar items, before or during consideration of that item. You will be allowed five (5) minutes for your comments. If you wish to speak regarding an item on the agenda, you may be asked to defer your remarks until the Council addresses the matter.

3. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS

4. **PUBLIC HEARING:**

Challenges in court to any of the items listed below, may be limited to only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the Turlock City Council at, or prior to, the public hearing.

5. **WORKSHOP TO DISCUSS REPEALING AND REPLACING TURLOCK MUNICIPAL CODE TITLE 9, ZONING ORDINANCE, IN ITS ENTIRETY.**

Recommended Action: None

For information only. No action will be taken during this workshop. The actions presented below are the actions that will be considered by the City Council at the regular meeting scheduled to follow this workshop.

Items to be discussed:

Ordinance: Repealing and Replacing Turlock Municipal Code Title 9, Zoning Ordinance, in its Entirety

Motion: Approving an amnesty program for cargo container permits, as follows:

- 1) A delay in the enforcement of the provisions listed in the modified TMC 9-2-125 (Cargo Containers) for a period of 6 months; and
- 2) A reduction in the planning permitting fees for cargo container permits for a 6 month period, as follows, and subsidize the permitting fees with General Fund revenues:
 - a) Reduce the cost of the Minor Discretionary Permit required for commercial and industrial zoned properties from \$1,475 to \$345; and
 - b) Reduce the cost of the Minor Administrative Approval required for residential zoned properties from \$345 to \$170.

6. **ADJOURNMENT**

The foregoing meeting is hereby called by Mayor Gary Soiseth at the above mentioned date and time pursuant to California Government Code §54956.

GARY SOISETH, Mayor



Council
Synopsis

5

April 14, 2015

From: Mike Pitcock, Director of Development Services

Prepared by: Debra A. Whitmore, Deputy Development Services Director Planning
Rose Stillo, Planner, Senior
Dorinda Soiseth, Staff Services Technician

Presented by: Debra A. Whitmore, Deputy Development Services Director/Planning

Agendized by: Roy W. Wasden, City Manager

1. **WORKSHOP TO DISCUSS REPEALING AND REPLACING TURLOCK MUNICIPAL CODE TITLE 9, ZONING ORDINANCE, IN ITS ENTIRETY.**

Recommended Action: None

For information only. No action will be taken during this workshop. The actions presented below are the actions that will be considered by the City Council at the regular meeting scheduled to follow this workshop.

Items to be discussed:

Ordinance: Repealing and Replacing Turlock Municipal Code Title 9, Zoning Ordinance, in its Entirety

Motion: Approving an amnesty program for cargo container permits, as follows:

1. A delay in the enforcement of the provisions listed in the modified TMC 9-2-125 (Cargo Containers) for a period of 6 months; and
2. A reduction in the planning permitting fees for cargo container permits for a 6-month period, as follows, and subsidize the permitting fees with General Fund revenues:
 - a) Reduce the cost of the Minor Discretionary Permit required for commercial and industrial zoned properties from \$1,475 to \$345; and
 - b) Reduce the cost of the Minor Administrative Approval required for residential zoned properties from \$345 to \$170.

2. DISCUSSION OF ISSUE:

OVERVIEW OF PROPOSED AMENDMENTS

For the past four (4) years, the Planning Commission has been working on a number of amendments to the City's Zoning Ordinance including those pertaining to drive-through facilities, cargo containers, electrified fences, the Downtown zoning regulations update, and others. The comprehensive zoning ordinance amendment presented here incorporates these changes as well as changes to the code that have been identified by staff over the course of doing business with the public.

Due to the comprehensiveness of the proposed amendments, staff proposed a full repeal and replacement of the Zoning Ordinance with the updated chapters. The changes range from simple wording and reference changes to adding entire sections to the City's Zoning Regulations.

The summary below focuses on the major additions and amendments to the ordinance by chapter. A more detailed summary of the changes is provided in Attachment 1.

Chapter 9-1: General Provisions (and Definitions):

This chapter establishes the zoning regulations and establishes the definitions that are used throughout the Zoning Regulations. These terms are used later and throughout the Zoning Regulations. Changes and additions were made to the definitions section to clarify the meaning of terms. An example of a new term is the new definition for a "cargo container" that has been added because a new section on cargo containers has been added to Chapter 9-2 of the ordinance.

Chapter 9-2: Regulations Applying to All Districts:

This chapter includes regulations that affect how development occurs in all zoning districts. It is also the chapter that identifies special permitting processes and development standards for specific uses. Major changes or additions proposed in this chapter are:

Article 1: Special Provisions: Major amendments are proposed to regulations for accessory buildings and structures, building projections into yards, landscaping and irrigation, permitted locations of recreational vehicles and campers, salvage and wrecking, and mobile food facilities.

Accessory Structures and Buildings: The proposed changes would significantly change the way the City regulates accessory structures such as gazebos, storage sheds, detached garages, and other buildings that are typically accessory to residential uses. Under current regulations, it is difficult to place storage sheds and other minor structures next to a property line, even when that structure is screened by a fence from a neighbor or the public. Under the new language, any structures seven feet in height or less

would be allowed so long as it is not located in a front yard. For buildings or structures greater than seven feet in height, structures in the agricultural and residential districts are limited to 15 feet in height, must be architecturally compatible with the primary structure, must maintain specified setbacks, and may not occupy more than 1,000 square feet.

The proposed changes make an exception for arbors, arches, and trellises in the front yard when they are used as an entryway feature, do not exceed an overall height of eight feet and width of seven feet.

Building Projections into Yards: Eliminated some terms that confused patios with patio covers. A corresponding change in the accessory structure ordinance would not allow accessory structures to project into a required setback area. All building projections are limited to no closer than 5 feet from the front or rear property line.

Landscaping and Irrigation: This section has been updated to reflect the State's Water Efficient Landscape Ordinance. The landscaping requirement for the Commercial-Office (C-O) zoning district has been reduced from 25% to 15% at the recommendation of the Development Collaborative Advisory Committee. For commercial and industrial zoning districts, the landscaping in the road cross section defined by the General Plan may be counted toward the project's landscaping requirement. However, commercial districts are required to have a minimum of ten feet of landscaping from the back of a public sidewalk.

Permitted Locations of Recreational Vehicles: Vehicles would be allowed to park a little closer to the side property lines when located in the front yard—reducing the side yard setback from 4 feet to 2.5 feet – to align with the setback for a driveway. Recreational vehicles under 7 feet in height would be allowed to park in the side yard setback area when located behind the front yard and when screened by a solid fence.

Salvage and Wrecking: Eliminates the requirement for an 8-foot masonry fence when the business is surrounded by industrial (I) zoned properties.

Mobile Food Facilities: Modifies the annual renewal process from every 6 months to once a year.

Cargo Containers: Adds a new section establishing a discretionary permitting process for cargo containers. Also establishes the conditions under which a permit is not required. The proposed revisions specify the type of permit required, and the standards that would apply for the various zoning districts in the City. The proposal establishes limits on the number and size of cargo containers that could be placed on private property and would establish design guidelines for the containers that may be permitted. Residential

owners would be allowed to keep a cargo container in their driveway for 3 months or less without a permit; however, the container must be located on paved driveway, may not encroach into the public right-of-way (like a sidewalk) and may not block the opening of the garage door.

Electrified Fences: Electrified fences are to be allowed in the Industrial (I) and Industrial Business Park (I-BP) zoning districts so long as they are located at least 50 feet away from residential and other sensitive land uses, or land zoned for such uses (including most commercial zoning districts), and meet specific construction and safety standards. The owner would also be required to hold the City harmless for all liability associated with installing the fence.

Drive-Through Facilities: Restrictions on the location of drive through facilities and specific sign standards have been added.

Article 2: Off-Street Parking and Loading Regulations: The proposals include adding regulations regarding driveway standards, parking space and drive aisle requirements have been moved to the City's Standard Specifications and Drawings, bicycle parking requirements have been revised, and have added an allowance for alternative method of determining the number of parking spaces, and added parking lots design standards.

Article 3: Noise Standards: No major amendments have been proposed; however, some minor changes have been made to correct references to other sections of the Turlock Municipal Code.

Article 4: Nonconforming Structures and Uses: Proposed amendments would reduce the permitting requirements for smaller expansions of nonconforming uses and structures from a conditional use permit to a minor discretionary permit.

Article 5: Signs: No major amendments are proposed at the current time; however, some minor changes have been made to correct references to other sections in the Turlock Municipal Code.

Article 6: Wireless Communications: Minor changes in references and rewording of Section 9-2-604(c) to clarify its intent.

Chapter 9-3: Base District Regulations:

This chapter establishes the uses and development standards for the various base zoning districts in the City. Changes are proposed in the permitting requirements for various uses and the property development regulations for all districts. Agricultural uses have been further defined particularly how they are regulated in residential districts. Community gardens are allowed with a conditional use permit; however, crop production for one's own use is permitted. Major changes in the use classifications for the Commercial Thoroughfare (C-T)

and Public/Semi-public zoning districts are proposed. Design standards have been added for manufactured housing in residential districts.

Chapter 9-4: (Downtown) Overlay District Regulations:

This chapter establishes the overlay districts in Turlock's Downtown planning area. The proposed amendments are not intended to change the overall goals and objectives of the current Downtown Plan and Zoning Regulations. Lot dimensions have been added to ensure that new lots are created in the same pattern as the existing Downtown. Limitations on the types of security devices have been clarified. Uses classifications have been added. These classifications were established in coordination with the Turlock Downtown Property Owners Association, although the Association did not necessarily agree with all of the designations recommended by staff. In particular, the Association is continuing discussions with the Police Department to identify an expedited permitting process for entertainment uses in the Downtown area. Setbacks have been reduced slightly in some zones to create more consistency among the zoning districts with the exception of single family homes that will maintain 15 foot front and corner side yards. Height limits for the Office Residential and Industrial Residential zoning districts have been increased to 40 feet and 50 feet, respectively. Landscaping requirements have been somewhat reduced.

Chapter 9-5: Administration:

This chapter defines the permitting procedures and findings for various entitlement processes. This chapter also establishes the enforcement procedures for the Zoning Regulations. Minor changes in the various permitting procedure and time frames are proposed. For outdoor dining establishments, a requirement to maintain insurance coverage throughout the operation of the outdoor dining use has been added. For outdoor dining establishments that serve alcohol, the barrier height has been reduced from 4' to 3'.

ENVIRONMENTAL REVIEW

The proposed amendments to the Zoning Ordinance constitute a "project" under CEQA; however, because the proposed amendments are consistent with the General Plan and are not anticipated to generate a significant environmental effect, the project is exempt pursuant to Section 15061(b)(3) [No potential for causing a significant effect on the environment] or Section 15183 [Project consistent with general plan policies].

The City received comments from three agencies regarding the proposed project. The comment letters did not raise issues disputing the environmental determination.

PLANNING COMMISSION RECOMMENDATIONS

On March 5, 2015, the Planning Commission held a public hearing to consider the proposed amendments. The Commission received additional testimony from the public regarding whether additional restrictions should be placed on the

height of accessory structures in residential areas. The Planning Commission agreed to consider these comments in future code amendments.

The Planning Commission unanimously (7-0) approved the amendments to the Zoning Regulations at their March 15, 2015, meeting with the amendment to Section 9-2-109 (Landscaping and irrigation) clarifying that the section would apply to only those projects subject to the State's Model Water Efficient Landscaping Ordinance (see Attachment 2, Planning Commission Resolution 2015-04). That modification has been made to the Zoning Ordinance included in the attached ordinance.

POTENTIAL AMNESTY PROGRAM FOR CARGO CONTAINERS

In February 2014, the Planning Commission received a request from a local business owner to establish an amnesty program for the cargo container ordinance. He requested that existing containers that had been on the property for some specified period (such as five years) be exempt from both planning and building code requirements to encourage compliance with the new code. While staff did not support the request as presented because the current Code already requires compliance for permanent containers, staff did come up with two possible options to implement such a request. Those strategies are summarized in the following section. By separate motion, the Planning Commission recommended that the City Council approve an amnesty program.

Staff has a list of properties that have not obtained building permits or otherwise complied with the City's current requirements for cargo containers. Regardless of whether an amnesty program is put into place, the City would continue its policy to strive for compliance rather than imposing fines or other enforcement actions. The steps that have been established in the City's Administrative Citation process seek to bring properties into compliance by first issuing warning letters and providing adequate time for a property owner to comply with the City's permitting requirements.

Amnesty Options

Staff presented two options to the Planning Commission for their consideration:

Delay Enforcement for 6 months. Under this option, City staff would notify property owners with known violations and give them 6 months to comply. During that period of time, no enforcement actions or penalties for noncompliance would be imposed. This option would have little financial impact to the City.

Reduced Permitting Fees: Another option is to reduce the building and/or planning permit fees for cargo containers. If the City Council were to adopt such a strategy, the uncollected fees would have to be subsidized from the City's General Fund to comply with Proposition 26 requirements. Staff does not support reducing the building permit fees because of the impact the subsidy would have

on the General Fund; however, a reduction in the planning permit fees is a possibility because it would have far less impact. Under this option, the planning permit fees would be reduced to cover the hard costs of issuing a planning permit (i.e., the Minor Discretionary Permit required for commercial and industrial zoned properties could be reduced from the estimated \$1,475 (cost of a MDP Amendment) to \$345 and the residential fee for the Minor Administrative Approval could be reduced from \$345 to \$170). Based on the current list of properties that have such containers, it is estimated that the subsidy would be approximately \$20,000; however, once the amnesty program is adopted, additional property owners may come forward to request permits for cargo containers increasing the total cost to the General Fund.

The Planning Commission unanimously (7-0) recommended that the City Council approve an amnesty program as outlined below:

1. A delay in the enforcement of the provisions listed in the modified TMC 9-2-125 (Cargo Containers) for a period of 6 months; and/or
2. A reduction in the planning permitting fees for a 6-month period, as follows, and subsidize the permitting fees with General Fund revenues:
 - a) Reduce the cost of the Minor Discretionary Permit required for commercial and industrial zoned properties from \$1,475 to \$345; and
 - b) Reduce the cost of the Minor Administrative Approval required for residential zoned properties from \$345 to \$170.

3. BASIS FOR RECOMMENDATION:

- A. To bring Title 9 (Zoning Ordinance) into consistency with the 2012 City of Turlock General Plan
- B. On March 5, 2015, the Planning Commission unanimously recommended approval of the proposed changes to Title 9 of the Turlock Municipal Code

Strategic Plan Initiative: INTELLIGENT, PLANNED, MANAGED GROWTH

- Goal:**
- a. Ensure all growth adds value to the current and future community
 - e. Create long-term, value-added plan for In-fill
 - f. Ensure all growth and development reflects balanced land use through the General Plan implementation which will address future growth and development

4. FISCAL IMPACT / BUDGET AMENDMENT:

Fiscal Impact: The cost of preparing this Amendment to Title 9 of the Turlock Municipal Code utilizes General Fund monies.

The cost of implementing the proposed amnesty program is estimated to be approximately \$20,000; however, if additional property owners take advantage of the discounted fee to obtain permits for new cargo containers, the subsidy could be higher.

Budget Impact: The budget would need to be amended to provide the funds for the subsidized planning permits required to support the proposed amnesty program.

5. CITY MANAGER'S COMMENTS:

Recommend approval.

6. ENVIRONMENTAL DETERMINATION:

EXEMPT pursuant to CEQA Guidelines Sections 15061(b)(3) and 15183

7. ALTERNATIVES:

- A. The Council may deny the proposed repeal and replacement of Title 9 (Zoning Ordinance) in the Turlock Municipal Code
- B. The Council may amend the proposed changes to Title 9.
- C. The Council may choose not to implement the proposed amnesty program.

ATTACHMENT 1: SUMMARY OF MAJOR CHANGES IN THE ZONING ORDINANCE

CHAPTER 9-1: ADMINISTRATION

Definitions:

- Accessory buildings and uses
- Cargo containers
- Community gardens
- Crop Production
- Health and recreation facility

CHAPTER 9-2: ALL ZONING DISTRICTS

9-2-101: ACCESSORY STRUCTURES:

- Does not affect C and I districts
- Maximum height of detached structures is 15 feet in A and R Districts
- If attached, height is determined by the applicable zoning district (typically 35 feet)
- Setbacks for structures greater than 7' in height:
 - RE – 10' from rear and interior side yard (exception to current standards for main building of 10' side and 30' rear)
 - All others – 5' from rear and interior side yard (exception from 10' rear)
 - Rear yard exception for 20' public alleys – 0' setback if no more than 1/3 of the width of the rear yard
- Height under 7' – may not be located in front yard and must be screened with 7' wall
- Swimming pool structures subject to same standards
- Entry Features: limited to height of 8' and width of 7'; no more than 25 sf (ground)
- Exceptions in R districts may be permitted by CUP; in A district, by MDP

9-2-105: BUILDING PROJECTIONS INTO YARDS

- Primarily effects ag and residential districts with side and rear yard setback requirements
- Removed porches (concrete pads), so may go to property line
- Limit all projections to no closer than 5 feet to the front or rear property line

9-2-109: LANDSCAPING AND IRRIGATION

- Reduced CO landscaping from 25% to 15%
- Updated to reflect new Statewide MWELo requirements
- Added provision that front and side yard landscaping may be counted toward landscaping requirement in all districts, but requiring a setback of 10' for commercial districts fronting onto a public sidewalk

9-2-114: RECREATIONAL VEHICLES, CAMPERS, UTILITY TRAILERS, BOATS

- Parking must take place on a paved surface
- Parking in rear or interior side yard to be 4' unless vehicle/trailer is less than 7' in height
- Front yard:
 - Cannot impede pedestrian traffic (sidewalk)
 - No closer than 2.5' to any parcel line
- Not permitted within public ROW (no change in ordinance)

9-2-117: SALVAGE AND WRECKING YARDS

- Removed requirement for a solid masonry walls industrial districts when abutting other industrially zoned properties

9-2-124: MOBILE FOOD FACILITIES

- Added provisions prohibiting facilities in DC, DCT and OR Downtown Districts (urgency ordinance in place since November 12, 2013)
- Changed to annual rather than biannual application process (December 31) with cutoff of October 1

9-2-125: CARGO CONTAINERS

- New permitting process: downgrading to MAA in residential district to MDP in commercial and industrial districts specific conditions
- Allows for temporary cargo container use
- Establishes standards for both temporary and permanent use – temporary use not required to achieve more stringent District design standards
- Height limited to 10' (one container high)
- Must meet setback requirements unless obtain approval of a Minor Exception
- Must be screened from public view
- Limitations on number and size
- No signs on containers except leasing company
- Building permit required

9-2-126: ELECTRIFIED FENCES

- MAA in industrial districts only
- Must be at least 50' from residence, school, day care, or park land (children)
- Perimeter fence required and shall be setback at least 12" from property line
- Maximum height of 10'
- Constructed of horizontal wires with minimal vertical support to minimize impacts
- Energy source cannot exceed 12 volts
- Warning signs every 50'
- Hold harmless agreement requirement for owner and applicant

9-2-127: DRIVE-THROUGH FACILITIES

- No more than 2 lanes per drive through facility
- Lanes shall be located at least 100 feet from a residential district
- Lanes shall be oriented to reduce light and glare onto adjacent residences and public ROW
- Lanes shall be screened with decorative masonry wall landscaped with vines, landscaped berm or landscaped hedge at least 3' tall
- No more than 2 menu boards per lane
- Lanes shall provide for stacking of at least 4 vehicles between entrance to drive-through lane and menu board closes to the pick-up window; if no menu board, then at least 6 vehicles between entrance and pickup window
- Lanes shall be designed to avoid stacking in a driveway or parking lot drive aisle that connects to a street

9-2-200ART: OFF-STREET PARKING AND LOADING

- In R districts:
 - Paved driveway width may be from 10 to 30' plus up to 10' feet for recreational/trailer vehicle storage
 - Must be incidental to residential use
 - Allows for ribbon and circular driveways
 - Driveways cannot comprise more than 40% of lot frontage or more than 55% of required front yard area
 - Circular driveways and recreational vehicle expansion is required to obtain a MAA prior to construction (may be required to apply for a grading permit)
- Bicycle Parking: updated to reflect new Green Building Code requirements and adds design requirements to ensure that internal bicycle parking is adequate in size and located in a convenient space (near entrances)
- Parking configuration and aisle dimension moved to Engineering Standard Specifications and Drawings
- New parking lot design standards: allows for impermeable surfaces in parking lots for Industrial Districts; double striping as preferred over single striping
- Parking lot landscaping was moved from landscaping section to this section

9-2-400ART: NONCONFORMING STRUCTURES AND USES

- Re-establishment of a nonconforming use downgraded from CUP to MDP
- Minor expansions of no more than 1,000 SF or 25% of floor or lot area are allowed by MDP rather than CUP

CHAPTER 9-3: BASE ZONING DISTRICTS

9-3-202: R DISTRICT USE CLASSIFICATIONS

- Adds Community Garden (CUP), Crop Production (P) and Domesticated Animals (P) permitting requirements
- Specifies that industrial uses are NP

9-3-302: C DISTRICT USE CLASSIFICATIONS

- Adds Community Garden (MDP) and Crop Production (P) permitting requirements
- Redefines the CT zoning district (modified a number of uses that were previously NP or CUP to be approved in a "shopping center" and evaluated uses and permitting requirements to ensure that highway oriented uses are encouraged)
- Deletes "dance hall" as a use but "nightclub" is still there in new location (still need a definition of nightclub)

9-3-402: I DISTRICT USE CLASSIFICATIONS

- Adds Community Garden (MDP), Crop Production (P) and other agricultural uses (MDP)
- Adds Restaurant as a use with CUP

9-3-500ART: P/SP DISTRICT USE CLASSIFICATIONS

- Adds Community Garden (MDP), Crop Production (P) and other agricultural uses (CUP) unless surrounded by industrial zones (then MDP)
- Downgrades public buildings and schools from MDP to CUP
- Adds property development standards including front, corner side and rear yard setbacks of 10'; no maximum height limitation

CHAPTER 9-4-100ART: DOWNTOWN OVERLAY DISTRICT

- Significant realignment of the Overlay District regulations
- New section establishing property development standards (minimum lot sizes, dimensions)
- Permit requirements are defined in a new use classification chart (significant differences)
- Changes to height limits, landscaping requirements, setbacks and lot coverage requirements

CHAPTER 9-5: ADMINISTRATION

- Minor changes to reflect new administrative citation process

RESOLUTION NO. 2015-04

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF TURLOCK
RECOMMENDING THE CITY COUNCIL
REPEAL TITLE 9 (ZONING REGULATIONS)
AND REPLACE WITH THE AMENDED CHAPTERS 9-1 THRU 9-5
AS THE NEW TITLE 9 (ZONING REGULATIONS)

WHEREAS, a comprehensive update to Title 9 (Zoning Ordinance) is necessary to achieve the goals and objectives of the new General Plan adopted in September 2012 and address a number of requests presented by the public to the Planning Commission; and,

WHEREAS, after the public hearing held on March 5, 2015, the Planning Commission determined as follows:

1. That the public necessity, convenience and general welfare support the proposed amendment.
2. That the proposed amendment is consistent with the Turlock General Plan.

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Turlock that the following updates to Title 9 (Zoning Regulations), as shown in Exhibit A, are hereby recommended for approval:

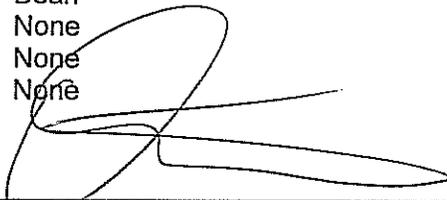
Section 1. The proposed project is "Exempt" from the provisions of the California Environmental Quality Act (CEQA) under the CEQA Guidelines Section 15061(b)(3)[No potential for causing a significant effect on the environment] or Section 15183 [Project consistent with general plan policies].

Section 2. Recommends that the City Council of the City of Turlock repeal Title 9 (Zoning Regulations) and add Chapters 9-1 thru 9-5, as modified in the attached Exhibit A, as the new Title 9 (Zoning Regulations) including the modification of TMC Section 9-2-109(b) clarifying that the landscaping and irrigation standards contained in this section apply only to development projects that are subject to the State-mandated Water Efficiency Landscaping Ordinance.

I HEREBY CERTIFY that the foregoing Resolution was duly and regularly adopted by the Planning Commission of the City of Turlock at a regular meeting of said Planning Commission held on the 5th day of March, 2015, by the following vote:

AYES:	Badal, Fregosi, Gonsalves, Hackler, Hallam, Hillberg, and Pedroza
NOES:	None
ABSENT:	Bean
ABSTAINED:	None
NOT PARTICIPATING:	None
NON-VOTING:	None

ATTEST:



DEBRA A. WHITMORE, DEPUTY DIRECTOR OF
DEVELOPMENT SERVICES/PLANNING AND
SECRETARY OF THE TURLOCK PLANNING COMMISSION

Chapter 9-1
GENERAL PROVISIONS

Sections:

Article 1. Establishment of General Provisions

9-1-101	Title of provisions
9-1-102	Adoption
9-1-103	Purpose
9-1-104	Applicability to private and public property
9-1-105	Minimum requirement
9-1-106	Rules for interpretation of language.
9-1-107	Applicability and effect of prior permits.
9-1-108	Conflict with other regulations.
9-1-109	Relation to private agreements or restrictions.
9-1-110	Applicability of land use and development regulations.
9-1-111	Rules for interpretation.
9-1-112	Application of zoning regulations during local emergency.
9-1-113	Severability.

Article 2. Establishment of Definitions

9-1-201	Semantic rules of construction.
9-1-202	Definitions.

Article 1. Establishment of General Provisions

9-1-101 Title of provisions.

This chapter of the Turlock Municipal Code may be known and cited as the “Turlock Zoning Regulations” or “Zoning Regulations.”

9-1-102 Adoption.

There is hereby adopted, as provided herein, Zoning Regulations for the City. The Regulations are intended to be a precise and detailed plan for the use of land based on the General Plan of the City and to be consistent with the General Plan of the City.

9-1-103 Purpose.

The purpose of the Zoning Regulations is to promote the public health, safety, comfort, convenience, and general welfare of the people of Turlock. Specifically, these Zoning Regulations intend to achieve the following purposes:

(a) To implement the policies of the Turlock General Plan;

- (b) To advance Turlock's position as a regional center of commerce, industry and housing;
- (c) To promote and provide for the orderly growth and productivity of Turlock's economy;
- (d) To protect agricultural, residential, commercial, industrial, public and institutional areas and environmentally sensitive areas from the intrusion of incompatible land uses;
- (e) To provide for desirable, appropriately located living areas in a variety of dwelling types and at a wide range of population densities, with adequate provisions for sunlight, fresh air, privacy, usable open space, and safety;
- (f) To encourage the provision of affordable housing, particularly to lower income households;
- (g) To achieve excellence in site and building design in all future and existing developments;
- (h) To provide adequate off-street parking and loading facilities, and to promote a safe, effective traffic circulation system;
- (i) To ensure that service demands of new development do not exceed the capacities of existing streets, utilities, or public services;
- (j) To assure equality among individuals in the use and enjoyment of their property;
- (k) To guide and encourage the renewal of areas experiencing blight, deterioration and obsolescence, while protecting and preserving Turlock's cultural heritage;
- (l) To stabilize expectations regarding development entitlements and uses, thereby providing a basis for rational private and public land use decisions;
- (m) To minimize the process necessary to obtain rights to develop and use property;
- (n) To provide opportunities for businesses to be located for efficient operation in a mutually beneficial relationship to each other and to shared services;
- (o) To prevent any substantial risk to public health, safety and welfare from the use of a land or location of a building, or to be a nuisance to or adversely affect adjacent properties or uses.

9-1-104 Applicability to private and public property.

Zoning Regulations shall apply to all land within the City of Turlock, including land owned by the City of Turlock and other local, state, or federal agencies, where applicable. Application of regulations to specific lots shall be governed by the zoning map.

9-1-105 Minimum requirements.

The Zoning Regulations shall be deemed the minimum requirements to promote and preserve the public health, safety, and general welfare of the people, unless otherwise noted.

9-1-106 Rules for interpretation of language.

The following rules of construction shall apply:

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

- (1) "And" indicates that all connected words or provisions shall apply.
- (2) "Or" indicates that the connected words or provisions may apply singularly or in any combination.
- (3) "Either...or" indicates that the connected words or provisions shall apply singly but not in combination.
- (4) "Shall," "must" and "will" signify requirements to be met without exception under all relevant circumstances.
- (5) "Should" signifies the City's desire and expectation that the principle will be met in most cases, but recognizes that some circumstances may make implementation impossible or unwise. The applicant may be required to demonstrate to the City the reason for not implementing principles with this wording.
- (6) "May" signifies that the principle establishes guidance for actions that are at the discretion of the applicant or public agency.

(b) In case of conflict between the text and a diagram, the text shall control.

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

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

(e) All references to days are to calendar days unless otherwise indicated. If a deadline falls on a weekend, a holiday, or some other day when ~~the~~ Turlock City Hall is not open for normal business, it shall be extended to the next full working day.

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

(g) The words "activities" and "facilities" include any part thereof.

9-1-107 Applicability and effect of prior permits.

(a) The provisions of this ~~chapter title~~ shall apply to the erection or alteration of any building or structure, or to the use of any parcel of land, as of the effective date of the ordinance codified in this title and any subsequently adopted ordinance amending this ~~chapter title~~, unless a building permit has been lawfully issued by the City for the construction of a project. In that case, the project may be completed under the provisions of this ~~chapter title~~ as they existed at the time of issuance of the building permit; provided, that construction under the permit commences within ~~six months of issuance of the permit~~ the time frame(s) specified in TMC 9-5-106Z and the permit remains effective and valid under the terms of issuance. For the purpose of this subsection, a foundation permit shall be treated as equivalent to a building permit but a grading, demolition, electrical, mechanical or plumbing permit shall not be considered or treated as a building ~~permits~~ permit.

(b) No official or employee of the city authorized to issue permits or licenses shall issue such permits or licenses which are not in conformity with the provisions of this ~~chapter title~~ where such conformity is required by law. Any permit or license issued in conflict with the provisions of this chapter shall be null and void.

(c) Whenever any building or sign permit, conditional use permit, variance, minor administrative permit, minor discretionary permit or other such permit approval has been issued prior to the effective date of the Zoning Regulations or any amendment thereto and the uses or improvements for which the permit was issued would not conform to the regulations or amendments, the uses or improvements may, nevertheless, be utilized or developed to the extent authorized by the issued permit, provided the permit has not expired under the terms of its issuance. The uses and improvements shall be deemed legally nonconforming and shall be subject to the provisions of Article 4 of Chapter 2 ~~of this title~~ governing nonconformities.

9-1-108 Conflict with other regulations.

Where conflict occurs between the provisions of this title and any other City ~~codesCodes~~, ordinances, resolutions, guidelines, or regulations, the more restrictive provision shall apply unless otherwise specified.

9-1-109 Relation to private agreements or restrictions.

This chapter shall not be construed to imply that the City enforces, regulates, interferes with or annuls any easement, covenant, deed restriction, or other agreement between parties except in those instances where the City is a party to the agreement.

9-1-110 Applicability of land use and development regulations.

(a) **Zoning designation system.** ~~The districts set forth in this section title and the boundaries of such districts are shown upon the map adopted by the council, such map being designated as the "Zoning Map." Such map is made a part of this chapter title by reference as if the information set forth thereon were fully described in this chapter title. The Council may from time to time republish all or any part of the zoning map to incorporate amendments thereto. Land use and development regulations applicable to specific sites, shown on the zoning map by zoning designation, shall consist of classes of letters and/or numerical designators as follows:~~

(1) A base land use designator ~~indicating the principal land uses permitted or conditionally permitted in each district, shall be a component of all zoning designations. In mixed-use districts where a conflict arises between standards of more than one district, the~~ Development Services Director shall determine which standards ~~shall~~ apply.

(2) Overlay district designators shall be included in a zoning designation if the provisions of one or more overlay districts are applicable to a site. When a conflict arises between overlay district standards and base district standards, the overlay district standards shall apply.

(b) **Establishment of land use development standards.** The Zoning Regulations shall set forth development standards for each zone district including, but not limited to, controlling the uses of land, the density of population, the uses and locations of structures, the height and bulk of structures, the open spaces about structures, the external appearance of certain uses and structures, the areas and dimensions of sites, and requiring the provisions of off street parking, off street loading facilities and landscaping.

(c) **Use of property and land in established districts.** Except as otherwise provided in this chapter:

(1) Land, structures, and premises in any district shall be used only for the purposes set forth as permitted in that district, in accordance with the regulations established by the provisions of this title for that district, and in accordance with the conditions and requirements which may have been established for that district in connection with the authorization of any variance or the granting of any permit.

(2) No structure shall be erected, reconstructed, relocated, or structurally altered to have a greater height, bulk or a higher proportion of parcel coverage than is permissible under the limitations set for the district in which the building is located. If the building is already greater than the maximum permitted, it shall not be further increased.

(3) Open space, off-street parking space, or loading space shall be provided in accordance with the regulations, conditions and requirements established for that district.

9-1-111 Rules for interpretation.

(a) **Zoning regulations.** Where uncertainty exists regarding the interpretation of any provisions of this [chapter title](#) or its application to a specific site, the Community Development Director shall determine the intent of the provision.

(b) **Zoning map.** Where uncertainty exists regarding the boundary of a zoning district, the following rules shall apply:

(1) Where boundaries are indicated as following streets or other rights-of-way, the center lines of such streets or rights-of-way shall be construed to be such boundaries.

(2) Where boundaries are indicated as approximately following parcel lines, such parcel lines shall be construed to be such boundaries.

(3) In the event uncertainty exists or in the case where a district boundary divides a parcel, the [Planning](#) Commission, upon a written application or upon its own motion, shall determine the exact location of such boundaries.

(c) **Record of interpretation.** The Community Development Director shall keep a record of interpretations made pursuant to this [Chapter title](#) which shall be made available to the public for review.

(d) **Appeals.** An interpretation of the zoning regulations or zoning map by the Community Development Director may be appealed to the Planning Commission.

9-1-112 Application of zoning regulations during local emergency.

The Turlock City Council may authorize deviations from any provision of this [chapter title](#) during a proclaimed local emergency in accordance with Title [4](#) of the Turlock Municipal Code.

9-1-113 Severability.

If any section, subsection, sentence, or phrase of this [chapter title](#) is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, the remaining portions of this [chapter title](#) shall not be affected. It is expressly declared that this [chapter title](#) and each section,

subsection, sentence, and phrase would have been adopted regardless of the fact that one or more other portions of this ~~chapter~~title would be declared invalid or unconstitutional.

Article 2. Establishment of Definitions

9-1-201 Semantic rules of construction.

For the purposes of this title, the following rules shall apply unless inconsistent with the plain meaning in the context of the provisions of this title.

- (a) Words used in the present tense include the future tense.
- (b) Words used in the singular include the plural, and words used in the plural include the singular.
- (c) The word “used” includes the words “arranged for, designed for, occupied, or intended to be occupied for.”

Where a definition is not given or where a question of interpretation is raised, the definition shall be the common usage of the word within the context of its use, or as clarified by the Planning Commission.

9-1-202 Definitions.

“Abandoned” shall mean to cease or suspend from developing or maintaining a building or use for a stated period of time.

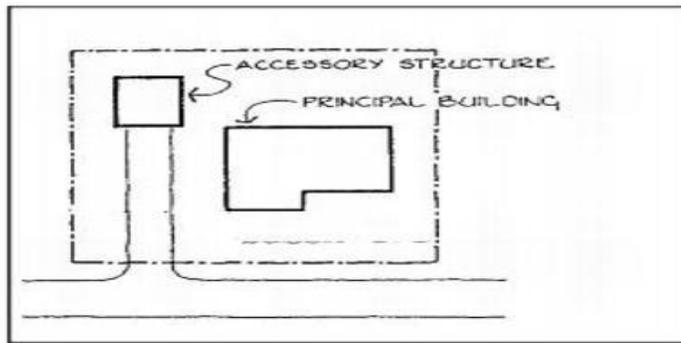
“Abandoned activity” shall mean a business or activity with no reported sales or activity for a period of at least one-hundred eighty (180) days. Exceptions are temporary closures for repairs, alterations or other similar situations.

“Abut” or “adjoin” shall mean two (2) or more parcels sharing a common boundary of at least one (1) point.

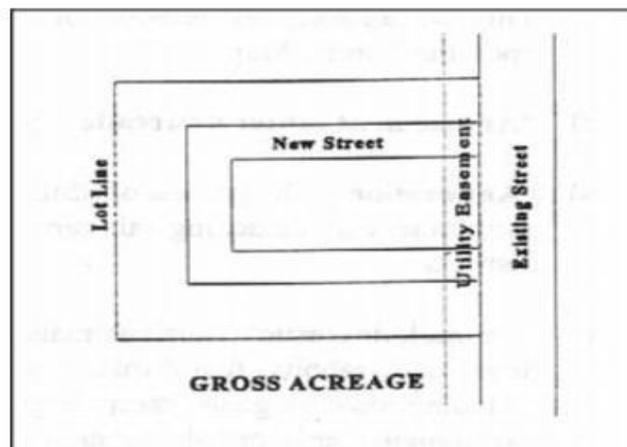
“Access” or “access way” shall mean the place, means or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use.

“Accessory buildings and uses” shall mean buildings and uses, both permanent and temporary, which are:

- (a) Subordinate to and serve a principal building or principal use;
- (b) Subordinate in area, extent, or purpose to the principal building or principal use;
- (c) Contribute to the comfort, convenience, or necessity of occupants of the principal building or principal use;
- (d) Located on the same lot as the principal building or use; and
- (e) Accessory uses in commercial and industrial businesses shall be limited to twenty (20%) percent of the total floor area.



“**Acreage, gross**” shall mean the entire area of a site calculated to the centerline of planned bounding streets and to the edge of the right-of-way of existing or dedicated streets.



“**Acreage, net**” shall mean the area of a parcel of land measured to the property lines less streets and/or alleys or those areas proposed or required to be dedicated as streets and/or alleys.

“**Action**” shall mean the decision made by the review authority on a land use application, including applicable findings, environmental determination and conditions of approval.

“**Adjacent**” shall mean situated “next to-~~includes~~” and shall include both abutting property and real property located across alleys, streets or other public property right-of-way.

“**Adult use**” shall mean a business or location where the main emphasis is on the sale or promotion of sexually explicit materials or activities. See TMC- 9-2-102, Adult entertainment facilities, for further definitions and reference.

“**Affordable housing**” shall mean housing for which the housing payment is not more than thirty (30%) percent of household gross income for a specified housing group.

“**Agent of owner**” shall mean a person authorized to act for the property owner.

~~“Agricultural~~

~~“Agriculture” or “agricultural use”~~ shall ~~mean~~include a range of activities involved in the production of food such as the tilling of the soil, the raising of crops, horticulture, viticulture, dairying and ~~small~~-livestock farming, including all uses customarily incidental thereto; but excluding slaughter houses, fertilizer yards, transport businesses for agricultural hauling, bone yards or ~~rendering~~ plants for the reduction of animal matter, the cultivation of marijuana, or any other industrial use which is similarly objectionable because of noise, odor, smoke, dust, or fumes. ~~(See also “Livestock.”)~~

“Airports and landing strips” shall mean runways and related facilities for aircraft, including rotary-winged and ~~ultralight~~ultra-light aircraft, take-off and landing.

“Alley” shall mean a public or private right-of-way permanently reserved primarily for vehicular service access to the rear or sides of properties otherwise abutting on a street and affording only secondary means of access to abutting property.

“Alteration” shall mean any change, addition, or modification in construction or occupancy of an existing structure.

“Amendment” shall mean a change in the wording, context or substance of any provision in TMC Title 9; or an addition, deletion, or a change in the zone boundaries or classification upon the Zoning Map.

Amusement center or arcade. See TMC 4-11-101 et seq.

~~Animal sales and services.~~

~~(a)~~ **“Animal boarding”** shall mean the provision of shelter and care for small animals on a commercial basis. This classification includes activities such as feeding, exercising, grooming, and incidental medical care.

~~(b)~~

“Animal grooming” shall mean the provision of bathing and trimming services for small animals on a commercial basis. ~~This classification includes boarding of domestic animals for a maximum period of forty-eight (48) during regular business~~ hours.

~~(c)~~

“Animal hospitals” shall mean establishments where small animals receive medical and surgical treatment. This classification includes only facilities that are entirely enclosed, soundproofed, and air conditioned. Grooming and temporary (thirty (30) days or less) boarding of animals is included if incidental to the hospital use.

~~(d)~~

“Animals, retail sales” shall mean retail sales and boarding of small animals, provided such activities take place within an entirely enclosed building. This classification includes grooming if incidental to the retail use.

“Annexation” shall mean the process of adding territory to the incorporated area of the City and simultaneously detaching said territory from Stanislaus County and certain service districts.

“Antenna” shall mean a device for transmitting or receiving radio, television, or any other transmitted signal.

“Antique store” shall mean a business whose primary purpose is the sale of objects having special value because of their age, especially a domestic item or piece of furniture or handicraft esteemed for its artistry, beauty, or period of origin.

“Apartment” shall mean a room or group of rooms in a building rented or leased to a tenant and constituting five (5) or more dwelling units. For the purpose of this definition, “building” shall mean one (1) or more buildings on one (1) or more contiguous lots or parcels under common ownership, and the total contiguous number of dwelling units in all of such buildings shall be used to determine the number of dwelling units subject to the requirements of TMC Title 9. (See also “dwelling unit, ~~multifamily.~~ multi-family.”)

“Artist studio” shall mean a place where fine art is created and occasionally displayed, and affords the artists a live-work opportunity typically in the downtown area. “Fine art” is art concerned with the creation of beautiful objects such as painting and sculpture.

“Attached” shall mean the physical connection of two (2) structures as defined by the UniformCalifornia Building Code. A building or structure shall be defined as “attached” when there is less than six (6’) feet between that building or structure and any other building on the same property.

“Auto repair, major” shall mean a place providing a full range of vehicle repair and maintenance services which include outside storage, the use of hazardous liquids, open flame or welding operations. Hazardous liquids include Class I, II or III-A liquids as defined by the UniformCalifornia Building Code.

“Auto repair, minor” shall mean a place providing vehicle repair and maintenance limited to exchange of parts and maintenance which does not include the activities as defined under “Auto repair, major.” Any activity combining minor and major automobile repair shall be defined as major automobile repair.

“Auto sales and service” shall mean sale and rental of automobiles, motorcycles, trucks and recreational vehicles, including storage and incidental maintenance.

“Automobile service station” shall mean an area which provides for the servicing or fueling of motor vehicles, including tube and tire repairs, battery charging, storage of merchandise and supplies related to the servicing of motor vehicles, sale of gasoline and other fuel and lubricants, motor vehicle washing, grease racks, and motor vehicle repairs, excluding major auto repair and other similar activities. This definition includes a convenience gas mart with two (2) or more service islands.

“Automobile storage” shall mean lots for the storage of parking tow-away, impound yards, and storage lots for automobiles, light duty trucks, buses, and recreational vehicles, but excluding commercial vehicles.

“Automobile washing” shall mean washing, waxing, detailing, or cleaning of automobiles or similar light vehicles including the use of mechanical automobile washers.

“Awning” shall mean a roof-like cover that is attached to and projects from the wall of a building for the purpose of shielding from the elements.

“Balcony” shall mean an open area located either recessed or projected out from the walls of a building. Balconies are thirty (30") inches or more above grade and are open to one (1) or more sides except for a railing or parapet not more than forty-two (42") inches high. An exterior corridor is not a balcony.

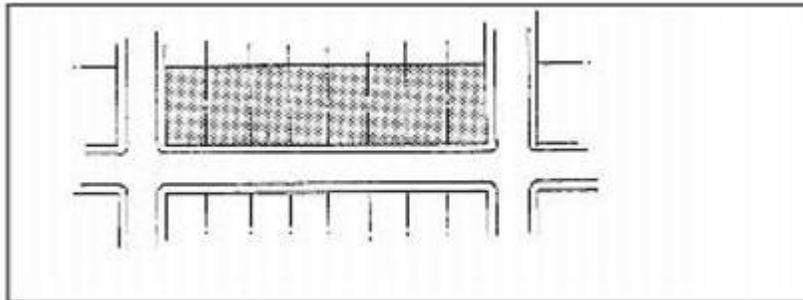
“Bar” shall mean any premises wherein alcoholic beverages are sold at retail for consumption on the premises and where minors are excluded therefrom by law. A bar shall include any premises wherein food products, including salads, sandwiches, desserts, and similar short order items and snacks, are sold or served incidentally to the sale or service of alcoholic beverages. It shall not mean a bona fide “restaurant” wherein alcoholic beverages are sold incidentally to the public in conjunction with the sale of food for consumption on the premises.

“Basement” shall mean that portion of a building that is partly or completely below grade. A basement shall be counted as a story for purposes of height measurement where any portion of a basement has more than one-half (1/2) of its height above grade.

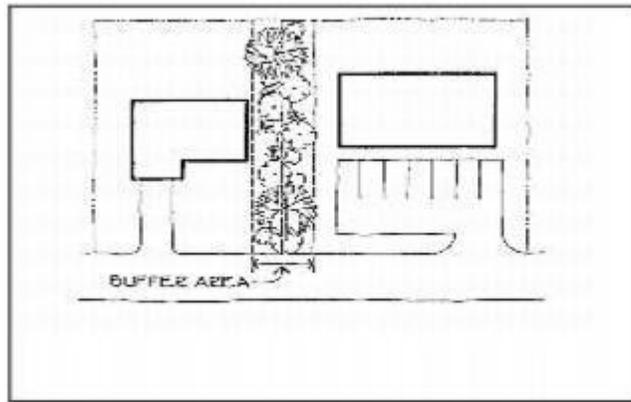
“Berm” shall mean a mound or embankment of earth.

“Block” shall mean a section of land surrounded by public streets, highways, freeways, railroad rights-of-way, flood control channels, creeks, washes, rivers or unsubdivided acreage or any combination thereof.

“Block face” shall mean the properties abutting on one (1) side of a street and lying between the two (2) nearest intersecting streets, or nearest intersecting or intercepting street and railroad right-of-way, unsubdivided land or City boundary.



“Buffer area” shall mean a landscaped area intended to separate and partially obstruct the view of two (2) adjacent land uses or properties from one another.



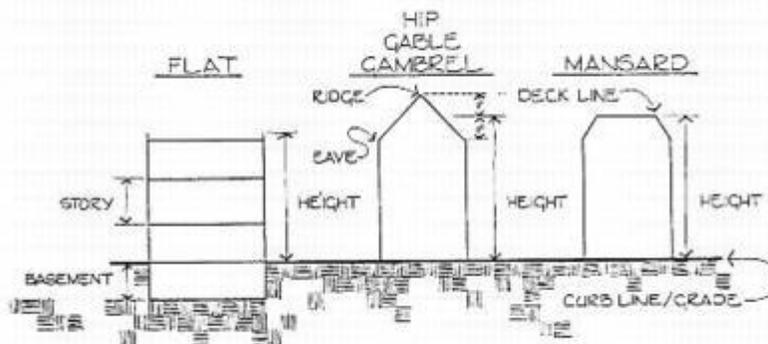
“Building” shall mean any structure used or intended for supporting or sheltering any use.

Building, accessory. See “Accessory building.”

“Building and Safety Division” shall mean that agency or department designated by the City to process building permits and the related plan check/inspection services.

Building coverage. See “Lot coverage.”

“Building height” shall mean the vertical distance from the finished grade to the highest point of the building as measured to the rooftop for flat roofs; to the deck line for mansard roofs; and to the top ridge line for gable, hip, and gambrel roofs, exclusive of chimneys and ventilators.



“Building materials & services” shall mean a commercial use that provides materials, such as concrete, lumber, stone, sand, clay, insulation, plumbing and the like, which are used for construction purposes.

“Building, principal” shall mean a building in which the primary use of the lot on which the building is located is conducted.

“Cargo container” shall mean a pre-manufactured metal shipping container or standardized, reusable vessel, designed without axle or wheels, that was originally designed and fabricated for, or used in, the packing, shipping, movement or transport of freight, articles, goods, or commodities from one location to another and that is delivered to a site as a fully assembled unit. The term "cargo container" shall not include a storage shed that is assembled at the site or a trailer with wheels used in the transport of freight. This term shall only apply to those containers that are accessory to the primary use of the property for the storage of directly related nonflammable, noncombustible, nonhazardous materials and supplies. If the container is proposed to be stored on the site for resale or rental, or to be used as a building material in the construction of a building or structure, the district regulations applicable to those uses shall apply.

“Catering services” shall mean a business establishment cooking and delivering food to an outside location such as a hotel, banquets, weddings, conventions and the like. This does not include mobile food vendors.

“Clubs and lodges” shall mean meeting, recreational, or social facilities of a private or nonprofit organization primarily for use by members or guests. This classification includes union halls, social clubs and youth centers.

“Commercial recreation and entertainment” shall include theaters, sports stadiums and arenas, amusement parks, bowling alleys, billiard parlors, ice/roller skating rinks, miniature golf courses, golf driving ranges, model courses, shooting galleries, pinball arcades or electronic game centers having two (2) or more coin-operated game machines, card rooms, and facilities used exclusively for bingo games. Commercial recreation and entertainment does not include adult entertainment facilities.

“Commissary” shall mean a food facility that services mobile food facilities, mobile support units, or vending machines where all of the following occur: (a) food, containers, or supplies are stored; (b) food is prepared or prepackaged for sale or service at other locations; (c) utensils are cleaned; (d) liquid and solid wastes are disposed, or potable water is obtained, pursuant to California Health and Safety Code Section 113751.

~~**“Community Development Director”** shall mean the Director of the Community Development Department of the City of Turlock, or designee. “Community Development Director” shall also include the term “Director.”~~**“Community garden”** shall mean a site where any kind of plant, except marijuana, is grown, and several individuals or households cultivate the site. Community gardens typically provide a service to gardeners that do not live in the immediate neighborhood resulting in the generation of vehicular traffic that is not normally associated with residential uses. The site may be divided into individual allotments, or gardeners may work together to cultivate the entire property. The land may be publicly or privately owned. The plants are grown for personal use by the gardeners, or for donation. No on-site sales or distribution to the public are permitted.

“Conditional use” shall mean uses which may be allowed subject to specific findings, conditions and approval of a conditional use permit by the Planning Commission.

“Condominium” shall mean a development consisting of an undivided interest in common for a portion of a parcel coupled with a separate interest in airspace in a residential building on a parcel.

“Condominium, commercial” shall mean individually owned unit in a building or development with commercial occupants. Each unit may be financed or sold separately by the owner, but the care and expense of maintaining common areas are shared.

“Construction, commencement of” shall mean construction shall be determined to start when all of the following have been completed by the developer:

(a) Filing of full sets of building plans with the Building Inspector and issuance of a building permit including electrical, plumbing, and mechanical permits.

(b) Performance of all conditions of approval specifying “prior to the issuance of a building permit” as found in any applicable approval statements and/or resolutions adopted by the City Council, Planning Commission, or **Community-Development Services** Director.

(c) Payment of all required fees, including building permit fees, and the posting and acceptance of all public improvement securities, if applicable.

(d) Compliance with environmental review procedures of the City.

“Construction, completion of” shall mean construction shall be complete when the final required building inspection has been completed and/or a “certificate of occupancy” (as defined by the **Uniform California** Building Code) is issued by the Building Inspector.

“Convalescent hospital” shall mean a facility providing long-term nursing, dietary and other medical services to convalescents or invalids but not providing surgery or primary treatment such as are customarily provided in a hospital. “Convalescent hospital” includes nursing home and rest home, but does not include general or specialized hospital or residential care facility.

“Convenience gas mart” shall mean a retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same. Activities may include the sale and/or dispensing of gasoline and other petroleum products.

“Conversion” shall mean changing the original purpose of a building to a different use.

“Crop production” shall mean the growing of fruit and nut trees, vine crops, and horticultural stock for production of food or fiber for human consumption, excluding marijuana, and shall not include the on-site sale or public distribution of such goods. Agricultural operations shall be conducted under the direction of the property owner. The vehicular traffic associated with crop production shall not exceed levels normally associated with residential uses.

“Cultural institutions” shall mean institutions displaying, preserving or demonstrating intellectual and artistic objects or activities. This classification generally includes libraries, museums, and art galleries where displayed objects are not intended for sale.

“Dance studio” shall mean an indoor facility where students are taught various forms of dance.

“Day care center” shall mean any child day care facility, as defined in Section 1596.76 of the California Health and Safety Code, other than a family day care home, and includes infant centers, preschools, extended day care facilities, and school-age child care centers.

(a) “**Child day care facility**” shall mean a facility, as defined in Section 1596.750 of the California Health and Safety Code, that provides nonmedical care to children under eighteen (18) years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis. “Child day care facility” includes day care centers, employer-sponsored child care centers, and family day care homes.

(b) “**Large family day care**” shall mean a home, as defined in Section 1596.78(b) of the California Health and Safety Code, that provides family day care for seven (7) to fourteen (14) children for periods of less than twenty-four (24) hours per day, inclusive, including children under the age of ten (10) years who reside at the home, as set forth in Section 1597.465 of the California Health and Safety Code and as defined in State regulations.

(c) “**Small family day care**” shall mean a home, as defined in Section 1596.78(c) of the California Health and Safety Code, that provides family day care for eight (8) or fewer children for periods of less than twenty-four (24) hours per day, including children under the age of ten (10) years who reside at the home as set forth in Section 1597.44 of the California Health and Safety Code and as defined in State regulations.

“**Deck**” shall mean a platform less than thirty (30") inches above the grade, either freestanding or attached to a building.

“**Density**” shall mean the ratio between dwelling units and land, expressed as the number of dwelling units per gross acre, or as square feet of land required per dwelling unit.

“**Density bonus**” shall mean an increase of dwelling units over the otherwise maximum allowable residential density.

“**Density, gross**” shall mean the number of dwelling units per acre of developable residential land including public and private streets, but excluding greenways and easements for drainage or power transmission lines.

“**Density, net**” shall mean the number of dwelling units per acre of developable residential land exclusive of public and private streets, greenways, drainage, power-transmission line easements, or other public and/or semipublic uses.

“**Development**” shall mean:

(a) The division of a parcel of land into two (2) or more parcels;

(b) The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure, including any facility of any private, public, or municipal utility;

(c) Any mining, excavation, landfill, or land disturbance;

(d) Any use or extension of the use of land;

(e) Any subdivision pursuant to the Subdivision Map Act; and

(f) Any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of the land by a public agency for public recreational use.

“Development agreement” shall mean an agreement entered into between the City of Turlock and a contracting party which relates to a specific real property, subject to the terms of the agreement, pursuant to the provisions of this chapter and Article 2.5, Chapter 4, Division 1 of Title 7 of the California Government Code.

“

“Development Services Director” shall mean the Director of the Development Services Department of the City of Turlock ~~Community Development Department Director~~, or designee. “Development Services Director” shall also include the term “Director.”

“Director” shall mean the City of Turlock Development Services Department Director or designee.

“Discount club” shall mean a discount store or warehouse where shoppers pay a membership fee in order to take advantage of discounted prices on a wide variety of items such as food, clothing, tires, and appliances; many items are sold in large quantities or bulk.

“Discount store” shall mean stores with off-street parking that usually offer a variety of customer services, centralized cashing, and a wide range of products. They usually maintain long store hours seven (7) days a week. The stores are often the only ones on the site, but they can also be found in mutual operation with a related or unrelated garden center or service station. Discount stores are also sometimes found as separate parcels within a retail complex with their own dedicated parking.

“Discount superstore” shall mean a store that is similar to a “discount store” described above, with the exception that they also contain a full service grocery department under the same roof that shares entrances and exits with the discount store area. Such retail stores exceed one hundred thousand (100,000) square feet of gross floor area and devote at least five (5%) percent of the total sales floor area to the sale of nontaxable merchandise. “Sales floor area” means only interior building space devoted to the sale of merchandise, and does not include restrooms, office space, storage space, automobile service areas, or open-air garden sales space. “Nontaxable merchandise” means products, commodities, or items the sale of which is not subject to California State sales tax. These stores usually offer a variety of customer services, centralized cashing, and a wide range of products. They usually maintain long store hours seven (7) days a week. The stores are often the only ones on the site, but they can also be found in mutual operation with a related or unrelated garden center or service station. Discount superstores are also sometimes found as separate parcels within a retail complex with their own dedicated parking.

“Distance between structures” shall mean the minimum distance measured between two (2) structures.

“Drive-in facility” shall mean any place or premises designed or used for the sale, dispensing or serving of food, refreshments, money, gasoline, or other goods and services to customers while sitting in their vehicles. Vehicles are parked in individual parking stalls while awaiting service.

“Drive-through facility” shall mean any place or premise designed or used for the sale, dispensing or serving of food, pharmaceuticals, and other goods and services to customers while sitting in their vehicles at a drive-up window. Vehicles typically queue in a drive-through lane while awaiting service at a drive-up window.

“**Driveway**” shall mean a private roadway for the exclusive use of the occupants of a property and their guests, ~~and~~ which provides vehicular access from a public street to required off-street parking spaces, garages, ~~including or~~ recreational vehicle storage ~~satisfying the requirements of TMC 9-2-114.~~

Dwelling.

(a) “**Multi-family**” shall mean a residential building containing two (2) or more dwelling units on one (1) lot. Multifamily dwellings shall include dwellings that are constructed for the purposes of providing supportive and transitional housing.

(b) “**Second**” shall mean an additional dwelling unit located on a lot zoned for single- or multi-family residential uses having sleeping, kitchen and sanitation facilities and being attached to or detached from an existing single-family dwelling located on the same lot. The definition of a “kitchen” is described in this section. (See also TMC 9-2-119, Second dwelling units.)

(c) “**Single-family**” shall mean a residential building containing one (1) dwelling unit on one (1) lot. All rooms within the single-family attached dwelling shall be interconnected. “Single-family dwelling” shall include a dwelling that is constructed for the purposes of providing supportive and transitional housing.

“**Dwelling unit**” shall mean one (1) or more rooms, including bathroom(s) and a kitchen, designed for or used by one (1) family for living or sleeping purposes. The defining feature of a “kitchen” is the presence of a major cooking appliance such as a cook top and/or oven intended for the preparation of food for one (1) family. Other features typically found in a kitchen are a sink and counter space large enough for food preparation and cleaning, refrigeration facilities, and storage area.

“**Easement**” shall mean a grant of one (1) or more property rights by the property owner for use by the public, a corporation or another person or entity.

“**Emergency services provider**” shall mean a public or private agency which provides fire, ambulance, police or similar emergency ~~dispatch~~ services for the protection of life or property.

“**Emergency shelter**” shall mean housing with minimal supportive services for homeless persons that is limited to occupancy of six (6) months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

“**Employee housing**” shall be as defined in Section 17008 of the California Health and Safety Code and shall include farm worker housing. In nonagricultural residential zones, accommodations for six (6) or fewer employees shall be deemed a single-family structure pursuant to Section 17021.5 of the California Health and Safety Code. In agricultural zones, accommodations of no more than thirty-six (36) beds in a group quarters or twelve (12) units or spaces designed for use by a single family or households shall be deemed a permitted agricultural land use pursuant to Section 17021.6 of the California Health and Safety Code.

“**Entertainment, live**” shall mean a musical, theater, dance, cabaret, or comedy act performed by one (1) or more persons. Any form of dancing by patrons or guests at ~~an eating and drinking establishment~~ a restaurant or bar is live entertainment.

“Equipment sales, services and rentals” shall mean sales, services and rental of construction or agricultural equipment.

“Family” shall be defined by the maximum number of individuals permitted in a given residential space per the standards of the Uniform Housing Code and/or the [Uniform California Building Code](#) as applicable.

“Fence” shall mean an artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

“Financial services” shall mean walk-in and drive-through banking facilities that conduct financial transactions for walk-in customers as well as motorists conducting transactions from their vehicle. Banking facilities may or may not have drive-up lanes with or without automatic teller machines (ATMs).

“Floor area, gross” shall mean the total enclosed floor area of all stories of a building, measured to the outside structural members and exterior walls, including halls, stairways, basements, service and mechanical equipment rooms, mezzanines, interior balconies, attached garages, and other similar spaces.

“Floor area, net” shall mean the total enclosed floor area of all stories of a building, excluding corridors, hall, stairways, mezzanines, interior balconies, elevators, restrooms, closets, vaults, garages, and other similar space used by all occupants of a building rather than by an individual occupant.

“Floor area ratio (FAR)” shall mean the area resulting from dividing the gross floor area of all buildings on one (1) lot by the gross land area of that lot.

“Food and beverage sales” shall mean the retail sales of food and beverages for off-site preparation and consumption. Typical uses include grocery stores, liquor stores and delicatessens. Establishments at which twenty (20%) percent or more of the transactions are sales of prepared food for on-site or take-out consumption shall be classified as catering services or restaurants.

“Friable” shall mean the addition of soil amendments and returning the soil to an easily crumbled or loosely compacted condition whereby the root structure of newly planted landscaping material will be allowed to spread unimpeded.

“Frontage” shall mean the property line, or lines, of a building site which abut a local street. (See also “Lot line, front.”)

“Garage” shall mean an accessory building, or portion of a building, used for the parking or temporary storage of automobiles or motorcycles for the occupants of the premises. A garage (except an off-street parking structure) shall be enclosed on all sides and possess a fully closing door at the point of vehicular access.

“General Plan” shall mean the Turlock General Plan and all elements thereof.

“Grade” shall mean the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five (5') feet of a sidewalk, the ground level shall

be measured at the sidewalk. For fences, the grade shall be determined by the finished ground level of the primary building(s) on the property and may be the higher of the two adjoining properties.

“**Group quarters**” shall mean shared living quarters without separate kitchen or bathroom facilities for each room or unit. This classification includes boardinghouses, dormitories, fraternities, sororities, employee housing, and private residential clubs. Group quarters are not the same as group homes.

(a) “**Large**” shall mean the provision of shared living quarters for seven (7) to twelve (12) people.

(b) “**Small**” shall mean the provision of shared living quarters for six (6) or less people.

“**Guest house**” shall mean living quarters within an accessory building on a residential lot for use by temporary guests of the occupants of the premises. It shall have no kitchen or cooking facilities and shall not be rented or otherwise used as a separate independent dwelling.

“**Health/recreation facility**” shall mean an indoor facility including such uses as a gymnasium, game courts, exercise equipment and classes, locker rooms, pool, jacuzzi and/or spa, and pro shop. Exercise / fitness studios such as yoga studios, pilates studios, martial arts studios and the like are also included.

“**Home occupation**” shall mean any occupation, profession, activity, or use conducted entirely within a dwelling, accessory building or swimming pool, and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes, and does not change the character thereof or adversely affect the uses permitted in the residential zone district of which it is part.

“**Hospital**” shall mean an institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and includes related facilities such as laboratories, out-patient surgical centers and departments, training facilities, central services facilities, and administrative offices that are an integral part of the hospital facility.

“**Hotel**” shall mean a commercial land use providing shelter on a short-term basis in a building or portion thereof in which access is provided through a common entrance, lobby or hallway and which contains six (6) or more guest rooms.

“**Housing for the elderly**” shall mean a building or group of buildings containing dwellings where the occupancy of the dwellings is restricted to persons sixty (60) years of age or older or couples where either the husband or wife is sixty (60) years of age or older. This does not include a development that contains convalescent or nursing facilities.

Industry.

(a) **General.** The manufacturing of products, primarily from extracted or raw materials, or bulk storage and handling of such products and materials. Uses in this classification typically involve a high incidence of truck or rail traffic, and/or outdoor storage of products, materials, equipment, or bulk fuel. This classification includes food processing and packaging, unlimited laundries, auto dismantling, stonework and concrete products manufacturing and power generation. General industry does not include the term “chemical manufacturing/processing.”

(b) **Limited.** Manufacturing of finished parts or products from previously prepared materials, warehousing, distribution, wholesaling, shipping and cooling within an enclosed building. This classification includes processing, fabrication, assembly, treatment, and packaging, but excludes basic industrial processing from raw materials or food processing.

“Itinerant vendor” shall mean any person who has no established place of business within the boundaries of the City of Turlock and who is engaged in transient business traveling from place to place for the purpose of selling any goods, wares, merchandise or services or for the purpose of taking orders for the sale of any goods, wares, merchandise or services to be delivered or performed at some future time and date. See TMC 5-17-02, itinerant vendors, for further reference.

“Junk yard” or “salvage yard” shall mean a site or portion of a site on which waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, excepting a “vehicle dismantling and wrecking establishment” as defined in this section.

“Kennel” shall mean a place where four (4) or more dogs of five (5) months of age or older, or four (4) or more cats of four (4) months of age or older, are kept.

“Landscaping” shall mean an area devoted to, or developed and maintained with, native or exotic plantings, lawn, ground cover, gardens, trees, shrubs, and other plant materials, decorative treatments such as outdoor landscape surfaces of rock, stone, brick, block, or similar decorative material (excluding driveways, parking, loading or storage areas), and sculpture elements. Plants on rooftops, porches, or in boxes attached to buildings are not considered landscaping.

Laundries.

(a) **“Limited”** shall mean an establishment to dry clean and/or wash and dry clothes and other fabrics brought in and carried away by the customer. This may include self-service or coin-operated facilities.

(b) **“Unlimited”** shall mean an establishment where larger quantities of clothes and other fabrics are washed and/or ironed but are collected and delivered primarily by laundry employees, including dry cleaning establishments. Unlimited laundry does not include the term “limited laundry.”

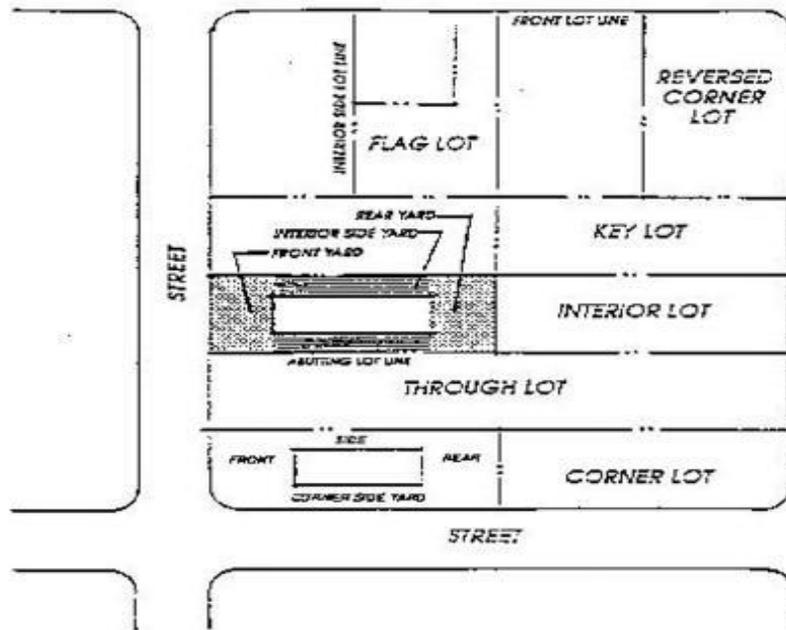
“Livestock” shall mean animals customarily raised or kept on farms to include horses, cows, bulls, calves, oxen, sheep, goats, and other bovine or hoofed animals including pigs, hogs, and swine.

“Loading space” shall mean a designated parking area for the loading and unloading of goods and materials from a commercial vehicle. See Article 2 of Chapter 9-2 TMC, Off-Street Parking and Loading Regulations, for further reference.

“Lot” shall mean a parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon. See diagram below. The classification of lots are:

- (a) **“Corner”** shall mean a lot located at the intersection of two (2) or more streets.
- (b) **“Flag”** shall mean a lot having access or an easement to a public or private street by a narrow, private right-of-way.
- (c) **“Interior”** shall mean a lot abutting only one (1) street.
- (d) **“Key”** shall mean a lot with a side line that abuts the rear line of any one (1) or more adjoining lots.
- (e) **“Reverse corner”** shall mean a corner lot, the rear of which abuts the side of another.
- (f) **“Through”** shall mean a lot having frontage on two (2) generally parallel streets, with only one (1) primary access.

Illustration of Terms



“Lot area” shall mean the horizontal area within the lot lines of a lot.

“Lot coverage” shall mean that portion of a lot occupied by any building or structure, excepting uncovered paved areas, walks, and swimming pools or spas.

“Lot depth” shall mean the horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line, or to the most distant point on any other lot line where there is no rear lot line.

“Lot frontage” shall mean the portion of the lot contiguous to the street.

“**Lot line**” shall mean a line dividing one (1) lot from another lot or from a street or alley. The classifications of lot lines are:

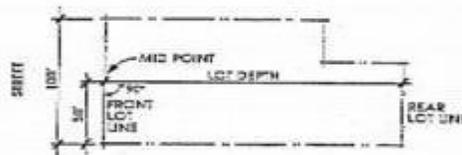
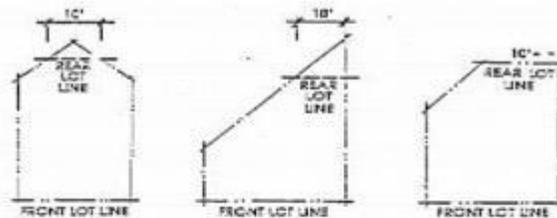
(a) “**Front**” shall mean, on an interior lot, the lot line separating the parcel from the street. On a through lot, both lot lines abutting a street frontage providing the primary access to the lot are considered front lot lines. On a through lot that is also a corner lot, the property owner may designate the corner lot line. On a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained. On a corner lot, the owner may designate on which street the lot fronts so long as the minimum property development standards are met for the zone district in which the lot is located. If such designation is made, then that line is the street line separating the designated street from the lot. If no such designation is made, the line is the street line separating the narrowest street frontage of the lot from the street. Once the choice of frontage has been made, it cannot be changed, unless and until all requirements for yard space are complied with.

(b) “**Interior**” shall mean any lot line not abutting a street.

(c) “**Rear**” shall mean the lot line not intersecting a front lot line that is most distant from and most closely parallel to the front lot line. A lot bounded by only three (3) lot lines will not have a rear lot line.

(d) “**Side**” shall mean any lot line not a front or rear lot line.

(e) “**Zero**” shall mean the location of a building on a lot in such a manner that one (1) or more of the building’s sides rests directly upon a lot line.



“Lot width” shall mean the horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear property lines.

Maintenance and repair service.

(a) **“Major”** shall mean facilities providing equipment maintenance and repair services and material storage areas. This classification includes corporation yards, equipment service centers, and the like, and excludes maintenance and repair of vehicles.

(b) **“Minor”** shall mean establishments providing appliance repair, office machine repair, or building maintenance services. This classification excludes maintenance and repair of vehicles and outside storage.

“Manufactured housing” shall mean single-family detached housing that is built to the National Manufactured Housing Construction and Safety Standards Act of 1974, and shall include structures known as manufactured homes, but which is not constructed with a permanent hitch for relocation. A manufactured home shall not be deemed to include a mobile home as defined in this section. (See also “Mobile home.”)

“Mini-storage/warehouse facilities” shall mean a building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the unused storage of goods or wares and may include outdoor storage.

“Mixed use” shall mean a building, structure or premises occupied by or used by two (2) or more principal types of use, any of which is permitted in a district independent of other uses.

“Mobile food facility” shall mean any vehicle used in conjunction with a commissary or other permanent food facility upon which food is sold or distributed at retail pursuant to California Health and Safety Code Section 113831 that is permitted pursuant to TMC ~~9-2-12512-4.~~

“Mobile food facility” does not include the following: (a) a “street vendor” as defined in Chapter ~~5-17-~~TMC; (b) an “itinerant vendor” as defined in Chapter ~~5-17-~~TMC unless the vendor remains on private property for a period of thirty (30) minutes or more during any twenty-four (24) hour period; or (c) a “transporter” used to transport packaged food from a food facility, or other approved source to the consumer.

“Mobile home” shall mean a transportable, factory-built structure, built upon a chassis for future movement and built prior to the Manufactured Housing Construction and Safety Standards Act of 1974. The structure must be designed for use as a residential dwelling, with or without a permanent foundation, when connected to the required utilities, and intended for occupancy by one (1) family. A transportable travel trailer less than thirty-two (32’) feet in length and less than eight (8’) feet in width shall not normally be considered a mobile home. (See also “Manufactured housing.”)

“Mobile home development” shall mean an area or tract of land where one (1) or more spaces for the occupancy by a mobile home are provided. “Mobile home park” does not include recreational vehicle park.

“Motel” shall mean a commercial land use providing shelter, on a short-term basis, in one (1) or more buildings on the same lot. The buildings contain guest rooms or dwelling units or both, which are usually individually and independently accessible from outside the building. “Motel”

includes motor lodge, tourist court, motor hotel or any other designation intended to identify the premises as providing for rental or overnight accommodation primarily to motorists.

“Museum” shall mean a building, place, or institution devoted to the acquisition, conservation, study, exhibition and educational interpretation of objects having scientific, historical, or artistic value.

“Neighborhood store” shall mean a local retail establishment selling food products and household items which may be located in a residential neighborhood and does not exceed two thousand five hundred (2,500) square feet.

“Nonconforming, illegal” shall mean a structure, lot, or use which did not conform to applicable laws when constructed or initiated, and does not conform to the provisions of this development ~~code~~. Code.

“Nonconforming lot” shall mean a lot that does not meet the area, width or depth standards for the district in which the lot is located which lawfully existed prior to the adoption, revision, or amendment of this Code, but which fails by reason of such adoption, revision, or amendment to conform to the use district in which it is located.

“Nonconforming structure” shall mean any building or structure that does not meet the limitations on building size, height, and location on a lot, for the district in which such building is located, for the use to which such building is being put. (See also Article 4 of Chapter ~~9-2~~ TMC, nonconforming buildings structures and uses.)

“Nonconforming use” shall mean a lawful use of land that does not comply with the use regulations for its zoning district but which complied with applicable regulations at the time the use was established.

“Nuisance” shall mean anything that interferes with the use or enjoyment of property, endangers personal health or safety or is offensive to the senses.

“Nursery” shall mean an establishment in which all merchandise other than plants is kept within an enclosed building or a fully screened enclosure, and fertilizer of any type is stored and sold in package form only.

Office.

(a) “Medical & dental” shall mean a facility where physicians and staff provide diagnostic and outpatient care, but does not provide prolonged in-house medical and surgical care. The facility may include, lab facilities, supporting pharmacies, diagnostic and treatment rooms.

(b) “Business & professional” shall mean a place of business where professional and clerical activities are performed. The building may contain a single tenant or multiple tenants.

“Open space, common” shall mean open space within or related to a development, not in individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development.

“Open space, usable” shall mean any reasonably accessible portion of a lot, including decks, swimming pools, balconies, and the like, which is landscaped and/or developed for recreational

use or outdoor activities. Usable open space shall not include parking areas, driveways, any part of an existing or future road or right-of-way, service areas, and slopes over ten (10%) percent, and shall not have any horizontal dimension less than ten (10') feet, except decks or balconies, which shall have a minimum dimension of six (6') feet to qualify as usable open space. Decks or paved walkways shall not be counted as usable open space where they are used principally as a passageway and entrance to a dwelling(s). Where decks are private in nature or are for the general use of tenants residing on the property and do not serve as a passageway, such decks may be counted as usable open space when otherwise conforming ~~with~~to the requirements of this ~~chapter~~. title.

“Outdoor storage” shall mean the keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours.

“Overlay zone” shall mean a set of zoning requirements that is described in the text of the zoning regulations of this Code, is mapped and is imposed in addition to those requirements of the underlying district.

“Park and recreation facilities” shall mean noncommercial parks, playgrounds, recreation facilities, and open spaces.

“Parking, off-street facilities” shall mean a site or a portion of a site devoted to the off-street parking of motor vehicles, including parking spaces, aisles, access drives, and landscaped areas.

“Parking, off-street loading facilities” shall mean a site or a portion of a site, including loading berths, aisles, access drives, and landscaped areas, devoted to the loading or unloading of people or materials from motor vehicles or trailers.

“Permitted use” shall mean any use allowed in a land use zoning district and subject to the provisions applicable to that district.

“Personal services” shall mean a commercial land use providing recurrently needed services of a personal nature. Personal services generally include barber and beauty shops, tanning salons, seamstresses, tailors, shoe repair shops, dry cleaning (except bulk processing plants), photocopying, postal and mailing service shops, and self-service laundries.

“Plan line” shall mean official established right-of-way lines for future streets or for the extension or widening of existing streets within which the construction of structures is generally prohibited.

“Planned development” shall mean a type of development characterized by comprehensive planning for the project as a whole, clustering of structures to preserve usable open space and other natural features, and a mixture of housing types within prescribed densities.

“Planning Commission” shall mean the City of Turlock Planning Commission.

“Porch” shall mean a covered platform, usually having a separate roof, at an entrance to a dwelling, or an open or enclosed gallery or room, which is not heated or cooled, that is attached to the outside of the building.

“Preexisting” shall mean in existence prior to the effective date of the zoning regulations codified in this Code.

“Premises” shall mean a lot, parcel, tract or plot of land, together with the buildings and structures located thereon.

“Principal building” shall mean a building in which the primary use of the lot on which the building is located is conducted.

“Principal use” shall mean the primary or predominant use of any lot, building or structure.

Printing and publishing.

(a) **“Limited”** shall mean the preparation of camera-ready artwork and text, photocopying, printing and binding in a building not exceeding two thousand (2,000) square feet.

(b) **“Unlimited”** shall mean the preparation of camera-ready artwork and text, photocopying, printing and binding in a building exceeding two thousand (2,000) square feet.

“Project” shall mean any proposal for new or changed uses of land, or for new construction, alteration, or enlargement of any structure, that is subject to the provisions of this title.

Property line. See “Lot line.”

“Public buildings and facilities” shall mean a class of uses generally open to the public and maintained and supported by public and nonprofit agencies or organizations and which are of a recreational, educational, religious or cultural nature.

“Rebuild” shall mean to undertake construction within and/or on an existing building which has a valid construction permit with a construction value greater than fifty (50%) percent of the replacement cost of the existing building being rebuilt. The permit value is valid for a twelve (12) month period beginning on the date of permit issuance.

“Recreational vehicle” shall mean a vehicular unit not exceeding forty (40') feet in overall length, eight (8') feet in width, or thirteen and one-half (13 1/2') feet in overall height, primarily designated as a temporary living quarters for recreational, camping, or travel use; it either has its own motive power or is designed to be mounted on or drawn by an automotive vehicle. The term “recreational vehicle” shall include motor homes, travel trailers, pick-up campers, camping trailers, converted trucks or buses, boats and boat trailers and all-terrain vehicles. See TMC 9-2-114, Permitted locations of mobile homes, recreational vehicles, and campers.

“Recycling center” shall mean a facility that is not a junkyard and in which recoverable resources, such as newspapers, plastic, glassware, and metal cans, are collected, stored, flattened, crushed, or bundled within a completely enclosed building for transfer to another facility for processing into raw materials or other recycled materials.

“Recycling collection center” shall mean an incidental use and operation that serves as a neighborhood drop-off and collection point for temporary storage of recoverable and recycled materials. No processing of such items would be carried out and the facility would generally be located in a shopping center parking lot or in other public/quasi-public areas, such as churches and schools.

“Recycling processing facility” shall mean a facility that is not a junkyard and in which recoverable resources, such as newspapers, magazines, books, cardboard, and other previously used paper products; plastic materials; glass; metal cans; and other similar products, are recycled, reprocessed, and treated to return such products to a condition in which they may again be used for production.

“Rental storage facility” shall mean a facility consisting of individual, compartmentalized stalls located entirely within an enclosed building or group of buildings with controlled access. Stalls are rented or leased for the storage of customers’ goods, wares or archival files, and which may include an on-site manager’s quarters, but excludes any outside storage, warehousing storage or wholesale distribution.

“Research and development services” shall mean establishments primarily engaged in industrial or scientific research, including limited product testing.

Residential care facility.

(a) **“Large”** shall mean any family home, group care facility or similar facility providing twenty-four (24) hour nonmedical services, supervision or assistance for seven (7) or more people essential for sustaining the activities of daily living or for the protection of the individual. “Large residential care facility” includes shelters, board and care facilities, halfway houses, and like uses, but does not include any facility not specifically preempted from the State of California Welfare and Institutions Code and the State of California Health and Safety Code.

(b) **“Small”** shall mean any family home, group care facility or similar facility providing twenty-four (24) hour nonmedical services, supervision or assistance for six (6) or fewer people essential for sustaining the activities of daily living or for the protection of the individual. “Small residential care facility” includes any facility not specifically preempted from the State of California Welfare and Institutions Code and the State of California Health and Safety Code.

“Restaurant” shall mean a business establishment whose principal business is the selling of meals to guests for consumption on the premises and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods. The food is served in individual servings and the guest generally consumes these foods while seated at tables or counters located within the building or a specially designed outdoor dining area.

~~“Meals” shall mean the usual assortment of food commonly ordered at various times of the day; the service of such food and victuals only as snacks, salads, or desserts shall not be deemed a compliance with this requirement.~~

“Restaurant, drive-in” shall mean a business establishment that delivers prepared food, frozen desserts, and/or beverages in a ready-to-consume state to customers while sitting in motor vehicles, regardless of whether or not it also serves prepared foods and/or beverages to customers who are not in motor vehicles, for consumption either on or off the premises. Vehicles are located in parking stalls in a drive-in facility.

“Restaurant, fast food” shall mean a business establishment whose principal business is the quick selling of foods, frozen desserts, or beverages in ready-to-consume individual servings for consumption either on or off premises. This facility offers quick service, which is accomplished

through a limited menu of items already prepared and held for service, or which are prepared quickly. Orders are not generally taken at the customer's table, and food is generally served in disposable wrapping or containers. A fast food restaurant may or may not include a drive-through facility.

“Retail sales” shall mean the retail sales of merchandise not specifically listed under another use classification. This classification includes department stores, clothing stores, furniture stores, and businesses retailing goods such as the following: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies, electronic equipment, audio and video sales and rentals, sporting goods, kitchen utensils, hardware, appliances, antiques, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, new automotive parts and accessories (excluding service and installation), and the like. See also “Discount store” as defined by this section.

“Right-of-way” shall mean a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or other special uses.

“Roadside stand” shall mean a temporary structure designed or used for the display or sale of produce grown or raised on the same premises that the structure is placed.

“Salvage and wrecking yards” shall mean the use of a lot, or contiguous lots, or any portion thereof, for the storage of junk, including scrap materials, and/or for the dismantling or wrecking of salvaged equipment including, but not limited to, building materials, heavy machinery, and vehicles.

“Satellite dish antenna” shall mean an apparatus designed to receive or transmit communications to and from a satellite.

“School” shall mean an institution of learning for minors, whether public or private, which offers instruction in those courses of study required by the California Education Code or 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 education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college or university.

“Screening” shall mean the method by which a view of one (1) site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features.

“Secondhand store” shall mean any premises used for the sale or handling of used goods. “Secondhand store” includes establishments for the sale or trade of used clothing, furniture and appliances. “Secondhand store” does not include establishments selling used jewelry, old coins, stamps, or antiques.

“Setback” shall mean the minimum horizontal distance between the lot or property line and the nearest front, side, street side, or rear line of the building or structure (as the case may be), including balconies, terraces, or any covered building projection thereof, excluding steps.

“Shopping center” shall mean a grouping of retail businesses and service uses, located within a building or a group of buildings, oriented or arranged on one (1) or more parcels, sharing common parking and vehicle and pedestrian circulation amenities.

“Sign” shall mean a structure or device designed for the purpose of conveying information or attracting the attention of the public. See Article 5 of Chapter 9-2 TMC, Signs, for further reference.

“Site plan” shall mean a plan, to scale, showing all of the existing and proposed buildings and structures for a lot, and may require building elevations, floor plans, landscaping, and/or fencing details depending upon the nature of the proposed development.

“Specific plan” shall mean a plan consisting of text, maps, and other documents and exhibits regulating development within a defined area of the City, consistent with the General Plan and the provisions of Government Code Section 65450 et seq.

“Speculative building” shall mean a permanent structure for which the specified use or uses are not known at the time application is made for building construction permits.

“Stacking line” shall mean an area for temporary ~~awaiting~~waiting of motor vehicles while obtaining a service or other activity.

“Story” shall mean that portion of a building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, the space between such floor and the ceiling above it. A basement shall be counted as a story if its ceiling is over six (6') feet above the average level of the finished grade adjoining the exterior walls of such story, or if it is used for business or dwelling purposes.

“Street” shall mean a public or private right-of-way, usually for vehicular travel, which provides a primary means of access to abutting property. The term shall include, but not be limited to, avenue, drive, circle, road, parkway, boulevard, highway, throughway, or any similar term.

“Structural alteration” shall mean any change in the supporting members of a building or structure such as bearing walls, columns, beams, girders, or rafters.

“Structure” shall mean anything constructed or erected which requires location on the ground, including ~~something having location on the ground, including, but not limited to, a building or a swimming pool~~pool, but not including fences or walls ~~used as fences having a maximum height of~~eighty-four (84") inches or less- in height.

“Supportive housing” shall mean housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community, as defined in California Health and Safety Code 50675.14.

“Swimming pools, hot tubs, and spas” shall mean ~~a~~an accessory structure intended for swimming or recreational bathing that contains water over ~~twenty-four (24)~~eighteen (18) inches deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

“Temporary use” shall mean any use conducted on an intermittent or one-time basis for a specified period, not intended to become permanent. Such use shall not necessarily be listed as a permitted use in a zoning district in which it is located.

“Transfer station” shall mean a facility where waste and refuse materials are collected, unloaded, pumped, packaged, temporarily stored, and loaded for transfer to a landfill or processing facility designated to ultimately receive such materials.

“Transitional housing” shall mean buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six (6) months, as defined in California Health and Safety Code Section 50675.2.

“Truck terminal” shall mean a facility for the loading and/or unloading of fuel, food products, materials or freight merchandise on trucks. Truck terminals may include related fueling facilities, traffic routing offices, temporary truck storage areas, restaurants, wash racks, minor repair facilities and related business offices and motels.

“Truck yard” shall mean a facility used exclusively for breaking down and assembling tractor-trailer transport vehicles, or for the parking of heavy vehicles for short periods of time. “Truck yard” does not include facilities for the loading and unloading of shipments to or from an individual business.

“Turlock General Plan” shall mean the long-range and comprehensive plan for orderly growth and development of Turlock, including text, maps and amendments, adopted by the Turlock City Council in accordance with the laws of the State of California. Also referred to as the “General Plan.”

“Use” shall mean the purpose for which land or a building is occupied, arranged, designed or intended, or for which either land or building is or may be occupied or maintained. “Use” also means the activity conducted on the land or in the building.

Utilities.

(a) **“Major”** shall mean generating plants, electrical substations, above-ground electrical transmission lines, switching buildings, refuse collection, processing, recycling or disposal facilities, water reservoirs, flood control or drainage facilities, water or wastewater treatment plants, transportation or communication facilities, and similar facilities of public agencies or public utilities. A structure that may have a significant effect on surrounding uses shall be regulated under this classification.

(b) **“Minor”** shall mean utility facilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution lines and underground water and sewer lines.

“Variance” shall mean a permit which grants a property owner relief from development standards to the zoning regulations of this Code when, because of a particular physical or topographical condition of the property, compliance would result in undue hardship on the owner (as distinguished from a mere inconvenience or desire to make more money).

“Vehicle, abandoned” shall mean any dismantled or partially dismantled vehicle which requires major repairs to render it operable and which has remained within a public street in excess of seventy-two (72) hours.

“Vehicle, disassembled” shall mean a vehicle without hoods, doors, fenders, or body panels, headlights, trunk lid, tires, wheels, windows, engine or transmission when such items are normally part of a vehicle.

“Vehicle, dismantling and wrecking” shall mean a facility or business that involves the dismantling or wrecking of used motor vehicles or trailers, which may or may not include the sale of reclaimed parts.

“Vehicle, inoperable” shall mean any vehicle rendered inoperable or lacking valid registration.

“Vocational school” shall mean a commercial land use that involves the instruction to students of special skills, knowledge, or techniques that are generally related to furthering a specific vocation or professional occupation. Vocational schools would include trade schools, business schools, cosmetology schools, and schools for self-improvement.

“Wholesale warehouse

“Warehouse, limited” shall mean a building primarily devoted to the storage of materials, but may also include office and maintenance areas, and not usually accessible to the general public and shall have a limited number of truck trips per day.

“Warehouse, wholesale distribution” shall mean a building or group of buildings used for storage and distribution of wholesale goods without direct public access.

“Xeriscape” shall mean landscaping design utilizing plants which flourish and are adapted for dry, hot climates.

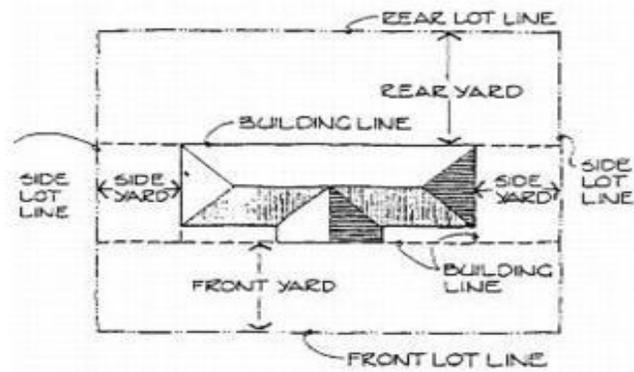
“Yard” shall mean an open space on the same site as a structure, unoccupied and unobstructed by structures or parking from the ground upward except as otherwise provided for in this ~~chapter for~~ [title](#) for landscaping and accessory structures, that includes a front yard, side yard, street side yard, or rear yard. The classifications of yards are:

(a) **“Front”** shall mean the area between the front lot line and the required front setback line extending across the entire width of the lot.

(b) **“Rear”** shall mean the area between the rear lot line and the principal building which extends across the full width of the lot and measured perpendicular to the building at its closest point to the rear lot line.

(c) **“Side”** shall mean the area between the front yard and the rear yard between the principal building and the side lot line, measured perpendicular from the side lot line to the closest point of the principal building.

(d) **“Street side”** shall mean a side yard on the street side of a corner lot which is not a front yard, measured perpendicular from the street side lot line to the closest point of the principal building. A corner lot abutting two (2) streets may not have more than one (1) street side yard.



“Zone” or **“zoning district”** shall mean a section of the City described in the text of the zoning regulations of this Code and delineated on the zoning maps of the City. The text sets forth the requirements for the use of the land as well as improvements and development standards.

Chapter 9-2
REGULATIONS APPLYING TO ALL DISTRICTS

Sections:

Article 1. Special Provisions Applying to All or Several Districts

- 9-2-101 Accessory buildings or structures.
- 9-2-102 Adult entertainment facilities.
- 9-2-103 Affordable housing density bonus.
- 9-2-104 Automobile service stations, repair and washing.
- 9-2-105 Building projections into yards.
- 9-2-106 Development on existing lots of record.
- 9-2-107 Development on lots divided by district boundaries.
- 9-2-108 Exceptions to height limits.
- 9-2-109 Landscaping and irrigation.
- 9-2-110 Family day care home.
- 9-2-111 Mobile home development.
- 9-2-112 Outdoor storage.
- 9-2-113 Planned developments.
- 9-2-114 Permitted locations of mobile homes, recreational vehicles, and campers.
- 9-2-115 Recycling and solid waste disposal regulations.
- 9-2-116 Recycling facilities.
- 9-2-117 Salvage and wrecking operations.
- 9-2-118 Screening of mechanical equipment.
- 9-2-119 Second dwelling units.
- ~~9-2-120~~ ~~Swimming pools, spas and hot tubs.~~
- ~~9-2-121~~ ~~9-2-120~~ Underground utilities.
- ~~9-2-122~~ ~~9-2-121~~ Neighborhood stores.

~~9-2-123~~ ~~9-2-122~~ Rental storage facility.

~~9-2-124~~ ~~9-2-123~~ Equipment sales, service and rentals.

~~9-2-125~~ ~~9-2-124~~ Mobile food facilities.

~~9-2-125~~ Cargo containers.

~~9-2-126~~ Electrified fences.

~~9-2-127~~ Drive-through facilities.

Article 2. Off-Street Parking and Loading Regulations

9-2-201 Specific purposes.

9-2-202 Application of provisions to uses.

9-2-203 Off-street parking required: Availability and maintenance.

9-2-204 Off-street parking: Reconstructed buildings.

9-2-205 Off-street parking for existing buildings and uses.

9-2-206 Off-street parking: Location.

9-2-207 Parking in the R District.

9-2-208 Border barricades, screening, and landscaping.

9-2-209 Off-street parking: Spaces required.

9-2-210 Parking spaces for people with disabilities.

9-2-211 Bicycle parking.

9-2-212 Off-street parking districts.

9-2-213 Parking configuration and aisle dimensions.

~~9-2-214~~ ~~Specific parking area design.~~

~~9-2-215~~ ~~Parking access from street.~~

~~9-2-214~~ Parking lot design standards.

~~9-2-126~~ ~~9-2-215~~ Driveway and corner visibility.

~~9-2-217~~ ~~Additional design standards for parking lots and structures.~~

~~9-2-216~~ Parking lot landscaping.

9-2-217 Parking access from street.

9-2-218 Location and design of off-street loading spaces.

9-2-219 Parking area plan required.

Article 3. Noise Standards

9-2-301 Specific Purposes.

9-2-302 Definitions.

9-2-203 General noise regulations.

9-2-304 Preliminary action.

9-2-305 Factors of determination.

9-2-306 Noise measurement procedure.

9-2-307 Noise Limits.

9-2-308 Maximum permissible sound levels by receiving land uses.

9-2-309 Prohibited Acts.

9-2-310 Emergency exemptions.

9-2-311 Miscellaneous exemptions.

9-2-312 Federal and State preempted activities.

9-2-313 Special variances.

9-2-314 Variance from time to comply.

9-2-315 Appeals.

Article 4. Nonconforming Structures and Uses

9-2-401 Specific purposes.

9-2-402 Nonconforming Uses.

9-2-403 Nonconforming Structures.

9-2-404 Loss of Nonconforming Status.

- ~~9-2-407~~9-2-405 Discontinuance.
- ~~9-3-408~~~~9-2-406~~ Replacement and repairs due to damage.
- ~~9-2-409~~~~9-2-407~~ Repairs and maintenance.
- ~~9-2-410~~~~9-2-408~~ Exceptions to provisions.

Article 5. Signs

- 9-2-501 Purpose.
- 9-2-502 Interpretation.
- 9-2-503 Definitions.
- 9-2-504 Permits required.
- 9-2-505 Sign classifications.
- 9-2-506 Sign standards.
- 9-2-507 Nonconforming signage.
- 9-2-508 Unsafe and unlawful signs.
- 9-2-509 Compliance with chapter provisions: Nuisances: Abatement
- 9-2-510 Noncompliance.
- 9-2-512 Appeals by persons aggrieved.

Article 6. Wireless Communication Facilities

- 9-2-601 Purpose.
- 9-2-602 Definitions.
- 9-2-603 Compliance with applicable codes.
- 9-2-604 Permits required.
- 9-2-605 Application requirements.
- 9-2-606 Height.
- 9-2-607 Location.

9-2-608 _____ Residential (R) Districts.

9-2-609 _____ Visual compatibility and screening.

9-2-610 _____ Discontinuance of use.

Article 1. Special Provisions Applying to All or Several Districts

9-2-101- ~~Accessory buildings and uses~~ **Accessory buildings and structures.**

~~For the purposes of this section, accessory~~ Accessory buildings or structures include both those that are permanent and temporary. ~~The purpose of the specific limitations as to the height, number or size of accessory buildings and structures contained within this section are intended to ensure adequate light, air,~~

~~(a) Accessory buildings, structures, and swimming pool mechanical equipment in residential (R) districts~~ **Accessory buildings, structures, and swimming pool mechanical equipment in residential (R) districts** ~~privacy for residential properties and compatibility with permitted structures. -Second dwelling units (as defined in TMC 9-1-2022-149) are not defined as accessory buildings and structures.~~

~~(a) 4~~ **Building permit required.** ~~A building permit from the Turlock Building and Safety Division is required for all accessory buildings and structures that are 120 square feet in size or larger.~~

~~(b) Accessory buildings and structures in Agricultural (A) and residential (R) districts.~~ **Accessory buildings and structures in Agricultural (A) and residential (R) districts.** ~~Accessory buildings and structures may be erected upon residential-zoned lots in the A and R districts subject to the following conditions when the use thereof is clearly incidental and secondary to the primary use of the property:~~

~~(2)~~

~~(1) Maximum height.~~ **Maximum height.** ~~The height of an accessory building or structure may not exceed fifteen (15') feet in overall height measured from the existing or finished grade, whichever is lower, to the highest portion of the structure.~~

~~(2) Lot coverage.~~ **Lot coverage.** ~~The combined maximum square footage of all detached accessory structures exceeding seven (7') in height shall not exceed 1,000 square feet.~~

~~(3) Attached accessory buildings and structures.~~ **Attached accessory buildings and structures.** ~~When an accessory structure is not "detached" as defined in following subsection, it shall be considered an attached accessory building or structure. When the accessory building or structure is attached to the primary dwelling or main building on the property, it shall:~~

~~(i) be made structurally a part of the main building (See also Section TMC 9-1-202 defining "attached")~~

~~(ii) share compatible architecture, materials, and surface textures with the primary building; and~~

~~(iii) (3) comply in all other respects with the development standards and requirements of this title applicable to the primary building.~~

(4) Detached accessory buildings and structures. An accessory building or structure is defined as “detached” when any portion of the accessory building or structure is located a minimum of six (6’) feet from any dwelling unit or the main building on the same lot. When the accessory building or structure is detached from the primary dwelling or main building on the property, it shall comply with the following regulationsstandards:

(i) RESIDENTIAL ACCESSORY BUILDINGS AND STRUCTURES:

Size of Accessory Building:	Less Than 120 sq. ft.	120 sq. ft. or Larger (A)
Minimum Distance from Main Building	none	6 ft.
-	-	-
Minimum Yard Setbacks	-	-
Within front 1/2 of lot	(as required by the applicable zoning district)	(as required by the applicable zoning district)
Within rear 1/2 of lot	-	-
Side	3 ft. (B-1)	3 ft. (B-1 & 2)
Street side	15 ft.	15 ft.
Rear	3 ft. (B-1)	3 ft. (B-1 & 2)
-	-	-
Maximum Height	10 ft. (C)	10 ft. (C)

~~(A) A Yard setback measurement.~~ Yard setbacks shall be measured from that portion of the building permit from the Turlock Building Inspection Department or structure that is required for all accessory buildings and closest to a property line.

~~(ii) Accessory structures in R zone districts that are 120 square greater than seven (7’) feet in sizeheight, measured from the tallest point of the building or larger structure.~~

~~(B) Minimum Yard Setbacks Exception.~~ When
 (aa) Yard setbacks except Residential Estate (R-E) district. The accessory building or structure shall be located on a minimum of, except when located in the rear one-half (1/2) of the lotR-E district:

1. Rear yard: 5 feet from the property line
2. Interior side yard: 5 feet from the property line
3. Corner side yard: As required by the applicable zoning district.

4. Front yard: As required by the applicable zoning district.

(bb) Yard setbacks in R-E district. In the R-E district, the accessory building or structure ~~may~~shall be located ~~adjacent to an interior side and/or rear lot line;~~ provided a minimum of:

~~(1) A gutter or other device to prevent roof drainage or water runoff onto the adjacent lot is installed thereon.~~

~~(2) All structural elements closer than three (3')~~

1. Rear yard: 10 feet ~~to~~from the interior lot~~property~~ line ~~are~~

2. Interior side yard: 10 feet from the property line

3. Corner side yard: As required by the applicable zoning district.

4. Front yard: As required by the applicable zoning district.

(cc) Design standards. The accessory building or structure shall be constructed of ~~fire-resistive~~compatible architecture, materials in accordance, and surface textures with ~~Turlock Building Codes (applicable to all~~ the primary building.

(dd) Rear yard exception for public alleys. When a detached accessory ~~buildings~~ and structure taller than seven (7') feet abuts a twenty (20') foot public alley, the rear yard may be reduced to zero (0') feet for a length not to exceed one-third () of the width of the parcel.

(iii) –Accessory structures 120 square feet or larger)-seven (7') feet in height or less, measured from the tallest point of the building or structure. An accessory building or structure seven (7') feet in height or less shall not be subject to the setback and design standards contained in subsection (ii) above when:

(aa) located behind the front yard setback for the applicable zoning district; and

(bb) screened by a solid, visually impenetrable fence or wall at least seven (7') feet in height from all adjoining properties and the public right-of-way.

(iv) Front yard exception for entry features. Entry features, such as arbors, arches, trellises, or the like may be permitted in the front yard setback when:

(aa) The entry feature is not attached to the primary building; and

(bb) The entry feature is covering a walkway emphasizing the entry to the front door of a residence; and

(cc) The entry feature is not constructed of solid materials and shall not constitute a safety/visibility hazard to pedestrians or vehicles; and

(dd) The entry features do not exceed an overall height of eight (8') feet or a width of seven (7') feet; and

(ee) The total of all entry features does not cover more than twenty-five (25) square feet in area.

(5) **Swimming pools, hot tubs, and spas.** Swimming pools, hot tubs and spas may not be located within the front or corner side yards. Any swimming pool, hot tub or spas greater than seven (7') in height shall be subject to the requirements and conditions in subsection (4) above.

(6) **Exceptions to accessory building and structure requirements.**

(i) **Residential (R) districts.** In R districts, an exception to the requirements of this section may be permitted upon approval of a conditional use permit by the Planning Commission issued in accordance with TMC 9-5-600ART (Condition Use Permits and Variances).

(ii)(C) **Maximum Height Exception.**

(1) When an accessory building or structure is located closer than five (5') feet to any interior lot line as permitted under (B) above, it shall be limited to a maximum height of seven (7') feet at the exterior eave line adjacent to each interior lot line, not to exceed a total overall building height of ten (10') feet at the roof ridge line.

(2) Where an accessory building or structure is located closer than ten (10') feet to any lot line, but not closer than five (5') feet, it shall be limited to a maximum height of ten (10') feet at the side yard exterior eave line, and shall not exceed a total overall building height of sixteen (16') feet at the roof ridge line.

(3) When an accessory building or structure complies with the rear and/or side yard setbacks normally established for that particular zone district, the total building height shall be the same as the maximum building height established for that district.

(b) **Agricultural (A) district.** In the A district, an exception to the requirements of this section may be permitted upon approval of a minor discretionary permit issued in accordance with TMC 9-5-300ART (Minor Administrative & Minor Discretionary Permits).

(c) **Nonresidential accessory structures in A, C, I commercial, industrial, and PSP-S districts.** Accessory structures shall comply with all regulations applicable to the principal building or structure on a site. Off-site accessory uses shall be allowed only ~~with a Minor Administrative Approval Permit~~ upon approval of a minor administrative approval.

(c) **Satellite dish antennas.** A satellite dish antenna may be installed on a lot in any zoning district if it complies with the following criteria:

(1) **A and R districts.**

(i) **Locations prohibited.** No satellite dish antenna shall be located in a front or corner-side yard.

(ii) **Setbacks.** Satellite dish antennas shall not be placed within ten (10') feet of any interior side or rear property lines. Exception: no setback shall be required in interior side and rear yard areas if the overall height of the antenna does not exceed six (6') feet in height.

(iii) **Maximum height.** The maximum overall height for any satellite dish antenna shall be fifteen (15') feet. The overall height shall be determined by measuring from the ground level immediately under the antenna to the highest point of the antenna or any

~~appurtenance attached to it. The Community Development Director may approve mounting an antenna on the rear half of a roof if no other feasible location exists.~~

~~(2) C, I and PS districts.~~

~~(i) Roof-mounted antennas.~~ Satellite dish antennas shall be located on the roof of a structure whenever possible, providing the dish is not visible from public roadways or can be adequately screened from view of public roadways.

~~(ii)~~

~~(2) Ground-mounted antennas.~~ If it is determined that installation of a satellite dish antenna is not feasible for location on a roof, a ground-mounted antenna shall be permitted ~~under~~when all of the following conditions are met:

~~(i)(aa)~~ The antenna shall be located directly adjacent to the building.

~~(ii)(ab)~~ The antenna shall be located in the rear or interior side yard areas; ~~(ac)~~ and ~~it~~

~~(iii)~~ The antenna shall be screened from view from the front of the building and public roadways.

~~(iii)~~

~~(3)~~ **Location prohibited.** No satellite dish antennas shall occupy a required parking space or adversely impact any vehicle circulation.

~~(iv)~~

~~(4)~~ **Maximum height.** The maximum overall height for any satellite dish antenna shall be twenty ~~(20'20')~~ feet. The overall height shall be determined by measuring from ground or roof level immediately under the antenna to the highest point of the antenna or any appurtenance attached thereto.

~~(v)~~

~~(5)~~ **Permit required.** A Minor Administrative Approval issued in accordance with ~~Article 3 of Chapter 9-5 TMC: TMC 9-5-300ART~~ (Minor Administrative & Minor Discretionary Permits), shall be ~~required~~ for all satellite dish antennas greater than three ~~(3'3')~~ feet in height in any C, I or PS district.

9-2-102 Adult entertainment facilities.

(a) **Purpose.** The purpose of this ~~chapter section~~ is to regulate adult businesses which, unless closely regulated, may have serious secondary effects on the community. These secondary effects include, but are not limited to, the following: depreciation of property values, deterioration of neighborhoods, increases in vacancy rates in residential and commercial areas, increases in incidence of criminal activity, increases in litter, noise, and the interference with residential property owners enjoyment of their property in the vicinity of such businesses.

It is the Council's intent to prevent community-wide adverse impacts which can be brought about by the concentration of adult businesses in close proximity to each other or in proximity to incompatible uses such as schools, churches, parks, public facilities and buildings and residentially zoned uses. The Council finds that it has been demonstrated in various communities that the concentration of adult businesses causes adverse impacts described above and can cause businesses and residents to move elsewhere. It is, therefore, the further purpose of this ~~chapter section~~ to establish reasonable and uniform regulations to prevent the concentration of adult businesses or their close proximity to incompatible uses, while permitting the location of adult businesses in certain areas.

(b) **Definitions.**

(1) “**Adult businesses**” shall include the following:

(i) Any business conducted for the entertainment of adults, engaged in the selling, renting, or displaying of publications depicting the specified anatomical areas or specified sexual activities described herein or other material of a sexually explicit nature. Included in the definition is any business, that as substantial or significant course of conduct, sells, offers for sale, rents, exhibits, shows or displays publications depicting the anatomical areas or specified sexual activities described herein or other material of a sexually explicit nature. Also included in this definition is any business selling, renting, or displaying sexually oriented devices intended for use in the specified sexual activities.

(ii) A particular business at a particular location that sells, offers for sale, rents, exhibits, shows or displays specified anatomical areas or specified sexual activities in the form of a book, magazine, newspaper, pamphlet, film video or any other form or medium, or sexually oriented devices intended for use in the specified sexual activities, which receives twenty-five (25%) percent or more of the gross revenue from, or devotes twenty-five (25%) percent or more of the stock on hand or twenty-five (25%) percent or more of the gross floor area to such activity, is presumed to be engaging in “substantial or significant” conduct with respect to such activity.

(iii) Any business wherein the selling of any food or beverage served by employees engaged in partial or total nudity or exposed specified anatomical areas.

(iv) Any business conducted for the entertainment of adults wherein an employee, patron or any other person engages in or are shown specified sexual activities or exhibit or engage in partial or total nudity or otherwise expose specified anatomical areas.

(v) Any business, which as a substantial or significant portion of its business, provides live, filmed or televised entertainment wherein specified anatomical areas of the human anatomy are exposed.

(2) “**Specified anatomical areas**” include any of the following, whether actual or simulated:

(i) Less than completely and opaquely covered: (1) human genitals or pubic region, (2) buttock, and (3) female breast below a point immediately above the top of the areola; or

(ii) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(3) “**Specified sexual activities**” means and includes any of the following:

(i) The fondling or sexual touching of human genitals, pubic regions, buttocks, anus, or female breasts; or

(ii) Sex acts, normal or deviant, actual or simulated, including intercourse, oral copulation, or sodomy; or

(iii) Masturbation, actual or simulated; or

(iv) Excretory functions as part of, or in connection with, any of the activities set forth above.

(c) Location and Site requirements.

(1) Adult businesses shall not be located within five hundred (500') feet of the following whether or not located within the city:

(i) Any real property located in a residential, commercial or industrial district, including the Agricultural (A), Residential Estate (R-E), Low Density Residential (R-L), Medium Density Residential (R-M), High Density Residential (R-H), Community Office (C-O), Planned Development (PD), Community Commercial (C-C), Heavy Commercial/Light Industrial (C-H), zoning districts; and

(ii) Any public or private school; and

(iii) Any church, chapel, or other publicly recognized place of worship; and

(iv) Any park or building used by the public and owned by a public entity; and

(v) Any residence in any zoning district; and

(vi) Any parcel of land owned by a school district, church, chapel, or public entity.

(2) Adult businesses shall not be located within one thousand (1,000') feet of any other adult business.

(3) Adult businesses may be located in the I (Industrial) zoning district; and

(4) The distances specified in this section shall be measured in a straight line, without regard to intervening structures, or geological features from the nearest point of the property line in which the proposed adult business is to be established to the nearest property line of a use or zoning district listed above.

(d) Development and performance standards.

(1) The following development standards shall apply to all adult businesses:

(i) No adult business shall be located in any temporary or portable structure.

(ii) Trash dumpsters shall be enclosed by a screening enclosure so as not to be accessible to the public.

(iii) Off-street parking shall be as specified in Article 2 of this chapter.

(iv) The entire exterior grounds, including the parking lot and landscaped areas, shall be lighted in such a manner that all areas are clearly visible at all times.

(v) Any signage shall conform to the requirements of Article 5 of this chapter, ~~of the Code~~, and shall not contain sexually oriented photographs, silhouettes, or other pictorial representations.

(vi) All entrances to an adult business shall be clearly and legibly posted by a notice indicating that minors are prohibited from entering the premises.

(vii) No residential structure or any other nonconforming structure shall be converted for use as an adult business.

(viii) No residence, apartment, living quarters or mobile home shall be located on the parcel where an adult business is located.

(2) The following performance standards shall apply to all adult businesses:

(i) California Code of Regulations, Title 4, Article 22, Sections 143.2, 143.3 and 143.4 or its successors are hereby adopted and shall regulate the attire and conduct of employees and entertainers; including visual displays.

(ii) The adult business shall not conduct or sponsor any special events, promotions, festivals, concerts, or similar activities which would create a demand for parking spaces beyond the number of spaces required for the business.

(iii) The traffic generated by the adult business shall not overload the capacity of the surrounding street system and shall not create a hazard to public safety, as determined by the City of Turlock Police Department. .

(iv) No adult business shall be operated in any manner that permits the observation of any persons or material depicting, describing or related to "specified sexual activities" or "specified anatomical areas", inside the premises, from any public way or from any location outside the building or area of such establishment. This provision shall apply to any display, decoration, sign, show window or other opening.

(v) No loudspeakers or sound equipment shall be used by an adult business for the amplification of sound to a level audible beyond the walls of the building in which the business is located.

(vi) All exterior areas of the adult business, including buildings, landscaping, and parking areas shall be kept free of trash and debris and maintained in a clean and orderly manner at all times.

(vii) Hours of operation shall be from 6:00 a.m. to 2:00 a.m.

(viii) Each adult business shall conform to all applicable laws and regulations, including obtaining a City business license.

(e) **Adult business permit; required.** No adult business shall commence operation until an application for a Minor Discretionary Permit (Adult Business Permit) is approved by the ~~Community-Development~~ Services Director or designee following the procedures set out in the

following sections, and those contained in Section ~~9-5-307~~ through Section ~~9-5-312~~, ~~9-5-315~~, of the Turlock Municipal Code.

(f) **Adult business permit application: Contents.** An application for an adult business permit shall include the following:

- (1) Name, permanent address and telephone number of applicant.
- (2) The name, business address and telephone number for the applicant. If the applicant is a corporation, the name shall be exactly as set forth in its Articles of Incorporation, and the applicant shall show the name and residence address of each of the officers, directors, and each stockholder owning twenty-five (25%) percent or more of the stock of the corporation. If the applicant is a partnership, the application shall show the name and residence address of each of the members, including limited partners.
- (3) Name(s) and address(es) of the property owner(s).
- (4) Assessor's parcel number(s).
- (5) Legal description of the property.
- (6) A site development plan drawn at the scale specified by the Community Development Director, which includes the following information:
 - (i) Location of all existing buildings, structures, and improvements on the property;
 - (ii) Location of all proposed buildings, structures, and improvements on the property;
 - (iii) Existing and proposed streets and highways bordering and within the boundaries of the property;
 - (iv) Location of existing and proposed parking areas;
 - (v) Proposed landscaping;
 - (vi) North arrow;
 - (vii) Scale.
- (7) Elevations and floor plans of proposed buildings or structures including any existing or proposed signs related to the adult business drawn to scale.
- (8) A narrative description of the proposed use or development including:
 - (i) Description of the nature of the proposed use or development and an explanation of how the proposed business will satisfy the applicable requirements set forth in this chapter.
- (9) A letter of consent signed and notarized from all property owners.

(10) A vicinity map showing specific land uses (houses, churches, public buildings, parcel lines, parcel sizes, etc.) for a 1,500 foot radius of the subject site.

(11) The fee prescribed by the City Council of the City of Turlock by ordinance or resolution for processing the application.

(g) Adult business permit application: Review and approval.

(1) Once an application has been accepted as complete, the ~~Community~~ Development ~~Services~~ Director ~~or designee~~ shall take action within sixty (60) days.

(2) For purposes of application processing, any application for a permit pursuant to this chapter is considered to be a ministerial permit and, as such, is not subject to the time frames specified in Section 65950 et seq. of the California Government Code, or the California Environmental Quality Act.

(3) Once an application has been accepted as complete, the ~~Community~~ Development ~~Services~~ Director ~~or designee~~ shall ~~refer~~transmit the relevant parts of the permit application to ~~the following all affected City~~ departments and outside agencies: for review, comments, and condition requirements.

~~(i) Municipal Services Department.~~

~~(ii) Community Development Services Department.~~

~~(iii) Police Services Department.~~

~~(iv) Fire Services Department.~~

~~(v) Stanislaus County Environmental Resources.~~

(4) In considering an application for a permit pursuant to this ~~chapter section~~, the Development ~~Services~~ Director ~~or designee~~ shall approve the permit only if it makes the following findings:

(i) The adult business is consistent with the location, requirements and development and performance standards contained in this chapter; and

(ii) The adult business is located in a zoning district which lists adult businesses as a permitted use; and

(iii) The zoning district classification for the property is consistent with the applicable General Plan or Specific Plan designation for the property; and

(iv) The adult business structure does not contain any apartments or other living quarters.

(5) A permittee shall not transfer ownership or control of an adult business permit to any other person or entity. All changes in ownership shall require a new permit application and approval.

(6) Permit issuance or non-issuance of application may be appealed pursuant to Title 1, Chapter 4, of the Turlock Municipal Code.

(7) Approval of the Minor Discretionary Permit (Adult Business Permit) does not relieve the permittee from the requirement to obtain any other permits, or approvals, necessary to insure operation of the use in conformance with the requirements of the Turlock Municipal Code.

(h) Adult business permit; transfer.

(1) A permittee shall not operate an adult business under the authority of an adult business permit at any place other than the address of the adult business stated in the application for the permit.

(2) A permittee shall not transfer ownership or control of an adult business or transfer an adult business permit to another person unless and until the transferee obtains an amendment to the permit from the ~~Community~~ Development ~~Services~~ Director ~~or designee~~, stating that the transferee is now the permittee. Such an amendment may be obtained only if the transferee files an application with the ~~Community~~ Development ~~Services~~ Director, ~~or designee~~, in accordance with the requirements of this section, accompanies the application with a transfer fee in an amount set by resolution of the City Council, and the ~~Community~~ Development ~~Services~~ Director determines that the transferee would be entitled to the issuance of an original permit.

(3) No permit may be transferred when the ~~Community~~ Development ~~Services~~ Director has notified the permittee that the permit has been or may be suspended or revoked.

(4) Any attempt to transfer a permit either directly or indirectly in violation of this section is hereby declared void, and the permit shall be deemed revoked.

(i) Suspension or revocation of adult business permits. An adult business permit may be suspended or revoked in accordance with the procedures and standards of this section.

(1) On determining that grounds for permit revocation exist, the Police Chief shall furnish written notice of the proposed suspension or revocation to the permittee. Such notice shall set forth the time and place of a hearing, and the ground or grounds upon which the hearing is based, the pertinent Code sections, and a brief statement of the factual matters in support thereof. The notice shall be mailed, postage prepaid, addressed to the last known address of the permittee, or shall be delivered to the permittee personally, at least ten (10) days prior to the hearing date. Hearings shall be conducted in accordance with procedures established by the Police Chief, but at a minimum shall include the following:

(i) All parties involved shall have a right to offer testimonial, documentary, and tangible evidence bearing on the issues; may be represented by counsel; and shall have the right to confront and cross-examine witnesses. Any relevant evidence may be admitted that is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. Any hearing under this section may be continued for a reasonable time for the convenience of a party or a witness.

(2) A permittee may be subject to suspension or revocation of the permit, or be subject to other appropriate disciplinary action, for any of the following causes arising from the acts or omissions of the permittee, or an employee, agent, partner, director, stockholder, or manager of an adult business:

(i) If the building, structure, equipment, or location used by the adult business fails to comply with all applicable building, fire, electrical, plumbing, health, and zoning requirements of the Turlock Municipal Code, all applicable State and federal requirements of a similar nature which are customarily enforced by the City, and all provisions of these regulations and this Code relating to adult businesses, including the Adult Business Development and Performance Standards contained in this section.

(ii) The permittee has knowingly made any false, misleading or fraudulent statement of material facts in the application for a permit, or in any report or record required to be filed with the City.

(iii) The permittee, employee, agent, partner, director, stockholder, or manager of an adult business has knowingly allowed or permitted, and has failed to make a reasonable effort to prevent the occurrence of any of the following on the premises of the adult business:

(aa) any act of unlawful sexual intercourse, sodomy, oral copulation, or masturbation.

(ab) use of the establishment as a place where unlawful solicitations for sexual intercourse, sodomy, oral copulation, or masturbation occur.

(ac) any conduct constituting a criminal offense which requires registration under Section 290 of the California Penal Code.

(ad) the occurrence of acts of lewdness, assignation, or prostitution, including any conduct constituting violations of Sections 315, 316, or 318 or Subdivision b of Section 647 of the California Penal Code.

(ae) any act constituting a violation of provisions in the California Penal Code relating to obscene matter or distribution of harmful matter to minors, including but not limited to Sections 311 through 313.4.

(af) any conduct prohibited by this chapter.

(iv) Failure to abide by any disciplinary action previously imposed by an appropriate City official.

(3) After holding the hearing in accordance with the provisions of this section, if the Police Chief finds and determines that there are grounds for disciplinary action, based upon the severity of the violation, the Police Chief shall impose one (1) of the following:

(i) A warning;

(ii) Suspension of the permit for a specified period not to exceed six (6) months;

(iii) Revocation of the permit.

(j) **Appeal.** The decision of the Police Chief may be appealed as provided by Title 1, Chapter 4 of this Code.

9-2-103 Affordable housing density bonus.

(a) **Purpose.** The purpose of the affordable housing density bonus is to:

(1) Establish procedures and criteria for use in the consideration of density bonuses for lower income housing developments as defined in Section 65915 of the California Government Code;

(2) Establish procedures for requesting developer incentives or concessions for the production of housing units and child care facilities as prescribed in Section 65915 of the California Government Code; and

(3) Provide a significant contribution to the economic feasibility of lower income housing in proposed housing developments.

(b) **General provisions.** The criteria and procedures set forth in Section 65915 of the California Government Code shall be applied to requests for density bonuses for affordable housing unless amended in this section.

(c) **Application procedures.** The application for a density bonus, incentive or concession shall be submitted with the first application for approval of a housing development and shall be processed concurrently with any other planning permit required for the housing development. The application shall be submitted on form and contain such information and support data as prescribed by the Community Development Director. The application shall contain sufficient information to make the required determinations and findings defined in Section 65915 of the Government Code.

(d) **Fees.** The City Council shall set the amount of the fees for the application required and authorized by this section.

9-2-104 Automobile service stations, repair and washing.

The following supplementary development regulations shall apply to the automobile service station, automobile repair, and automobile washing use classifications:

(a) **Lot size.**

(1) The minimum lot frontage along a public street shall be one hundred twenty five (125') feet.

(2) The minimum lot depth shall be one hundred (100') feet.

(b) **Curb cuts.**

(1) The minimum width of any curb cut shall be twenty five (25') feet.

(2) The maximum width of any curb cut shall be thirty five (35') feet.

(3) The total aggregate amount of curb cuts shall not exceed forty (40%) percent of the lot frontage.

(c) **Landscaping.**

(1) All service stations shall provide minimum landscaping as required by this chapter (also see Section 9-2-109) and the following:

(i) There shall be a minimum planter with a net width of five (5') feet along all street frontages except at driveway openings. All planting areas shall have an "in place" irrigation system and shall be protected with six (6") inch wide concrete curbs.

(ii) Landscaping along street frontages shall provide screening to a height of three (3') feet.

(d) Service lanes.

(1) The outside service lane or the lane closest to the street line shall have a minimum width of fifteen (15') feet as measured from the face of the planter to the face of the pump island.

(2) Service lanes between two (2) pump islands shall have a minimum width of twenty (20') feet as measured from the inside face of the first pump island to the face of the second pump island.

(3) The service lane between the pump island and the building shall have a minimum width of fifteen (15') feet as measured from the face of the pump island to the face of the building sidewalk.

(e) Activities.

(1) Unless otherwise permitted in the district in which the automobile service station is located, automobile service stations shall be limited to the sale of motor vehicle fuels and lubricants, tires, batteries, accessory items and minor motor vehicle repair.

(2) All servicing shall be conducted in an enclosed building except that the following is permitted outside an enclosed building: pumping motor vehicle fluids, checking and supplementing various fluids, and mechanical inspection and adjustments not involving any disassembly.

(3) Any automobile washing, drying or vacuuming done by mechanical means shall not be located any closer than one hundred (100') feet from an R District without a Minor Discretionary Permit obtained as set forth in ~~Article 3 of Chapter 9-5: TMC 9-5-300ART (Minor Administrative and Minor Discretionary Permits-)~~.

(4) All automobile service stations, repair and washing shall comply with the noise standards contained in Article 3 of this chapter: Noise Standards.

(f) Outdoor storage. The outside storage or display of merchandise or equipment shall be prohibited, except that the following shall be permitted:

(1) **Tire display.** One (1) display rack per automobile service station. A maximum of twelve (12) tires may be displayed on a service station site.

(2) **Wiper display.** Two (2) such wiper racks per automobile service station.

(3) **Lubricant display.** One (1) lubricant display per pump island.

(4) **Vending machines.**—Three (3) per automobile service station.

(g) **Signs.**—All signing and outside advertising shall be in accordance with Article 5 of this chapter: ~~(Signs;)~~ provided that automobile service stations and convenience gas markets shall be permitted to display the following additional signs:

(1) **Price signs.**—A maximum of one (1) double-faced price sign per street frontage, of not more than twenty-five (25) square feet per face, and having a maximum height of six (6') feet. Such signs may only be used to indicate the actual current price of fuel.

(2) **Pump-topper signs.**—A single or double-faced sign of not more than twelve (12") inches by twenty (20") inches, constructed of motionless materials and mounted to the top of a fuel pump and used for identifying products or services available on the premises. No more than one (1) pump-topper sign per pump shall be allowed.

(3) **Island canopy sign.**—A sign, affixed to a canopy or other rigid roof structure directly above a pump island, the area of which shall not exceed fifteen (15) square feet per face. Island canopy signs shall be limited to one (1) such sign per automobile service station.

~~The following supplementary development regulations shall apply to the automobile service station, automobile repair, and automobile washing use classifications.~~

9-2-105 ~~Building projections into yards.~~

~~Projections in Buildings, except accessory buildings or structures, may project into the~~ required yards ~~shall be permitted~~ as follows:

(a) **Fireplaces or chimneys.**—Two and one-half (2.5') feet.

(b) ~~Porches, terraces~~ **Terraces, platforms, decks and subterranean garages.**—Six (6') feet into a front or rear yard and two (2') feet into a side yard. The length of any projection exceeding twenty-five (25%) percent of the building length for that area may be allowed only upon approval of a minor ~~variance~~ exception as defined in Chapter 5 of this ~~Title~~ TMC 9-5-400ART.

(c) **Cornices, eaves, canopies, awnings and ornamental features.**—Two and one-half (2.5') feet.

(d) **Balconies and protruding windows.**—Five (5') feet into a front or rear yard and two (2') feet into a side yard; when constructed at least two (2') feet above grade.

(e) **Stairs.**—Two and one-half (2.5') feet into a side yard and three (3') feet into a rear yard.

(f) **Minimum setback and other limitations.** Building projections shall not encroach any closer than five (5') feet to a rear or front property line. At no time shall any portion of a building be allowed to project or extend into or over any required easement area.

9-2-106 ~~Development on existing lots of record.~~

(a) Any lot or parcel of land under one (1) ownership and of record on the date of adoption of this ~~chapter~~ title that has a width, depth, or area less than required for the district in which it is located, where no adjoining land is owned by the same person, may be developed subject to the same property development regulations as a standard lot.

(b) Any lot or parcel of land legally created after the date of adoption of this ~~chapter title~~ that has a width or area less than required for the district in which it is located may be developed subject to the same property development standards as a standard lot.

(c) No substandard lot as set forth above shall be further reduced in area or width.

9-2-107- Development on lots divided by district boundaries.

Where a district boundary line divides a single parcel, the regulations applicable to each district shall be applied to the area of the parcel within that district. Uses and development regulations permitted in one (1) district may be extended into the portion of the parcel in the other district if authorized by an approved Minor Discretionary Permit as set forth in ~~Article 3 of Chapter 9-5: TMC 9-5-300ART (Minor Administrative and Minor Discretionary Permits-)~~.

9-2-108 Exceptions to height limits.

(a) In any R District.

(1) Spires, cupolas, chimneys, radio and television antennas, and similar accessory structures shall be subject to setback regulations for the zoning district in which they are located. When such structure complies with the other development regulations stated for the zoning district and which do not exceed twenty-five (25%) percent of the district height limit or fifty (50') feet, whichever is greater, may be allowed upon obtaining an approved ~~Minor Administrative Approval~~ ~~minor administrative approval~~ (MAA) as set forth in ~~Article 3 of Chapter 9-5: TMC 9-5-300ART (Minor Administrative and~~ Minor ~~Administrative Approval: Discretionary Permits)~~.

(2) Towers, water tanks, flagpoles and other necessary mechanical appurtenances covering not more than ten (10%) percent of the ground area covered by the structure to which they are accessory may be permitted provided they do not exceed twenty-five (25%) percent of the district height limit or fifty (50') feet, whichever is greater, upon obtaining an approved ~~Minor Administrative Approval~~ ~~minor administrative approval~~ (MAA) as set forth in ~~Article 3 of Chapter 9-5: TMC 9-5-300ART (Minor Administrative and~~ Minor ~~Administrative Approval: Discretionary Permits)~~.

(3) Any structure in an R District exceeding twenty-five (25%) percent of the district height limit or fifty (50') feet, whichever is greater, may be permitted only upon approval of a Conditional Use Permit by the Planning Commission.

(b) In any C or I district.

(1) A structure may exceed the district height limit by twenty-five (25%) percent subject to approval of a ~~Minor Discretionary Permit~~ ~~minor discretionary permit~~ as set forth in ~~Article 3 of Chapter 9-5: TMC 9-5-300ART (Minor Administrative and~~ Minor Discretionary ~~Permit: Permits)~~. Any approval of such permit is subject to finding that adjoining properties will not be adversely affected by blockage of light, air or the intrusion on privacy.

(2) Any structure in a C or I district exceeding twenty-five (25%) percent of the district height limit may be permitted upon approval of a ~~Conditional Use Permit~~ ~~conditional use permit~~ by the Planning Commission: ~~as set forth in TMC 9-5-600ART (Conditional Use Permits)~~.

9-2-109 Landscaping and irrigation.

The following City of Turlock landscape and irrigation ordinance shall be used in conjunction with the "State of California Water Efficient Landscape Ordinance" enacted pursuant to California Code of Regulations Title 23, Waters Division 2, Department of Water Resources Chapter 2.7, "Model Water Efficient Landscape Ordinance". The City shall implement the ordinance and shall maintain an adapted version of the State ordinance for public distribution.

(a) **Purpose and intent.** The purpose and intent of this section is to establish landscaping regulations that are intended to:

(1) Enhance the aesthetic appearance of development in all areas of the City by providing standards relating to quality, quantity and functional aspects of landscaping and landscape screening.

(2) Increase compatibility between residential and abutting commercial and industrial uses.

(3) Reduce the heat and glare generated by development.

(4) Establish a water conservation plan to reduce water consumption in the landscape environment using conservation principles.

(5) Protect public health, safety, and welfare by minimizing the impact of all forms of physical and visual pollution, controlling soil erosion, screening incompatible land uses, preserving the integrity of neighborhoods, and enhancing pedestrian and vehicular traffic and safety.

(b) **Applicability.** All development in the City shall comply with the provisions of this section which establishes the criteria for the preparation of landscape and irrigation plans required by this ordinance. All required landscaping shall be installed by the developer and approved by the Planning ~~Department~~Division prior to the occupancy of any building, unless other arrangements are agreed to by the ~~Planning~~ Director.

~~(1) **Exceptions.** The following shall be exempt from the provisions of this section:~~

~~(i) Yards and landscape areas for single family homes when not installed by the builder or developer prior to or as a condition of home sales.~~

~~(ii) Interior remodels, tenant improvements and demolitions.~~

~~(iii) Changes of use to any existing building.~~

~~(iv) Replacement or repair of existing plant material or irrigation systems in conjunction with routine maintenance of existing projects.~~

~~(v) Modifications or additions to existing structures which do not result in an increase of more than ten (10%) percent of the floor area, or 1,000 square feet, whichever is greater.~~

1) **Applicable projects.** The following shall be subject to the provisions of this section:

- i) new construction and rehabilitated landscapes for public agency projects and private development projects requiring a discretionary land use permit, such as, but not limited to, minor administrative approvals, minor discretionary permits, design review, conditional use permits or a planned development;
- ii) new construction and rehabilitated landscapes for public agency projects and private development projects with a landscape area equal to or greater than 2,500 square feet requiring a building and/or grading permit;
- iii) new construction and rehabilitated landscapes which are developer-installed in single-family and multi-family projects with a landscape area equal to or greater than 2,500 square feet requiring a building and/or grading permit;
- iv) new construction landscapes which are homeowner-provided and/or homeowner-hired in single-family and multi-family residential projects with a total project landscape area equal to or greater than 5,000 square feet requiring a building and/or grading permit; or
- v) any other projects that are determined to be applicable projects pursuant to the State of California Model Water Efficient Landscape Ordinance .(California Code of Regulations Title 23. Waters Division 2. Department of Water Resources Chapter 2.7. Model Water Efficient Landscape Ordinance), as may be amended from time to time.

2) Exempt projects. This ordinance does not apply to:

- i) Interior remodels, tenant improvements and demolitions;
- ii) Changes of use to any existing building; and
- iii) Routine maintenance of existing landscaping.

(2)-(c) Statutory authority in case of conflicting provisions. Nothing in this section shall be deemed to affect, annul or abrogate any other laws or ordinances pertaining or applicable to the properties and areas affected by this ~~chapter~~ section.

(d) Water conservation definition. ~~“Water conservation”~~ shall mean a combination of landscape features and techniques that in the aggregate reduce the demand for and consumption of water, including appropriate low water using plants, ~~non-living~~ nonliving groundcover, a low percentage of turf coverage, permeable paving and water conserving irrigation techniques and systems.

(e) Process. The ~~Community~~ Development Services Director shall establish a format for plans and any other procedural guidelines for submittal as deemed necessary.

(1) Plans required. Plans for the development of required landscaping shall be submitted to the ~~Development~~ Engineering Services ~~Department~~ Division for review and approval prior to

the issuance of any building permit ~~or as may~~. ~~(The plan shall be required for prepared by a site plan permit as set forth in Article 3 person authorized by the State of Chapter 9-5 TMC: Minor Administrative & Minor Discretionary Permits. California to sign and stamp landscape design drawings or the contractor completing the work.)~~ Where special conditions of design warrant, modifications may be submitted for consideration.

(2) **Plan review and approval.** The ~~Community~~ Development Services Department shall review each project and proposed landscape plan ~~(or self-certification checklist in the case of developer-installed landscaping for single-family homes)~~ for compliance with the landscape and water conservation requirements.

(3) **Alternative means of compliance.** The ~~Community~~ Development Services Director may allow alternative means of complying with the requirements in this section provided the alternative achieves results comparable to those achieved through strict application of the provisions of this section.

(f) Development standards.

(1) **Required.** In the following designated districts, not less than the stipulated percent of gross site area shall be landscaped in accordance with this section:

Landscape Area Requirements	
Zone District	Required Landscaping (% of site)
R-L/R-L4.5	30
R-M	30 (a)(d)
R-H	30 (a)(d)
C-O	25 15 (c) (d)
C-C	10 (c) (d)
C-H	7.5 (c) (d)
C-T	7.5 (b)(f) (c) (d)
I-BP	7.5 (b) 5 (c) (d)
I	5 (c) (d)

(a) In multiple-family developments of twelve (12) or more dwelling units, ten (10%) percent of the total building site shall be set aside and landscaped for the purposes of common

recreational open space. Such ten (10%) percent may be included in the general landscaping requirements.

(b) This requirement may be waived by the ~~Community~~ Development Services Director for remodeling, alterations, or renovations to existing buildings and developments on parcels or building sites where an existing building occupies a substantial portion of the site and there are no front yard or corner street side yard setback areas.

(c) In commercial and industrial districts, where a lot larger than 10,000 square feet is to be developed in phases, the ~~Community~~ Development Services Director may determine that only the developed portion of the site need be landscaped. Provision shall be made, however, to insure that the landscape requirement can still be met upon full development of the site. This exception shall not apply to any setback along a public street which shall be landscaped upon the initial development of the site. Unlandscaped areas shall be continuously maintained free of weeds, litter and debris, and shall not become a source of nuisance to adjoining property.

(d) A required "landscape strip" (per the City General Plan "Typical Street Elements and Widths"), abutting the front or corner side yard may be counted toward the landscaping requirement when maintained by the private property owner. Commercial districts shall maintain a minimum landscaped building setback of ten (10') feet from the back of the public sidewalk when the lot is adjacent to a public street, except as otherwise provided in an applicable specific or master plan.

(2) **Determination of landscaped areas.** In determining landscaped areas, ~~setbacks, when~~ landscaped areas in the setback, private patios and all other areas not occupied by buildings, parking lots, vehicle storage areas, and driveways shall be included. Areas occupied by clubhouses, recreation buildings, pools, saunas, inter walkways, and similar amenities may be included as landscaped areas. In industrial zoning districts, areas planted along a public right-of-way shall qualify as one and one-half (1.5) times the area toward the overall required landscaping area. Planned landscaping areas within the public right-of-way may be included in the landscaped area provided the landscaped area is maintained as part of the property and abuts landscaped area located on the property.

(3) **Landscape materials and placement.** All landscape areas shall demonstrate a recognizable pattern or theme for the overall development. To accomplish this, new landscaping and landscape areas shall conform to the following:

(i) Plant materials shall be selected for maintenance efficiency, drought tolerance and adaptability and relationship to Turlock's environment and climate. Trees and shrubs in reasonable numbers shall be used in the landscape design; ground cover alone shall not be acceptable. No one (1) species of plant shall exceed twenty (20) percent of the plant material. Landscaped areas shall incorporate a minimum of two (2) of the following plantings: (1) grasses and ground covers, (2) shrubs, and (3) trees.

(ii) In all C and I Districts, plant materials shall be sized and spaced to achieve immediate effect and shall normally not be less than twenty-four (24") inch box for parking lot shade trees, fifteen (15) gallon container for trees, five (5) gallon container for shrubs, and a one (1) gallon container for mass planting. Non-turf areas, such as shrub beds, shall be top dressed with a bark chip mulch or approved alternative.

(iii) Turf shall be limited to twenty-five (25) percent of the total landscaped area in all C and I Districts. In residential districts turf shall not exceed ~~seventy-five (75)~~ fifty (50) percent of the total landscaped area.

(aa) “Permeable paving” shall mean a paving material that permits water penetration to a soil depth of eighteen (18") inches or more, including non-porous surface material poured or laid in sections not exceeding one (1) square foot in area and collectively comprising less than two-thirds of the total surface area of the lot and loosely laid materials such as crushed stone or gravel.

(ab) “Hardscape” shall mean areas covered with non-permeable paving, including buildings and other structures, parking lots, driveways, and walkways.

(4) **Landscape irrigation.** Provisions shall be made for a permanent "in place" irrigation system to all landscaped areas required herein, including street tree wells. All new irrigation systems shall use Xeriscape principles including such techniques and materials as low precipitation sprinkler heads, bubblers, drip irrigation systems, timing devices and moisture sensors. All irrigation systems must be designed to minimize overspray onto impervious surfaces, such as building, sidewalks, parking areas, etc., through the use of such techniques as low-trajectory spray nozzles or underground low volume applicators. All irrigation system controllers shall be set in compliance with the day and hour watering requirements of the City of Turlock and shall be designed to minimize water use by installing automatic systems such as multi-start controllers and soil moisture sensors.

(5) **Site preparation and installation.**

(i) Prior to the planting of any materials, the compacted soils surrounding a building site will be returned to a friable condition. Friable condition shall mean returning the soil to an easily crumbled or loosely compacted condition down to a minimum depth per planting material requirements, whereby the root structure of newly planted material will be allowed to spread unimpeded. The soil must be returned to a friable condition to a minimum depth as required for the planting material.

(ii) Trees should be adequate in trunk diameter to support the top area of the tree. Trees planted in landscaped less than ten (10') feet in diameter shall be planted using a deep root planter in accordance with the adopted Turlock Standards, Specifications and Drawings. Trees, shrubs, and vines should have body and fullness that is typical of the species.

(iii) All ground cover should be healthy, densely foliated, and well rooted cuttings, or one-gallon container plants.

(iv) The spacing of trees and shrubs should be appropriate to the species used. The plant materials should be spaced so that they do not interfere with the adequate lighting of the premises or restrict access to emergency apparatus such as fire hydrants or fire alarm boxes. Proper spacing should also insure unobstructed access for vehicles and pedestrians in addition to providing clear vision of the intersections from approaching vehicles. Plant material should conform to the following spacing standards:

(aa) A minimum of twenty-five (25') feet from the property corner at a street intersection to the center of the first tree or large shrub.

(ab) A minimum of fifteen (15') feet between center of trees and large shrubs to light standards.

(ac) A minimum of fifteen (15') feet between center of trees or large shrubs and fire hydrants.

(ad) A minimum of fifteen (15') feet from the intersection of a driveway with a street right-of-way to the center of any tree having a diameter larger than eighteen (18") inches at maturity or large shrub.

~~(6)~~ **Protective barrier.** All planting areas abutting a paved or concrete surface shall be protected with raised concrete curbs. All planting areas abutting undeveloped areas shall be protected by either a raised concrete or timber barrier.

~~(7)~~ **Maintenance.** Required planting areas shall be permanently maintained. As used in this section, "maintained" includes: watering, weeding, pruning, insect control, and replacement of plant materials and irrigation equipment as needed to preserve the health and appearance of plant materials.

~~(7)~~~~(8)~~ **Parking lot landscaping.** Parking lots and parking structures shall be landscaped in accordance with TMC 9-2-200 ART.

~~(v)~~ The end of each row of parking stalls shall be separated from aisleways by a landscaped planter or sidewalk.

~~(vi)~~ In all parking lots with a capacity of five (5) parking spaces or more, a minimum of one (1) shade tree for every five (5) spaces shall be provided in landscape islands within the parking lot. Tree spacing shall be such that every designated parking space is within thirty (30') feet of the trunk of a tree.

~~(vii)~~ All planting areas within or abutting a parking lot shall be protected with raised concrete curbs.

~~(8)~~~~(9)~~ **Landscaping in rights-of-way.** All land area within the public right-of-way adjoining all sides of any parcel or building site that is not otherwise covered with a building, structure, paving, or similar impervious surface shall be landscaped and maintained in conjunction with the landscaping installed on the adjoining property as regulated in this article, section. Landscaping within the right-of-way shall not be used when determining the required percentage of landscaping as required in this article.

(i) **Design.** The design of the landscaping of the public right-of-way shall be included in the landscape plan and meet the requirements set forth in this section. Adequate space shall be provided in the landscape area to allow free, unrestricted growth and development of the landscaping and street trees.

(ii) **Street trees.** Street trees shall be planted in accordance with the Theme Street List or as otherwise set forth in Article 5 of Chapter 7-7 of this Code relating to street trees and in accordance with the street tree planting standards as established by the City Engineer.

~~(9)~~~~10~~ **Driveway and corner visibility.** All landscaping material shall be maintained in accordance with the provisions of Section 9-2-216:9-2-215: Driveway and corner visibility.

~~(10)~~**(11) Landscaping along walls.** All solid walls over three (3') feet in height that are adjacent to public streets or right-of-ways shall comply with one (1) of the following:

(i) Be fully landscaped with vines and/or other plant materials to prevent the placement of graffiti. All landscaping shall include the installation of a permanent irrigation system.

(ii) If not landscaped, shall be constructed of split-face concrete, brick or some other type of material that will discourage the placement of graffiti.

~~(11)~~**(12) Landscape screening of R properties.** Where a commercial or industrial site adjoins an R District, screening which is at least seventy-five (75%) percent opaque shall be provided. Where fences are required, such fencing shall be landscaped as appropriate.

~~(12)~~**(13) Landscape screening of above-ground equipment.** An average three (3') foot high continuous screen shall be provide for all above-ground equipment and utilities greater than two (2') feet in height.

(14) Model homes. To promote landscape water conservation through education, all single family residential developments with more than two (2) model homes to be constructed by a developer, shall provide for landscaping the models entirely with water saving landscaping and irrigation in accordance with the following requirements:

(i) **Plant Materials.** Each “water saving” model home to be landscaped shall contain exclusively low water use plant materials as identified on a suggested planting list available from the ~~Community~~-Development Services Department or approved by the ~~Community~~-Development Services Director.

(ii) **Irrigation System.** Each “water saving” model home shall contain exclusively an irrigation system that provides a high efficiency in water application according to site conditions. (Drip or trickle may not be used in turf areas).

(iii) **Signs.** Each development with “water saving” model homes shall provide the following information to potential buyers:

(aa) **Front Yard Sign.** A four (4) square foot sign shall be located in the front yard of each “water saving” model such that it is clearly visible to buyers. The sign shall indicate that the model features a water saving landscape and irrigation design.

(ab) **Interior Display.** A drawing, or combination of drawings, shall be displayed inside each “water saving” model or the sales office which provides a schematic of the landscape. These drawings shall include a key identifying the common name of the plants used in the “water saving” model yards. A brochure with the same information may be distributed with the sales information to potential buyers to satisfy this requirement.

(iv) **Literature.** Additional literature describing water conserving landscaping and irrigation shall also be made available to the potential buyer and displayed.

(15) Landscaping along Highway 99. Wherever property abuts Highway 99, a minimum ten-(10) foot-deep landscaped bed shall be installed. In cases where the property is part of an approved Master or Specific Plan, the Plan document takes precedence over the

standards contained in this landscape ordinance. In all cases, the landscaped bed shall include a combination of trees, shrubs, and groundcover.

9-2-110- Family day care home.

(a) **Small family day care home.** No permit is required to operate a small family day care home and the use shall be considered an accessory use to a residence.

(b) **Large family day care home.** A permit shall be issued by the ~~Community~~ Services Director or his/her designee to operate a large family day care home upon the issuance of a minor administrative approval, as set forth in ~~Article 3 of Chapter 9-5 TMC, 9-5-300ART~~ (Minor Administrative ~~&and~~ Minor Discretionary Permits), upon finding that:

(1) **Residency.** The site is the principal residence of the operator and the day care is clearly incidental and secondary to the use of the property for residential purposes.

(2) **General Plan and zoning compliance.** The property complies with all applicable General Plan policies and zoning regulations established in the Turlock Municipal Code (TMC).

(3) **Spacing and concentration.** The property is located at least three hundred (300') feet from any other State licensed large family day care home on the same street, or a street that is aligned and connected with that street unless bisected by an arterial street or expressway.

(4) **Traffic control.** The family day care home would not adversely affect traffic and circulation of the neighborhood, including but not limited to blocking driveways or requiring double parking to load and unload guests.

(5) **Building modifications.** The residential character and appearance of the dwelling does not have to be altered in any way to accommodate the family day care use.

(6) **Outdoor play areas.** All outdoor play areas are clearly delineated through the use of fences, landscaping or other materials constructed in accordance with applicable laws and regulations.

(7) Operator agrees to the following additional conditions of approval:

(i) **Fire clearance.** Prior to commencing the use, the operator shall obtain certification by the Turlock Fire ~~Services~~ Department that the facility complies with the standards established by the State Fire Marshal as set forth in Title 24 of the California Code of Regulations.

(ii) **Signage.** The operator agrees not to erect any off- or on-premises signs for the family day care home except as set forth in ~~Article 5 of Chapter 9-2 TMC~~ (Signs):TMC 9-2-500ART (Signs).

(iii) **Noise control.** The family day care home shall be operated in compliance with the City of Turlock noise regulations, ~~Article 3 of Chapter 9-2 TMC~~ 9-2-300ART (Noise Standards).

(iv) **Outdoor play areas.** The operator agrees to keep all activities related to the operation of the family day care on site at all times.

(v) **Access to inspect.** The property owner and/or operator shall allow the City to enter the property to determine compliance with the conditions of the ~~minor administrative approval~~ Large Family Daycare permit during normal operating hours of the family day care home.

(vi) **Compliance with laws and regulations.** The day care operator acknowledges and agrees to comply with all applicable State, Federal and local laws and regulations. The operator shall provide evidence of compliance with State Department of Social Services requirements by providing a copy of the approved family day care license to the City prior to commencing operation of the family day care home. Upon revocation or denial of the State license, the permit issued pursuant to this section shall be automatically terminated.

(c) **Conditional use permit.** When the findings set forth in this section for the issuance of a ~~minor administrative approval~~ Large Family Daycare permit cannot be made, an application for a conditional use permit may be made as set forth in ~~Article 6 of Chapter 9-5~~ TMC 9-5-600ART (Conditional Use Permits and Variances), subject to the conditions of approval listed in this section and any other conditions established by the Planning Commission and/or City Council.

(d) **Use of residential garage.** Family day care operations are not permitted in the garage area of a residence, except when the garage has been properly converted to habitable space through the issuance of a building permit and the space has met all applicable laws and regulations. Prior to finalizing the building permit, the property owner shall record a restrictive use covenant stating that the converted garage shall be returned to its original state upon the cessation of the family day care use and/or the sale of the dwelling unit.

9-2-111- Mobile home development.

(a) **Purpose.-** The purpose of this section is to establish the basis for evaluating the adequacy of a mobile home park in residential areas. Provisions are intentionally general with the intent of allowing flexibility and further detailed evaluation on a case-by-case basis.

(b) **Permit required.-** Mobile home parks shall be deemed permitted land uses in all land planned and zoned for residential land uses as designated by the Turlock General Plan, except that a ~~Conditional Use Permit~~ conditional use permit must first be obtained in accordance with ~~Article 6 of Chapter 9-5~~ TMC 9-5-600ART (Conditional Use Permits and Variances-).

(c) **General requirements.**

(1) A mobile home park shall not be less than one (1) acre in size.

(2) A mobile home park development shall meet or exceed the minimum standards set forth in the zoning district in which it is located. This includes, but is not limited to, density consistent with the Turlock General Plan, yards, distance between structures, height, usable open space, fences and walls, off-street parking and loading, signs, outdoor facilities, refuse storage areas, performance standards, nonconforming uses, and recreational vehicle

storage, except that such standards may be changed to allow for unique site design requirements for mobile home parks.

9-2-112- Outdoor storage.

(a) **Vacant lots.**- No outdoor storage shall occur on any vacant parcel. No vehicles may be stored or displayed for sale on any vacant lot or at any vacant business location. Building materials for use on the same premises may be stored on the parcel during the time that a valid building permit is in effect for construction.

(b) **Residential districts.**- There shall be no visible storage of motor vehicles, trailers, airplanes, boats, or their composite parts unless in accordance with Section 9-2-114: Permitted locations of mobile homes, recreational vehicles, and campers. Loose rubbish, garbage, junk, or other receptacles; tents; or building or manufacturing materials in any portion of a residential lot shall not be permitted.

(c) **Commercial districts.**- Unless otherwise permitted in this section, outdoor storage and display of merchandise, materials, or equipment, or the conduct of business outdoors, is prohibited unless authorized by a ~~Minor Discretionary Permit~~ **minor discretionary permit** issued in accordance with ~~Article 3 of Chapter 9-5: TMC 9-5-300ART (Minor Administrative and Minor Discretionary Permits).~~ Unless specifically authorized, outdoor facilities shall not be located within the public right-of-way.

(d) **Permitted exceptions.**- Outdoor storage or display of the following merchandise, materials, or equipment, or the conduct of business outdoors, is permitted subject to the following standards and conditions:

(1) **Automobiles, boats, recreational vehicles and motorcycles.**- Outdoor storage and display shall be limited to vehicles or equipment offered for sale or rent only, excepting such vehicles in R Districts in accordance with Section 9-2-114: Permitted locations of mobile homes, recreational vehicles, and campers.

(e) **Screening.**- A solid fence or wall shall be required for all uses requiring a screen. The height of merchandise, materials, and equipment stored or displayed shall not exceed the height of the screening fence or wall. The ~~Community Development Services~~ Director may require additional screening in highly visible areas and may impose reasonable restrictions on the type of storage or display or the location of outdoor storage and display areas to avoid adverse visual effects. All solid walls or fencing shall be landscaped in accordance with Section 9-2-109: Landscaping ~~along walls and irrigation.~~

9-2-113 Planned ~~unit~~ developments.

(a) **Purpose.** The purpose of the planned development standards and procedures is:

(1) To ensure orderly and thorough planning and review procedures that will result in quality urban design;

(2) To encourage variety and avoid monotony in developments by allowing greater freedom and flexibility with the use of alternative development standards;

(3) To provide a mechanism whereby the City may authorize desirable developments consistent with the Turlock General Plan;

(4) To encourage allocation and improvement of common open space in residential areas, and provide for maintenance of the open space at the expense of those who will directly benefit from it;

(5) To encourage the preservation of serviceable existing structures of historic value or artistic merit by providing the opportunity to use them imaginatively for purposes other than that for which they were originally intended; and

(6) To encourage the assembly of properties that might otherwise be developed in unrelated increments to the detriment of surrounding neighborhoods.

(b) **Applicability.** No uses or structures shall be permitted except the uses and structures approved under the planned development. Specifically, building elevations and detailed site plans including, but not limited to, the location of all proposed buildings, open space, landscaping, and parking areas shall be submitted with the application.

(c) **Permit required.** All planned developments shall be required to rezone the property to the appropriate Planned Development (PD) designation as provided in TMC [9-5-111-9-5-101](#) et seq.

(d) **Conditions of approval.** In granting any planned development district, the City of Turlock may impose conditions deemed necessary or desirable to maintain neighborhood compatibility and to protect the public health, safety, and welfare. The conditions of approval shall be imposed by resolution of the City Council upon a recommendation by the Planning Commission in conjunction with the planned development approval.

(e) **Development regulations.** Property development regulations applicable to each district shall govern as baseline regulations. Development may vary from the baseline provided all of the following findings can be made:

(1) Building and site designs are consistent with the Turlock General Plan and any other applicable plans and policies adopted by the Turlock City Council;

(2) The proposed changes are compensated for or mitigated by higher building or site development standards elsewhere on the site; and

(3) The proposed changes will not adversely affect adjoining properties.

(f) **Development schedules (P-D).** An application for a planned development district shall be accompanied by a development schedule indicating the anticipated date when construction of the project can be expected to begin, the anticipated rate of development, and the completion date. For good cause shown by the applicant, the [Planning](#) Commission may extend the time limits imposed by the development schedule.

(g) **Expiration.** Upon expiration of the approved development schedule for any planned development or one (1) year from the date of enactment if no schedule has been approved, the development rights and planned development zoning designation for the property shall be deemed expired and the designation shall automatically be rezoned to its underlying base zoning district.

(1) A planned development is valid as long as:

(i) The use has commenced; or

(ii) A building or construction permit has been issued by the Building Official or City Engineer and construction has started and diligently pursued toward completion of the project; or

(iii) Other equivalent permit activity has occurred which, in the opinion of the ~~Community~~ Development Services Director, demonstrates a good-faith effort to initiate construction or operation of the approved use.

(h) **Amendments to planned developments.** Amendments to an approved planned development shall be authorized as follows:

(1) Amendments involving minor site plan modifications, no expansions, and/or no changes in use shall be reviewed by the ~~Community~~ Development Services Director.

(2) Amendments involving major site modifications, expansions of up to twenty-five (25%) percent of gross land area or floor area, changes in use resulting in equal or lesser intensity than previously approved, time extensions, and/or a change in conditions ~~of approval shall be reviewed from a conditional use permit approved~~ by the Planning Commission pursuant to ~~Article 6 of Chapter 9-5~~ TMC: 9-5-600ART (Conditional Use Permits and Variances:).

(3) Amendments involving expansions that are greater than twenty-five (25%) percent of gross land area or floor area, changes in use resulting in greater intensity than previously approved, and changes that will result in a significant impact upon adjacent properties shall be reviewed by the City Council, upon a recommendation of a conditional use permit by the Planning Commission, pursuant to ~~Article 6 of Chapter 9-5~~ TMC: 9-5-600ART (Conditional Use Permits and Variances:).

9-2-114 Permitted locations of mobile homes, recreational vehicles, and campers.

(a) For the purposes of this section, unless otherwise apparent from the context, the following words and phrases are defined as follows:

(1) **“Utility trailer”**- shall mean and include a vehicle without motive power, not exceeding twenty (20) feet in length, eight (8') feet in width, and thirteen and one-half (13-1/2') feet in overall height, designed so that it can be drawn behind a motor vehicle in accordance with ~~general highway laws~~ the California Vehicle Code. A private utility trailer, as defined herein, is considered incidental to the owners residential use of a property. It is not intended to mean truck trailers that would be a single or double trailer to be pulled behind a commercial vehicle or similar tractor-truck vehicle.

(2) **“Boat”**- shall mean a vehicle for traveling in or on water, not exceeding forty (40') feet in body length, eight (8') feet in width, or thirteen and one half (13-1/2') feet in overall height. The height shall include the trailer if the boat is mounted on a trailer. A vehicle meeting this definition, except for size, shall not be deemed to be incidental to a dwelling unit and not permitted to park in residential areas except as allowed herein.

(b) **Mobile homes - permitted locations.** A mobile home is permitted to be placed, kept, maintained or occupied, within the City in the following areas or locations:

(1) Within all residential areas of the City: only within a recognized mobile home development.

(2) Within all nonresidential areas of the City: only within a mobile home park or trailer park, except for accessory storage, sale, or business uses as permitted in such zone.

(c) **Recreational vehicles, utility trailers, boats and boat trailers - permitted locations.** A recreational vehicle, utility trailer, or boat and boat trailer is permitted to be placed, kept, and maintained, within the City in the following areas or locations:

(1) **In all residential zones.**

(i) Parking is permitted inside any enclosed accessory structure or carport, which structure otherwise conforms to the zoning requirements of the particular R zone where located.

(ii) Parking shall take place upon a paved driveway or pad designed and installed for such intended use that complies with the requirements, restrictions, and conditions constructed in accordance with TMC 9-2-207: Parking in the R District.

(iii)(ii) Parking is permitted outside in the interior side yard or rear yard provided it is not nearer~~er~~closer than four (4') feet to any parcel line or lot line and does not block the only window that can be opened or door of a room used for human habitation. Recreational vehicles, utility trailers, boats, boat trailers, and campers under seven (7') feet in height are not subject to this limitation when they are not located in the front yard and are screened by a solid fence seven (7') feet in height.

(iv)(iii) Parking is permitted outside within the front yard ~~only~~ when the following conditions exist:

(aa) Space is not available in the rear yard or side yard, or there is no reasonable access to either the side yard or rear yard (a corner lot is always deemed to have reasonable access to the rear yard and a fence is not necessarily deemed to prevent reasonable access); or

(ab) Interior parking is not possible anywhere on the property.

(ac) In such cases, the following regulations shall govern the front yard parking of such a vehicular unit:

1) The parking shall take place upon a concrete pad designed and installed for such intended use; and

1. No part of the unit shall impede safe pedestrian circulation on the public sidewalk or public thoroughfare (right-of-way) or block corner visibility for pedestrians or motorists; and

2. The unit shall be owned by the resident on whose property the unit is parked for storage.; and

3. The unit shall be no closer than two and one-half (2.5') feet to any parcel line or lot line.

(2) In all nonresidential areas.

(i) Only within an existing mobile home or travel trailer park development, except for ~~accessory storage~~, commercial storage, sale, or business uses, as permitted in such nonresidential zone.

(d) Recreational vehicles, boat and boat trailers - temporary occupancy, uses or parking. The temporary occupancy, use, or parking of any recreational vehicle, boat and boat trailer beyond that described above shall only be permitted in the City as described below:

(1) Temporary overnight sleeping is permitted within a recreational vehicle on property in a residential area for a maximum of fourteen (14) days in any one (1) calendar year provided, however, cooking shall not be permitted at any time. Any temporary occupancy of a utility trailer is prohibited at all times.

(2) Any temporary connections to electrical utilities or water service for such units is permitted only for charging batteries and water tanks for a period not to exceed forty-eight (48) hours or other incidental or temporary uses as permitted herein. Any permanent connections to sewer lines, water lines, or electricity is prohibited.

(3) The temporary parking for such a unit anywhere on the premises is permitted during active loading or unloading, including the temporary use of electricity or propane fuel, when it is necessary to prepare such a unit for a temporary recreational use, but not to exceed forty-eight (48) hours.

(e) Owner permission required. Notwithstanding the provisions of subsection (c), herein, it shall be unlawful for any person to place, keep, maintain, or occupy, or permit to be placed, kept, maintained, or occupied, any mobile home, recreational vehicle, utility trailer, boat or boat trailer, or camper upon any lot, piece, parcel of land or upon any street, highway or other public right-of-way without the permission of the private property owner or prior written permission of the public entity.

(f) Occupancy on public streets, alleys, or rights of way prohibited. It shall be unlawful for any person to occupy, or permit to be occupied for dwelling purposes any mobile home, recreational vehicle, travel trailer, camp car, or camper upon any street, highway or other public right-of-way without the prior written permission of the Chief of Police, or his or her designee.

9-2-115 Recycling and solid waste disposal regulations.

(a) Purpose. The purpose of the recycling and solid waste disposal regulations is to:

(1) Ensure the provision of adequate locations, compatible with surrounding land uses, for the collection, separation, processing and shipping of recyclable materials including newspapers, plastic, glass and aluminum;

(2) Regulate the location of recycling and trash containers and enclosures in order to provide adequate, convenient space for the collection, storage, and loading of recycled materials at multifamily residential, commercial, and industrial land use sites;

(3) Increase the recycling of reusable materials consistent with statewide goals to reduce solid waste disposal; and

(4) Decrease the impact of the consumption of renewable and nonrenewable resources on the environment.

(b) **Applicability.**

Applicability of Recycling and Solid Waste Disposal Regulations	
Zoning District	Applicability
R	4 or more dwelling units
C	All development (a)
I	All development
PS	All development

(a) *For residential development in C Districts, applies only to 4 or more multifamily dwellings*

(c) **New development regulations.**

(1) **Materials, construction, design and location.**

(i) The enclosure shall comply with the City of Turlock Standards and Specifications for construction and materials.

(ii) Each recycling and trash enclosure shall be designed to allow walk-in access without having to open the main enclosure gate.

(iii) The property owner shall supply and maintain adequate bins and containers for recycling and waste disposal.

(iv) Whenever feasible, the recycling collection area and the trash collection area shall be adjacent to one another and in one (1) enclosure.

(2) **Landscaping.** A two (2') foot perimeter surrounding each recycling and trash enclosure, exclusive of access to the enclosure, shall be planted with landscaping and vines to discourage graffiti.

(3) **Setbacks.** No recycling or trash enclosures shall be located in any front or corner side yard.

(4) **Deviation from standards.** The Development Services Director may permit deviations from these standards, when the application of these standards prevents development of the

parcel, upon approval of a minor administrative approval in accordance with TMC 9-5-300ART (Minor Administrative and Minor Discretionary Permits).

(d) **Existing development guidelines.** The following guidelines shall apply to all existing development in R, C, I and PS Districts.

(1) **Existing trash enclosures.** If existing development has an existing trash enclosure, any recycling containers shall be located inside the trash enclosure. If it is not possible to locate the required recycling containers in the trash enclosure, the recycling containers shall be located adjacent to the trash enclosure and shall be appropriately screened.

(2) **No existing trash enclosures.** If the existing development does not have an existing trash enclosure, any recycling containers shall be located adjacent to the existing trash facilities and shall be appropriately screened in accordance with Subsection ~~G.(c)(1-)~~ above.

(3) **Waiver of parking, landscaping areas or open space requirement.** In order to meet any recycling and trash enclosure requirements, an existing development may use one (1) parking space, landscaping area or open space for the location of the recycling containers if the ~~Community~~ Development Services Director can find that the loss of parking, landscaping area or open space will not have any adverse effect on the need for such areas or the aesthetics of the existing development. Such a waiver shall be ~~obtained~~granted upon approval of a minor administrative approval in accordance with ~~Article 3 of Chapter 9-5: TMC 9-5-300ART (Minor Administrative Approval and Minor Discretionary Permits).~~

(4) **Setbacks.** No recycling or trash enclosures shall be located in any front or corner side yard.

(e) **Exceptions.** The ~~Community~~ Development Services Director may grant exceptions to this section when the Director finds that existing conditions prevent its practical application: ~~upon approval of a minor administrative approval in accordance with TMC 9-5-300ART (Minor Administrative and Minor Discretionary Permits).~~

9-2-116- Recycling facilities.

(a) **Purpose.** The purpose of the recycling facilities standards and regulations is to establish regulations governing recycling, consistent with the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986 and its amendments.

(b) **Definitions.**

(1) Bulk reverse vending machine shall mean a reverse vending machine designed to accept more than one (1) container at a time and to compute the refund or credit due on the basis of weight.

(2) Collection facility, large shall mean a center for the acceptance by donation, redemption, or purchase of recyclable materials from the public occupying more than five hundred (500) square feet and may include permanent structures as well as mobile units, bulk reverse vending machines, and Kiosk-type units.

(3) Collection facility, small shall mean a center for the acceptance by donation, redemption, or purchase of recyclable materials from the public occupying less than five hundred (500) square feet which may include:

(i) A mobile unit;

(ii) Bulk reverse vending machines or a grouping of reverse vending machines occupying more than fifty (50) square feet;

(iii) Kiosk-type units that may include permanent structures; or

(iv) Unattended containers placed for the donation of recyclable materials.

(4) Processing facility shall mean a building or enclosed space used for the collection and processing of recyclable materials. Processing means the preparation of material for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, or remanufacturing.

(5) Processing facility, heavy shall mean a processing facility other than a light- processing facility.

(6) Processing facility, light shall mean a processing facility occupying less than 50,000 square feet and including equipment for bailing, briquetting, crushing, compacting, grinding, shredding or sorting of source-separated recyclable materials, except ferrous metals other than food and beverage containers, and repairing of reusable materials.

(7) Recyclable material shall mean material including, but not limited to metals, glass, plastic and paper which are intended for reuse, remanufacture, or reconstitution for the purpose of using the altered form. Recyclable material does not include refuse or hazardous materials, but may include used motor oil collected and transported in accordance with Section 25250.11 ~~and 25143.2(b)(4)~~ of the California Health and Safety Code.

(8) Recycling facility shall mean a center for the collection and/or processing of recyclable materials. A certified recycling facility or certified processor means a recycling facility certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986. On-site storage containers or processing facilities used solely for the recycling of material generated by residential property, business or manufacturer are not recycling centers for the purposes of this section.

(9) Reverse vending machine shall mean an automated mechanical device that accepts at least one (1) or more types of empty beverage containers including aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip. A reverse vending machine may sort and process containers mechanically, provided that the entire process is enclosed within the machine.

(10) Single-fee revenue vending machine shall mean a reverse vending machine designed to accept individual containers one (1) at a time.

(c) **Permits required.** No person shall permit the placement, construction, or operation of any recycling facility without first obtaining a permit as follows:

Recycling Facility Permit Requirements		
Type of Facility	Districts Permitted	Permit Required
Bulk reverse vending machine and small collection	All C, I and PS CH and I	Zoning Clearance Minor Discretionary Permit
Large collection	I	Minor Discretionary Permit
Light processing	I	Conditional Use Permit
Heavy processing		

(d) **Permits for multiple sites.** - The ~~Community~~ Development ~~Services~~ Director may grant a single Site Plan Permit in accordance ~~with Article 3 of Chapter 9-5: the procedures for a minor administrative approval as set forth in TMC 9-5-300ART~~ (Minor Administrative ~~Approval and Minor Discretionary Permits~~) to allow more than one (1) bulk reverse vending machine or small collection facility located on different sites under the following conditions:

- (1) The operator of each of the proposed facilities is the same;
- (2) The proposed facilities are determined by the Director to be similar in nature, size and intensity of activity; and
- (3) All the applicable criteria and standards set forth in this section are met for each proposed facility.

(e) **Design criteria and standards.**

(1) **Reverse vending machines.**

- (i) No machine shall obstruct pedestrian or vehicular circulation.
- (ii) No required parking space shall be occupied.
- (iii) Each machine shall be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative.
- (iv) The maximum sign area is four (4) square feet per machine, exclusive of operating instructions.
- (v) Adequate nighttime lighting shall be provided.
- (vi) No machine located within three hundred (300') feet of an R District shall be visible from residences or public right-of-way located in an R District.

(2) Small collection facilities.

(i) Small collection facilities shall be no larger than five hundred (500) square feet, shall be set back at least ten (10') feet from a front or side property line, and shall not obstruct pedestrian or vehicular circulation.

(ii) No power-driven processing equipment shall be used except for reverse vending machines.

(iii) All containers shall be constructed and maintained with durable waterproof and rustproof material, covered when the site is not attended, secured from unauthorized entry or removal of material, and of a capacity sufficient to accommodate materials collected.

(iv) All recyclable material shall be stored in containers or in a mobile unit vehicle.

(v) Attended facilities located within one hundred (100') feet of the boundary of an R District shall operate only between 9:00 a.m. and 7:00 p.m.

(vi) Containers shall be clearly marked to identify the type of material that may be deposited. The facility shall be clearly marked identifying the name and telephone number of the facility operator, the hours of operation, and a notice stating that no material shall be left outside the recycling containers.

(vii) The maximum sign area shall be sixteen (16) square feet exclusive of informational requirements and operational instruction. Directional sign bearing no advertising message may be installed with the approval of the ~~Community Development~~ Services Director if necessary to facilitate traffic circulation, or if the facility is not visible from the public right-of-way.

(viii) No additional parking spaces will be required for customers of a small collection facility located at the established site of a host use. One (1) space will be provided for the attendant, if needed.

(ix) No required parking spaces shall be occupied by the facility.

(3) Large collection facilities.

(i) A large collection facility shall be located at least three hundred (300') feet from an R District.

(ii) Each facility shall be in an enclosed building or within an area enclosed by a solid masonry wall at least eight (8') feet in height with landscaping.

(iii) Six (6) parking spaces shall be for customers and one (1) parking space shall be provided for each commercial vehicle operated by the recycling facility.

(iv) Power-driven processing, including aluminum foil and can compacting, bailing, plastic shredding, or other light-processing activities necessary for efficient temporary storage and shipment of material may be allowed if noise mitigation and other conditions are met.

(4) Processing facilities (light- and heavy-processing).

(i) Processors will operate in a wholly enclosed building except for incidental storage, or within an area enclosed on all sides by an opaque fence or wall not less than eight (8') feet in height and landscaped on all street frontages and shall be located at least five hundred (500') feet from an R District except that such facilities may be located closer provided a Conditional Use Permit is obtained in accordance with TMC: ~~Variances and 9-5-600ART~~ (Conditional Use Permits: and Variances).

(ii) Power-driven processing shall be permitted provided all noise-level requirements are met in accordance with ~~Article 3 of Chapter 9-2 TMC: Noise Standards. TMC 9-2-300ART~~ (Noise Standards). Light-processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable materials and repairing of reusable materials.

(5) All collection and processing facilities.

(i) No facility shall occupy a required front or corner side yard, and all regulations applicable to the principal structure on the site shall apply to collection and processing facilities except as provided in this section.

(ii) Facilities shall be designed to be compatible with the architectural character of adjacent structures.

(iii) A large collector or processing facility may accept used motor oil for recycling from the generator in accordance with Section 25250.11 of the California Health and Safety Code.

(iv) All exterior storage of material shall be in sturdy containers or enclosures that are covered, secured, and maintained in good condition. Storage containers for flammable material shall be constructed of non-flammable material. Any outdoor storage containers or materials shall not exceed the height of any screening fence or wall within seventy-five (75') feet of such fence or wall.

(v) All facilities shall be administered by on-site personnel during hours the facility is open. If a processing facility is located within five hundred (500') feet of an R District, it shall not be in operation between 7:00 p.m. and 7:00 a.m. unless such operating hours are extended by a ~~Conditional Use Permit~~ conditional use permit issued in accordance with ~~Article 6 of Chapter 9-5 TMC: 9-5-600ART~~ (Conditional Use Permits and Variances:).

(vi) Any containers provided for after-hours donation of recyclable materials shall be of sturdy, rustproof construction; shall have sufficient capacity to accommodate materials collected; and shall be secure from unauthorized entry or removal of materials.

(vii) Containers shall be clearly marked to identify the type of material that may be deposited. There shall be displayed a notice stating that no material shall be left outside the recycling containers. All materials shall be kept in the containers to prevent creating a litter nuisance at the site or on any adjacent properties.

(viii) Sign requirements shall be those provided for in the zoning district in which the facility is located. In addition, each facility shall be clearly marked with the name and phone number of the facility operator and the hours of operation.

9-2-117 Salvage and wrecking operations.

(a) **Purpose.** The purpose of the salvage and wrecking operations standards and regulations is to provide opportunities for locating salvage and wrecking operations in industrial areas so as not to have an adverse impact on adjacent land uses or groundwater supplies.

(b) **Design criteria and standards.**

(1) Salvage and wrecking operations shall not be located any closer than five hundred (500') feet from any A, R, C (except CH) or PS District or any such land so designated in the Turlock Area General Plan.

(2) Salvage and wrecking operations shall be conducted wholly within an area enclosed by a solid masonry wall at least eight (8') feet in height- unless located on an industrial zoned property that abuts industrial zoned properties on all sides.

(3) Any outdoor storage shall not exceed the height of the solid masonry wall within seventy-five (75') feet of such wall.

(4) No hazardous substances or hazardous wastes, as defined in 42 U.S.C. Section 9601 (~~2214~~), shall be released on, under or about the site and no material shall be discharged on, under or about the site that could affect the quality of the ground or surface waters within the meaning of the California Porter-Cologne Water Quality Act, as amended, Water Code Section 13000, et seq. For the purpose of this section, "release" shall have the meaning provided for in 42 U.S.C. Section 9601 (22).

9-2-118- Screening of mechanical equipment.

Exterior mechanical equipment, except solar collectors affixed to the roof and residential utility meters, shall be screened from public view on all sides. Equipment to be screened includes, but is not limited to, heating, air conditioning, refrigeration equipment, plumbing lines, duct work, and transformers. Satellite dish antennas and microwave equipment shall be screened in accordance with ~~Section 9-2-101: TMC 9-2-101: Accessory buildings and uses or structures.~~

9-2-119- Second dwelling units.

A second dwelling unit on a single or ~~multifamily~~multi-family residential zoned lot may be permitted subject to first securing a ministerial approval from the ~~Community~~ Development Services Director or his/her designee in each case and when the following conditions are met:

(a) The lot must contain an existing single-family dwelling.

(b) One (1) additional off-street parking space meeting City standards shall be required. Off-street parking spaces for a second dwelling unit may be provided with tandem parking.

(c) The second dwelling unit shall conform to all height, setback, lot coverage, architectural review, site plan review, density, fees, charges, and other zoning requirements applicable.

(d) The second dwelling unit may be occupied by a renter, but shall not be independently sold.

(e) An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code, and a manufactured home, as defined in Section 18007 of the Health and Safety Code, are permitted as a second dwelling unit pursuant to compliance with the provisions of this section.

(f) The second dwelling unit is subject to architectural review to ensure compatibility with the main dwelling unit and surrounding dwelling units in terms of scale, height, and exterior design and treatment as provided in the design guidelines. More specifically, the second dwelling unit shall incorporate compatible architectural characteristics including roof pitch and style, window and door detailing, exterior materials, textures, colors, and finishes.

~~9-2-120~~ Swimming pools, spas and hot tubs.

~~Swimming pools, spas and hot tubs may be placed anywhere on a lot except within the required front or corner side yard. The following standards shall apply:~~

~~(a) **Uniform Building Code.** Fencing, access gates, and other standards as required by the Uniform Building Code.~~

~~(b) **Emergency access.** A three (3') foot wide clear path shall be provided around fifty (50%) percent or more of the pool perimeter, excepting spas and hot tubs.~~

~~(c) **Mechanical equipment.** Setbacks for swimming pool mechanical equipment shall be as required by the applicable zoning district if located within the front two-thirds (2/3) of the lot. If located within the rear one-third (1/3) of the lot, there is no setback from the property line required.~~

~~9-2-121~~ 9-2-120 **Underground utilities.**

All electrical, gas, telephone, cable television, and similar distribution lines, including existing distribution lines, providing immediate service to a development site shall be installed underground within the site, except:

(a) Above ground installation shall be allowed in Agriculture Districts; or

(b) The ~~Community~~ Development Services Director may waive the undergrounding requirement if it can be demonstrated to the Director that site conditions make underground placement impractical.

~~9-2-122-121~~ 9-2-121 **Neighborhood stores.**

Development standards for neighborhood stores in residential districts shall be as follows:

(a) Neighborhood stores shall be located on corner lots only. No store shall be located within 1,000 feet of another commercial facility.

(b) On-site parking shall be provided at a minimum of one (1) space per three hundred (300) square feet of gross floor area with a maximum of one (1) space per two hundred (200) square feet of gross floor area. Parking shall not face directly onto adjoining streets or right-of-ways. Any existing alleyway may be utilized for access.

(c) On-site loading and unloading shall be provided in accordance with Section ~~9-2-218~~: 9-2-218: Location and design of off-street loading spaces. Parking area driveways may be utilized where they meet the standards of ~~Section 9-2-218~~: Article 2 of this chapter.

(d) The maximum sign area allowed is one-half (1/2) square foot of sign area per one (1) lineal foot of building frontage. Freestanding signs shall not be permitted. Signs shall be designed in accordance with the sign design guidelines contained in Article 3 of this chapter.

(e) Neighborhood stores shall be separated from adjoining residential uses by a solid masonry wall. All masonry walls shall comply with all height and location standards for fencing in the applicable residential district.

(f) A minimum of ten (10%) percent of lot area shall be provided in landscaping. All landscaping shall comply with the standards in Section ~~9-2-109~~.

9-2-~~123~~-122 Rental storage facility.

A rental storage facility is subject to the following development standards:

(a) A minimum fifteen (15') feet wide landscape strip shall be installed along any street frontage. All landscaping and irrigation system shall be installed in accordance with ~~the Section 9 of the Article (Section TMC 9-2-109):~~ Landscaping and irrigation.

(b) The site shall be entirely paved, except for structures and landscaping.

(c) The elevation of any structure facing a street or fully visible to the public shall include architectural treatment such as stucco, brick, or wood finish, and articulated walls and rooflines.

(d) Structures located on a property line adjacent to residential property shall not exceed a height of eight (8') feet. Otherwise the setback and height standards apply as set forth in ~~Section 3 of Article 3 of this Chapter (Section 9-3-303) and Section 3 of Article 4 of this Chapter (Section 9-3-403).~~ TMC 9-3-300ART and TMC 9-3-400ART.

(e) The floor area ratio requirement of ~~Section 3 of Article 3 of this Chapter (Section TMC 9-3-303)300ART and Section 3 of Article 4 of this Chapter (Section TMC 9-3-403)400ART~~ does not apply but is determined by setback, aisle width, parking and landscaping requirements.

(f) One (1) residential unit may ~~by~~ be provided for a caretaker that is responsible for security, maintenance or management of the facility. The residential unit shall be a permanent structure that is architecturally compatible with the storage facility and must be clearly accessory to the storage facility.

(g) A minimum seven (7) ~~on--~~ on-site parking spaces shall be provided adjacent to the office. Two (2) additional parking spaces shall be provide for the caretaker.

(h) A minimum six (6') foot high decorative fence or wall shall be installed around the perimeter of the site. A minimum seven (7') foot high decorative solid wall shall be provided along property lines adjacent to properties zoned for residential use.

(i) All security gates that are automated shall be provided with equipment that can be activated by the Fire Department Opticom system. The driveway serving a security gate shall be designed to allow vehicles to turn around without backing out into the street.

(j) The ~~driveway~~ drive aisle throughout the complex with shall be a minimum twenty (20') feet to provide safe and unobstructed circulation.

(k) No flammable or otherwise hazardous materials shall be stored on the site.

(l) Security lighting shall be provided for the exterior of the buildings, parking areas, driveways, and aisles. Lighting shall be located or shielded so as to not produce glare on adjacent properties.

(m) Only freestanding monument signs are permitted and shall be of a low profile design not to exceed four (4') feet in height, externally illuminated, and incorporate the design, materials, textures, and colors used in the building. All building signage shall be composed of individual pan channel letters or equivalent. Exposed raceways, cabinet signs, and changeable copy are prohibited. All other applicable sign standards apply in accordance with ~~Article 5 of Chapter 9-2-TMC 9-2-500ART (Signs).~~

(n) A minimum of one (1) trash receptacle shall be provided on the site. The trash receptacle shall be located and enclosed consistent with city standards.

(o) All storage shall be located within a fully enclosed structure except for recreation vehicles. Recreation vehicles shall be screened from public view and shall not be stored adjacent to residential properties.

(p) No business activity shall be conducted other than the rental of storage spaces for inactive storage use.

~~9-2-124-123~~ Equipment sales, service and rentals.

(a) **Equipment sales, service and rentals defined.**—Equipment Sales, Service and Rentals shall mean the sales, services and rental of construction or agricultural equipment only. It shall not pertain to the outdoor storage of vehicles, boats, and other large items not normally stored indoors that may be for sale or rent.

(b) **Permits required.**—Unless located on a property previously authorized for such use, no equipment sales, service and rental facility shall operate without first obtaining a ~~permit in accordance with Sections 7 through 14 of Article 3 of Chapter 5 of this Title (9-5-307 through 9-5-314:minor discretionary permit as set forth in TMC 9-5-300ART (Minor Administrative and~~ Minor Discretionary Permits) and with the provisions of the this section.

(c) **Conditions and restrictions pertaining to equipment sales, service and rentals.**—An equipment sales, service and rental facility is subject to the following development standards:

(1) The entire length of all street frontages, including along State Highway 99, shall be landscaped. Except where previously approved and developed, such landscape planters shall be a minimum of ten (10') feet in width. Under no circumstance shall any required landscape planter along State Highway 99 be less than ten (10') feet in width on average.

(2) All landscaping and irrigation systems shall be designed and installed in accordance with the ~~Section TMC 9 of Article 1 of Chapter 2 of this Title (9-2-109).~~

(3) An average four (4') foot high compact, dense evergreen landscape hedge screen shall be installed along all street frontages, including along State Highway 99.

(4) Street trees shall be installed at forty (40') feet intervals, except that along State Highway 99 required street trees may be dispersed into distinct groups to afford views into the site from the public right-of-way.

(5) Landscaping shall be installed in accordance with the Northwest Triangle Specific Plan, Beautification Master Plan and all other applicable plans, policies, and ordinances of the City of Turlock.

(6) A minimum six (6') foot high decorative fence (wrought iron or approved alternate) shall be installed along the primary street frontage. On a previously developed site, chain link fencing may be acceptable if appropriately landscaped. A minimum seven (7') foot high decorative solid wall shall be provided along property lines adjacent to properties zoned for residential use.

(7) All chain link fencing shall include privacy slats or be landscaped with vines.

(8) All equipment shall be arranged in a structured and orderly manner on the site, and shall not encroach into any required setback or landscape area.

(9) Boom lifts, scissor lifts, loaders, backhoes and similar extendable equipment shall not be stored in an upright or extended position to exceed twenty (20') feet in height.

(10) At the discretion of the ~~Community~~ Development ~~Services~~ Director, heavy equipment and heavy vehicles may be stored on unpaved areas. However, all such areas shall be adequately covered with gravel, crushed base rock or approved equivalent to create an all-weather driving surface and to eliminate dust and mud. Notwithstanding this provision, the site shall be entirely paved, except for structures and landscaping.

(11) Customer and employee parking areas, including drive aisles, shall be paved.

(12) Adequate customer and employee parking shall be provided pursuant to ~~Article TMC 9-2 of Chapter 2 of Title 9 of this Code (Section 9-2-200)-200ART.~~ The number of parking spaces shall be determined by the floor area of on-site structures or as determined by the ~~Community~~ Development ~~Services~~ Director pursuant to ~~Section 9 of Article 2 of Chapter 2 of Title 9 of this Code [9-2-209(b)]-TMC 9-2-200ART.~~

(13) ~~An all-weather driveway~~A paved drive aisle shall be provided throughout the facility with a minimum width of twenty (20') feet to provide safe and unobstructed circulation- ~~and reduce entrained dust.~~

(14) Exterior security lighting shall be provided. Lighting shall be installed and maintained so that it will not cast direct light or glare on adjacent properties or public rights-of-way.

(15) All freestanding signs shall incorporate the design, materials, textures, and colors used in the building. Except for freeway-oriented signage permitted under ~~Section 6 of Article 5 of this chapter [TMC 9-2-506(dj)(4)],~~ all freestanding signs shall be of a low profile monument design not to exceed four (4') feet in height. All building signage shall be composed of individual pan channel letters or equivalent. Cabinet signs, and changeable copy are prohibited. All other applicable sign standards apply in accordance with ~~Article 5 of Chapter TMC 9-2 of Title 9 of this Code (9-2-500)-500ART.~~

(16) Freeway-oriented signage permitted under ~~Section 6(d)(4) of Article 5 of Chapter 2 of Title 9 of this Code [TMC 9-2-506(d)(4)]~~ shall be designed to incorporate the design, materials, textures, and colors used in the building. Pole signs, as defined by ~~Section 3 of Article 5 of Chapter 2 of Title 9 of this Code (TMC 9-2-503)~~,¹ composed of an unadorned, plain metal pole and/or a sign cabinet are prohibited. However, the **Community Development Services** Director may approve a freeway-oriented pole sign where the pole or poles incorporate the design, materials, textures of the main building and the cabinet has a translucent background with opaque lettering. Changeable copy is prohibited on any freeway-oriented sign.

(17) A minimum of one (1) trash receptacle shall be provided on the site. The trash receptacle shall be located and enclosed consistent with city standards.

(18) No business activity shall be conducted other than the sales, service or rental of construction or agricultural equipment unless such business activity is clearly incidental to the primary authorized use.

9-2-~~125~~ 124 Mobile food facilities.

(a) **Purpose.** The purpose of this section is to allow mobile food facilities to operate within the City through an expedited permitting process that ensures that such uses are operated in a manner that is safe and secure, and will not create adverse impacts to either the property on which they are located or to the immediate neighborhood.

(b) **Mobile food facility permit required.** Any person must obtain a mobile food facility permit prior to operating a mobile food facility on private property within the City. The approval shall be specific to a location and shall not be transferable to other locations or operators. Operation of a mobile food facility shall not be permitted on public property under this section. An application for a permit shall be submitted for approval of a mobile food facility permit not less than fifteen (15) days before the use is intended to begin. The application shall be on a form prescribed for that purpose, and shall include the written consent of the owner of the property on which the use is to be located and, if different, the business owner providing restroom facilities within two hundred (200') feet as prescribed by the California [Commercial Retail Food Code Health and Safety Code 114250](#).

(c) **Mobile food facility permit application: Review and approval.**

(1) Once an application has been accepted as complete, the **Community Development Services** Director ~~or designee~~ shall take action within fifteen (15) days.

(2) Once an application has been accepted as complete, the Community Development Director or designee shall refer the permit application to City departments and any other agencies deemed appropriate by the **Community Development Services** Director.

(3) In considering an application for a permit pursuant to this section, the **Community Development Services** Director ~~or designee~~ shall approve the permit only if it makes the following findings and subject to the limitations and conditions of this section:

(i) The proposed location is on an improved property that is entirely paved and shall not interfere with the operation of any approved uses on the site;

(ii) The site is adequate to support the operation of the mobile food facility and the mobile food facility will not adversely affect adjacent structures and uses, or the surrounding neighborhood;

(iii) The proposed use will not adversely affect the circulation and flow of vehicular and pedestrian traffic in the immediate area;

(iv) The proposed use will not create a demand for additional parking which cannot be met safely and efficiently in existing parking areas;

(v) The proposed use will not conflict with the terms or intent of any planned unit development permit or conditional use permit currently in effect on the property;

(vi) The proposed use and location complies with all applicable requirements of the Turlock Municipal Code, the California building and fire codes, and any other applicable local, regional, State or Federal laws or regulations; and

(vii) The proposed use will not otherwise constitute a nuisance or be detrimental to the public welfare of the community.

(d) **Limitations of use by zoning district.** A mobile food facility may be permitted to operate on any property zoned for commercial or industrial uses, except the CO Commercial Office District defined under Article 3 of Chapter [9-3](#) TMC.

(e) **Limitation on number and concentration of mobile food facilities.** On properties of less than one (1) acre in size, no more than one (1) mobile food facility shall be permitted at one (1) time.

(f) **Mobile food facility permit and renewals.** ~~The mobile food facility permit shall expire on December 31 each calendar year. Applications received after October 1st of each calendar year shall be given a renewal date that ends on December 31 of the following year. **Duration of initial mobile food facility permit and renewals.** The mobile food facility shall be authorized for an initial period of one (1) year in duration on January 1st and July 1st of each calendar year. Applications received between the period of January 1st and July 1st will be given a renewal date of July 1st each year. Applications received between the period of July 1st and January 1st will be given a renewal date of January 1st each year. The Development Director may consider and take appropriate action on a request for renewal of a mobile food facility permit for an additional one (1) year period, upon review of a written request submitted no later than thirty (30) days prior to the expiration of the approved mobile food facility permit.~~ Each renewal shall be subject to the findings and conditions outlined in this section. There shall be no limit on the number of renewals that may be granted.

(g) **Conditions.** In authorizing an application for a mobile food facility permit, the [Community Development Services](#) Director shall include as conditions of approval, the following minimum provisions:

(1) The use shall be conducted entirely upon private property and not within any public right-of-way;

(2) The use shall conform to all applicable building, electrical, fire, plumbing, engineering, solid waste, wastewater, water quality, and environmental regulations and laws;

(3) No permanent structures may be constructed on the site to support the operation of the mobile food facility;

(4) No signs, balloons, or flags may be displayed on or off the site to promote the mobile food facility except those permanently affixed to the mobile food vehicle/trailer;

(5) No outdoor music, live or amplified, is permitted;

(6) Temporary canopies or tents less than one hundred twenty (120) square feet may be erected but must be removed at the end of each business day;

(7) No more than two (2) small tables seating up to a total of ten (10) people may be permitted and must be removed at the end of each business day;

(8) Vehicle and temporary canopies or tents shall not be located closer than twenty (20') feet to a building or structure;

(9) Vehicle and any temporary canopies or tents shall not be located on the same parcel, or closer than one hundred (100') feet from the lot line of an adjacent parcel, on which a flammable, combustible, or liquid petroleum gas dispensing or storage container is located;

(10) Provisions for fire protection and fire vehicle access shall be made as prescribed by the Fire Marshal;

(11) The site shall be continuously maintained free of weeds, litter and debris;

(12) Within three (3) days after ceasing operation of the mobile food facility at any location, the site shall be completely cleaned; all trash, debris, signs, sign supports, and temporary electrical service will be removed;

(13) The mobile food facility operator shall obtain and maintain a valid Turlock business license at all times;

(14) An agreement for the use of properly operating restroom facilities within two hundred (200') feet of the vehicle's location shall be maintained at all times; and

(15) Any additional limitations or conditions as required by the Community Development Director as conditions of approval.

(h) **Fee.** A fee shall be paid by the applicant to cover the costs of processing and administering the mobile food facility permit application. Such fee shall be set by City Council resolution, and may be amended from time to time.

(i) **Suspension or revocation of mobile food facility permit.** Any mobile food facility permit may be suspended or revoked in accordance with the procedures and standards of Article 11 of Chapter [9-5](#) TMC. The permit shall be automatically suspended and may be revoked when the permit issued by the Stanislaus County Environmental Resources Department is suspended or revoked for any reason.

(j) **Appeal.** The decision of the ~~Community~~ Development Services Director may be appealed as provided by Chapter 1-4 TMC.

9-2-125 Cargo containers.

(a) Purpose. The purpose of this section is to allow cargo containers to be placed on private property -in a manner that is safe and secure, will not create adverse impacts to either the property on which they are located or to the immediate neighborhood, will achieve community architectural and design standards, and will not become a nuisance to the community.

(b) Permit requirements and exceptions.

(1) Temporary use.

(i) No cargo container permit shall be required when the cargo container is used during construction and a valid building permit is active for the property provided that all applicable conditions in Section 9-2-125(d)(1) subsections (i) through (iv) are met.

(ii) No cargo container permit shall be required to place a cargo container on private property for a period of three (3) months or less provided that all applicable conditions of approval applicable to the zoning district listed in Section 9-2-125(d)-are met. For residential uses only, such cargo containers **are not required to be screened and** may be placed in the front yard on a paved driveway so long as the cargo container does not encroach into the landscaped area, onto sidewalks, or into public rights-of-way, and there is sufficient room to open the garage door to allow access and egress in case of emergency.

(iii) A temporary use of land permit shall be obtained pursuant to Article 5 of Chapter 9-5 TMC (Temporary Uses of Land) for a period of greater than three (3) months but no more than one (1) year provided that all of the conditions of approval applicable to the zoning district listed in Section 9-2-125(d) are met, with the exception that cargo containers screened from public view from the public right-of-way or an adjacent property shall not be required to meet the **design** requirements of Section 9-2-125(d)(1)(xi).

(iv) The cargo container must be removed immediately upon completion of the temporary term or upon expiration or finalization of the building permit.

(2) Permanent use.

(i) A cargo container permit shall be required prior to placing a cargo container on private property for more than one (1) year. The approval shall be specific to a location and shall not be transferrable to other locations or property. An application for a permit shall be submitted for approval of a cargo container permit not less than thirty (30) days before the use is intended to begin. The application shall be on a form prescribed for that purpose by the Development Services Director, and shall include the written and notarized consent of the owner of the property on which the use is to be located.

(ii) **Residential districts.** The cargo container permit shall be issued in accordance with the criteria and procedures for a minor administrative approval as set forth in TMC 9-5-300ART (Minor Administrative and Minor Discretionary Permits) and shall meet all applicable standards and conditions in subsection (d).

(iii) **Commercial, industrial, public, and Downtown overlay districts.** The cargo container permit shall be issued in accordance with the criteria and procedures for a Minor Discretionary Permit as set forth in TMC 9-5-300ART (Minor Administrative and Minor Discretionary Permits) and shall meet all applicable standards and conditions in subsection (d).

(3) **Exceptions.** Exceptions to the standards in this section may be granted by the Planning Commission upon approval of a conditional use permit pursuant to TMC 9-5-600ART (Conditional Use Permits and Variances).

(4) **Public right-of-way restriction.** No cargo container may be placed in the public right-of-way unless approved through the issuance of an encroachment permit by both the Engineering Division and the Fire Department.

(5) **Limitations of use by zoning district.** Cargo containers may only be stored for resale or rental purposes in the Industrial (I) zoning district in accordance with all permitting requirements and standards of TMC 9-3-400ART, and are subject to the standards specified in this section and TMC 9-2-112 (Outdoor Storage).

(c) Cargo container permit application: Review and approval.

(1) Once an application has been accepted as complete, the Development Services Director or designee shall take action within twenty (21) working days. A notice shall be sent to the applicant if the application is deemed incomplete. If no response is provided by the applicant within six (6) months of receiving an incomplete notice, the application shall be expired and the applicant will be required to submit a new application and fee.

(2) For purposes of application processing, any application for a cargo container permit is considered to be a ministerial permit and, as such, is not subject to the time frames specified in Section 65950 et seq. of the California Government Code, or the California Environmental Quality Act.

(3) Once an application has been accepted as complete, the Development Services Director or designee shall refer the permit application to City departments and any other agencies deemed appropriate by the Development Services Director.

(4) In considering an application for a permit pursuant to this section, the Development Services Director or designee shall approve the permit only if the following findings are made and subject to the limitations and conditions of this section:

(i) The proposal is consistent with the General Plan, the Zoning Ordinance, the Design Guidelines, and any other applicable plans or standards applicable to the property; and

(ii) The proposal meets all of the applicable design standards and provisions of this section; and

(iii) The proposal is in harmony with the existing or proposed development in the general area or neighborhood and will be compatible with adjacent structures and uses, including those on adjoining properties; and

(iv) That the site for the proposed use is adequate in size and shape to accommodate such uses, all yards, open spaces, walls, fences, parking, loading, landscaping and

other features required by the Turlock Municipal Code or the Planning Commission to make sure such use is compatible with the land and uses in the vicinity; and

(v) Any structural element contained within the proposal is of high quality design consistent with the intent of the City Design Element of the Turlock General Plan and the exterior design, appearance, materials, and colors will not cause the nature of the neighborhood to materially depreciate; and

(vi) The proposal will not otherwise constitute a nuisance or be detrimental to the public safety, health, and welfare of the neighborhood and community.

(d) Conditions of approval.

(1) Conditions applicable in all zoning districts. In authorizing any permit for a cargo container, the Development Services Director shall include as conditions of approval, the following minimum provisions:

(i) Accessory use. A cargo container may be erected on a property when the use thereof is clearly incidental and secondary to the primary use of the property: For purposes of this section, a cargo container shall not be issued for a property where there is no approved and constructed primary building.

(ii) Height. Cargo container(s) shall not be stacked and shall not be greater than ten (10) feet in height including the foundation system, as measured from the property grade.

(iii) Setbacks. Cargo container(s) shall meet all applicable setback requirements and are not permitted in front yard setback area unless provided otherwise in TMC 9-2-125(d)(2).

(iv) Location. The proposed location shall not interfere with other uses, clear vision triangle, pedestrian/vehicular visibility, required parking, landscaping, or circulation on the property, or create any other safety problem. The cargo container(s) shall not be placed in a "fire lane" or other fire access lanes. The cargo container(s) must be accessible by a paved drive aisle.

(v) Contents. No hazardous materials, or combustible or flammable liquids may be stored in the container.

(vi) Screening. Cargo container(s) shall be screened from view from the public right-of-way and from view of adjacent residential uses or districts using methods such as, but not limited to, line of sight behind buildings or walls with landscaping and construction of walls with vines.

(vii) Number and size: Cargo containers shall be allowed pursuant to the number and size limitations and allowances listed below:

(aa) Residential (R-E, R-L, R-M, R-H) districts. The number shall be limited to one (1) container no greater than 120 square feet in area and the dimension may not exceed fifteen (15') in length.

(ab) Commercial (C-C, C-H, C-T, TC overlay district), industrial (I, I-BP, IR overlay district), and Public/Semi-Public (P-S) zones when adjacent to a residential use or a Residential (R-E, R-L, R-M, R-H) zone; the Office Residential (OR) and Downtown

Core Transition (DCT) overlay districts; and the Commercial Office (C-O) zone. The number shall be limited to one (1) container no greater than ten (10%) percent of the total gross floor area of the existing buildings or 120 square feet in area, whichever is less, and may not exceed fifteen (15') feet in length.

(ac) Community Commercial (C-C), Heavy Commercial (C-H), and Commercial Thoroughfare (C-T) districts; and the Downtown Core (DC) and Transitional Commercial (TC) overlay districts. If not otherwise restricted, the number shall be limited to one (1) container no greater than five (5%) percent of the total gross floor area of the existing buildings or 320 square feet in area, whichever is less, and may not exceed forty (40') feet in length.

(ad) Industrial (I), Industrial Business Park (I-BP), and Public & Semi-public (P-S) districts, and the Industrial Residential (IR) Downtown overlay district, less than one (1) acre in size. If not otherwise restricted, the number shall be limited to one (1) container no greater than five (5%) percent of the total gross floor area of the existing buildings or 320 square feet in size, whichever is less, and may not exceed forty (40') feet in length.

(ae) Industrial (I), Industrial Business (I-BP) park, and Public & Semi-public (P-S) districts, and the Industrial Residential (IR) Downtown overlay district, one (1) acre or more in size. If not otherwise restricted, the total floor area of cargo containers may not exceed five (5%) percent of the total gross floor area of existing buildings on the same property and must meet the floor area limitation of the applicable zoning district.

(viii) **Signs.** No advertising or directional signs shall be mounted, painted, or displayed on the container except that temporary containers may display the rental or leasing company name and/or logo permanently affixed or painted on the container.

(ix) **Building permit.** A building permit shall be required for any cargo container greater than 120 square feet in size unless otherwise determined by the Chief Building Official. Doors shall not be modified to restrict persons from freely exiting the cargo container.

(x) **Foundation system.** The foundation system shall be reviewed and approved by the Chief Building Official. Cargo container(s) may be placed on a paved surface upon approval of the Chief Building Official. In industrial districts, when containers are the item being stored, cargo container(s) may be placed on a paved or all-weather surface upon approval of the Chief Building Official.

(xi) **Design.** All applicable development standards and design guidelines for the zoning district shall apply. When not located within the public view from the public right-of-way or an adjacent property, the cargo container may be painted to match the primary building to achieve architectural compatibility.

(xii) **Property owner written consent required.** A tenant shall obtain the prior written and notarized consent of the property owner before placing a cargo container on any property.

(2) **Exceptions to setback requirements.** Exceptions to the setback requirements may be granted by the Development Services Director upon the issuance of the minor exception

pursuant to TMC 9-5-400ART and upon providing a notification to adjoining properties of not less than ten (10) calendar days. Any comments received during this notification process shall be considered in making the findings for approval for the Minor Exception.

(e) **Fee.** A fee shall be paid by the applicant to cover the costs of processing and administering the permit application. Such fee shall be set by City Council resolution, and may be amended from time to time.

(f) **Suspension or revocation of cargo container permit.** A cargo container permit may be suspended or revoked in accordance with the procedures and standards of TMC 9-5-1100ART (Enforcement).

(g) **Appeal.** The decision of the Development Services Director may be appealed as provided by Chapter 1-4 TMC.

9-2-126 Electrified fences.

(a) **Purpose.** The purpose of this section is to allow electrified fences to be placed on private property in a manner that is safe and secure, will not create adverse impacts to either the property on which they are located or to the immediate neighborhood, will be compatible with community design standards, and will not become a nuisance to the community.

(b) **Permit required.** Electrified fences are allowed in IBP (Industrial Business Park) and I (Industrial) districts upon the approval of a minor administrative approval as set forth in TMC 9-5-300 (Minor Administrative and Minor Discretionary Permits), subject to the standards and conditions contained in this section.

(c) **Location.** The fence shall be located at least fifty (50') feet from a residence, school, day care facility, or park land, or any property zoned for such uses.

(d) **Perimeter fence required.** The electrified fence may not be used as a perimeter fence. A non-electrified fence shall completely surround the electrified fence. The electrified fence shall be set back at least twelve (12") inches from a non-electrical perimeter fence.

(e) **Setbacks.** The fence shall not be located within required setback areas (front, side, or rear).

(f) **Height.** The maximum height shall be ten (10') feet.

(g) **Construction.** The fence shall be constructed of horizontal wires with minimal vertical support to minimize visual impact.

(h) **Energy source.** The energy source shall not exceed 12 volts.

(i) **Warning signs.** Warning signs, a minimum of 36 square inches in size, shall be mounted every fifty (50') feet, with a minimum of one (1) per side, no higher than five (5') feet from the ground, or in accordance with the California Building Code, whichever is more stringent.

(j) **Compliance with all laws and regulations.** The electrified fence shall meet all California Building Code, California Fire Code, Fire Department, and Police Department requirements, as well as all applicable federal, State, and local laws throughout the construction, installation and operation of the electrified fence.

(k) **Hold harmless agreement.** The applicant and property owner shall enter into an agreement holding the City of Turlock harmless from all legal actions that relate directly or

indirectly to the electrified fence. The agreement shall be recorded with the property and shall release the City of Turlock from any and all liability.

(l) **Ongoing maintenance required.** The area around the electrified fence shall be kept clear of all vegetation and litter to avoid fires.

9-2-127 Drive-through facilities.

In addition to any other permitting requirements contained in this title, any use that includes a drive-through facility shall also meet all of the following development standards:

(a) No more than two (2) lanes are permitted per drive-through facility.

(b) Lane(s) shall be located at least 100 feet from a residential district.

(c) Lane(s) shall be oriented to reduce light and glare onto adjacent residences and public rights-of-way.

(d) Lane(s) shall be screened with a decorative masonry wall landscaped with vines, landscaped berm, or a landscaped hedge, or any combination thereof, at least three (3') feet in height to minimize visibility to the public right-of-way.

(e) No more than two (2) menu boards are permitted per lane.

(f) Lane(s) shall provide a minimum stacking distance of at least four (4) vehicles between the entrance to the lane and the menu board closest to the pick-up window, and between the closest menu board to the pick-up window and the pick-up window. When no menu board is used, the lane(s) shall provide a minimum stacking distance for six (6) vehicles between the entrance to the lane and the pick-up window.

(g) Lane(s) shall be designed to avoid stacking in a driveway or parking lot drive aisle that directly connects to a public street.

Article 2. Off-Street Parking and Loading Regulations

9-2-201 Specific purposes.

In addition to the general purposes listed in Chapter 9-1-100 et. seq., the specific purposes of the off-street parking and loading regulations are to:

(a) Ensure that off-street parking and loading facilities are provided for new land uses, and for major alterations and enlargements of existing uses in relation to the need for these facilities created by each use; and

(b) Ensure that off-street parking and loading facilities are designed in a manner that will ensure efficiency, protect the public safety, and insulate surrounding land uses from adverse impacts.

9-2-202 Application of provisions to uses.

The provisions of this article shall apply to all uses set forth in this article even though the use may be a nonconforming use and even though a variance may have been granted for the establishment of such nonconforming use.

9-2-203 Off-street parking required: Availability and maintenance.

Every building erected shall be provided with parking spaces as required by the provisions of this article. Such parking spaces shall be made permanently available and shall be permanently maintained for parking purposes. A paved driveway, driveway approach, and/or drive aisle shall be provided to connect parking spaces to the public street. Such driveways shall comply with the development standards contained in Section 9-2-207.

9-2-204 Off-street parking: Reconstructed buildings.

Every building reconstructed, remodeled, or structurally altered shall be provided with parking spaces to compensate for the additional parking demand, if any, created by such remodeling, reconstruction or structural alteration.

9-2-205 Off-street parking for existing buildings and uses.

Off-street parking spaces which are maintained in connection with existing buildings, structures, and uses, and under the same ownership, shall be maintained as long as such buildings, structures, and uses remain, unless an equivalent number of such spaces is provided in accordance with the requirements of this article. The provisions of this section article shall not require the maintenance of more parking spaces than are required for new buildings or structures similar in use and purpose to such existing buildings or structures.

9-2-206 Off-street parking: Location.

All required parking spaces shall be located on the same lot as the primary structure or located within a radius of five hundred (500') feet from the property. These parking spaces shall be maintained during the life of the building or until equivalent parking is provided by other means. Should it be necessary to replace the required parking area; the owner, lessee, or assignee shall provide and maintain other parking facilities sufficient to comply with the requirements of this article.

9-2-207- Parking in the R ~~District~~Districts.

All parking areas in R Districts shall be subject to the same restrictions for accessory buildings according to the applicable zoning district. In addition, all parking areas in R Districts shall be subject to the following additional provisions:

(a) Paved driveway and parking space required. All parking spaces and driveways shall be paved. All vehicles, trailers and campers shall park on a paved driveway or parking space.

When a covered garage or carport will not be provided for the required parking spaces of a residential structure, the required spaces shall be paved and located so that an enclosed structure could be constructed at a future date.

(b) Parking incidental to residential use. Required parking areas shall be incidental and accessory to a use permitted in the district in which the property is located. Parking areas incidental to and accessory to a commercial or industrial use located in an adjacent C or I District may be allowed subject to obtaining an approved conditional use permit from the Planning Commission.

(c) Use of parking space. All parking areas shall be used solely for the parking of private passenger vehicles except as provided in Section 9-2-114.

(d) Front yard setback restriction. No required parking ~~or storage~~ shall take place ~~on~~ in the ~~required~~ front yard setback area of any residence ~~except on~~.

(e) **Driveways.** Driveways shall comply with the paved area leading directly following design standards and permitting requirements:

(1) **Driveway width.** Driveways may range from a minimum of ten (10') feet (for single vehicles) to a ~~carport or enclosed~~ maximum of thirty (30') feet (for three vehicles) in width. The width shall be determined based on the number of garage door openings (or the equivalent in covered or open parking areas).

(2) **Additional driveway storage areas.** Driveways may be widened up to ten (10') feet for the purposes identified in Section 9-2-114 provided the additional storage areas meet the standards and conditions contained in that section.

(3) **Ribbon driveways.** Ribbon driveways, planted with turf or as expressly authorized in this article decomposed granite between the concrete strips, are permitted subject to the City's Standard Specifications and Drawings.

(4) **Circular driveways.** Circular driveways with a secondary driveway approach may be permitted for lots with more than sixty-five (65') feet of lot frontage. That portion of the circular driveway that does not lead to the required parking space(s) shall be no greater than ten (10') feet in width. To determine the width and outer edge for a ribbon driveway, the width and outer edge shall be determined using the center line of the ribbon driveway. The closest edge of the circular driveway shall be no closer than two and one-half (2.5') feet to a side property line. The curve radius of the driveway shall be no less than twenty-five (25') feet. At least twenty-two (22') feet of frontage shall be provided between the inner edges of the two driveway approaches, measured at the curb.

(5) **Lot frontage restrictions.** All driveways shall be constructed with a driveway approach approved by the Engineering Division. Driveway approach(es) shall not utilize more than forty (40%) percent of the lot frontage.

(6) **Front yard coverage.** The total paved area for all driveways and other vehicle storage areas shall not utilize more than fifty-five (55%) percent of the area of the front yard area. The front yard area shall be calculated as the area between the property line and the required front yard setback and the two side property lines.

(f) **Land use permit required.** Prior to constructing a circular driveway or widening a driveway pursuant to subsection (3), the property owner shall obtain approval of a minor administrative approval pursuant to TMC 9-5-300ART (Minor Administrative and Discretionary Permits).

9-2-208- Border barricades, screening, and landscaping.

(a) When a fence does not separate a parking area or ~~driveway~~drive aisle from any street or alley, a concrete curb or ~~timber~~ barrier not less than six (6") inches in height shall be located not less than two (2') feet from the street or alley line. The curb or barrier shall be securely installed and maintained.

(b) Every parking area abutting property located in the R District shall be separated from such property by a solid wall, view-obstructing fence, or compact evergreen hedge six (6') feet in height.

(c) Any parking areas or ~~driveway~~drive aisles visible from a public street shall be screened with landscaping to a height of three (3') feet.

(d) Any lights used to illuminate any parking area or car sales area shall be arranged to reflect light away from any premises on which a dwelling is located.

9-2-209- Off-street parking: Spaces required.

(a) **Uses enumerated.** Except as otherwise provided in this article, the number of off-street parking spaces required shall be as follows:

Off-Street Parking Space Requirements	
Use	Space Requirement
Assembly places including churches, clubs and lodges	1 space per 50 square feet of assembly area
Business, professional and financial offices	1 space per 250 square feet of gross floor area
Cafes, restaurants and other eating establishments	1 space per 3 seats or 1 space per 100 square feet of gross floor area when the number of seats is not known
Convalescent, nursing and group homes	1 space per 400 square feet of gross floor area
Industrial, manufacturing and warehousing	1 space per 1,000 square feet of gross floor area
Medical offices	1 space per 200 square feet of gross floor area
Motels, hotels	1 space per sleeping unit
Public facilities	1 space per 400 square feet of gross floor area
Recreational and health facilities	1 space per 100 square feet of gross floor area
Residential:	
Single-family	2 spaces per dwelling unit
Multifamily	1.5 spaces per dwelling unit plus 1 guest space per 4 dwelling units
Retail commercial uses	1 space per 300 square feet of gross floor area
Schools and classrooms	1 space per 200 square feet of gross floor area

(b) Undetermined uses.

(b) Alternative methods for determining parking space requirements. For developments with a known occupant and use, the Development Services Director may utilize alternative methods, such as the Institute of Transportation Engineers Parking Generation manual, parking surveys conducted at similar locations by the occupant, parking ratios used by other jurisdictions, and other studies, to establish the number of off-street parking spaces required for a particular use.

(c) Undetermined uses. In the event it is not possible to determine the number of parking spaces required for a particular use, the ~~Community~~ Development ~~Services~~ Director shall determine an adequate number of parking spaces based upon the standards and requirements for the most comparable use. Determination by the ~~Community~~ Development ~~Services~~ Director shall be ~~in accordance with Article 3 permitted upon approval of Chapter 9-5 TMC for a~~ minor discretionary ~~permits permit in accordance with TMC 9-5-300ART (Minor Administrative and Minor Discretionary Permits).~~

(d) Shared parking. Parking facilities may be shared if multiple uses cooperatively establish and operate the facilities, and if the uses are open during substantially different days or hours of the week and/or if one (1) use has a surplus of parking. Shared parking may be approved by the ~~Community~~ Development ~~Services~~ Director if:

(1) A sufficient number of parking spaces are provided to participating uses in accordance with this section;

(2) The applicant provides documentation substantiating the reasons for the requested parking reduction. The documentation should at least describe the nature of the uses, number of existing and proposed parking spaces, and the times when the uses operate to demonstrate the lack of conflict between the uses; and

(3) Additional documents, covenants, deed restrictions, or other agreements as deemed necessary by the ~~Community~~ Development ~~Services~~ Director are executed to assure that the required parking spaces and access are provided for the life of the uses and other similar future uses. A document shall be recorded to assure shared maintenance of the parking facilities.

9-2-210- Parking spaces for people with disabilities.

All parking facilities shall comply with the requirements of the California ~~Administrative Building~~ Code and with the sign requirements of the California Vehicle Code. One (1) parking space shall be provided for each dwelling unit designed for people with disabilities. Parking for people with disabilities shall be provided for all projects on the basis of total parking provided on-site.

9-2-211- Bicycle parking.

(a) **Where Required.** Bicycle parking spaces shall be provided for all commercial, industrial, public and semipublic uses: in accordance with this section and the California Building Code and Green Building Standards Code. Where these codes are more stringent, the Codes shall prevail over the standards in this section. Bicycle parking shall be in addition to automobile parking spaces.

(b) **Number Required.**

(1) **Commercial and industrial use classifications:** ~~Where ten (10) or more automobile parking spaces are required, the~~The number of bicycle parking spaces provided shall be a minimum of ten (10%) percent of the number of automobile parking spaces, with a minimum of one (1) two-bike capacity rack. In addition, for buildings with more than 10 tenant-occupants that add 10 or more vehicular parking spaces, secure bicycle parking for 5% of additional motorized vehicle parking spaces shall be provided, with a minimum of one space. Acceptable secure parking facilities shall be constructed in accordance with the California Green Building Standards Code and the City of Turlock Standard Specifications and Drawings.

(2) **Public and semipublic use classifications:** The number of bicycle parking spaces shall be provided as specified by a ~~Minor Administrative Permit~~minor administrative permit issued in accordance with ~~Article 3 of Chapter 9-5 for~~TMC 9-5-300ART (Minor Administrative and Minor Discretionary Permits).

(c) **Design Requirements.** ~~For each bicycle parking space required, a compatible secure bike rack shall be provided to which a user can secure the bicycle. The stationary object may be either a freestanding bicycle rack or a wall-mounted bracket, provided that it complies with the City of Turlock Standard Specifications and Drawings. Bicycle parking shall be provided in an open area near the building entrance(s) that allows public access to the bicycle rack and shall not interfere with pedestrian or vehicular circulation.~~

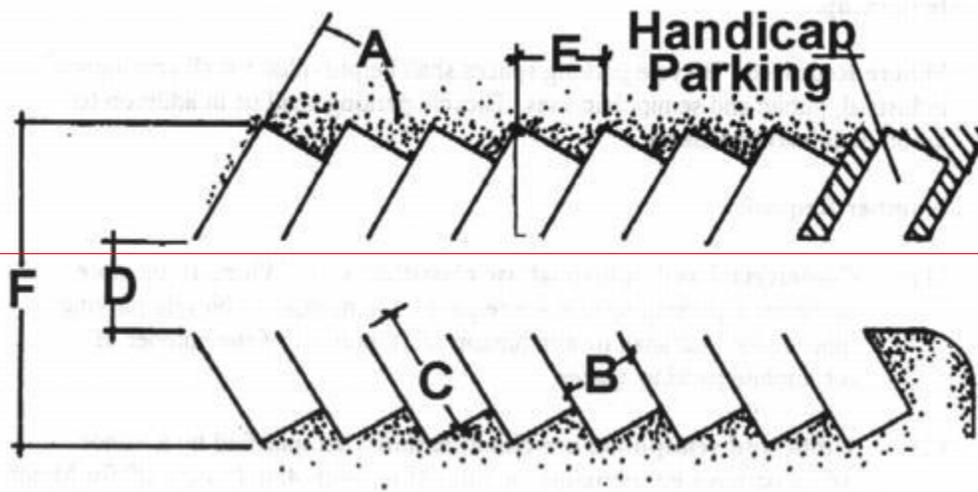
~~Bicycle parking shall be provided in a manner which does not interfere with pedestrian or vehicular circulation and shall be located near building entrances.~~

9-2-212- Off-street parking districts.

Any property located within an off-street parking district created under the general laws of the State shall be credited with its pro rata share of the off-street parking spaces being provided by the district when computing the number of off-street parking spaces required for any new construction, reconstruction, remodeling, or structural alteration of such property.

9-2-213- Parking configuration and aisle dimensions.

~~Every lot used as a public or private parking area~~Parking spaces, driveways, and drive aisles shall conform to be designed in accordance with the dimensions in the following diagramCity of Turlock Standard Specifications and table: Drawings. When an applicant can demonstrate to the satisfaction of the Development Services Director that variations on the dimensions required in these standards are necessary, a specific parking area design may be approved, subject to a minor administrative approval obtained in accordance with TMC 9-5-300ART, provided that the parking area design will not impede the flow of vehicles, reduce pedestrian safety, or hinder loading or unloading.



Parking Space Requirements at Various Parking Angles

Stall Angle A	Stall Width B	Stall-Depth C	Aisle-Width ¹ D	Curb Length E	Bay Width Curb F
30 ²	8'6"	16'11"	11'0"	17'0"	44'10"
30	9'0"	17'4"	11'0"	18'0"	45'8"
45 ²	8'6"	19'6"	13'6"	12'1"	52'6"
45	9'0"	19'10"	13'0"	12'9"	52'8"
60 ²	8'6"	20'8"	18'6"	9'10"	59'10"
60	9'0"	21'0"	18'0"	10'5"	60'0"
90 ²	7'6"	15'0"	20'0"	7'6"	50'0"
90	9'0"	19'0"	24'0"	9'0"	62'0"

1. Twenty-four (24') foot minimum aisle width for 2-way circulation.

2. Compact spaces – A maximum of thirty (30%) percent of the total parking spaces are allowed.

(Ord. 958-CS, Amended, 10/12/2000; Ord. 914-CS, Repealed and Replaced, 02/14/1997)

9-2-215 Parking access from street.

All spaces in a parking facility, except single family and multifamily dwellings with up to two (2) dwellings, shall be accessible and all circulation shall be internal without re-entering a public right-of-way unless it is determined by the Community Development Director to be physically impossible to provide for such access. However, an alley may be used as maneuvering space for access to off-street parking.

9-2-216 Driveway and corner visibility.

~~Street corners and driveways connecting with a public street shall be maintained as areas of unrestricted visibility ("clear vision zones") in accordance with the latest version of the City of Turlock Standard Specifications and Drawings.~~

~~**9-2-217 Additional for parking lots and structures.**~~ **9-2-214 Parking lot design standards.**

~~Parking lots for commercial, multi-family residential, industrial, and public uses shall have paving, drainage, wheel stops, curbing, lighting, space marking, and directional signs, which shall be subject to approval of the Community Development Services Director or designee. In reviewing the design of parking structures, the Community Development Services Director or the Planning Commission, as the case may be, shall consider the compatibility of the design with adjacent buildings or uses. The review of the parking lot design shall be incorporated into the applicable development review process, whenever possible.~~

~~The parking lot shall meet the following minimal design standards, as applicable:~~

~~(a) Driveways shall be provided between parking spaces and the street. A driveway approach shall be required for all driveway connections to the street unless exempted by the City Engineer. All driveways shall be paved. Permeable surfaces may be used if the City Engineer determines that the surface is structurally equivalent to a paved surface.~~

~~(b) Driveway approaches shall meet City of Turlock standards.~~

~~(c) Drive aisles providing internal circulation from the driveway to, and between, parking spaces shall be paved.~~

~~(d) Drive aisles within approved outdoor storage areas may be constructed of an all-weather surface when appropriate markings delineating drive aisles and/or parking spaces are provided and access by the general public is restricted by a permanent barrier.~~

~~(e) Wheel stops shall be installed to prevent vehicular encroachment into the public right-of-way, pedestrian paths and sidewalks, and to prevent collision with any above-ground obstacles.~~

~~(f) Raised concrete curbing shall be provided to prevent vehicular encroachment into landscaping,~~

~~(g) Parking spaces in Industrial Districts may be constructed of an all-weather surface when appropriate markings delineating aisles and spaces are provided.~~

~~(h) A maximum of thirty (30%) percent of the total parking spaces may be constructed as compact spaces.~~

~~(i) Parking spaces shall be located no closer than three (3') feet to any building, above-ground equipment, or any other obstacle. A three-foot (3') area surrounding the obstacle shall be striped. Bollards or wheel stops shall be provided in parking spaces adjacent to the obstacle to prevent vehicles from entering the striped area.~~

~~(j) The preferred parking space marking is double-striping to improve the efficiency of the parking area; however, single striping may be used.~~

(k) The parking area shall meet any additional requirements required by the California Building Code and/or the City of Turlock Standard Specifications and Drawings.

9-2-215 Driveway and corner visibility.

Street corners and driveways connecting with a public street shall be maintained as areas of unrestricted visibility ("clear vision zones") in accordance with the latest version of the City of Turlock Standard Specifications and Drawings.

9-2-216 Parking lot landscaping.

Parking lots and parking structures shall have interior and perimeter landscaping areas as prescribed by the following:

(a) Parking lots or parking structures adjoining street property lines or public streets shall have a perimeter landscape buffer with a minimum width as follows:

(1) If abutting an expressway: twenty (20') feet

(2) If abutting an arterial: fifteen (15') feet

(3) If abutting a collector: fifteen (15') feet

(4) If abutting a local collector: ten (10') feet

(5) If abutting a local street: five (5') feet

(b) Vehicle overhangs may encroach a maximum of two (2') feet into landscape areas which are a minimum of ten (10') feet wide.

(c) An average three (3') foot high [minimum two and one-half (2.5') foot and maximum three and one-half (3.5') foot] continuous screen shall be installed between all parking areas and public streets. A screen shall consist of one (1) or any combination of the following:

(1) **Walls.** A wall shall consist of concrete, concrete block, stone, brick, tile or similar type of solid masonry material.

(2) **Berms.** A berm shall be constructed of earthen materials and it shall be landscaped.

(3) **Solid fences.** A solid fence shall be constructed of wood, or other materials.

(4) **Plant materials.** Vegetation, consisting of trees or shrubs.

(d) Interior landscaped areas shall be a minimum of five (5') feet in width and length (minimum of 25 square feet for tree wells), exclusive of curbs.

(e) The end of each row of parking stalls shall be separated from aiseways by a landscaped planter or sidewalk.

(f) In all parking lots with a capacity of five (5) parking spaces or more, a minimum of one (1) shade tree for every five (5) spaces shall be provided in landscape islands within the parking lot. Tree spacing shall be such that every designated parking space is within thirty (30') feet of the trunk of a tree.

(g) All planting areas within or abutting a parking lot shall be protected with raised concrete curbs.

9-2-217 Parking access from street.

All spaces in a parking facility, except single family and multifamily dwellings with up to two (2) dwellings, shall be accessible and all circulation shall be internal without re-entering a public right-of-way unless it is determined by the Development Services Director to be physically impossible to provide for such access. However, an alley may be used as maneuvering space for access to off-street parking.

9-2-218- Location and design of off-street loading spaces.

On every lot in any C or I ~~District~~district on which is conducted any commercial use permitted in that district, there shall be provided space for the loading and unloading of goods and materials. These loading spaces shall not be less than fifteen (15') feet in width, nor less than twenty-five (25') feet in length, nor less than fourteen (14') feet in height. Required spaces shall not be within a building, but shall be on the site of the use served or on an adjoining site. On a site adjoining an alley, a required loading space shall be accessible from the alley unless alternative access is approved by the ~~Community~~-Development Services Director. A required loading space shall be accessible without backing a truck across a street property line unless the ~~Community~~-Development Services Director determines that provision of turn-around space is infeasible and approves alternative access. An occupied loading space shall not prevent access to a required off-street parking space. A loading area shall not be located in a required front or corner front yard. Except in a CH or I district, a loading area visible from a street shall be screened on three (3) sides by a fence, wall, or hedge at least six (6') feet in height.

9-2-219- Parking area plan required.

Prior to the construction of an off-street parking area for a non-residential use or a multi-family dwelling with more than four (4) units, a plan shall be submitted to the ~~Community~~ Development Services Director for the purpose of indicating compliance with the provisions of this ~~Division- article. The plan shall be reviewed and approved in accordance with the procedures for a minor administrative approval as set forth in TMC 9-5-300ART (Minor Administrative & Minor Discretionary Permits).~~ This plan shall include:

- (a) The location and placement of required landscaped areas and irrigation layout, including a computation of the required area;
- (b) A planting plan including a list of plants by name and size keyed to their location on the parking area;
- (c) Location and description of fencing and architectural screen walls;
- (d) Location and placement of parking stalls, including bumpers, striping and circulation, and directional signs, with all dimensions to permit comparison with approved parking standards;
- (e) Placement and illumination data of parking area lights; and
- (f) Method of drainage.

Article 3. Noise Standards

9-2-301 Specific Purposes.

In order to control unnecessary, excessive, and annoying noise and vibration on the City, it is hereby declared to be the policy of the City to prohibit such noise and vibration generated from or by all sources as specified in this ~~chapter~~ [article](#). It shall be the policy of the City to maintain quiet in those areas which exhibit low noise levels and to implement programs aimed at reducing noise in those areas within the City where noise levels are above acceptable values.

It is determined that certain noise levels and vibrations are detrimental to the public health, welfare, and safety and are contrary to the public interest. Therefore, the Council does ordain and declare that creating, maintaining, or causing, or allowing to be created, caused, or maintained, any noise or vibration in a matter prohibited by, or not in conformity with, the provisions of this ~~chapter~~ [article](#) is a public nuisance and shall be punishable as such.

9-2-302 Definitions.

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this ~~chapter~~ [article](#) are defined as follows:

“A weighted sound level” shall mean the sound level in decibels as measured on a sound level meter using the A weighting network weighted to the range of human hearing. The level so read is designated dB(a) or dBA.

“Ambient noise” shall mean all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources near and far. For the purpose of this ~~chapter~~ [article](#), the ambient noise level is the level obtained when the noise level is averaged over a period of fifteen (15) minutes without the inclusion of noise from isolated identifiable sources, at the location and time of day near that at which a comparison is to be made.

“Commercial area” shall mean any commercial area as defined in the General Plan and zoning provisions and designated by a “C” prefix in the zoning provisions and on the zoning map.

“Construction” shall mean any site preparation, assembly, erection, substantial repair, alteration, or similar action for or on public or private rights of way, structures, utilities, or similar property.

“Cumulative period” shall mean any additive period of time composed of individual time segments which may be continuous or interrupted.

“Decibel” shall mean a unit for measuring the amplitude of a sound, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals.

“Emergency work or action” shall mean work or action made necessary to restore property to a safe condition after a public calamity, or work required to protect persons or property from imminent exposure to danger or damage, or work by public or private utilities to restore utility service.

“Fixed noise source” shall mean a stationary device which creates sounds while fixed or motionless, including, but not limited to, residential, agricultural, industrial, and commercial machinery and equipment, pumps, fans, compressors, air conditioners, and refrigeration equipment.

“Impulsive sound” shall mean sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and the discharge of firearms.

“Industrial area” shall mean any industrial area as defined by the General Plan and zoning provisions and designated by an “I” prefix in the zoning provisions and on the zoning map.

“Intrusive noise” shall mean that noise which intrudes over and above the existing ambient noise at a given location. The relative intrusiveness of a sound depends upon its amplitude, duration, frequency and time of occurrence, and tonal or informational content, as well as the prevailing ambient noise level.

“Licensed” shall mean the possession of a formal license or a permit issued by the appropriate jurisdictional authority or, where no permits or licenses are issued, the sanctioning of the activity by the jurisdiction as noted in public records.

“Mobile noise source” shall mean any noise source other than a fixed noise source.

“Motor vehicle” shall mean and include any and all self-propelled vehicles as defined in the Vehicle Code of the State [of California](#), including all on highway type motor vehicles subject to registration under said code and all off highway type motor vehicles subject to identification under said code.

“Muffler or sound dissipative device” shall mean a device consisting of a series of chambers or baffle plates, or other mechanical design, for the purpose of receiving exhaust gas from an internal combustion engine and effective in reducing noise.

“Noise Control Officer” shall mean the City of Turlock code enforcement officer. The Noise Control Officer shall be empowered to enforce the provisions of this [chapter article](#).

“Noise disturbance” shall mean any sound which:

(1) Endangers or injures the safety or health of human beings or animals; or

(2) Annoys or disturbs a reasonable person of normal sensitivities; or

(3) Endangers or injures personal or real property.

“Noise level” shall mean a weighted sound pressure level in decibels obtained by using a sound level meter at slow response with a reference pressure of twenty (20) micropascals. The unit of measurement shall be designated as dBA.

“Noise sensitive zone” shall mean any area so designated for the purpose of ensuring exceptional quiet, for example, a hospital zone, nursing home, or family care home.

“Noise zone” shall mean any defined area or region of a generally consistent land use wherein the ambient noise levels are within a range of five (5) dB.

“Person” shall mean a person, firm, association, partnership, joint venture, corporation, or any entity, public or private in nature.

“Public right of way” shall mean any street, avenue, boulevard, highway, sidewalk, alley, or similar place which is owned or controlled by a governmental entity.

“Public space” shall mean any real property, or structure thereon, which is owned or controlled by a governmental entity.

“Pure tone” shall mean any sound which can be judged as audible by the Noise Control Officer as a single pitch or a set of single pitches.

“Real property boundary” shall mean an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intra building real property divisions.

“Residential area” shall mean any residential area as defined in the General Plan and zoning provisions and designated by an “R” prefix in the zoning provisions and on the zoning map.

“Sound amplifying equipment” shall mean any device for the amplification of the human voice, music, or any other sound, excluding standard automobile radios when used and heard only by the occupants of the vehicle in which the radio is installed, and, as used in this [chapter article](#), warning devices on authorized emergency vehicles or horns or other warning devices on any vehicle used only for traffic safety purposes.

“Sound level meter” shall mean an instrument, including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurement of sound levels, which meets or exceeds the requirements pertinent for type S1A meters in the American National Standards Institute Specifications for sound level meters, S1.4 1971, or the most recent revision thereof.

“Sound truck” shall mean any motor vehicle, regardless of motive power, whether in motion or stationary, having mounted thereon or attached thereto any sound amplifying equipment.

“Vibration perception threshold” shall mean the minimum ground or structure borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or the visual observation of moving objects. The perception threshold shall be presumed to be a motion velocity of .005 in/sec over the range of one to 100 Hz.

“Zone” shall mean any of the zones specified in this Code as such zones are presently identified there and as they may be subsequently modified or altered.

9-2-303 General noise regulations.

Notwithstanding any other provision of this [chapter article](#), and in addition thereto, it shall be unlawful for any person to willfully or negligently make or continue, or cause to be made or continued, any loud, unnecessary, or unusual noise which disturbs the peace and quiet of any neighborhood or which causes any discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area. Noncommercial public speaking and public assemble activities conducted on any public space or public right of way shall be exempt from the operation of this [section article](#).

9-2-304 Preliminary action.

If it is determined by the responding agency that a sound level in excess of the levels prescribed by this ~~chapter~~ article exists, the following procedures shall be followed:

(a) A written warning shall be issued by the Noise Control Officer or his agent to the person responsible for the event causing the disturbance.

(b) If the disturbance persists for more than fifteen (15) minutes following the notice, or recurs within an eight (8) hour period, then the person responsible for the event causing the disturbance shall be guilty of a violation of this ~~chapter~~ article. Any such violation shall be an infraction.

9-2-305- Factors of determination.

The factors which will be considered in determining whether a violation of the provisions of this ~~chapter~~ article exists shall include, but not be limited to the following:

(a) The sound level of the alleged objectionable noise;

(b) The sound level of the ambient noise;

(c) The proximity of the noise to residential sleeping facilities;

(d) The nature and zoning of the area within which the noise emanates;

(e) The number of persons affected by the noise source;

(f) The time of day or night the noise occurs;

(g) The duration of the noise and its tonal, musical, or informational content; and

(h) Whether the noise is continuous, recurrent, or intermittent.

9-2-306 Noise measurement procedure.

Upon the receipt of a complaint from a citizen, the Noise Control Officer or his agent, equipped with a sound level meter, shall investigate the complaint. The investigation shall consist of a measurement taken according to the Enforcement Manual and the gathering of data to adequately define the noise problem and shall include the following:

(a) **Non-acoustic data.**

(1) The type of the noise source;

(2) The location of the noise source relative to the complainant's property;

(3) The time period during which the noise source is considered by the complainant to be intrusive;

(4) The total duration of the noise produced by the noise source; and

(5) The date and time of the noise measurement survey.

(b) **Acoustic data.** Utilizing the A weighting scale of the sound level meter and the “slow” meter response, the Noise Control Officer or his agent shall measure the sound level at any point on the receiver’s property.

9-2-307 Noise Limits.

The provisions of this section address noise intrusions over and above the noise normally associated with a given location (intrusions over the ambient level). The ambient noise varies throughout the community, depending upon proximity to highways, population density, and land use. Difference standards are set for various segments of the community which reflect the existing day and nighttime ambient noise levels.

The ambient noise level is defined in terms of statistical parameters which describe the total noise occurring over any hourly time period.

A noise intrusion is judged by comparing such noise statistics with the noise source on, versus such statistics with the noise source off (the ambient). Violations of the provisions of this article may be cited in terms of particular levels exceeded or in terms of the length of time the intrusive noise exceeded such standards. Compliance with the noise emission standards as set forth in this section shall constitute the elimination of a noise disturbance.

(a) **Exterior noise standards.**

Exterior Noise Limits (Levels Not To Be Exceeded More Than 30 Minutes in Any Hour)				
Receiving Land Use Category	Time Period	Noise Level (dBA) Noise Zone Classification		
		Rural/Suburban	Suburban	Urban
Residential One & Two-Family	10:00 p.m. - 7:00 a.m.	40	45	50
	7:00 a.m. - 10:00 p.m.	50	55	60
Multiple Dwelling	10:00 p.m. - 7:00 a.m.	45	50	55
	7:00 a.m. - 10:00 p.m.	50	55	60
Public Space Limited	7:00 a.m. - 10:00 p.m.	50	55	60
Commercial Multiple Dwellings	10:00 p.m. - 7:00 a.m.		55	
	7:00 a.m. - 10:00 p.m.		60	
Commercial	10:00 p.m. - 7:00 a.m.		60	
	7:00 a.m. - 10:00 p.m.		65	
Light Industrial Heavy Industrial	Any Time		70	
	Any Time		75	

(1) The classification of different areas of the community in terms of environmental noise zones shall be determined by the Noise Control Officer, based upon the assessment of the community noise survey data and noise contours established by the Noise Element of the General Plan. Additional area classifications should be used as appropriate to reflect both lower and higher existing ambient levels than those shown. Industrial noise limits are

intended primarily for use at the boundaries of industrial zones rather than for noise reduction within the zone.

(2) Maximum permissible sound levels for churches and similar organizations using amplified bells, chimes or other similar devices. Any church or similar organization using amplified bells, chimes or other similar devices shall only use same during the time period reflected herein below and shall not exceed the following maximum permissible sound level nor shall the playing period exceed more than thirty (30) minutes in any one hour:

Amplified Bells or Chimes (Not to exceed 30 minutes in one hour)			
Noise Zone	Receiving Land Use Category	Time Period	Maximum Permissible Sound Level (dBA)
All Noise Zones as specified in TMC §9-2-307(a)	All Receiving Land Use Categories as specified in TMC §9-4-507-2-307(a)	8:00 a.m. - 10:00 p.m.	60 dBA

(b) Interior noise standards.

Maximum Permissible Dwelling Interior Sound Levels			
Noise Zone	Type of Land Use	Time Interval	Allowable Interior Noise Level (dBA)
All	Residential	10:00 p.m. - 7:00 a.m.	35
		7:00 a.m. - 10:00 p.m.	45

(1) The interior noise standards for multi-family residential dwellings as set forth in this section shall apply, unless otherwise specifically indicated, within all such dwellings with windows in their normal seasonal configuration.

(2) No person shall operate, or cause to be operated, within a dwelling unit any source of sound or allow the creation of any noise which causes the noise level when measured inside a neighboring receiving dwelling unit to exceed:

(i) The noise standard as specified in this section for a cumulative period of more than five (5) minutes in any hour; or

(ii) The noise standard plus five (5) dB for a cumulative period of more than one minute in any hour; or

(iii) The noise standard plus ten (10) dB or the maximum measured ambient for any period of time.

9-2-308 Maximum permissible sound levels by receiving land uses.

The maximum sound levels shall be determined as follows:

(a) The noise standards for the various categories of land use identified by the Noise Control Officer as set forth in ~~Section TMC 9-2-307 of this article,~~ unless otherwise specifically indicated, shall apply to all such property within a designated zone.

(b) No person shall operate, or cause to be operated, any source of sound at any location within the incorporated City, or allow the creation of any noise on property owned, leased, occupied, or otherwise controlled by such person, which causes the noise level, when measured on any other property, either incorporated or unincorporated, to exceed:

(1) The noise standard for that land use as specified in ~~Section 9-2-307 of this article~~ TMC 9-2-307 for a cumulative period of more than thirty (30) minutes in any hour; or

(2) The noise standard plus five (5) dB for a cumulative period of more than fifteen (15) minutes in any hour; or

(3) The noise standard plus ten (10) dB for a cumulative period of more than five (5) minutes on any hour; or

(4) The noise standard plus fifteen (15) dB for a cumulative period of more than one minute in any hour; or

(5) The noise standard plus twenty (20) dB or the maximum measured ambient level for any period of time.

(c) If the measured ambient level differs from that permissible within any of the first four (4) noise limit categories set forth in subsection (b) of this section, the allowable noise exposure standard shall be adjusted in five (5) dB increments in each category as appropriate to encompass or reflect such ambient noise level. In the event the ambient noise level exceeds the fifth noise limit category, the maximum allowable noise level under such category shall be increased to reflect the maximum ambient noise level.

(d) If the measurement location is on a boundary between two (2) different zones, the noise level limit applicable to the lower noise zone, plus five (5) dB, shall apply.

(e) If possible, the ambient noise shall be measured at the same location along the property line utilized in subsection (b) of this section, with the alleged offending noise source inoperative. If for any reason the alleged offending noise source cannot be shut down, the ambient noise shall be estimated by performing a measurement in the same general area of the source but at a sufficient distance such that the noise from the source is at least ten (10) dB below the ambient in order that only the ambient level is measured. If the difference between the ambient and the noise source is five (5) to ten (10) dB, then the level of the ambient itself can be reasonably determined by subtracting a one decibel correction to account for the contribution of the source.

(f) In noise sensitive zones the maximum permissible sound level shall be exceeded by:

(1) Creating or causing the creation of any sound within any noise sensitive zone so as to exceed the specified land use noise standards set forth in ~~Section 9-2-305 of this article~~ TMC 9-2-307 provided conspicuous signs are displayed indicating the presence of the zone; or

(2) Creating or causing the creation of any sound within or adjacent to any noise sensitive zone containing a hospital, nursing home, school, court, or other designated area so as to interfere with the functions of such activity or annoy the occupancy in the activity provided conspicuous signs are displayed indicating the presence of the zone.

9-2-309 Prohibited acts.

The following acts are hereby prohibited:

(a) **Radios, television sets, musical instruments, and similar devices.** Operating, playing, or permitting the operation or playing of any radio, television set, phonograph, drum, musical instrument, or similar device which produces or reproduces sound in such a manner as to create a noise disturbance, except for activities for which a variance has been issued by the Noise Control Officer;

(b) **Loudspeakers (amplified sound).** Using or operating for any purpose any loudspeaker, loudspeaker system, or similar device such that the sound therefrom creates a noise disturbance, except for any activity, special event or time period for which a variance or permit has been issued by the Noise Control Officer;

(1) **Exception.** Churches and other such organizations may use amplified bells, - chimes or similar devices in accordance with the provisions in Section 9-2-307(a)(42).

(2) **Exception.-** Amplified sound shall be allowed at Central Park between the hours of 8:00 a.m. and 10:00 p.m. in accordance with the provisions of this [chapter article](#).

(c) **Yelling and shouting.** Loud or raucous yelling, shouting, whistling, or singing so as to cause a noise disturbance;

(d) **Street sales.** The solicitation, sale, or advertising of any product or service by shouting or outcry within any residential or commercial area or noise sensitive zone of the City, except by variance issued by the Noise Control Officer;

(e) **Animals.** Keeping or maintaining, or permitting to be kept or maintained, upon any premises owned, occupied, or controlled by any person any animal which, by any frequent or long continued noise, shall cause annoyance or discomfort to two (2) or more reasonable persons of normal sensitiveness who reside in separate residences (including apartments and condominiums). However, the Noise Control Officer or his agent may proceed on the basis of a complaint of only one person if circumstances are determined to exist whereby a noise disturbance caused by an animal affects only one individual. Any noise which is audible continuously for ten (10) minutes or intermittently for thirty (30) minutes shall be prima facie evidence of such annoyance or discomfort. Factors which can be used to evaluate excessive animal noise include, but are not limited to, (a) the time of day; (b) the pitch; (c) the pattern; (d) the duration; and (e) the frequency of occurrence;

(f) **Loading and unloading.** Loading, unloading, opening, closing, or other handling of boxes, crates, containers, building materials, or similar objects between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to cause a noise disturbance across a residential real property line;

(g) **Construction or demolition.**

(1) **Hours of operation.** Operation or causing the operation of any tools or equipment used in construction, drilling, repair, alteration, or demolition work between weekday hours of 7:00 p.m. and 7:00 a.m. or (8:00 p.m. and 9:00 a.m. on weekends or holidays) such that the sound therefrom creates a noise disturbance across a residential or commercial real property line, except for emergency work or public service utilities or by variance issued by the Noise Control Officer; and

(2) **Noise restrictions at affected properties.** Where technically and economically feasible, construction activities shall be conducted in such a manner that the maximum sound levels at affected properties will not exceed those listed in the following schedule:

(i) **Mobile equipment.** Maximum sound levels for nonscheduled, intermittent, short term operation (less than ten (10) days per month) of mobile equipment:

Mobile Construction Equipment			
Time Interval	One and Two Family Residential	Multiple Family Residential	Commercial & Industrial
Daily 7:00 a.m. - 7:00 p.m.	75	80	85
Weekends/Holidays 9:00 a.m. - 8:00 p.m.	60	65	70

(ii) **Stationary equipment.** Maximum sound levels for repetitively scheduled and relatively long term operation (periods of ten (10) days or more per month) of stationary equipment:

Stationary Construction Equipment			
Time Interval	One and Two Family Residential	Multiple Family Residential	Commercial & Industrial
Daily 7:00 a.m. - 7:00 p.m.	60	65	70
Weekends/Holidays 9:00 a.m. - 8:00 p.m.	50	55	60

(h) **Vibration.** Operating or permitting the operation of any device which creates a vibration which annoys or disturbs at least two (2) or more reasonable persons of normal sensitivity who reside in separate residences (including apartments and condominiums) at or beyond the property boundary of the source, on private property, or at least 150 feet (forty six (46) meters) from the source, on a public space or public right of way;

(i) **Motor vehicle noise limits.**

(1) **Motor vehicles.** - It shall be the policy of the City to enforce those sections of the Vehicle Code of the State of California regarding motor vehicle noise limits and equipment violations which create noise problems, motor vehicle horns, sound levels emitted from off highway vehicles operating off the public right of way, and successors thereof. Commercial

maintenance equipment and machinery shall be equipped with proper mufflers and air-intake silencers in good working order.

(2) **Refuse collection vehicles.** No person shall collect refuse with a refuse collection vehicle between the hours of 6:00 p.m. and 5:00 a.m. of the following day in a residential area.

(3) **Vehicle, motorboat, and aircraft repair and testing.**—No person shall repair, rebuild, modify, or test any motor vehicle, motorboat, or aircraft in such a manner as to create a noise disturbance across a residential real property line or at any time to violate the provisions of this [chapter article](#);

(j) **Powered model vehicles.**—Operating or permitting the operation of powered model vehicles so as to create a noise disturbance across a residential or commercial real property line or at any time to violate the provisions of this [chapter article](#);

(k) **Emergency signaling devices.**

(1) The intentional sounding or permitting the sounding outdoors of any fire, burglar, or civil defense alarm, siren, whistle, or similar stationary emergency signaling device, except for emergency purposes or for testing as provided in subsection (2) of this subsection;

(2) [Sound testing.](#)

(i) Testing of a stationary emergency signaling device shall not occur before 7:00 a.m. or after 7:00 p.m. Any such testing shall use only the minimum cycle test time. In no case shall such test time exceed sixty (60) seconds; and

(ii) Testing of the complete emergency signaling system, including the functioning of the signaling device, and the personnel response to the signaling device, shall not occur more than once in each calendar month. Such testing shall not occur before 7:00 a.m. or after 10:00 p.m. The time limit specified in subsection (i) of this subsection shall not apply to such complete system testing; and

(3) Sounding or permitting the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm unless such alarm is terminated within fifteen (15) minutes after any single security violation or false alarm.

(l) **Domestic power tools, machinery, heating, venting, or air conditioning (HVAC) equipment.**

(1) Operating or permitting the operation of any mechanically powered saw, sander, drill, grinder, lawn or garden tool, or similar tool between 10:00 p.m. and 7:00 a.m. on weekdays (or 8:00 p.m. and 9:00 a.m. on weekends and legal holidays) so as to create a noise disturbance across a residential or commercial real property line; and

(2) Any motor, machinery, or pump, such as swimming pool or HVAC equipment and the like, installed or replaced after October 11, 1984, shall be sufficiently enclosed or muffled and maintained so as not to create a noise disturbance across a residential or commercial real property line;

(m) **Places of entertainment.** Operating or permitting the operation or playing of any loudspeaker, musical instrument, motorized racing vehicle, or other source of sound which exceeds ninety-five (95) dBA as read on the scale of a sound level meter in any place of public entertainment at any point normally occupied by a customer without a conspicuous and legible sign stating "Warning Sound Levels Within May Cause Hearing Impairment"; and

(n) **Tampering.** The removal or rendering inoperative, other than for purposes of maintenance, repair, or replacement, of any noise control device, or element thereof, of any product required to meet specified noise emission limits under Federal, State, or local laws and the use of such product after its noise control device has been removed or rendered inoperative, other than for purposes of maintenance, repair, or replacement.

9-2-310- Emergency exemptions.

The provisions of this ~~chapter article~~ shall not apply to:

- (a) The emission of sound for the purpose of alerting persons to the existence of an emergency; or
- (b) The emission of sound in the performance of emergency work.

9-2-311- Miscellaneous exemptions.

(a) **Warning devices.** Warning devices necessary for the protection of the public safety, as, for example, police, fire, and ambulance sirens, shall be exempted from the provisions of this ~~chapter article~~.

(b) **Outdoor activities.** The provisions of this ~~chapter article~~ shall not apply to occasional outdoor gatherings, public dances, shows, and sporting and entertainment events provided such events are conducted pursuant to a permit or license issued by the City relative to the staging of such events.

(c) **Agricultural operations.** All mechanical devices, apparatus, or equipment associated with acceptable agricultural operations or practices conducted on agricultural property shall be exempt from the provisions of this ~~chapter article~~. If, however, the operation is in the vicinity of residential land uses, and/or in operation for less than one year, a variance permit shall be required to operate noise producing devices, with the following conditions:

- (1) That operations do not take place between 8:00 p.m. and 5:00 a.m.; or
- (2) That such operations and equipment are utilized for the protection or salvage of agricultural crops during periods of potential or actual frost damage or other adverse weather conditions; or
- (3) That such operations and equipment are associated with agricultural pest control through pesticide applications provided the applications are made in accordance with permits issued by or regulations enforced by the Country Agricultural Commissioner; and
- (4) That such devices utilized for pest control which incorporate stationary or mobile noise sources (electro mechanical bird scare devices and the like) are operated only by a permit

issued by the Noise Control Officer. The allowable hours and days for the operation of such devices will be specified in the permit; and

(5) That all equipment and machinery powered by internal combustion engines shall be equipped with a proper muffler and air intake silencer in good working order.

(d) **Churches and other similar organizations.**—Any church or other similar organization which use unamplified bells, chimes or other similar devices are exempt from the provisions of this [chapter article](#) so long as said church or other similar organization plays such between the time period of 8:00 a.m. and 10:00 p.m. and the playing period does not exceed thirty (30) minutes in any one (1) hour.

9-2-312 Federal and State preempted activities.

Any other activity shall be exempt from the provisions of this [chapter article](#) to the extent regulation thereof has been preempted by State or Federal laws.

9-2-313- Special variances.

(a) The Planning Commission is authorized to grant variances for exceptions from any provision of this [chapter article](#), subject to limitations as to area, noise levels, time limits, and other terms and conditions as the Planning Commission determines are appropriate to protect the public health, safety, and welfare from the noise emanating therefrom. This section shall in no way affect the duty to obtain any permit or license required by law for such activities.

(b) Any person seeking a variance pursuant to this section shall file an application with the Planning Commission. The application shall contain information which demonstrates that bringing the source of sound or activity for which the variance is sought into compliance with this chapter would constitute an unreasonable hardship on the applicant, on the community, or on other persons. The application shall be accompanied by a fee in the amount of Fifty and no/100ths (\$50.00) Dollars. A separate application shall be filed for each noise source; provided, however, several mobile sources under common ownership, or several fixed sources on a single property, may be combined into one application. Notice of an application for a variance shall be published according to this Code. Any individual who claims to be adversely affected by the allowance of the variance may file a statement with the Planning Commission containing any information to support his claim. If at any time the Planning Commission finds that a sufficient controversy exists regarding an application, a public hearing will be held.

(c) In determining whether to grant or deny the application the Planning Commission shall balance the hardship of not granting the variance on the applicant, the community, and other persons against the adverse impact on the health, safety, and welfare of persons affected, the adverse impact on property affected, and any other adverse impacts of granting the variance. Applicants for variances and persons contesting variances may be required to submit such information as the Planning Commission may reasonably require. In granting or denying an application, the Planning Commission shall keep on public file a copy of the decision and the reasons for denying or granting the variance.

(d) Variances shall be granted by notice to the applicant containing all necessary conditions, including a time limit on the permitted activity. The variance shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any condition of the variance shall terminate the variance and subject the person holding it to those provisions of this [chapter article](#) for which the variance was granted.

(e) A variance shall not exceed 365 days after the date in which it was granted. Applications for the extension of the time limits specified in variances or for the modification of other substantial conditions shall be treated like applications for initial variances under subsection (b) of this section.

(f) The Planning Commission shall issue guidelines defining the procedures to be followed in applying for a variance and the criteria to be considered in deciding whether to grant a variance.

9-2-314- Variance from time to comply.

On or before January 9, 1985, the owner of any commercial or industrial source of sound may apply to the Planning Commission for a variance in time to comply with the provisions of this ~~chapter, article.~~ The Planning Commission shall have the authority, consistent with this section, to grant a variance ~~(not to exceed five (5) years from the effective date of this chapter)-1.~~ The same procedures and considerations by the Planning Commission as followed under Section ~~9-2-313-~~ of this article shall likewise apply.

9-2-315- Appeals.

Appeals of an adverse decision of the Planning Commission shall be made to the Council. Reviews by the Council shall be as specified in this Code.

Article 4. Nonconforming Structures and Uses

9-2-401 Specific purposes.

This article limits the number and extent of nonconforming uses by limiting their enlargement, their re-establishment following abandonment, their alteration, their relocation, and their restoration. This article, while permitting the use and maintenance of nonconforming structures, limits their restoration, alteration, enlargement, or relocation upon the site in any manner that would increase the discrepancy between the standards contained in this article and the conditions existing on the subject property.

It is recognized that nonconforming uses and structures generally persist and their appearance gradually deteriorates when the standards for repair and improvement are too restrictive. It is the intent of this article to provide limited but reasonable opportunity for nonconforming uses and structures that are not a public nuisance to be repaired and improved if it is in the public interest. This article also provides for the removal of nonconforming uses and structures or change to conforming uses and structures when such uses and structures are a public nuisance.

9-2-402 Nonconforming Uses.

(a) **Defined.**- A ~~non-conforming~~nonconforming use is a lawful use of land that does not comply with the current use regulations for its zoning district but which complied with the applicable regulations at the time the use was established. A nonconforming use includes those that operate without a structure.

(b) **Regulations.**

~~(1) When authorized by the Planning Commission as a conditional use in accordance with the provisions of Article 6 of Chapter 9-5 TMC, the substitution for~~

(1) ~~The re-establishment of a legal nonconforming use or the substitution of a nonconforming use of another nonconforming use of the same or more restrictive classification may be made-~~ upon approval of a minor discretionary permit in accordance with TMC 9-5-300ART (Minor Administrative and Minor Discretionary Permits). The new nonconforming use must have a similar or less severe impact on its surroundings in terms of noise, traffic, parking, hours of operation and visual incompatibility. Nonconforming uses not meeting these requirements may be allowed upon approval of a conditional use permit in accordance with TMC 9-5-600ART (Conditional Use Permits).

(2) The repair, maintenance, remodel, alteration, and replacement of a structure used for a nonconforming use (and/or site improvements) may be allowed so long as there is no increase in the operation or floor area devoted to the use, or change in the size or location of any structures. The structural and/or site improvements described above may be approved if it can be determined that they do not adversely affect neighboring properties, that they do not increase the degree of nonconformity, and are in the public interest.

(3) The expansion or enlargement of a structure used for a nonconforming use and/or site improvements ~~that do not increase the existing level of nonconformity is continued~~ may be allowed as follows:

(i) Structural improvements that enlarge or expand an existing structure used for a nonconforming use and/or the expansion or enlargement of the site by more than one thousand (1,000) square feet, or more than twenty-five (25%) of the existing structure's floor area or lot area, whichever is greater, may be allowed upon approval of a conditional use permit in accordance with ~~Article 5 of Chapter 9-5~~ TMC: 9-5-600ART (Conditional Use Permits- and Variances).

(ii) ~~The~~ Structural improvements that enlarge or expand an existing structure used for a nonconforming use and/or the expansion or enlargement ~~or expansion shall not exceed fifty (50)~~ of the site by no more than one thousand (1,000) square feet or no more than twenty-five (25%) percent of the existing structure's floor area and/or lot area-, whichever is greater, may be allowed upon approval of a minor discretionary permit in accordance with TMC 9-5-300ART (Minor Administrative and Minor Discretionary Permits).

(iii) The structural and/or site improvements described above may be approved if it can be determined they will not adversely affect neighboring properties, and are in the public interest.

(iv) The expansion or enlargement of nonconforming residences in nonresidential zoning districts shall comply with the development standards established for the applicable residential zoning district, not the zoning district in which it is located.

9-2-403- Nonconforming Structures.

(a) **Defined.** - A nonconforming structure is any building or structure that does not comply with one or more of the regulation limitations on size, height, and location on a lot, or the applicable zoning district in which such building or structure is located. ~~(Refer to Article 507 of Chapter 2 of Title~~ (refer to TMC 9:-2-507 (Nonconforming Signsignage).

(b) **Regulations.**

(1) The repair, maintenance, remodel, alteration, and replacement of a nonconforming structure where the level of nonconformity is maintained so long as there is no increase in the operation or floor area devoted to the use, or change in the size or location of any structures. The structure improvements described above may be approved if it can be determined they will not adversely affect neighboring properties, and are in the public interest.

(2) The expansion or enlargement of a nonconforming structure ~~where the existing level of nonconformity is maintained is allowed~~ used may be allowed as follows:

i) Structural improvements that enlarge or expand an existing ~~nonconforming~~ structure ~~may be allowed with a Conditional Use Permit in accordance with Article 6 by more than one thousand (1,000) square feet, or more than twenty-five (25%) of the existing structure's floor area or lot area, whichever is greater, may be allowed upon approval of Chapter 9-5 a conditional use permit in accordance with TMC:- 9-5-600ART (Conditional Use Permits and Variances. The enlargement or expansion shall not create new nonconformities or increase the extent of).~~

(ii) Structural improvements that enlarge or expand an existing nonconformities structure by no more than one thousand (1,000) square feet or no more than twenty-five (25%) percent of the existing structure's floor area or lot area, whichever is greater, may be allowed upon approval of a minor discretionary permit in accordance with TMC 9-5-300ART (Minor Administrative and Minor Discretionary Permits).

~~(ii) The enlargement or expansion shall not exceed fifty (50%) percent of the existing structure's floor area within any five (5) year period.~~

(iii) The structural improvements described above may be approved if it can be determined that they do not adversely affect neighboring properties, are in the public interest, and are necessary to ensure visual compatibility with the existing structure.

(iv) The expansion or enlargement of nonconforming residences in nonresidential zoning districts shall comply with the developments standards established for the applicable residential zoning district, not the zoning district in which it is located.

9-2-404- Loss of Nonconforming Status.

A nonconforming use which ceases or a nonconforming structure that is unoccupied for a continuous period of twelve (12) months shall lose its legal nonconforming status. The premises on which the nonconforming use is located shall then be used for conforming uses and the nonconforming structure shall be removed or altered to conform unless a ~~Conditional Use Permit~~ conditional use permit is ~~obtain~~ obtained in accordance with ~~Article 6 of Chapter 9-5: TMC 9-5-600ART (Conditional Use Permits and Variances-).~~

9-2-407-405 Discontinuance.

(a) **Declaration of unlawful uses or structures.** - It is hereby declared that nonconforming uses of land or nonconforming structures within the City of Turlock as set forth in this ~~section~~ article that are found to be a public nuisance are detrimental to the orderly development of the City and as detrimental to the health, safety, peace, comfort, and general welfare of persons and property within the City of Turlock. It is further declared to be the policy of the City that such

nonconforming uses or structures shall be eliminated as rapidly as may be done without infringing upon the constitutional rights of the owners of such nonconforming property.

(b) **Procedures to determine time for discontinuance.**— A nonconforming use or structure that is determined to be a public nuisance and a serious detriment to the health, safety, peace, comfort, and general welfare of persons and property within the surrounding area may be administratively ordered to discontinue upon determination by the **Community Development Services** Director, or designee. A nonconforming use or structure shall be discontinued within the following time frame:

(1) A nonconforming use which does not involve the use of a structure shall be discontinued in five (5) years.

(2) A nonconforming use which does involve the use of a structure shall be discontinued in ten (10) years.

(3) A nonconforming structure shall be abandoned or removed in ten (10) years.

(c) **Appeals.**— Should an owner of property upon which a nonconforming use has been administratively ordered discontinued disagree with such order, such owner may appeal as provided in Title 1, Chapter 4 of the Turlock Municipal Code.

9-2-408 406 Replacement and repairs due to damage.

(a) If at any time any nonconforming residential building is damaged or destroyed by fire, flood, explosion, wind, earthquake, war, riot, or other calamity or act of God, such building may be rebuilt within one (1) year to total floor area not exceeding that which such building originally contained and such building may continue as set forth in this article for nonconforming uses and buildings.

(b) Any nonconforming commercial or industrial building or structure damaged by fire, flood, explosion, wind, earthquake, war, riot, or other calamity or act of God to such an extent that repairs or replacements are required, the cost of which exceeds sixty (60%) percent of its current appraised value for tax purposes at the time of damage, exclusive of the foundation, shall not be restored or reconstructed and used as before such happening. If such building is less than sixty (60%) percent damaged above the foundations, it may be restored, reconstructed, or used as before; provided, however, the restoration or reconstruction shall be substantially completed within one (1) year of such happening.

9-2-409 407 Repairs and maintenance.

Such repairs and maintenance work as required to keep a nonconforming building or structure in sound condition may be made; provided, however, no structural alterations shall be made except as are required by law or authorized by the **Planning** Commission as a conditional use pursuant to the provisions of **Article 6 of Chapter 9-5 of this title. TMC 9-5-600ART (Conditional Use Permits and Variances)**. Except as otherwise provided in this **chapter article**, the total structural repairs and alterations which may be made to a nonconforming building or structure shall not, during its life subsequent to the date of its becoming a nonconforming use, exceed fifty (50%) percent of its then appraised value for tax purposes unless such building or structure is changed to a conforming use.

9-2-410 408 Exceptions to provisions.

The provisions of this article shall not require any change in the overall layout, plans, construction, size, or designated use of any development, building, or structure, or part thereof, where official approvals and required building permits have been granted before the effective date of this ordinance, or of any amendment to the provision of this [chapter article](#), the construction of which building, conforming with such plans, shall have been started prior to the effective date of this ordinance, and the completion thereof carried on in a normal manner within the subsequent six (6) month period and not discontinued until completion except for reasons beyond builder's control.

Article 5. Signs

9-2-501- Purpose.

The purpose of this [chapter article](#) is to provide minimum standards to safeguard the life, health, property, and public welfare in keeping with the character of the City by regulating and controlling the size, height, structural design, quality of materials, construction, location, electrification, and maintenance of all signs and sign structures not located within a building (except temporary unlighted signs attached to or affixed upon windows) and to accomplish the following results:

- (a) To promote and enhance the character of residential neighborhoods and property values by prohibiting obtrusive and incompatible signs; and
- (b) To protect and maintain healthy commercial centers and property values for the effective communication of the nature of goods and services and the avoidance of wasteful, ugly, and unsightly competition in signs; and
- (c) To provide a reasonable and comprehensive system of controls of signs; and
- (d) To encourage a desirable urban character, which has a minimum of overhead clutter; and
- (e) To encourage signs which are well designed and pleasing in appearance and to provide incentive and latitude for variety, good design relationship, spacing, and location; and
- (f) To attract and direct persons to various activities and enterprises in order to provide for the maximum public convenience; and
- (g) To enhance the economic value of the community, and each area of it, through the regulation of the size, location, design, and illumination of signs.

9-2-502 Interpretation.

Whenever a reference in this [chapter article](#) is made to "this [chapter article](#)," such reference shall refer to the requirements of the sign regulations. Any ambiguity with other sections of this Code will be resolved by the Planning Commission. The diagrams used in this [chapter article](#) are for illustrative purposes only. All text shall take precedence over any illustrations in the event of a conflict. When a conflict with local, Federal, or State regulations occurs, the more restrictive regulations shall govern.

9-2-503- Definitions.

For the purposes of this [chapter article](#), unless otherwise apparent from the context, certain words and phrases used in this [chapter article](#) are defined as follows:

“Animated sign” shall mean a sign with motion, flashing lights, or changes in color or intensity utilizing electricity or other sources of energy. This definition shall not include a sign which tells only time and temperature in alternating sequences.

“Architectural projection” shall mean any projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a building and shall include mansard roofs.

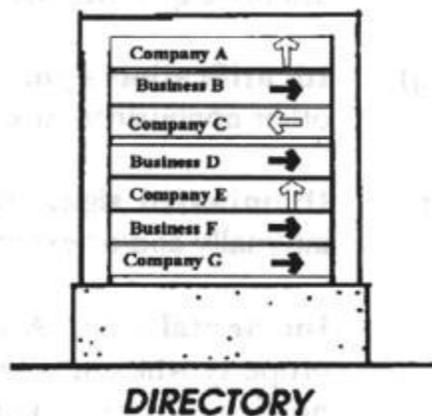
“Banner, flag, pennant or balloon” shall mean any cloth, bunting, plastic, paper, lightweight fabric or similar material that is mounted to a pole or a building for commercial or advertising purposes. This definition shall include captive balloons and inflatable signs but shall not include national flags, state flags, municipal flags, the official flags of foreign nations, or the flags of nationally or internationally recognized organizations.

“Building facade - building wall” shall mean that portion of any exterior elevation of a building extending from grade to the top of the parapet wall, or eaves, parallel to the street and extending the entire width of the building.

“Building frontage” shall mean the length of the side of a building which faces directly upon a public street. For the purpose of this [chapter article](#), “faces directly upon a public street” shall mean the area formed by extending perpendicular lines to the street from the two (2) building sides. This definition does not include any portion of a building which intersects any portion of another structure fronting onto an adjacent street or any portion of another lot.

If a building is curved or triangular, the building frontage shall be the shortest distance between the points on the outside extremity of the building elevation measured parallel to the public street upon which the building fronts.

“Business identification sign” shall mean signage that is limited to the name of the tenant, type of business, and logo of the tenant or business where the logo does not contain product information.



“Changeable copy sign” shall mean a sign designed to allow the changing of copy through manual, mechanical, or electrical means. A sign on which the message changes more than eight times per day shall be considered an animated sign. This definition does not include a sign which displays only time and temperature in alternating sequences.

“Civic sign” shall mean a sign, other than a commercial sign, posted to advertise a civic event, public agency, school, church, civic-fraternal organization or similar noncommercial organization.

“Commercial speech” shall mean speech that proposes or invites a commercial transaction primarily aimed at the monetary gain or advertising interest of the advertiser or sponsor.

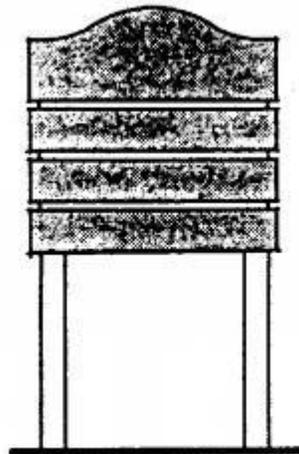
“Common signage program” shall mean a coordinated signage plan for a shopping center or group of individual businesses, whether or not located on a single lot. The common signage plan specifies standards for consistency among all signs on the properties governed by the plan.

“Detached sign.” See “Freestanding sign” in this section.

“Erect” shall mean to build, construct, attach, hang, place, suspend, paint, or affix but shall not include change of copy on a sign.

“Flashing sign.” See “Animated sign” in this section.

“Freestanding sign” shall mean a sign which is supported by one or more columns, uprights, or is braced in or upon the ground and is not attached to any building.



FREESTANDING

“Freeway” shall mean a highway to which the owners of abutting property have no right or easement of access to or from their property, and which is declared to be such in compliance with the California Streets and Highways Code.

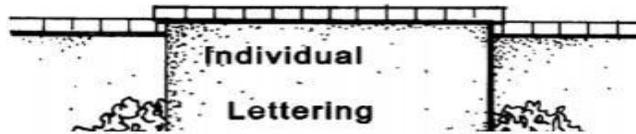
“Historic sign” shall mean a sign which exceeds 30 years in age and exhibits historic, cultural or aesthetic qualities that embody or represent the character of the city.

“Identification sign” shall mean a sign identifying an apartment, residence, school, church, or other nonbusiness use or a use allowed on a lot in a residential zone.

“Illuminated sign” shall mean a sign which is made readable by a source of light, including internally and/or externally lighted signs, and reflectored, glowing, or radiating signs.

“Incidental sign” shall mean a sign that has a purpose secondary to the use of the property where it is located. Generally informational, these signs include posting of “no parking,” “entrance,” “loading only,” and other similar directives. No sign with a legible commercial message shall be considered incidental.

“Individual lettering” shall mean the integration of signage into a building, wall or other architectural feature where the letters are not framed with a background or cabinet.



“Integral roof sign” shall mean any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design. No part of the sign shall extend vertically above the highest portion of the roof and no part of the sign shall be separated from the rest of the roof by a space of more than 6 inches.

“Logo” shall mean an established trademark or symbol identifying a product or use.

“Marquee” shall mean a permanent roofed structure attached to and supported by a building and may project over a public right-of-way.

“Marquee sign - canopy sign” shall mean a sign attached to or constructed on or under a marquee or a canopy.

“Master sign plan” shall mean a coordinated sign plan of one or more signs for an individual building or building complexes with multiple tenants. The plan provides an inventory of approved signage and information including the type, location, height, area and number of signs.

“Miscellaneous sign” shall mean any sign not defined in this section.

“Monument sign” shall mean an independent sign structure supported on a solid base pedestal which is fixed to the ground.

“Nonconforming sign” shall mean a sign which does not conform with the provisions of this chapter, but which:

(1) Was lawfully in existence and in use in the City on the effective date of this ordinance, including signs erected pursuant to variances granted by the City:

(2) Was lawfully in existence and in use on property outside the City on the effective date of annexation to the city, including signs erected pursuant to variances granted by the County;
or

(3) Was lawfully in existence and in use in the City on the effective date of any amendment to this chapter that causes the sign to become nonconforming.

“Off-Premise signs” shall mean any sign that advertises goods, products, services or facilities not sold, produced, manufactured or furnished on the premises on which the sign is located. These signs are also known as outdoor advertising signs, billboards, poster panels and snipe signs.

“Permanent sign” shall mean every sign except temporary signs as defined in this section.

“Pole sign” shall mean a freestanding sign independently supported by one or more poles.

“Political sign” shall mean a temporary sign designed for the purpose of expressing support for, or opposition to, a political candidate, campaign issue, or proposition at a public election.

“Portable sign” shall mean an advertising device which is located on the ground, is easily movable, not permanently attached thereto and which is usually two-sided. This definition includes “A” frame signs, swinger signs, sandwich signs, menu boards, and similar signs. This excludes such signs when attached to a vehicle or trailer.

“Projecting sign” shall mean a single- or multiple-faced sign which projects from a building wall farther or covers more space than a shingle sign, as defined in this section, and uses a building wall for support.

“Promotional sign” shall mean any sign erected on a temporary basis to promote or advertise the sale of new products, new management, new business, new hours of operation, a new service or to promote a special sale. Promotional signage also includes banners and portable signs.

“Revolving sign” shall mean a sign which rotates in either part of or a full circle.

“Refacing” shall mean the replacement of the display surface of an existing sign.

“Roof sign” shall mean any sign erected and constructed wholly on and over the roof of a building supported by the roof structure and extending vertically above the highest portion of the roof.

“Shingle sign” shall mean any non-internally illuminated sign which projects eighteen (18") inches or less from the front of the building where the advertised use is located and does not exceed three (3) square feet on each side.

“Shopping center identification sign” shall mean a freestanding sign used to identify a shopping center or group of businesses which function as an integral unit and does not reference or advertise any individual tenant.

“Sign” shall mean any visual device or representation designed and used for the purpose of communicating a message or identifying or attracting attention to a lot, product, service, person, or event. The term “sign” shall include, but is not limited to, banners, pennants, streamers, whirligigs, unusual paint, color, nonstructural displays, and architectural projections, and shall include displays of merchandise or objects indicative of goods or services available if such displays are primarily designed or used, or intended to be used, for sign purposes and located outside of the building.

“**Sign face**” shall mean the visible surface of a sign, excluding the essential structural elements which are not an integral part of the display. A sign consisting of one or more three (3) dimensional objects, such as balls, cubes, or clusters of objects, shall be deemed to have four (4) sign faces.

“**Sign area (surface)**” shall mean the number of square feet of the smallest rectangular figure within which a sign face can be enclosed.

“**Sign design guidelines**” shall mean the adopted principles and standards for the appearance of signs within the City of Turlock which have been incorporated into the City Design Guidelines Handbook.

“**Snipe sign**” shall mean signs of a temporary nature advertising a specific event or product and which are ~~illegally~~ posted to trees, posts, poles, stakes, fences or similar support structures.

“**Temporary sign**” shall mean any sign approved for a limited period of time.

“**Time and temperature sign**” shall mean a sign or the portion of any sign that displays the current time and temperature in alternating sequence.

“**Wall sign**” shall mean a single-faced sign which is affixed in any manner to or painted on any exterior wall of a building or structure.

“**Window sign**” shall mean any sign, picture, symbol, or combination thereof, that is placed inside or upon a window with the intent to communicate information about an activity, business, commodity, event, sale, or service.

9-2-504 Permits required.

Except as otherwise provided in this ~~chapter article~~, it shall be unlawful for any person to erect, alter, reface, or relocate or cause to be erected, altered, refaced, or relocated, within the City any sign without first obtaining a permit to do so from the ~~Community~~ Development Services Director and paying the required fee. It shall be unlawful for any person to maintain, or cause to be maintained, any sign within the City for which a permit has not been obtained, unless otherwise exempted pursuant to this ~~chapter article~~.

(a) **Applications.**—Applications for the permits required by this ~~chapter article~~ shall be made to the ~~Community~~ Development Services Director on forms provided by the City, shall be accompanied by a permit fee, and shall comply with all submittal requirements for each individual permit type as outlined in Chapter ~~9-5-~~TMC.

(b) **Master or common signage plan.**—No permit shall be issued for an individual sign requiring a permit unless and until a Master or Common Signage Plan for the lot on which the sign will be erected has been approved by the ~~Community~~ Development Services Director as conforming with this section. A Master or Common Signage Plan shall be included in any development plan, site plan, planned unit development plan, or other official plan required by the city for the proposed development and shall be processed simultaneously with such other plan.

(1) **Master signage plan.**—A Master Signage Plan shall be established for each property at the time an initial application for signage (See TMC ~~9-2-505-~~ for application type) is

submitted. For any lot on which the owner proposes to erect two (2) or more signs requiring a permit, unless such lot is included in a common signage plan, the owner shall submit the following information for evaluation to the ~~Community~~-Development Services Director:

- (i) A completed plot plan of the lot accurately scaled.
- (ii) Location of the buildings, parking lots, driveways, and landscaped areas on such lot.
- (iii) Computation of the total sign area, the total area for each individual sign, the height of all signs and the number of each type of sign included in the plan.
- (iv) An accurate indication on the plot plan of the proposed location for each present and proposed sign of any type.

(2) **Common signage plan.** An application for a Common Signage Plan may be submitted by the owner(s) of two (2) or more contiguous lots or a single lot with more than one (1) building. The application for a Common Signage Plan shall contain all of the information required for a Master Signage Plan and shall also specify standards for consistency among all signs on the lots affected by the plan with regard to:

- (i) Color scheme;
- (ii) Lettering or graphic style;
- (iii) Location of each sign on each building;
- (iv) Material; and
- (v) Sign proportions.

For those lots included in a Common Signage Plan, a twenty-five (25%) percent increase in the maximum total sign area shall be allowed for each lot. This bonus shall be allocated within each zone lot as the owner(s) elects. The number of freestanding signs permitted under a Common Signage Plan shall be limited to a total of one (1) for each street on which the lots included in the plan have frontage and shall provide for shared or common usage of such signs.

(3) **Binding effect.** After approval of a Master or Common Signage Plan, no sign shall be erected, placed, painted, or maintained, except in conformance with such plan. In case of any conflict between the provisions of such a plan and any other provisions of this title, the title shall prevail.

(4) **Amendments to master or common signage plans.** A Master or Common Signage Plan may be amended by filing a new Master or Common Signage Plan that conforms with all requirements of the title then in effect.

(c) **Sign permit.** An application for a sign permit shall be required for all signage determined as being required pursuant to TMC 9-2-505. Signage shall be consistent with the approved master or common signage program, where applicable. The ~~Community~~-Development Services Director shall check the application to assure compliance with all the provisions of this ~~chapter~~

article and may issue the sign permit upon determining that the proposed signage either conforms with the standards of the master or common signage program or the standards and provisions of this ~~chapter~~ article.

(d) **Permits issued in error.** - If a sign permit is issued in error by the ~~Community~~ Development Services Director, and the sign does not comply with all of the requirements of this ~~chapter~~ article and all other laws and ordinances of the City, the sign permit shall be null and void, and no rights or privileges shall be conferred upon the permittee by such permit.

9-2-505 Sign classifications.

Sign Classifications							
E-Exempt SP-Sign Permit							
NP-Not Permitted MAA-Minor Administrative Approval							
MDP-Minor Discretionary Permit CUP-Conditional Use Permit NA-Not Applicable							
Sign Type	Zoning District						
	All-R	C-O	C-C	C-H	C-T	I	I-BP
Animated signs (11)	NP	NP	NP	NP	NP	NP	NP
Changeable copy sign	NP	NP	MDP	MDP	MDP	MDP	MDP
Civic signs	MAA	MAA	MAA	MAA	MAA	MAA	MAA
Common sign program	NA	MDP	MDP	MDP	MDP	MDP	MDP
Flashing signs (11)	NP	NP	NP	NP	NP	NP	NP
For sale, rent or lease signs located on the available property (6), (8), (12)	E	E	E	E	E	E	E
Freestanding signs not projecting over public rights-of-way, which do not exceed 3 feet in height	MAA	MAA	MAA	MAA	MAA	MAA	MAA
Freestanding signs not projecting over public rights-of-way, which exceed 3 feet in height	MDP	MDP	MDP	MDP	MDP	MDP	MDP
Freestanding signs which project over public rights-of-way, except as provided for in this chapter	NP	NP	NP	NP	NP	NP	NP

area, location, height, or other provisions set forth in this chapter							
Subdivision signs: off-premises (6)	MAA						
Temporary construction signs (6)	E	E	E	E	E	E	E
Temporary holiday decorations	E	E	E	E	E	E	E
Temporary non-commercial speech signs on private property (7)	E	E	E	E	E	E	E
Temporary promotional signs (11)	NP	SP	SP	SP	SP	SP	SP
Temporary warning signs (9)	E	E	E	E	E	E	E
Time and temperature signs	NP	NP	MDP	MDP	MDP	MDP	MDP
Traffic or municipal signs, legal notices, railroad crossing signs, public telephone signs, signs marking underground utility facilities, and other safety signs	E	E	E	E	E	E	E
Wall signs (including integral roof signs) (10)	MAA						
Window signs	E	E	E	E	E	E	E

(1) Internally illuminated signs located within a residential district or within one hundred fifty (150') feet of the boundary of a residential district shall not be permitted, except when the sign is composed of translucent individual copy letters with an opaque background. The measurement shall be taken from the location of the sign to the nearest residential zoning district, not from the property line of the site where the sign is located. (Director's Interpretation 2001-04)

(2) "No trespassing" signs shall be no larger than three (3) square feet in size and placed in compliance with the requirements of State laws.

(3) Political signs must comply with the height, location, and safety requirements of this ~~chapter~~ article and Code. To be exempt political signs shall not be displayed on traffic or street signs, utility poles, public property, parks, or rights-of-way or on private property without the owners' permission and shall be removed within five (5) days after the election. Signs placed in violation of the provisions of this subsection may be removed without notice.

(4) Projecting signs shall not exceed the height of the wall, parapet wall, or architectural projection; provided, however, the maximum height shall not exceed the limits imposed for the district in which the sign is located.

(5) A sign shall be designated as professional occupational when denoting only the name and profession of an occupant in a commercial building or public institutional building. The area of a professional occupational sign shall not exceed three (3) square feet for each occupant therein. In residential districts, signs denoting the resident of a dwelling shall not exceed one (1) square foot of sign area.

(6) Not to exceed thirty-two (32) square feet for the indication of the owner, builder, architect, sale or lease, and pertinent data regarding building construction on the site during construction only. Separate signs advertising two (2) or more separate subdivisions may be co-located upon a single directory-type sign; in such instances, the overall sign area shall be limited to fifty (50) square feet per side, not to exceed one hundred (100) square feet in total sign area. In no case shall there be more than one (1) off-premises sales sign of any type per lot frontage. No sign shall exceed an overall height of twelve (12) feet in any district.

(7) Such signs shall be displayed for a period not to exceed twenty (20) days. Only one (1) such sign shall be permitted to face onto each street adjacent to the property where the sign is located. Such signs may be single- or double-faced and shall be limited to six (6) square feet per face or less, and shall comply with the height, location, and safety requirements of this chapter and Code.

(8) Such signs may be single- or double-faced and shall be limited to six (6) square feet per face or less on property in residential districts.

(9) Includes signs warning of construction, excavations, or similar hazards so long as the hazard exists, which does not exceed twelve (12) square feet per sign face.

(10) Wall signs shall not exceed the outside wall height of the building. The maximum height shall not exceed the limits imposed for the district in which the sign is located.

(11) Banners, pennants, flags, sno-cones, buntings and the like for new or used retail vehicle sales may be allowed in proportion to the size of the site subject to an annual sign permit review by the Planning Division. The locations of such devices shall be limited to light poles or similar anywhere on the site, except where it may constitute a vision or public safety hazard. The devices shall be maintained in a clean, neat and untattered condition with replacement as necessary to ensure they do not become dirty, loose or tattered. Non-metallic helium balloons and other inflatables may be displayed on weekends (Friday 12:00 noon through Sunday 12:00 midnight), provided they do not exceed fifty (50') feet in height or project over the public right-of-way.

(12) For sale, rent or lease signs that are thirty-two (32) square feet or less in size are Exempt; those from thirty-three (33) to one hundred (100) square feet require a Minor Discretionary Permit; and those larger than one hundred (100) square feet require a Conditional Use Permit. **(Director's Interpretation 99-03)**

9-2-506 Sign standards.

Sign Characteristics							
Characteristic	Zoning District						
	All-R	C-O	C-C	C-H	C-T	I	I-BP
Maximum sign area (square feet) (1)	12(2)	0.5:1	1:1	1:1	1:1	1:1	1:1

Sign area for signs composed solely of individual lettering	12(2)	0.75:1	1.25:1	1.25:1	1.25:1	1.25:1	1.25:1
Overall sign height (feet)	6	12	20	20	20	20	12

(1) Ratios are based on the number of square feet of sign area per lineal foot of building frontage.

(2) For multi-family dwellings containing five (5) to twenty-nine (29) units, the maximum area is twenty-five (25) square feet. For multi-family dwellings containing thirty (30) or more units, the maximum area is thirty (30) square feet per street frontage with a maximum of two (2) signs.

(a) **Sign height.** Sign height shall be measured from the curb or center line of the adjacent street to the highest point of the sign structure.

(b) **Sign area.** The sign area consists of the entire face of a sign, including the surface and any framing, projections, or molding, but not including the support structure. Individual lettering mounted on a building or structure shall be determined by the smallest rectangle enclosing the sign copy.

$$\text{Sign Area} = X * Y$$

$$\text{Sign Copy} = (A * B) + (C * D)$$

(c) **Multiple signs.** Except as otherwise provided in this [chapter article](#), when more than one sign is located on property, the area of all signs, except temporary signs, shall be included in determining the total sign area allowed for the property on which such signs are located.

(d) **Double-faced signs.** When a sign has two (2) or more faces, the area of all faces shall be included in determining the area of a sign. Both faces shall be parallel, and the distance between faces shall not exceed two (2') feet. Both faces of a double-faced sign shall be considered in determining the sign area.

(e) **Three-dimensional objects.** When a sign consists of three-dimensional objects which do not exceed two (2') feet in diameter, depth, or dimension, the area of only one face shall be considered in determining the sign area. If the diameter, depth, or dimension exceeds two (2') feet, the area of all faces shall be included in determining the area of the sign.

(f) **Single sign.** No single sign shall exceed three hundred (300) square feet in area, nor shall there be in excess of three hundred (300) square feet of sign area on any lot, except as provided for in this [chapter article](#).

(g) **Freestanding sign.** A freestanding sign, which is limited to business identification only, may be allowed provided it does not exceed a total sign area of one hundred (100) square feet, and does not exceed fifty (50) square feet on any side, and does not exceed the sign height restrictions for the district or exceed other provisions of this chapter. Freestanding signs which exceed these standards may be allowed subject to the requirement of first obtaining a conditional use permit pursuant to [Article 6 of Chapter 9-5.TMC 9-5-600ART \(Conditional Use Permits and Variances\)](#).

(h) **Exceptions.**—Exceptions to the sign area regulations set forth in this article may be ~~permitted if the sign is a part of an overall sign program, subject to the requirement of~~ first obtaining a conditional use permit pursuant to ~~Article 6 of Chapter 9-5 of this title.TMC 9-5-600ART (Conditional Use Permits and Variances).~~

(i) **Prohibited signs.**

(1) **Obscene matter.**—It shall be unlawful for any person to display or post any sign which communicates obscene, indecent, or immoral matter.

(2) **Signs advertising “adult entertainment.”**—No sign advertising “adult entertainment” (as defined in the Turlock Municipal Code) shall be allowed within five hundred (500’) feet of any school facility.

(3) **Snipe signs.**—Temporary signs posted to posts, trees, utility poles, fences or similar support structures for the purpose of advertising an event or product not located on the property shall be prohibited. Any sign posted illegally as such may be removed without notice by the ~~Neighborhood Preservation Officer or Community~~ Development Services Director or his/her designee.

(j) **Sign locations.**

(1) **Location required by Codes.** The location of each sign shall be in compliance with the Building, Electrical, Sign, and Fire Codes and the zoning regulations and other laws of the City and State as they now exist or may hereafter exist.

(2) **Signs over public rights-of-way.** Signs shall not extend over public rights-of-way or over areas within official plan lines for streets which have been adopted or which hereafter may be adopted, except in the Commercial District. In a Commercial District, signs may be permitted to extend over a street or other public right-of-way subject to the following:

(i) The sign may extend over the street or right-of-way two-thirds (2/3) the distance from the property line to the curb face, or six and one-half (6-1/2’) feet, whichever is less.

(ii) Signs which project into a street or public right-of-way more than (2”) inches shall have a minimum clearance of eight (8’) feet above the public right-of-way.

(iii) Every sign which projects into a street or right-of-way more than one foot shall be multi-faced and fully enclosed.

(3) **Signs on public property.**—Any sign erected or placed upon public property in violation of the provisions of this ~~chapter article~~ may be summarily removed or destroyed by the ~~Community~~ Development Services Director.

(4) **Freeway-oriented signs.** Freeway-oriented signs to advertise a commercial business located on properties within 750 feet of a freeway may be permitted subject to obtaining an approved Minor Discretionary Permit in accordance with Section 9-5-307 et. seq. The maximum height for freeway signs is subject to the standards for the district it is located in, but may be measured from the center line of the overpass. The maximum sign area permitted for an individually-mounted pole sign with freeway orientation is one hundred

(100) square feet. If a freeway-oriented sign is not mounted individually on a pole, the maximum sign area allowed is three hundred (300) square feet.

(5) **Overlay Districts.** All signage located within an established overlay district shall comply with the requirements established for such district.

(6) **Prohibited locations.** No sign shall be erected or maintained in the following locations:

(i) At the intersection of any streets or driveway approach in such a manner as to obstruct the free and clear vision of pedestrians or vehicular traffic; or

(ii) At any location where, by reason of the position, shape, color, words, phrases, symbols, or for any other reason, the sign may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device.

(k) **Temporary signs.** Temporary signs may be erected any place a permanent sign may be located and at locations approved by the ~~Community~~ Development Services Director. All temporary signs shall comply with the height, location, and area requirements of this ~~chapter.~~ article. Temporary signs may be permitted subject to first obtaining a sign permit and complying with the following conditions:

(1) A sign permit shall have been obtained from the ~~Community~~ Development Services Director who, prior to the issuance of such permit, shall have determined that the proposed location, method of installation, and support of the temporary sign will not endanger the public health, welfare, or safety.

(2) A temporary sign to advertise a commercial business or activity shall be allowed on any commercially zoned property not to exceed a total of sixty (60) days in one calendar year.

(3) Banners or similar temporary signs which announce a civic or charitable activity may be allowed in the public right-of-way with the consent and subject to the conditions of the Community Development Director.

(4) A temporary sign advertising a religious, charitable, cultural, or educational organization or activity in a residential district shall be allowed provided:

(i) The total display service area of the sign does not exceed thirty-six (36) square feet;

(ii) The sign does not exceed six (6') feet in height; and

(iii) The sign is located at least five (5') feet inside the property line in residentially zoned areas and at least two (2') feet inside the property line in other areas.

(l) **Portable signs.** One portable frame sign constructed of permanent materials may be allowed for each business location under the following conditions:

(1) The business is not part of a shopping center complex, multi-unit commercial development, or office complex, consisting of two or more units.

(2) The sign does not exceed two (2') feet in width by four (4') feet in height.

(3) The sign is permitted as part of the Master Signage Plan for the location.

(4) The sign is not located in the public right-of-way, or the clear vision triangle near a driveway or road intersection as determined in [Section 9-2-216.TMC 9-2-215](#).

(m) **Promotional signage.** Each commercial business shall be allowed exterior promotional displays (including banners) equal to a maximum of 10 percent of the otherwise allowable sign area for the location when:

(1) Placed in a location where approved as part of a Master Signage Plan for the property.

(2) No more than one such display is used.

(3) They are displayed no more than 14 days in a row and 60 days in a calendar year.

(n) **Incidental signs.** Incidental signs are limited to a maximum of one sign per entrance to the property with no more than two permitted per business.

(o) **Design, construction and maintenance.** All signs shall be designed, constructed and maintained in accordance with the following standards:

(1) All signs shall comply with applicable provisions of the [UniformCalifornia](#) Building Code and the electrical code of the City at all times;

(2) Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of this ordinance, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, building or other structure by direct attachment to a rigid wall, frame or structure.

(3) All signs, parts, portions, units, and materials composing the sign, together with the frame, background, supports, or anchorage, shall be maintained in proper repair by the owner of the sign and/or the owner of the property on which the sign is located.

(4) All signs erected in the City shall be subject to inspection by the [Community Development Services](#) Director to assure compliance with all the provisions of this [chapter article](#) and all other laws and ordinance of the City. Signs incorporating electrical wiring shall be inspected and approved by the Chief Building Official prior to erection, unless such sign bears the seal of approval of the National Board of Fire Underwriters.

9-2-507 Nonconforming signage.

A nonconforming sign shall not be replaced, refaced, altered, reconstructed, relocated, or expanded in any manner unless and until the sign is made to conform with the provisions of this [chapter article](#). Ordinary maintenance and minor repairs which will not increase the normal life of the sign and which are required for safety purposes will be permitted. Structural alterations to a nonconforming sign shall be prohibited, except to make such sign conforming.

(a) **Conformance.**- No nonconforming sign shall be required to conform with the provisions of this [chapter article](#), except on the occurrence of any of the following events:

(1) **Discontinuance of use.** If the use of a nonconforming sign for the business advertised by a nonconforming sign is discontinued for a period of three (3) months or longer, such sign shall not thereafter be used unless and until the sign is made to conform to this ~~chapter article~~; or

(2) **New construction or change in use.** The occurrence of any of the events specified in TMC-7-2-202- requiring public improvements and dedications pursuant to said section.

9-2-508- Unsafe and unlawful signs.

If the ~~Community~~ Development ~~Services~~ Director shall find that any sign regulated by this ~~chapter article~~ is unsafe or insecure, or is a menace to the public, or is in a dilapidated, decayed, or neglected state, or has been constructed or erected or is being maintained in violation of the provisions of this ~~chapter article~~, the Planning Director shall give written notice to the permittee or owner thereof and/or the owner of the property upon which the sign is located. If the permittee or owner and/or owner of the property on which the sign is located fails to remove or alter the structure so as to comply with the standards set forth in this ~~chapter article~~ within (10) days after such notice, such sign may be removed or altered to comply by the ~~Community~~ Development ~~Services~~ Director, and any expense incidental thereto shall be paid by the permittee or owner of the sign and/or owner of the property on which the sign is located.

(a) **Immediate peril.** Any sign found to be unsafe and to be an immediate peril to persons or property may be removed summarily and without notice by the ~~Community~~ Development ~~Services~~ Director. The cost of such removal shall be paid by the permittee and/or sign owner and/or assessed against the owner of the property on which the sign is located and made a lien on such property.

9-2-509- Compliance with chapter provisions: Nuisances: Abatement.

The Council hereby determines that the public peace, safety, morals, health, and welfare require that all signs heretofore constructed or erected in violation of any law or ordinance of the City in effect at the time such sign was constructed or erected be and they are hereby made subject to the provisions of this ~~chapter article~~, and shall conform and comply with such requirements forthwith, and that all signs which shall hereafter be constructed or erected in violation of the provisions of this ~~chapter article~~ shall be and they are hereby declared public nuisances to be removed and abated in the manner provided in this ~~chapter article~~.

9-2-510- Noncompliance.

Noncompliance with the provisions of this ordinance shall be defined as the following:

(a) Failure to obtain the necessary permits or other approvals as set forth in this ~~chapter article~~ and title;

(b) Exempt signs displayed, created, or sized, incorrectly;

(c) Any sign constructed or erected in violation of the provisions of this ~~chapter article~~ and title, and the other provisions of this Code as may be applicable.

9-2-511- Removal, Costs, and Enforcement.

It shall be the duty of the Neighborhood Preservation Officer, the Chief of Police, and the ~~Community~~ Development ~~Services~~ Director to enforce the provisions of this ~~chapter article~~.

Any violation of this ~~chapter article~~ shall be deemed a nuisance and enforcement proceedings shall be pursuant to Article 3 of Chapter ~~5-5~~: Nuisance Abatement Procedures.

9-2-512- Appeals by persons aggrieved.

Any person aggrieved by any decision or order of the ~~Community~~ Development ~~Services~~ Director pursuant to this ~~chapter article~~ may appeal such decision or order to the Planning Commission in the manner set forth in ~~Sections 1-4-01 through 1-4-03 of Chapter 4 of Title 1-1-1 of the Code.. Appeals of~~ Planning Commission ~~shall render its decision within 30 days. Appeals of Commission~~ decisions may be made as set forth in ~~Article 1 of Chapter 9-5 of this title~~ TMC 9-5-130: Appeals: Authorized.

Article 6. Wireless Communication Facilities

9-2-601 Purpose.

With the rapid growth of the telecommunications industry and subsequent development of wireless communication facilities, the purpose of this article is to:

- (a) Provide the regulatory mechanism that accommodates the installation and development of wireless communication facilities, whose services benefit the residents of Turlock.
- (b) Define the development standards for the placement and construction of wireless communication facilities consistent with the Federal Telecommunications Act of 1996.
- (c) Minimize the proliferation of these facilities by encouraging co-location.
- (d) Minimize the visual impacts these facilities can create in the community by promoting well-designed, inconspicuous, and appropriately placed facilities.

9-2-602 Definitions.

For the purposes of this article, unless otherwise apparent from the context, certain words and phrases used in this article are defined as follows:

(a) **Antenna.** Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or receiving of electromagnetic radio frequency waves.

(1) **Building mounted.** An antenna which is affixed to or supported by the roof or exterior wall of a building or other structure.

(2) **Ground mounted.** An antenna which is fully or partially supported by a platform, framework, pole, or other structural system that is affixed to or placed directly on or in the ground.

(b) **Co-location.** The location of two or more wireless communication facilities on a single support structure or otherwise sharing a common location. For the purposes of this article, co-location shall also include the location of wireless communication facilities with other facilities such as light standards, and other utility facilities and structures.

(c) **Communication tower.** Any structure which is used to transmit or receive electromagnetic radio frequency waves or that supports such a device.

(d) **Electromagnetic radio frequency waves.** Waves of electric and magnetic energy radiating away from a transmission source to be picked up by a receiving antenna for the purpose of communicating information.

(e) **Stealth facility.** Any communication facility which is designed to blend into the surrounding environment, and is visually unobtrusive. Examples of stealth facilities may include architecturally screened roof-mounted antennas, facade mounted antennas painted and treated as architectural elements to blend with an existing building, facilities designed to mimic trees (palms, pines, and the like), flag poles, church steeples, signs, and other similar structures.

(f) **Wireless communication facility.** A facility containing communication towers and/or antennas and any related equipment for the purpose of transmitting or receiving electromagnetic radio frequency waves.

9-2-603 Compliance with applicable codes.

Every wireless communication facility constructed within the City of Turlock shall comply with all safety standards of the American National Standards Institute, Institute of Electrical and Electronic Engineers, Public Utilities Commission, Federal Communications Commission, Uniform California Building Code, National Electric~~Electrical~~ Code, the Turlock Municipal Code and any other codes and standards as applicable.

9-2-604 Permits required.

All wireless communication facilities shall be subject to the following permitting:

(a) **Exempt.** New wireless communication facilities which will be co-locating on or within an existing approved tower or facility shall be exempt. New facilities must incorporate the same stealthing technique as utilized on the existing wireless communication facility.

(b) **Minor Discretionary Permit.** The following facilities require a Minor Discretionary Permit:

(1) All building mounted facilities, located in ~~Industrial~~industrial or the Heavy Commercial (C-H) zoning districts (including Planned Developments of an industrial or heavy commercial nature), which comply with the regulations contained in this article including, but not limited to height, location and screening.

(2) All ground mounted facilities located in an ~~Industrial~~industrial zoning district (including Planned Developments of an industrial nature), which are located at least 500 feet from a residential zoning district or the boundary of the Beautification Master Plan Area, and comply with the height, location, and screening requirements contained within this article.

An application for a Minor Discretionary Permit for a wireless communication facility may be granted as provided in ~~Article 3 of Chapter TMC 9-5 of Title 9 of this Code (9-5-300-300ART (Minor Administrative and Minor Discretionary Permits))~~, and if it is found that all of the following additional findings can be made:

(i) The design and placement of the wireless communication facility, including support equipment and structures, will not adversely impact the use of the property, other buildings and structures located on the property, or the surrounding area or neighborhood.

(ii) The applicant has demonstrated that the wireless communication facility will have the least possible visual impact on the environment taking into account technical, engineering, economic and other relevant factors.

(iii) The wireless communication facility complies with the height, screening, and visual compatibility requirements contained within this article.

(c) **Conditional Use Permit.**—The facilities that require a conditional use permit include:

(1) All ground mounted facilities that are ~~not co-located with other similar existing facilities,~~ located in ~~Industrial~~an industrial zoning ~~districts, or district, but are~~ within 500 feet of the Beautification Master Plan area ~~or a residential zoning district.~~

(2) All facilities that do not comply with the height, location, or visual compatibility and screening requirements within this article, ~~but comply with at least two of the required standards contained within this article.~~

(3) Facilities in ~~Residential~~residential (R) zoning districts. Only facilities which are building mounted, entirely stealthed, or totally enclosed within a building shall be permitted in any residential district. Building mounted facilities in a residential district shall be located or screened so as to prevent any public view or architecturally designed to appear as an integral part of the building on which it is attached. Only residentially zoned properties one (1) acre in size, or larger, shall be considered for freestanding wireless communication facilities, unless the applicant can substantiate that the facility is designed to minimum visual impact to neighboring properties.

(4) For those facilities where it is determined the project may create a significant impact to the neighborhood.

(5) An application for a conditional use permit for a wireless communication facility may be granted as provided in ~~Article 6 of this title (TMC 9-2-600), 5-600ART,~~ and if it is found that the following additional findings can be made:

(i) The design and placement of the wireless communication facility, including support equipment and structures, will not adversely impact the use of the property, other buildings and structures located on the property, or the surrounding area of neighborhood.

(ii) The applicant has demonstrated that the wireless communication facility will have the least possible visual impact on the environment taking into account technical, engineering, economic and other relevant factors.

(iii) The approval of the proposed wireless communication facility will not affect the purposes of this article as defined in ~~Section 1 of Article 6 of this Chapter (TMC 9-2-601).~~

(iv) The proposed wireless communication facility conforms to the greatest extent possible with the provisions of this article.

9-2-605 Application requirements.

Prior to application submittal, applicants shall meet with Planning staff concerning the proposed project to review potential sites based upon the applicant’s geographic service area and to determine the appropriate review process based upon the location and type of proposed facility.

(a) **Additional materials required.** In addition to the other information and materials required as part of a Minor Discretionary Permit or Conditional Use Permit application, any application for a Wireless Communication Facility shall also provide the following:

(1) **Base Map.** The map must show parcel boundaries with the subject property highlighted and all zoning districts within 500 feet of the subject property clearly noted.

(2) **Master Propagation Plan.** The Master Propagation Plan shall include a narrative, in lay terms, and graphic representation showing the location and type of all existing facilities, plus the applicant’s proposed facilities during the next twelve (12) calendar months, within the boundaries of the City and the surrounding one-half (1/2) mile thereof.

(3) **Site Justification Study.** All applicants shall complete a site justification study, and include the following information:

(i) **Rationale.** Site location; site description; top three alternate locations; radio frequency cluster map and search ring for proposed site; reasons for choosing final location; how site design minimizes impact on surrounding land uses; site demand (capacity/coverage);

(ii) **Co-location.** Is site suitable for future co-location and why or why not; could site be collocated at existing nearby site and why or why not.

(iii) **Height.** Using non-technical language, describe the reasoning for the requested height of the proposed facility.

(iv) **Equipment.** Describe the potential to place all support equipment underground.

(v) **Use of site.** Provide a statement of intent on whether there will be any excess space available and if it may be leased.

(vi) **Contact person.** If the applicant’s representative is not the contact person, an individual or individuals who are available to meet with or respond to questions and concerns from residents, business or property owners regarding the proposed facility.

9-2-606 Height.

All wireless communication equipment, antennas, poles, or towers shall be constructed at the minimal functional height. Building mounted facilities shall not exceed fifteen (15’) feet in height greater than the maximum height permitted for the district in which it is located. Height limits for all ground mounted facilities shall be subject to the following standards:

Maximum Height for Ground Mounted Facilities	
Distance from a residential (R) district*	Maximum Height

Between 0-25 feet	1 foot per 1 foot of distance from a residential district
Between 25-50 feet	25 feet
Between 50-150 feet	35 feet
Greater than 150 feet	50 feet

* ~~distance~~Distance is measured from the proposed facility to the nearest R district boundary.

9-2-607 Location.

(a) New wireless communication facilities shall be co-located with other existing or planned facilities where feasible or where found to minimize visual impact.

(b) No facility that is readily visible from off-site shall be installed closer than any other facility that is readily visible, unless it utilizes stealth technology in its design.

(c) At a minimum, all new facilities shall comply with the following setback requirements: For every one (1) foot in height of the proposed facility, the facility shall be setback one (1) foot from any street frontage.

9-2-608) Residential ~~Districts~~(R) districts.

Only those facilities which are building mounted, entirely stealthed, or totally enclosed within a building shall be permitted in any residential district.

9-2-609 Visual compatibility and screening.

(a) All wireless communication facilities shall be screened or camouflaged so as to not be readily visible from off-site. Existing site features shall be used to screen the facility, including equipment panels or structures, where possible. Such screening shall include dense evergreen landscaping, solid fencing, or a combination of both.

(b) All towers, antennae, equipment structures or panels must be architecturally and visually compatible with surrounding buildings, structures, vegetation and/or uses in the area.

(c) All antennas, towers or related equipment shall be coated with a non-reflective finish or paint consistent with the background area where the facility is to be placed.

(d) Building-mounted antennas and all other equipment shall be in scale and architecturally integrated with the building design in such a manner as to be visually unobtrusive.

9-2-610 Discontinuance of use.

The service provider of a wireless communication facility shall notify the City of the intent to discontinue operation no less than thirty (30) days before discontinuance. Upon the discontinuance of use, all related equipment shall be removed and the property restored to the pre-construction condition within ninety (90) days of the cessation of operation.

Chapter 9-3
BASE DISTRICT REGULATIONS

Sections:

Article 1. Agricultural District (A)

- 9-3-101 Specific purposes.
- 9-3-102 Use classifications.
- 9-3-103 Property development regulations.

Article 2. Residential Districts (R-E, R-L, R-L4.5, R-M, R-H)

- 9-3-201 Specific purposes.
- 9-3-202 Use classifications.
- 9-3-203 Property development regulations.

Article 3. Commercial Districts (C-O, C-C, C-T, C-H)

- 9-3-301 Specific purposes.
- 9-3-302 Use classifications.
- 9-3-303 Property development regulations.

Article 4. Industrial Districts (I-BP & I)

- 9-3-401 Specific purposes.
- 9-3-402 Use classifications.
- 9-3-403 Property development standards.

Article 5. Public & Semipublic District (P-S)

9-3-501 Specific purposes.

9-3-502 Use classifications.

9-3-503 Development regulations.

Article 1. Agricultural District (A)

9-3-101 Specific purposes.

In addition to the purposes listed in TMC 9-1-103, the specific purposes of the Agricultural District regulations are to preserve and protect agricultural land from urban development; and in certain instances, permit agriculture as an interim use until development occurs.

9-3-102 Use classifications.

In the following schedule, the letter "P" designates use classifications permitted in A Districts, the letters "NP" designate use classifications not permitted, the letters "MAA" designate use classifications allowed on approval of a minor administrative approval, the letters "MDP" designate use classifications allowed on approval of a minor discretionary permit, and the letters "CUP" designate use classifications allowed on approval of a conditional use permit.

All new or expanded uses of a site or structure shall obtain the necessary permits as indicated in the following schedule.

All new or expanded uses of a site or structure, except a single-family dwelling, involving an expansion of floor area of one thousand (1,000) square feet or twenty-five (25%) percent of the existing building floor area, whichever is less, are subject to design review in accordance with Article 10 of Chapter 9-5 TMC. New or expanded uses subject to design review shall obtain an MDP design review permit. Design review shall take place concurrently with the processing of any other required permit. Compliance with the adopted design guidelines of the City of Turlock is mandatory for all commercial developments subject to design review.

Any change in use or business within an existing structure that is permitted or, in the opinion of the ~~Community~~ Development Services Director, is suitable to the site and structures in which it is located and does not increase the intensity or impact of its prior use, shall obtain a zoning certificate in accordance with Article ~~42~~ of Chapter ~~9-5~~ TMC, ~~Permit Applications, Hearings, Amendments, Zoning Certificates~~ and ~~Appeals, Home Occupation Permits~~. The zoning certificate shall be obtained prior to the issuance of a building permit or prior to commencement of a use where no building permit is required.

Uses not contained in the following schedule may be permitted subject to a conditional use permit. Such conditional uses must be of a similar nature and intensity as other uses in the district as determined by the ~~Community~~ Development Services Director or designee.

A DISTRICT (Agricultural District)

USE CLASSIFICATIONS

P Permitted

NP Not Permitted

MDP Minor Discretionary Permit

MAA Minor Administrative Approval CUP Conditional Use Permit		
	A	Additional Use Regulations
Agricultural Uses	P	
Residential Uses		
Family day care homes		
Large	MAA	(1)
Small	P	
Group Quarters		
Large	MDP	
Small	P	
Home occupations	P	(2)
Emergency shelter	NP	
Manufactured housing	MAA	<u>(9)</u>
Single-family dwellings	P	
Second dwellings	P	(3) (7) (8)
Public and Semipublic Uses		
Religious assembly	CUP	
<u>Utilities</u>		
<u>Major utilities</u>	CUP	
<u>Minor utilities</u>	P	(6)
Accessory Structures and Uses	P	(4)
<u>Animals, domestic</u> <u>Domesticated animals</u>	P	(5)
Temporary Uses	See <u>Article 5 of Chapter 9-5</u> , TMC, <u>9-5-500ART</u> (Temporary Uses of Land)	
Nonconforming Uses and Structures	See <u>Article 4 of Chapter 9-2</u> , TMC, <u>9-2-400ART</u> (Nonconforming Structures and Uses)	

(1) See TMC 9-2-110, Family day care home.

(2) See Article 2 of Chapter 9-5, TMC, 9-5-200ART (Zoning Certificates and Home Occupation Permits).

(3) See TMC 9-2-119, Second dwelling units.

(4) See TMC 9-2-101, Accessory buildings and uses or structures.

~~(5) Livestock and domestic, used interchangeably in the Turlock Municipal Code, may be kept as an accessory use to a residence only in the following zoning districts: Agriculture (A) and Estate Residential (R-E).~~

~~(5) The keeping of domesticated animals is subject to TMC 6-1-105. Livestock and domestic farm animals, used interchangeably in the Turlock Municipal Code, may be kept as an accessory use to a residence only in the following zoning districts: (Agriculture (A) and Estate Residential (R-E)).~~

(6) Minor utilities shall not interfere with the use, enjoyment or aesthetics of adjacent uses.

(7) Employee, supportive, and transitional housing serving six (6) or fewer people is permitted by right. Transitional housing and supportive housing shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.

(8) Any employee housing consisting of no more than thirty-six (36) beds in a group quarters or twelve (12) units or spaces designed for use by a single family or household shall be deemed an agricultural use and subject to the same permitting requirements.

~~(9) Manufactured housing shall be subject to architectural review to ensure compatibility with adjacent residential buildings in terms of scale, height, and exterior design and treatment as provided in the design guidelines, including but not limited to roof pitch and style, window and door detailing, exterior materials, textures, colors, and finishes.~~

9-3-103- Property development regulations.

The following schedule prescribes development regulations for the Agricultural (A) District. Deviations from the setback and height requirements for the purpose of providing accommodation for disabled access to an existing structure may be permitted upon approval of a minor administrative approval pursuant to ~~Article 3 of Chapter 9-5 TMC.~~ TMC 9-5-300ART.

A DISTRICT (Agricultural District) PROPERTY DEVELOPMENT REGULATIONS		
	A	Additional Regulations
Lot area (acres)	5	(1)
Lot area per unit (acres)	5	
Lot width (ft.)	200	
Yards:		(2)
Front (ft.)	50	
Side (ft.)	50	
Corner side (ft.)	50	
Rear (ft.)	50	
Maximum height (ft.)	50	(3)
Fences and walls	All fences and walls shall be subject to the driveway visibility requirements of TMC 9-2-216- <u>9-2-215</u> (Driveway and corner visibility). <u>Barbed wire and electrified fences may be utilized to contain livestock subject to the standards contained in TMC 9-2-126 (Electrified fences).</u> <u>Razor wire is prohibited.</u>	

Additional Regulations	See Article 2 of Chapter 9-2 TMC: 9-2-200ART (Off-street parking and loading regulations.).
	See TMC 9-2-216: 9-2-215 (Driveway and corner visibility.).
	See Article 5 of Chapter 9-2 TMC: Signs: See TMC 9-2-500ART (Signs).
	See TMC 9-2-112: (Outdoor storage).
	See TMC 9-2-101: (Accessory buildings and uses or structures).
	See TMC 9-2-120: Swimming pools, spas and hot tubs.
	See TMC 9-2-121: 9-2-120 (Underground utilities.).
	See Article 4 of Chapter 9-2 TMC: 9-2-400ART (Nonconforming Structures and Uses.).
See TMC 9-2-114: (Permitted locations of mobile homes, recreational vehicles, and campers.)	

(1) See ~~TMC 9-2-106: (Development on existing lots of record).~~ See ~~TMC 9-2-107: 9-2-107~~ (Development on lots divided by district boundaries.). Minimum lot sizes may be reduced when the exclusive use of such lots is intended for utility substations, pumping stations, and similar facilities.

(2) See ~~TMC 9-2-105: (Building projections into yards).~~

(3) See ~~Section 9-2-108: (Exceptions to height limits).~~

Article 2. Residential Districts (R-E, R-L, R-L4.5, R-M, R-H)

9-3-201 Specific purposes.

In addition to the purposes listed in TMC 9-1-103, the specific purposes for the regulations of each Residential District are to:

(a) Residential estate (R-E).

- (1) Provide living areas which combine certain advantages of both urban and rural location by limiting development to very low density concentrations of one (1) family dwellings;
- (2) Provide transition or buffer areas between intense residential urban uses and agricultural preserves to avoid or lessen conflicts of use.

(b) Low density residential (R-L and R-L4.5).

- (1) Provide appropriately located areas for single-family dwellings that are consistent with the General Plan and with standards of public health and safety established by the Turlock Municipal Code;
- (2) Provide adequate light, air, privacy, and open space for each dwelling unit and protect residents from the harmful effects of excessive noise, population density, traffic congestion and other adverse environmental impacts;
- (3) Achieve design compatibility through the use of site development standards.

(c) Medium density residential (R-M).

- (1) To limit the expansion of the City in order to preserve agricultural lands and maintain a compact urban form, while responding to many households' preference for single-family units;
- (2) Provide appropriately located areas for single-family and medium density multifamily dwelling units consistent with the General Plan and with standards of public health and safety established by the Turlock Municipal Code;
- (3) Provide adequate light, air, privacy, and open space for each dwelling unit and protect residents from the harmful effects of excessive noise, population density, traffic congestion and other adverse environmental impacts;
- (4) Achieve design compatibility with adjacent uses through the use of site development standards.

(d) High density residential (R-H).

- (1) Provide appropriately located areas for high density multiple-family dwelling units consistent with the General Plan and with standards of public health and safety established by the Turlock Municipal Code;
- (2) Provide affordable housing for all economic segments of the community and conserve land while maintaining a compact urban form;
- (3) Provide adequate light, air, privacy, and open space for each dwelling unit and protect residents from the harmful effects of excessive noise, population density, traffic congestion and other adverse environmental impacts;
- (4) Achieve design compatibility through the use of site development standards.

9-3-202 Use classifications.

In the following schedule, the letter "P" designates use classifications permitted in R Districts, the letters "NP" designate use classifications not permitted, the letters "MAA" designate use classifications allowed on approval of a minor administrative approval, the letters "MDP" designate use classifications allowed on approval of a minor discretionary permit, and the letters "CUP" designate use classifications allowed on approval of a conditional use permit.

All new or expanded uses of a site or structure shall obtain the necessary permits as indicated in the following schedule. Any change in use or business within an existing structure which does not require an approved conditional use permit shall obtain a zoning certificate in accordance with Article 2 of Chapter 9-5 TMC, Zoning Certificates and Home Occupation Permits. The zoning certificate shall be obtained prior to the issuance of a building permit or prior to commencement of a use where no building permit is required.

Uses not contained in the following schedule may be permitted subject to a conditional use permit. Such conditional uses must be of a similar nature and intensity as other uses in the district as determined by the [Community Development Services](#) Director or designee.

<p>R DISTRICTS (Residential Districts) USE CLASSIFICATIONS P Permitted NP Not Permitted</p>
--

PD Planned Development
CUP Conditional Use Permit
MDP Minor Discretionary Permit
MAA Minor Administrative Approval

	R-E	R-L	R-L4.5	R-M	R-H	Additional Use Regulations
Agricultural Uses						
<u>Community garden</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	(1)
<u>Noncommercial food</u> Crop production	P	<u>NPP</u>	<u>NPP</u>	<u>NPP</u>	<u>NPP</u>	(1)
Domesticated <u>farm</u> animals	P	P	P	P	P	(2)
Residential Uses						
Condominiums	PD	PD	PD	PD	PD	
Family day care home						
Small	P	P	P	P	P	(3) (13)
Large	MAA	MAA	MAA	MAA	MAA	(3) (13)
Group homes	P	P	P	P	P	(9)
Group quarters	NP	CUP	CUP	MDP	MDP	
Emergency shelter	NP	CUP	CUP	CUP	CUP	
Home occupations	P	P	P	P	P	(4)
Manufactured housing	P	P	P	MDP	CUP	(15)
Mobile home parks	NP	CUP	CUP	CUP	CUP	(8)
Multi-family <u>Multi-family</u> dwellings	NP	NP	NP	MDP	MDP	(10)
Residential care facilities						
<u>Large</u>	CUP	CUP	CUP	CUP	CUP	
<u>Small</u>	P	P	P	P	P	(9)
Second dwellings	P	P	P	P	P	(5)
Single-family dwellings	P	P	P	P	P	(10)
Commercial Uses						
Neighborhood store	<u>NP</u>	MDP	MDP	MDP	MDP	
<u>All other commercial</u> <u>uses</u>	NP	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	
Public and Semipublic Uses						
Airports and heliports	CUP	NP	NP	NP	NP	
Cemeteries/crematories	CUP	CUP	CUP	CUP	CUP	

Religious assembly	CUP	CUP	CUP	CUP	CUP	(12)	
Convalescent hospitals	NP	NP	NP	MDP	MDP		
Cultural institutions	NP	NP	NP	NP	NP		
Day care centers	CUP	CUP	CUP	CUP	CUP	(14)	
Golf course/driving range	CUP	CUP	CUP	CUP	CUP		
Major utilities	CUP	CUP	CUP	CUP	CUP		
Minor utilities	MDP	MDP	MDP	MDP	MDP		
Park and recreation facilities	MDP	MDP	MDP	MDP	MDP		
Public buildings and facilities	MDP	MDP	MDP	MDP	MDP		
Schools, public/ <u>or</u> private	CUP	CUP	CUP	CUP	CUP		
<u>Utilities</u>							
<u>Major</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>		
<u>Minor</u>	<u>MAA</u>	<u>MAA</u>	<u>MAA</u>	<u>MAA</u>	<u>MAA</u>		
<u>Industrial Uses</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>		
Accessory Structures and Uses						(6)	
Accessory buildings and structures	P	P	P	P	P		
Animals, domesticated or household	P	P	P	P	P		(2) (7)
Kennels	MDP	NP	NP	NP	NP		(11)
Temporary Uses	See Article 5 of Chapter 9-5 TMC, 9-5-500ART (Temporary Uses of Land.). Construction <u>trailers and sales office</u> trailers may be located on the project site after required planning permits and approvals have been obtained. The trailer(s) must be removed upon completion of the applicable construction project. <u>For sales office trailers, 1) landscaping shall be provided around the base of the trailer and between the public right-of-way and the trailers location; and 2) parking spaces shall be paved.</u>						
Nonconforming Uses and Structures	See Article 4 of Chapter 9-2 TMC, Nonconforming Structures and Uses						

~~(1) The growing of fruit and nut trees, vine crops, and horticultural stock for production of food or fiber for personal use and consumption.~~

~~1) See TMC 9-1-202 (Definitions).~~

(2) The keeping of domesticated animals ~~is may be kept as an accessory use to a residence,~~ subject to the requirements of TMC 6-1-105.1 (Amended 2/27/01.) Livestock and domestic farm animals, used interchangeably in the Turlock Municipal Code, may be kept as an accessory use to a residence only in the following zoning districts: (Agriculture (A) and Estate Residential (R-E)).

(Other domesticated animals), only in the following zoning districts: (Agriculture (A) and Residential Estate (R-E)).

(3) See ~~TMC 9-2-110, (Family day care home).~~

(4) See ~~Article 2 of Chapter 9-5 TMC, TMC 9-5-200ART (Zoning Certificates and Home Occupation Permits).~~

(5) See ~~TMC 9-2-119, Second dwelling units.~~ (Second dwelling units). In the R-M and R-H Districts, a second unit may be constructed to the R-L standards when only one other dwelling (i.e., the primary residence) is located on the same property.

(6) See ~~TMC 9-2-101, 9-2-101 (Accessory buildings and uses or structures).~~ Accessory structures will require a minor administrative or minor discretionary permit if required by the principal use.

(7) The keeping of household pets is subject to TMC 6-1-105.

(8) See TMC 9-2-111 (Mobile home development).

(9) State-licensed group homes, foster homes, residential care facilities, and similar State-licensed facilities, regardless of the number of occupants, are deemed permitted by right in a residential zoning district, pursuant to State and Federal law.

(10) Employee, supportive, and transitional housing serving six (6) or fewer people is permitted as a single-family dwelling. Transitional housing and supportive housing shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.

(11) Kennels are subject to TMC 6-1-105.

(12) A structure allowed as a religious assembly building may be used for a temporary homeless shelter if the following requirements are met:

(i) There is a valid conditional use permit for the structure used for religious assembly purpose;

(ii) No rent or fees of any kind are charged for the service offered to homeless persons;

(iii) The facility that is used to house homeless persons accommodates a maximum of six (6) persons at any one (1) time;

(iv) Homeless persons reside at the facility a maximum of sixty (60) days;

(v) Occupancy by homeless persons at the facility commences upon the religious assembly use receiving a certificate of occupancy.

(13) The garage of a single-family residence, which is considered the required parking spaces for such use, may be converted into habitable space as defined by the Uniform California Building Code to accommodate the use of the dwelling as a large family day care upon satisfying the findings

and conditions set forth in TMC_9-2-110. The condition may remain until such time as the dwelling unit is no longer used for day care, residential care, or other similar uses licensed by the State of California (Community Care Licensing). Upon cessation of that use, or prior to the dwelling unit being sold, the converted garage shall be returned to its original state so that off-street parking is provided pursuant to TMC_9-2-209.

(14) Minor utilities shall not interfere with the use, enjoyment or aesthetics of adjacent uses.

(15) Manufactured housing shall be subject to architectural review to ensure compatibility with adjacent residential buildings in terms of scale, height, and exterior design and treatment as provided in the design guidelines, including but not limited to roof pitch and style, window and door detailing, exterior materials, textures, colors, and finishes.

9-3-203-Property development regulations.

The following schedule prescribes the development regulations for each Residential District. Deviations from the setback and height requirements for the purpose of providing accommodation for disabled access to an existing structure may be permitted upon approval of a minor administrative approval pursuant to Article 3 of Chapter 9-5 TMC.TMC 9-5-300ART.

R DISTRICTS (Residential Districts) PROPERTY DEVELOPMENT REGULATIONS						
	R-E	R-L	R-L4.5	R-M	R-H	Additional Regulations
Minimum lot size (sf)	14,500	5,000	4,500	6,000	7,500	(1)(5)
Lot density ranges (unit/acre)	0.2 – 3.0	3.0 – 7.0	5.0 – 10.0	7.0 – 15.0	15.0 – 30.0	
Lot area per unit (sf)	14,500	5,000	4,500	NA	NA	(5)
Units per min. lot size	4 2	4 2	4 2	2 3	4	(16)
Area per unit above min.	NA	NA	NA	2,000	1,200	
Lot dimensions (ft.)						
Width	100	55	40	60	75	(2)
Corner lots	60	60	45	65	80	
Depth	100	90	80	100	100	
Frontage	60	35	35	35 40	35 45	(16)
Yards						(3)
Front (ft.)	30	15	15	20	20	(7)(9)(14)
Side (ft.)	10	5	0 – 10	10 – 20	10 – 20	(7) (8)(11)(15)
Corner side (ft.)	30	15	15	15	20	(6) (9) (21)
Rear (ft.)	20	10	10	10/story	10/story	(7) (12) (15) (18)(19)

						(20)(22)
Maximum height (ft.)	35	35	35	35	40	(4)
Distance between structures (ft.)	10	6	6	10	10	(7)
Driveway length (from p/l)	30	20	20	20	20	(23)
Usable open space (sf) per unit	NA	NA	900	500	500	(13)
Common recreational open space	NA		10%	10%	10%	(17)
Landscaping	NA	30%	30%	30%	30%	(17)
Fences and walls	See (8) below.					
Additional Standards	<p>See Article 2 of Chapter 9-2 TMC: 9-2-200ART (Off-Street Parking and Loading Regulations. (10)).</p> <p>See TMC 9-2-216: 9-2-215 (Driveway and corner visibility.).</p> <p>See Article 5 of Chapter 9-2 TMC: Signs. See TMC 9-2-500ART (Signs).</p> <p>See TMC 9-2-112: (Outdoor storage.).</p> <p>See TMC 9-2-101: (Accessory buildings and uses. (7) or structures).</p>					
	<p>See TMC 9-2-118: (Screening of mechanical equipment.).</p> <p>See TMC 9-2-120: Swimming pools, spas and hot tubs.</p> <p>See TMC 9-2-115: (Recycling and solid waste disposal regulations.). Trash and refuse containers shall not be stored within the front yard or corner street yard setback areas.</p> <p>See TMC 9-2-121: 9-2-120 (Underground utilities.).</p> <p>See Article 4 of Chapter 9-2 TMC: 9-2-400ART (Nonconforming Structures and Uses.).</p> <p>See TMC 9-2-114: (Permitted locations of mobile homes, recreational vehicles, and campers.).</p> <p>See TMC 9-2-107: (Development on lots divided by district boundaries.).</p>					

(1) See TMC ~~9-2-106: 9-2-106 (Development on existing lots of record.).~~ See TMC ~~9-2-107: (Development on lots divided by district boundaries.).~~ Minimum lot sizes may be reduced when the exclusive use of such lots is intended for utility substations, pumping stations, and similar facilities.

(2) Lot width for lots located on a cul-de-sac is calculated at the front yard setback point.

(3) See TMC ~~9-2-105: (Building projections into yards.).~~

(4) See TMC ~~9-2-108: (Exceptions to height limits.).~~

(5) See TMC ~~9-2-103~~ (Affordable housing density bonus).

(6) Any corner side yard may be reduced to ten (10') feet if it does not abut the front yard of an adjacent lot.

(7) See TMC ~~9-2-101~~ (Accessory buildings and uses or structures). For main structures, the minimum distance between structures shall increase five (5') feet per story ~~per building for each building involved~~, excluding accessory structures. Canopy structures, typically used to shade vehicles, in residential districts are prohibited in the twenty (20') foot front yard setback area. Canopies erected/installed prior to July 31, 2003, shall be allowed upon proof of date of installation; however, such canopies must be removed upon sale of the residence.

(8) The maximum height of a fence or wall shall be seven (7') feet with the following exceptions:

(i) The maximum height of a fence or wall in a required front or corner side yard shall be three (3') feet for a solid fence and four (4') feet for nonsolid fences, as long as such taller fences do not constitute a safety/visibility hazard to pedestrians or vehicles. A fence may be constructed at the back of the sidewalk within the public right-of-way with the provision that the City of Turlock or other utility may summarily remove it without compensation.

(ii) A maximum seven (7') foot fence or wall may extend five (5') feet into a corner side yard if it does not abut the front yard of an adjacent lot.

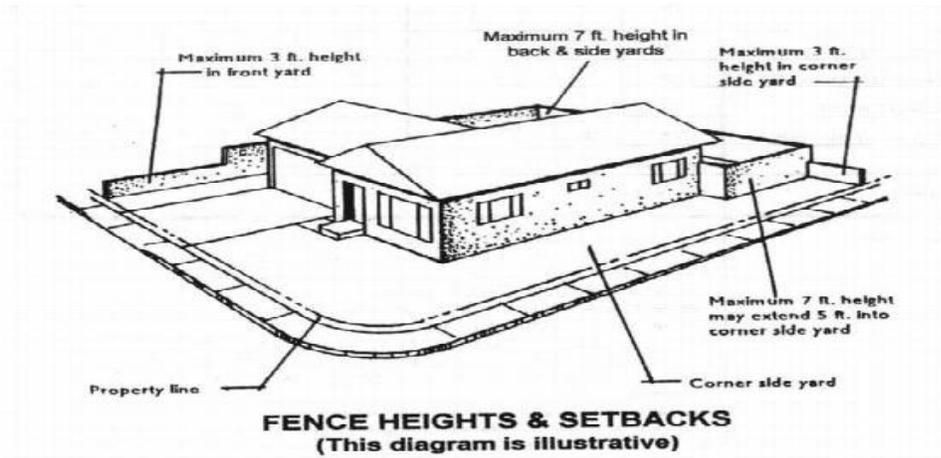
~~(iii) The Community Development Services Director may allow fence and wall heights to be increased in order to mitigate noise problems documented by a noise study. Barbed wire and razor wire, electrified fences, fencing, and similar security devices are prohibited. In addition, all fences and walls shall be subject to the driveway visibility requirements of TMC ~~9-2-216~~ 9-2-215 (Driveway and corner visibility).~~

(iv) To improve security in residential districts only, the Development Services Director may permit a fence or wall located on the rear property line to be increased by up to ten (10') feet when the property abuts a property owned and maintained by public utility upon approval of a minor administrative approval as set forth in TMC 9-5-300ART (Minor Administrative and Minor Discretionary Permits). This exception shall not be applied to a rear property line that abuts a public street or sidewalk.

(v) Barbed and razor wire, and electrified fences are prohibited in residential districts.

(9) Front or corner side yard ~~setbacks~~ setback may be reduced to the average of the two (2) adjoining lots, when the adjoining lots have already been developed. ~~In the R-L District, front yards may be reduced by a maximum of five (5') feet, provided there is a corresponding increase elsewhere in the front yard.~~ In no case shall any portion of any building in a residential district be located within a public utility easement (PUE), or closer to the front property line than ten (10') feet or twenty (20') feet for garages/carports.

(10) Vehicular access. For all uses, there shall be vehicular access to the off-street parking and loading facilities from a dedicated street or alley.



(11) In the R-L4.5 District, one (1) side yard may be eliminated if the opposite side yard is ten (10') feet. A five (5') foot wide easement on the lot adjacent to the eliminated side yard shall be required for building overhang, encroachments and access for building maintenance. Such easement shall be recorded prior to the recording of the final map or the issuance of any building permit-, whichever occurs first. Otherwise both side yards shall be a minimum of five (5') feet. In no case shall any structure be closer than ten (10') feet from a structure on an adjoining property. In the R-L4.5 District those units which abut lots in a different zoning district shall maintain a five (5') foot adjoining side yard.

(12) In the R-L4.5 District, the rear yard may be reduced to five (5') feet for a length not to exceed one-third (1/3) of the width of the parcel.

(13) Multifamily dwelling projects (except senior housing) with twenty (20) or more units shall include an additional nine hundred (900) square feet of children's play area designed and equipped for children through the age of nine (9) years.

(14) A through lot is considered to have two (2) front yards, both of which shall be landscaped upon development of the lot. Municipal code standards for front yards (setbacks, fencing, and the like) apply to both street frontages. On a through lot that is simultaneously a corner lot, the property owner may designate the corner side yards.

(15) In the R-M and R-H Districts, a minimum side and rear yard setbacksetbacks shall be ten (10') feet for a one (1)-story buildings and building. These setbacks shall be increased by five (5'5') per story to a maximum of twenty (20') feet when the property abuts a R-L District. In these cases, these setbacks shall be increased to fifteen (15') feet for each additional story-a two-story building and to twenty (20') feet for a building that is three stories or more in height.

~~(16) On lots of less than one (1) acre in the R-M and R-H Districts, the minimum number of dwelling units per lot may be reduced to be consistent with the prevailing development density in the neighborhood.~~

~~(16) Minimum lot frontage dimension applies only to lots fronting on curvilinear streets or cul-de-sacs, and may not be used to create flag lots.~~

(17) See TMC-9-2-109- (Landscaping and irrigation-).

(18) In the R-L Zoning District, the rear yard may be reduced to five (5') feet for a length not to exceed one-third (1/3) of the width of the parcel if the rear yard abuts ~~an~~ a public alley ~~(Director's Interpretation 2006-01)~~.

(19) A residential lot located at the end of an open-ended cul-de-sac may consider the side yard abutting the public right-of-way at the end of the open-ended cul-de-sac as an interior yard for purposes of setback measurements. Because of visibility constraints, this provision may not apply when the side yard of the lot abuts the front yard of an adjacent lot ~~(Director's Interpretation 2000-02)~~.

(20) In R-L and R-L4.5 Zoning Districts, and for single story structures in the R-M and R-H Zoning Districts, a building projection may not encroach any closer than five (5') feet to the rear property line. The width of the projection may not exceed twenty-five (25%) percent of the allowed building width. For two (2) story structures in the R-M and R-H Zoning Districts, building projections may extend up to six (6') feet into the rear yard, reducing the minimum rear yard to fourteen (14') feet, instead of the requisite twenty (20') feet ~~(Director's Interpretation 99-05)~~.

(21) Where two (2) corner lots abut each other ("back-to-back") in the R-E Zoning District, a twenty (20') foot corner side yard setback is required. This provision does not apply to reverse corner lots, where the rear of the lot abuts the side yard of the adjoining lot. In this circumstance, the typical thirty (30') foot setback shall apply.

(22) Single-family homes located in the R-M Zoning District are not subject to the ten (10') foot per story setback regulations. ~~This provision only applies to multiple attached units (Director's Interpretation 99-02)~~.

(23) A twenty (20') foot driveway is not required when a garage is accessed off a public alley. Detached garages are subject to the accessory building provisions of TMC ~~9-2-101~~ (Accessory Buildings or Structures) for both setbacks and height limitations. Attached garages are considered part of the main dwelling units and are, therefore, subject to the rear and/or side yard setbacks normally established for that particular zoning district ~~(Director's Interpretation 99-01)~~.

Article 3. Commercial Districts (C-O, C-C, C-T, C-H)

9-3-301- Specific purposes.

In addition to the general purposes listed in ~~TMC Chapter 1 of Title 9 of this Code (Chapter 9-1: 9-1)~~ (General Provisions), the specific purposes of the Commercial District regulations are to:

- (a) Provide appropriately located areas consistent with the General Plan for a full range of office, retail commercial, and service commercial uses needed by residents of, and visitors to, the City and region;
- (b) Strengthen the City's economic base, and provide employment opportunities close to home for residents of the City and surrounding communities;
- (c) Create suitable environments for various types of commercial uses, and protect them from the adverse effects of incompatible uses;
- (d) Minimize the impact of commercial development on adjacent residential districts;
- (e) Ensure that the appearance and effects of commercial buildings and uses are harmonious with the character of the area in which they are located;

(f) Provide opportunities for residential development on the site of commercial development or on separate sites in certain commercial districts;

(g) Ensure the provision of adequate off-street parking and loading facilities; and

(h) Provide sites for public and semipublic uses complementary to commercial development or compatible with a commercial environment.

(i) The additional purposes of each C District are as follows:

(1) **CO Commercial Office District.** To provide a transitional zone between commercial and residential uses with areas for business and professional offices.

(2) **CC Community Commercial District.** To provide a wide range of retail stores, restaurants, hotels and motels, commercial recreation, personal services, business services and financial services and for limited office and residential uses.

(3) **CT Commercial Thoroughfare District.** To provide areas for uses required by the traveling public such as hotels and motels, service stations and restaurants, with immediate access to Highway 99.

(4) **CH Heavy Commercial/Light Industrial District.** To provide for the full range of retail, wholesale and service businesses not generally suitable in other commercial districts because they attract heavy automobile and truck traffic or have certain adverse impacts; and to provide opportunities for certain limited manufacturing uses that have impacts comparable to those of retail and service.

9-3-302 Use classifications.

In the following schedule, the letter "P" designates use classifications permitted in C Districts, the letters "NP" designate use classifications not permitted, the letters "MAA" designate use classifications allowed on approval of a minor administrative approval, the letters "MDP" designate use classifications allowed on approval of a minor discretionary permit, and the letters "CUP" designate use classifications allowed on approval of a conditional use permit.

All new or expanded uses of a site or structure shall obtain the necessary permits as indicated in the following schedule.

All new or expanded uses of a site or structure, involving an expansion of floor area of one thousand (1,000) square feet or twenty-five (25%) percent of the existing building floor area, whichever is less, are subject to design review in accordance with ~~Article 10 of Chapter 9-5 TMC~~. TMC 9-5-1000ART. New or expanded uses subject to design review shall obtain an MDP design review permit. Design review shall take place concurrently with the processing of any other required permit. Compliance with the adopted design guidelines of the City of Turlock is mandatory for all commercial developments subject to design review.

Any change in use or business within an existing structure that is permitted or, in the opinion of the ~~Community Development Services~~ Director, is suitable to the site and structures in which it is located and does not increase the intensity or impact of its prior use, shall obtain a zoning certificate in accordance with ~~Article 1 of Chapter 9-5 TMC, Permit Applications, Hearings, Amendments, TMC 9-5-200ART (Zoning Certificates and Appeals-Home Occupation Permits)~~. The zoning certificate shall be obtained prior to the issuance of a building permit or prior to commencement of a use where no building permit is required.

Uses not contained in the following schedule may be permitted subject to a conditional use permit. Such conditional uses must be of a similar nature and intensity as other uses in the district as determined by the Community Development Services Director or designee.

C-O, C-C, C-T and C-H DISTRICTS (Commercial)					
USE CLASSIFICATIONS					
P Permitted					
NP Not Permitted					
MDP Minor Discretionary Permit					
MAA Minor Administrative Approval					
CUP Conditional Use Permit					
	C-O	C-C	C-H	C-T	Additional Use Regulations
<u>Agricultural Uses</u>					
<u>Community garden</u>	<u>MDP</u>	<u>MDP</u>	<u>MDP</u>	<u>MDP</u>	
<u>Crop production</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Residential Uses					
Family day care					
<u>Large</u>	MAA	NP	NP	NP	(1)
<u>Small</u>	P	NP	NP	NP	(1)
Group quarters					
<u>Large</u>	MDP	NP	NP	NP	(2)
<u>Small</u>	P	NP	NP	NP	(2)
Emergency shelter	CUP	CUP	CUP	NP	(2) <u>(25)</u>
Caretaker unit	<u>CUPNP</u>	NP	<u>NP</u> <u>CUP</u>	NP	(18)
Public and Semipublic Uses					
Clubs and lodges	MDP	MDP	CUP	NP	
Convalescent hospitals	MDP	NP	NP	NP	
Cultural institutions	P	P	P	<u>PNP</u>	
Day care centers	MDP	MAA	MAA	NP	
Government offices	P	P	P	NP	
Hospitals	CUP	CUP	CUP	NP	
Parking lots	MDP	MDP	MDP	<u>MDP</u> <u>CUP</u>	
<u>Public assembly</u>	<u>NP</u>	<u>MDP</u>	<u>MDP</u>	<u>CUP</u>	
Public buildings and facilities	MDP	MDP	MDP	<u>MDP</u> <u>CUP</u>	
Public utility service yards	NP	NP	MDP	NP	
Religious assembly	MDP	MDP	MDP	<u>MDP</u> <u>CUP</u>	
Schools					
<u>Trade</u>	MDP	MDP	MDP	NP	

___ Public/ <u>or</u> private	MDP	MDP	MDP	NP	
Utilities					
___ Major	NP	NP	CUP	NP	
___ Minor	<u>MDP</u> <u>MAA</u>	<u>MDP</u> <u>MAA</u>	<u>MDP</u> <u>MAA</u>	<u>MDP</u> <u>MAA</u>	(3)
Commercial Uses					
Adult entertainment facilities	NP	NP	NP	NP	(4)
Animal services					
___ Animal boarding	CUP	MDP	MDP	<u>NP</u> <u>MDP</u>	<u>(24)</u>
___ Animal grooming	MDP	P	P	<u>P</u> <u>MDP</u>	<u>(24)</u>
___ Animal hospitals	CUP	MDP	MDP	MDP	<u>(24)</u>
___ Animal retail sales	NP	P	P	<u>P</u> <u>MDP</u>	(23) <u>(24)</u>
Antique shops	NP	P	P	<u>P</u> <u>MDP</u>	<u>(24)</u>
Artists' studios	MDP	P	P	<u>P</u> <u>MDP</u>	(19) <u>(24)</u>
<u>Automobile</u> <u>Auto</u> repair					
___ Major	NP	MDP	MAA	<u>MAA</u> <u>MDP</u>	(6)(7)
___ Minor	NP	MAA	P	P	(6)(7)
<u>Automobile</u> <u>Auto</u> sales and service	NP	MAA	MAA	MAA	(6)(7)
Automobile service stations	NP	MAA	MAA	MAA	(6)(7)
Automobile storage	NP	NP	MAA	NP	(6)(7)
Automobile washing	NP	MDP	MAA	MAA	(6)(7)
Bakeries					
___ Retail	MDP	P	P	<u>P</u> <u>MDP</u>	<u>(24)</u>
___ Wholesale	NP	NP	MDP	NP	
Bar	NP	CUP	CUP	CUP	<u>(24)</u>
Building materials and services	NP	MDP	MAA	<u>MDP</u> <u>CUP</u>	(8)(13) <u>(24)</u>
Catering services	NP	P	P	NP	
Clinics	MDP	MDP	P	MDP	<u>(24)</u>
Commercial filming	NP	MDP	P	NP	
Commercial recreation and entertainment	NP	CUP	CUP	CUP	(5)
Convenience gas mart	NP	MDP	MDP	MDP	
<u>Dance hall</u> / <u>Nightclub</u>	<u>NP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	
Discount club	NP	CUP	CUP	CUP	(21)(22)
Discount store	NP	MDP	MDP	CUP	(21)(22)
Discount superstore	NP	NP	NP	NP	(21)(22)
Entertainment, live (excluding adult entertainment)	NP	MDP	MDP	<u>MDP</u> <u>CUP</u>	<u>(14)</u> <u>(24)</u>

Equipment sales, service and rentals	NP	NP	MAA	NP	(13)
Financial services	CUP	MDP	MAA	NP MDP	(13) (24)
Food and beverage sales					
___ Neighborhood store <2,500 sf	CUP	MAA	MAA	NP MDP	(24)
___ Between 2,500 and 10,000 sf	NP	MDP	MDP	NP MDP	(24)
___ Larger than 10,000 sf	NP	MDP	MDP	CUP	(21)(22)
Fortune telling	NP	CUP	NP	NP	(9)
Funeral and internment services	MDP	MAA	MAA	NP	
Health/recreation center	NP	MAA	MAA	MAA CUP	(24)
Hotels and motels	NP	MAA	MAA	MAA	(16)
Laboratories	MAA	MAA	MAA	NP	
Laundries					
___ Limited	MAA	P	P	NP	
___ Unlimited	NP	NP	P	NP	
Maintenance and repair services					
___ Major	NP	NP	MDP	NP	(13)
___ Minor	NP	MAA	MAA	NP MDP	(13)(24)
<u>Nightclub</u>	NP	CUP	CUP	CUP	(24)
Nurseries	NP	MAA	MAA	NP	
Nursing homes	MDP	MDP	NP	NP	
Offices					
___ Business and professional	P	P	MAA	NP	
___ Medical and dental	P	P	MAA	NP MDP	(24)
Outdoor storage	NP	MDP	MDP	MDP CUP	(13)
Personal services	MAA	P	P	NP MDP	(24)
Printing and publishing					
___ Limited	MDP	MAA	P	NP	
___ Unlimited	NP	NP	MDP	NP	
Recycling facility					(17)
___ Collection facility, large	NP	NP	MDP	NP	(17)
___ Collection facility, small	NP	P	P	NP MDP	(17) (24)
___ Processing facility	NP	NP	NP	NP	(17)
Rental storage facility	NP	NP	MDP	NP	(20)
Research and development services	MDP	MDP	MDP	NP	
Restaurant	CUP	MAA	MAA	MAA	

Restaurant, drive-in	NP	MDP	MDP	MDP	
Restaurant, fast food	NP	MDP	MDP	MDP	
Retail sales	CUP	P	P	PMDP	(10)(21)(22)(24)
Salvage and wrecking operations					
Motor vehicle	NP	NP	CUP	NP	(15)
Non-vehicular	NP	NP	CUP	NP	(15)
Second hand stores	NP	MDP	MDP	NP	
Shopping centers <u>center</u>	NP	MDP	MDP	CUP <u>MDP</u>	
Travel trailer park	NP	NP	MDP	MDP	(16)
Truck terminal	NP	NP	MDP	CUP	
Warehousing	NP	NP	MDP	NP	
Industrial uses					
Commissary	NP	NP	MDP	NP	
Industry, limited	NP	NP	MDP	MDP	
Limited	NP	NP	MDP	NP	
General	NP	NP	NP	NP	
Salvage and wrecking operations					
Motor vehicle	NP	NP	CUP	NP	(15)
Non-vehicular	NP	NP	CUP	NP	(15)
Warehouse					
Limited	NP	NP	MDP	NP	
Wholesale distribution	NP	NP	MDP	NP	
Accessory Structures and Uses	P	P	P	P	(11)(13)
Temporary Uses	P	P	P	P	(12)
Nonconforming Uses	See Article 4 of Chapter 9-2, TMC, 9-2-400ART (Nonconforming Structures and Uses.).				

(1) See ~~TMC 9-2-110, 9-2-110 (Family day care home.)~~.

(2) ~~Small residential care facilities and interim housing serving six (6) or fewer people are considered accessory to a residence. Such facilities shall be designed to accommodate a group living environment.~~

(3) ~~Minor utilities shall not interfere with the use, enjoyment or aesthetics of adjacent uses. All utilities shall be screened from view from public right-of-way using landscaping, a berm, a solid masonry fence, or other visually attractive method. The area surrounding the minor utility shall be landscaped.~~

(4) See ~~TMC 9-2-102, (Adult entertainment facilities.)~~ Adult bookstores shall be subject to the same supplemental regulations applicable to adult entertainment facilities.

(5) Commercial recreation and entertainment uses less than two thousand (2,000) square feet in floor area are allowed with a zoning certificate issued in accordance with ~~Article 2 of Chapter 9-5 TMC, 9-5-200ART (Zoning Certificates and Home Occupation Permits).~~

(6) See ~~TMC 9-2-112, (Outdoor storage).~~ In the ~~CC District~~ C-C and C-T Districts, automobile servicing shall be conducted wholly within an enclosed building.

(7) See ~~TMC 9-2-104, (Automobile service stations, repair and washing).~~

(8) Building materials and service uses shall not abut an R District unless accessory to a retail use.

(9) No fortune telling use shall be located any closer than within seven hundred fifty (750') feet of another fortune telling use.

(10) Retail sales in the ~~CC-O~~ CO-C-O District shall be limited to ~~eating and drinking establishments and pharmacies as accessory uses designed primarily but not exclusively to serve patrons and occupants of uses within and/or the CO District~~ sale of medical and/or dental products.

(11) See ~~TMC 9-2-101, 9-2-101 (Accessory buildings and uses or structures).~~

(12) See ~~Article 5 of Chapter 9-5, TMC, 9-5-500ART (Temporary Uses of Land).~~ Construction trailers may be located on the project site after required planning permits and approvals have been obtained. The trailer(s) must be removed upon completion of the applicable construction project.

(13) See ~~TMC 9-2-112, (Outdoor storage), and Article 5 of Chapter 9-5, TMC, 9-5-500ART (Temporary Uses of Land).~~

(14) ~~Live entertainment, excluding adult entertainment, may be allowed in the CT District as an accessory use.~~ A conditional use permit issued in accordance with ~~Article 6 of Chapter 9-5, TMC, 9-5-600ART (Conditional Use Permits and Variances),~~ shall be obtained if the live entertainment is located within three hundred (300') feet of a residential use or an R District. In the C-T District, live entertainment, excluding adult entertainment, may be allowed as an accessory use.

(15) See ~~TMC 9-2-117, (Salvage and wrecking operations).~~

(16) A conditional use permit issued in accordance with ~~Article 6 of Chapter 9-5, TMC, 9-5-600ART (Conditional Use Permits and Variances),~~ shall be required if a hotel, motel or travel trailer park abuts an R District.

(17) See ~~TMC 9-2-116, (Recycling facilities).~~

(18) A caretaker unit may be permitted within a rental storage facility. All such residences shall be constructed to R-M District standards.

(19) Artists' studios in the downtown area may also be a place of residence for the artist as a secondary use. Artists' studios must be compatible with adjacent uses and shall not be a nuisance regarding noise and dust.

(20) See ~~TMC 9-2-123, 9-2-122 (Rental storage facility).~~

(21) See ~~TMC 9-1-202~~ for the definitions of "Discount store," "Discount superstore," and "Discount club."

(22) Except for a “Discount store” as defined by TMC_9-1-202, which shall require a conditional use permit issued in accordance with ~~Article 6 of Chapter 9-5 TMC.~~ TMC 9-5-600ART (Conditional Use Permits and Variances).

(23) Retail sale of dogs and cats is prohibited in accordance with TMC_6-1-703.

(24) Applies to uses in the C-T district only. The designated permitting process applies only to uses developed as part of a shopping center as defined under in TMC 9-1-200ART (Establishment of Definitions). Uses shall not be permitted (i.e., are designated NP) as a stand-alone business.

(25) Where the emergency shelter is proposed in a location that falls within the Emergency Shelter overlay district, the permitting requirements contained in Article 2 of this chapter shall prevail.

9-3-303-Property development regulations.

The following schedule prescribes development regulations for the C (Commercial) Districts. Development in these districts is also subject to the specific standards as contained in any applicable overlay district. Deviations from the setback and height requirements for the purpose of providing accommodation for disabled access to an existing structure may be permitted upon approval of a minor administrative approval pursuant to Article 3 of Chapter 9-5 TMC.TMC 9-5-300ART (Minor Administrative and Minor Discretionary Permits).

C-O, C-C, C-T and C-H DISTRICTS (Commercial) PROPERTY DEVELOPMENT REGULATIONS					
	C-O	C-C	C-H	C-T	Additional Regulations
Yards					(1)(7)(8)
Front (ft.)	0 <u>10</u>	0 <u>10</u>	0 <u>15</u>	0 <u>15</u>	(2)(5)(9)
Side (ft.)	0	0	0	0	(3)
Corner side (ft.)	10	0 <u>10</u>	0 <u>15</u>	0 <u>15</u>	(2)(5)(9)
Rear (ft.)	10	0	0	0	(3)
Maximum height (ft.)	35	35	None	None	(3)(4)
Typical FAR	0.35	0.25	0.35	0.35	
Landscaping standards (% of lot area)	25 <u>15</u>	10	7.5	7.5	(5)(6)(8)
Residential development	Where permitted, residential uses may be developed independently or in combination with commercial uses in accordance with the R-H District regulations.				
Fences and walls	A seven (7') foot solid masonry wall shall be required along any property line abutting an R District, except in required front and corner side yards where the maximum height shall be three (3') feet. The Community <u>Development Services</u> Director may allow fence and wall heights to be increased in order to mitigate noise problems documented by a noise study. BarbedRazor <u>wire and, electrified fencesfencing, and similar security devices</u> are prohibited <u>in commercial districts,</u> except that such fences. <u>Barbed wire</u> may be used on a limited basis for security or safety purposes with an <u>a</u>				

	MAA issued in accordance with Article 3 of Chapter 9-5 TMC, 9-5-300ART (Minor Administrative Approval and Minor Discretionary Permits), provided that the barbed wire is not visible from the public right-of-way and is not located adjacent to a residence or Residential District. In addition, all fences and walls shall be subject to the driveway visibility requirements of TMC 9-2-216; 9-2-215 (Driveway and corner visibility).
Additional standards	Article 2 of Chapter 9-2 TMC; 9-2-200ART (Off-street parking and loading regulations). TMC 9-2-216; 9-2-215 (Driveway and corner visibility). Article 5 of Chapter 9-2 TMC: Signs; TMC 9-2-500ART (Signs). TMC 9-2-112; (Outdoor storage). TMC 9-2-101; (Accessory buildings or structures and uses). TMC 9-2-118; (Screening of mechanical equipment). TMC 9-2-12112; 0 (Underground utilities).
	TMC 9-2-115; (Recycling and solid waste disposal regulations). Article 4 of Chapter 9-2 TMC; 9-2-400ART (Nonconforming Structures and Uses). TMC 9-2-12312; 2 (Rental storage facility).

(1) See ~~TMC 9-2-105; (Building projections into yards).~~

(2) Front ~~yards or corner side yard setback~~ may be reduced to the average distance of existing buildings from their front property line on the two (2) abutting lots adjoining the front property line.

(3) Structures shall not intercept a forty-five (45°) degree inclined plane inward from a height of ten (10') feet above existing grade at the R District boundary line. Single story structures and ground level parking may encroach a maximum of five (5') feet into required side and rear yards.

(4) See ~~TMC 9-2-108; (Exceptions to height limits).~~

(5) Any area between ~~the front (and street side) a~~ property line adjacent to the street and the building, exclusive of driveways, shall be landscaped.

(6) See ~~TMC 9-2-109; (Landscaping and irrigation).~~

(7) When abutting a ~~residential district~~ R District, a minimum setback ~~from the residential district~~ shall be provided as follows: front yard: fifteen (15') feet; rear yard: fifteen (15') feet; side yard: ten (10') feet.

(8) See ~~TMC 9-2-123; 9-2-122 (Rental storage facility).~~

(9) The required "landscape strip" in the public right-of-way (located behind the public sidewalk and adjacent to the private property line) may be counted toward the required building front yard and corner side yard setback, when constructed per City standard as defined in the Turlock General Plan and the landscape strip is maintained by the private property owner.

Article 4. Industrial Districts (I-BP & I)

9-3-401- Specific purposes.

In addition to the general purposes listed in TMC Chapter 9-1 TMC, 9-1 (General Provisions), the specific purposes of the Industrial District regulations are to:

- (a) Provide appropriately located areas consistent with the General Plan for a broad range of manufacturing and service uses;
- (b) Strengthen the City's economic base, and provide employment opportunities close to home for residents of the City and surrounding communities; and
- (c) Minimize the impact of industrial uses on adjacent residential and commercial districts.
- (d) The additional purposes of each I District are as follows:
 - (1) **I-BP Business Park District.** - To provide sites with high architectural and landscape standards for industrial office centers, limited manufacturing, warehousing and large-scale, single destination retail and other limited retail uses which may not be appropriate in retail areas.
 - (2) **I General Industrial District.** - To provide for the full range of manufacturing, industrial processing, general service, and distribution uses deemed suitable for location in Turlock; and to protect Turlock's general industrial areas from competition for space from unrelated uses that could more appropriately be located elsewhere in the City.

9-3-402- Use classifications.

In the following schedule, the letter "P" designates use classifications permitted in C Districts, the letters "NP" designate use classifications not permitted, the letters "MAA" designate use classifications allowed on approval of a minor administrative approval, the letters "MDP" designate use classifications allowed on approval of a minor discretionary permit, and the letters "CUP" designate use classifications allowed on approval of a conditional use permit.

All new or expanded uses of a site or structure shall obtain the necessary permits as indicated in the following schedule.

All new or expanded uses of a site or structure, involving an expansion of floor area of five thousand (5,000) square feet or twenty-five (25%) percent of the existing building floor area, whichever is less, are subject to design review in accordance with ~~Article 10 of Chapter 9-5 TMC.~~ TMC 9-5-1000ART. New or expanded uses subject to design review shall obtain an MDP design review permit. Design review shall take place concurrently with the processing of any other required permit. Compliance with the adopted design guidelines of the City of Turlock is mandatory for all industrial developments subject to design review.

Any change in use or business within an existing structure that is permitted or, in the opinion of the Community Development Services Director, is suitable to the site and structures in which it is located and does not increase the intensity or impact of its prior use, shall obtain a zoning certificate in accordance with ~~Article 1 of Chapter 9-5 TMC, Permit Applications, Hearings, Amendments,~~ TMC 9-5-200ART (Zoning Certificates and Appeals-Home Occupation Permits). The zoning certificate shall be obtained prior to the issuance of a building permit or prior to commencement of a use where no building permit is required.

Uses not contained in the following schedule may be permitted subject to a conditional use permit. Such conditional uses must be of a similar nature and intensity as other uses in the district as determined by the Community Development Services Director or designee.

I-BP and I DISTRICTS (Industrial) USE CLASSIFICATIONS P Permitted NP Not Permitted MDP Minor Discretionary Permit MAA Minor Administrative Approval CUP Conditional Use Permit			
	I-BP	I	Additional Use Regulations
<u>Agricultural Uses</u>			
<u>Community garden</u>	<u>MDP</u>	<u>MDP</u>	
<u>Crop production</u>	<u>P</u>	<u>P</u>	
<u>Other agricultural uses</u>	<u>MDP</u>	<u>MDP</u>	
Public and Semipublic Uses			
Airports and heliports	CUP	CUP	
<u>Churches</u>	<u>CUP</u>	<u>CUP</u>	
Day care centers	MDP	MDP	
Government offices	MDP	MDP	
Parking lots	MDP	MDP	
Public buildings and facilities	MDP	MDP	
<u>Religious assembly</u>	<u>CUP</u>	<u>CUP</u>	
Schools, trade	MDP	MDP	
Utilities			
<u>Major</u>	CUP	MDP	
<u>Minor</u>	P	P	(13)
Commercial Uses			
Adult entertainment facilities	MDP	MDP	(1)
Ambulance services	MDP	MDP	
Animal services			
<u>Animal boarding</u>	MDP	MDP	
<u>Animal hospitals</u>	MDP	MDP	
Artists' studios	MDP	MDP	
Automobile service stations	MDP	MDP	(2)
Automobile storage	MDP	MDP	(2)
Automobile washing	NP	MDP	(2)

Bakeries, wholesale	MDP	MDP	
Building materials and services	NP	MDP	(3)
Commercial recreation and entertainment	MDP	MDP	
Communications facilities	MDP	MDP	
Eating and drinking establishments	CUP	CUP	
Equipment sales, service and rentals	MDP	MDP	(12)
Financial services	MDP	MDP	(4)
Health/recreation centers	MDP	MDP	
Laboratories	MDP	MDP	
Labor camps	NP	CUP	
Maintenance and repair services			
<u> </u> Major	NP	MDP	(5)
<u> </u> Minor	MDP	MDP	(5)
Motor vehicle repair			
<u> </u> Major	NP	MDP	(2)
<u> </u> Minor	MDP	MDP	(2)
Offices			
<u> </u> Business and professional	MDP	CUP	
<u> </u> Medical and dental	MDP	CUP	
Printing and publishing			
<u> </u> Limited	MDP	MDP	
<u> </u> Unlimited	MDP	MDP	
Research and development services	MDP	MDP	
Restaurant Retail sales	MDP CUP	MDP CUP	
Retail sales Speculative buildings	MDP	MDP	(6)
Industrial Uses			
<u> </u> Chemical mfg./processing	NP	CUP	
<u> </u> Commissary	NP	MDP	
Industry			
<u> </u> General	NP CUP	MDP	
<u> </u> Limited	MDP	MDP	
Hazardous waste transfer stations	NP	CUP	
Salvage and wrecking operations	NP	CUP	(7)
Speculative buildings	MDP	MDP	
Transfer stations	NP	MDP	
Truck terminal	NP	MDP	(10)

Truck yard	NP	MDP	(8)
Warehousing and storage Warehouse			
___ Limited	MDP	MDP	
___ Wholesale distribution	MDP CUP	MDP	
Accessory Structures and Uses	P	P	(5)(8)(9)
Caretaker unit	MDP	MDP	(11)
Temporary Uses	P	P	(9)
Nonconforming Uses	See Article 4 of Chapter 9-2 TMC, 9-2-400ART (Nonconforming Structures and Uses.)		
Recycling Facilities	See TMC 9-2-116, (Recycling facilities.)		

(1) See ~~TMC 9-2-102, (Adult entertainment facilities.)~~

(2) See ~~TMC 9-2-104, (Automobile service stations, repair and washing.)~~

(3) Building materials and service uses shall not adjoin any R District. See ~~TMC 9-2-112, (Outdoor storage.)~~

(4) Only automatic teller machines are allowed.

(5) See ~~TMC 9-2-112, (Outdoor storage.)~~

(6) In an I District only ancillary retail sales limited to thirty (30%) percent of the total square footage of ~~all structures~~ buildings used to manufacture products on ~~a the~~ site, or two thousand five hundred (2,500) square feet, whichever is less, shall be allowed. Goods being sold at retail must be directly related to ~~those uses which are permitted uses requiring a zoning certificate issued in accordance with Article 2 of Chapter 9-5 TMC, Zoning Certificates and Home Occupation Permits, or uses which require a conditional use permit issued in accordance with Article 6 of Chapter 9-5 TMC, Conditional Use Permits and Variances, on the site approved and permitted uses of the site.~~ Large-scale, single destination retail uses may be allowed in the I-BP District, provided a conditional use permit is obtained in accordance with ~~Article 6 of Chapter 9-5 TMC, 9-5-600ART (Conditional Use Permits and Variances.)~~

(7) Salvage and wrecking operations shall not adjoin an arterial street or Highway 99. See ~~TMC 9-2-117, (Salvage and wrecking operations.)~~

(8) See ~~TMC 9-2-101, (Accessory buildings and uses or structures.)~~

(9) See ~~Article 5 of Chapter 9-5 TMC, 9-5-500ART (Temporary Uses of Land.)~~ Construction trailers may be located on the project site after required planning permits and approvals have been obtained. The trailer(s) must be removed upon completion of the applicable construction project.

(10) See TMC ~~9-2-123, 9-2-122 (Rental storage facility.)~~

(11) A caretaker unit may be provided in conjunction with an industrial use for a caretaker that is responsible for security, maintenance or management of the facility. The unit shall be a permanent structure that is architecturally compatible with the main industrial buildings and must be clearly accessory to the industrial use.

(12) See ~~TMC 9-2-124~~ TMC 9-2-126 (Equipment sales, service and rentals).

(13) Minor utilities shall not interfere with the use, enjoyment or aesthetics of adjacent uses. All utilities shall be screened from view from public right-of-way using landscaping, a berm, a solid masonry fence, or other visually attractive method. The area surrounding the minor utility shall be landscaped.

9-3-403- Property development standards.

The following schedule prescribes development regulations for the I (Industrial) Districts. Deviations from the setback and height requirements for the purpose of providing accommodation for disabled access to an existing structure may be permitted upon approval of a minor administrative approval pursuant to ~~Article 3 of Chapter 9-5 TMC~~ TMC 9-5-300ART (Minor Administrative and Minor Discretionary Permits).

I-BP and I DISTRICTS (Industrial) PROPERTY DEVELOPMENT REGULATIONS			
	I-BP	I	Additional Use Regulations
Lot size (sf)	15,000	15,000	(1)
Lot width (ft.)	150	150	
Lot depth (ft.)	150	150	
Lot frontage (ft.)	100	100	
Yards			(7)
Front (ft.)	20	20	(2)(3)(4)(8)
Side (ft.)	0	0	(4)
Corner side (ft.)	20	20	(3)(4)(8)
Rear (ft.)	0	0	(4)
Maximum height (ft.)	None	None	
Typical FAR	0.60	0.60	(7)
Landscaping standards	7.5	5	(5)(6)(7)
Fences and walls	A seven (7') foot solid masonry wall shall be required along any property line abutting an R, C, or PS District. The Community Development Director may allow fence and wall heights to be increased in order to mitigate noise problems documented by a noise study. Barbed wire and electrified fences are prohibited, except that barbed razor wire, and other similar devices may be used on a limited basis for security or safety purposes with an MAA issued in accordance with Article 3 of Chapter 9-5 TMC, 9-5-300ART (Minor Administrative and Minor Discretionary Permits.), <u>provided that the device is not visible from the public right-of-way and is not located adjacent to a residence or Residential District.. Electrified fences may be permitted in accordance with TMC 9-2-126.</u> In addition, all fences and walls shall be subject to the driveway visibility requirements of TMC 9-2-216; <u>9-2-215</u>		

	<u>(Driveway and corner visibility.)</u>
Additional standards	<p>See <u>Article 2 of Chapter 9-2 TMC: 9-2-200ART (Off-Street Parking and Loading Regulations.)</u></p> <p>See TMC <u>9-2-216: 9-2-215 (Driveway and corner visibility.</u></p> <p><u>See Article 5 of Chapter 9-2 TMC: Signs. See TMC 9-2-500ART (Signs).</u></p> <p>See TMC <u>9-2-112: (Outdoor storage.)</u></p> <p>See TMC <u>9-2-118: (Screening of mechanical equipment.)</u></p> <p>See TMC <u>9-2-12112: 0 (Underground utilities.)</u></p> <p>See <u>Article 4 of Chapter 9-2 TMC: 9-2-400ART (Nonconforming Structures and Uses.)</u></p> <p>See TMC <u>9-2-115: (Recycling and solid waste disposal regulations.)</u></p> <p>See TMC <u>9-2-12312: 2 (Rental storage facility.)</u></p>

(1) Minimum lot sizes are not applicable when done in conjunction with an approved planned development proposal. See TMC 9-2-106: (Development on existing lots of record.)

(2) Double-frontage lots shall provide front yards on each frontage except in the case of public alleys.

(3) Front and corner side yards may be reduced to ten (10') feet in I Districts on lots which do not front on arterial streets.

(4) A thirty (30') foot side, front and rear yard adjoining any R District and structures shall not intercept a forty-five (45°) degree inclined plane inward from a height of ten (10') feet above existing grade at the R District boundary line.

(5) See TMC 9-2-109: (Landscaping and irrigation.)

(6) Any area between the front (and street side) property line and the building, exclusive of driveways and walkways, shall be landscaped.

(7) See TMC 9-2-12312: 2 (Rental storage facility.)

(8) The required "landscape strip" in the public right-of-way (located behind the public sidewalk and adjacent to the private property line) may be counted toward the required building front yard and corner side yard setback, when constructed per City standard as defined in the Turlock General Plan and the landscape strip is maintained by the private property owner.

Article 5. Public & Semipublic District (P-S)

9-3-501 Specific purposes.

In addition to the general purposes listed in TMC Chapter 9-1: (General Provisions.), the specific purposes of the Public and Semipublic District regulations are to:

(a) Allow consideration of a large public or semipublic use separately from regulations for an underlying base zoning district that may or may not be appropriate in combination with the public or semipublic use;

(b) Allow consideration of establishment or expansion of a large public or semipublic use at rezoning hearings rather than at conditional use permit hearings only, and to give public notice of the extent of a site approved for a large public or semipublic use by delineating it on the Zoning Map; and

(c) Allow the Planning Commission and City Council to consider the most appropriate use of a site following discontinuance of a large public or semipublic use without the encumbrance of a base zoning district that may or may not provide appropriate regulations for reuse of the site.

9-3-502 Use classifications.

In the following schedule, the letter “P” designates use classifications permitted in PS Districts, the letters “NP” designate use classifications not permitted, the letters “MAA” designate use classifications allowed on approval of a minor administrative approval, the letters “MDP” designate use classifications allowed on approval of a minor discretionary permit, and the letters “CUP” designate use classifications allowed on approval of a conditional use permit.

All new or expanded uses of a site or structure shall obtain the necessary permits as indicated in the following schedule.

All new or expanded uses of a site or structure, involving an expansion of floor area of five thousand (5,000) square feet or twenty-five (25%) percent of the existing building floor area, whichever is less, are subject to design review in accordance with TMC 9-5-1000. New or expanded uses subject to design review shall obtain an MDP design review permit. Design review shall take place concurrently with the processing of any other required permit. Compliance with the adopted design guidelines of the City of Turlock is mandatory for all industrial developments subject to design review.

Any change in use or business within an existing structure ~~which does not require an approved conditional use permit or that that is permitted or~~, in the opinion of the ~~Community~~ Development ~~Services~~ Director, is suitable to the site and structures in which it is located and does not increase the intensity or impact of its prior use, shall obtain a zoning certificate in accordance with ~~Article 2 of Chapter 9-5 TMC: TMC 9-5-200ART (Zoning Certificates and Home Occupation Permits-).~~ The zoning certificate shall be obtained prior to the issuance of a building permit or prior to commencement of a use where no building permit is required.

Uses not contained in the following schedule may be permitted subject to a conditional use permit. Such conditional uses must be of a similar nature and intensity as other uses in the district as determined by the ~~Community~~ Development ~~Services~~ Director or designee.

P-S DISTRICT (Public and Semipublic District) USE CLASSIFICATIONS P Permitted NP Not Permitted MDP Minor Discretionary Permit MAA Minor Administrative Approval CUP Conditional Use Permit		
	P-S	Additional Use Regulations
<u>Agricultural Uses</u>		
<u>Community garden</u>	<u>MDP</u>	

<u>Crop production</u>	<u>P</u>	
<u>Other agricultural uses</u>	<u>CUP</u>	<u>(7)</u>
Commercial Uses		
Commercial recreation and entertainment	CUP	(1)
Outdoor facilities <u>storage</u>	CUP	(2)
Public and Semipublic Uses		
Airports	CUP	
Cemeteries	P	
Clubs and lodges	MDP	
Convalescent facilities	MDP	
Corporation yards	MDP	(4)
Cultural institutions	MDP	
Day care centers	MDP	
Government offices	MDP	
Heliports	MDP	(3)
Hospitals	CUP	
Open space	P	
Parking lots	P	
Park and recreation facilities	MDP	
Public buildings and facilities	<u>CUPMDP</u>	
Public assembly	CUP	
Schools, public or private	<u>CUPMDP</u>	
Storm drainage basins	P	<u>(6)</u>
Utilities		
<u>Major</u>	MDP	
<u>Minor</u>	P	(5)
Accessory Structures and Uses	See TMC 9-2-101 <u>(Accessory buildings and uses or structures)</u> .	
Temporary Uses	See Article 5 of Chapter 9-5 TMC 9-5-500 <u>ART (Temporary Uses of Land)</u> . Construction trailers may be temporarily located on a project site after required planning permits and approval have been obtained. The trailer(s) must be removed upon completion of the applicable construction project.	
Nonconforming Uses and Structures	See Article 4 of Chapter 9-2 TMC 9-2-400 <u>ART (Nonconforming Structures and Uses)</u> .	

(1) See also TMC ~~9-2-112~~ (Outdoor storage) and TMC ~~9-2-121~~ 12-0 (Underground utilities).

(2) See ~~TMC 9-2-112: (Outdoor storage,)~~ and ~~Article 5 of Chapter 9-5 TMC: 9-5-500ART (Temporary Uses of Land:).~~

(3) Must be more than one thousand (1,000') feet from an R District; heliport permit from the California Department of Transportation, Division of Aeronautics required.

(4) Maintenance and repair service uses are limited to those of a public and semipublic nature.

(5) Minor utilities shall not interfere with the use, enjoyment, or aesthetics of adjacent uses. All utilities shall be screened from view from public right-of-way using landscaping, a berm, a solid masonry fence, or other visually attractive method. The area surrounding the minor utility shall be landscaped.

(6) Storm drainage basins shall be landscaped.

(7) The permitting process may be reduced to a Minor Discretionary Permit when the property is surrounded on all sides by industrial zones.

9-3-503 Development regulations.

Development regulations shall be as specified by a conditional use permit issued in accordance with ~~Article 6 of Chapter 9-5 TMC: 9-5-600ART (Conditional Use Permits and Variances,)~~ or as required by a minor discretionary permit issued in accordance with ~~Article 3 of Chapter 9-5 TMC: 9-5-300 (Minor Administrative and Minor Discretionary Permits:).~~ The **Community Development Services** Director, Planning Commission, and/or City Council, as the case may be, shall be guided by those regulations of the zoning district within closest proximity or a zoning district intended for uses similar to those proposed in the PS District. Deviations from the setback and height requirements for the purpose of providing accommodation for disabled access to an existing structure may be permitted upon approval of a minor administrative approval pursuant to ~~Article 3 of Chapter 9-5 TMC: TMC 9-5-300ART (Minor Administrative and Minor Discretionary Permits).~~

P-S DISTRICT (Public and Semipublic District) PROPERTY DEVELOPMENT REGULATIONS		
	<u>P-S</u>	<u>P-S-Additional Use Regulations</u>
<u>Yards</u>		<u>(1)(5)</u>
<u>Front (ft.)</u>	<u>10</u>	<u>(2)(4)</u>
<u>Side (ft.)</u>	<u>0</u>	<u>(3)</u>
<u>Corner side (ft.)</u>	<u>10</u>	<u>(2)(4)</u>
<u>Rear (ft.)</u>	<u>10</u>	<u>(3)</u>
<u>Maximum height (ft.)</u>	<u>None</u>	
Landscaping	<u>See TMC Landscaping shall be provided consistent with the standards for the abutting properties. See TMC 9-2-109: (Landscaping and irrigation)</u>	
Fences and walls	A seven (7') foot solid masonry wall shall be required along any property line abutting an R, C or PS District. The Community Development Director may allow fence and wall heights to be increased in order to mitigate noise problems documented by a noise	

	<p>study. Barbed<u>Razor</u> wire and, electrified fences<u>fencing</u>, and similar <u>security devices</u> are prohibited, except that barbed. <u>Barbed</u> wire may be used on a limited basis for security or safety purposes with an<u>a</u> MAA issued in accordance with Article 3 of Chapter 9-5 TMC: <u>9-5-300ART</u> (Minor Administrative and Minor Discretionary Permits.), <u>provided that the barbed wire is not visible from the public right-of-way and is not located adjacent to a residence or Residential District.</u> In addition, all fences and walls shall be subject to the driveway visibility requirements of TMC 9-2-216: <u>9-2-215</u> (Driveway and corner visibility.).</p>
Additional regulations	<p>See Article 2 of Chapter 9-2 TMC: <u>9-2-200ART</u> (Off-Street Parking and Loading Regulations.).</p> <p>See TMC 9-2-216: <u>9-2-215</u> (Driveway and corner visibility.).</p> <p>See Article 5 of Chapter 9-2 TMC: <u>Signs</u>. See TMC <u>9-2-500ART</u> (Signs).</p> <p>See TMC 9-2-112: <u>0</u> (Outdoor storage.).</p> <p>See TMC 9-2-118: <u>0</u> (Screening of mechanical equipment.).</p> <p>See TMC 9-2-121: <u>0</u> (Underground utilities.).</p> <p>See Article 4 of Chapter 9-2 TMC: <u>9-2-400ART</u> (Nonconforming Structures and Uses.).</p> <p>See TMC 9-2-115: <u>0</u> (Recycling and solid waste disposal regulations.).</p>

(1) See TMC 9-2-105 (Building projections into yards).

(2) Front or corner side yard setback may be reduced to the average distance of existing buildings from their front property line on the two (2) abutting lots adjoining the front property line.

(3) Structures shall not intercept a forty-five (45°) degree inclined plane inward from a height of ten (10') feet above existing grade at the R District boundary line. Single story structures and ground level parking may encroach a maximum of five (5') feet into required side and rear yards.

(4) Any area between a property line adjacent to the street and the building, exclusive of driveways, shall be landscaped.

(5) When abutting an R District, a minimum setback shall be provided as follows: front yard: fifteen (15') feet; rear yard: fifteen (15') feet; side yard: ten (10') feet.

Chapter 9-4 OVERLAY DISTRICT REGULATIONS

Sections:

Article 1. Downtown Overlay Regulations

9-4-101 Downtown overlay regulations and purpose.

~~9-4-102 Downtown Core.~~

~~9-4-103~~9-4-102 Regulations applicable to all Downtown Overlay districts.

9-4-103 Use Classifications.

9-4-104 Downtown Core (DC).

9-4-105 Downtown Core Transition: ~~(DCT)~~.

~~9-4-104~~9-4-106 Transitional Commercial: ~~(TC)~~.

~~9-4-105~~~~9-4-107~~ Industrial Residential: ~~(IR)~~.

~~9-4-106~~ ~~Office Residential.~~9-4-108 Office Residential (OR)

Article 2. Emergency Shelter Regulations

9-4-201 Purpose.

9-4-202 Emergency shelter permit required.

9-4-203 District cap on number of beds that may be permitted.

9-4-204 Nondiscretionary emergency shelter permit application: review and approval.

9-4-205 Conditions.

9-4-206 Application processing fee.

9-4-207 Suspension or revocation of emergency shelter permit.

9-4-208 Appeal.

Article 1. Downtown Overlay Regulations

9-4-101 Downtown overlay regulations and purpose.

Downtown Overlay District Regulations apply specifically to the downtown area as defined in the Turlock Downtown Design Guidelines and Zoning Regulations document. These regulations in some cases modify the base district regulations for the purposes set forth herein. However, these regulations are not all inclusive and therefore must be used in concert with the balance of the City of Turlock zoning regulations. Wherever there is a conflict or contradiction in the overlay district and base district regulations, the overlay district regulations set forth herein shall apply.

In addition to the purposes listed in TMC 9-1-103, and elsewhere in each of the base district regulations, the purpose of the Downtown Overlay Regulations are to:

- (a) Maintain and further enhance a prominent pedestrian oriented environment throughout all the regulation districts of the Downtown;
- (b) Promote and encourage economic investment in the Downtown area;
- (c) Protect and preserve the City’s historic architectural character of the Downtown Core and immediately surrounding areas;
- (d) Acknowledge the distinct opportunities that exist in the Downtown; and
- (e) Ensure the economic vitality of the Downtown as the “heart” of Turlock for years to come.

9-4-102 Regulations applicable to all Downtown overlay districts.

(a) Minimum lot size and dimensions. Minimum lot size and dimensions shall be determined using the base zoning district that corresponds to the proposed use. For residential uses, the minimum lot size and dimension for the R-H zoning district shall apply. For commercial and mixed uses, the following minimum lot size and dimensions apply:

<u>Minimum Dimensions</u>	<u>DC</u>	<u>DCT</u>	<u>TC</u>	<u>IR</u>	<u>OR</u>
<u>Lot size (sf)</u>	<u>3000</u>	<u>5000</u>	<u>5000</u>	<u>7500</u>	<u>7500</u>
<u>Lot width (ft.)</u>	<u>25</u>	<u>50</u>	<u>50</u>	<u>75</u>	<u>75</u>
<u>Lot depth (ft.)</u>	<u>75</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>
<u>Lot frontage (ft.)</u>	<u>25</u>	<u>50</u>	<u>50</u>	<u>75</u>	<u>75</u>

(b) Accommodation for disabled access. Deviations from the setback and height requirements to accommodation for disabled access to an existing structure may be permitted upon approval of a minor administrative approval pursuant to TMC 9-5-300ART (Minor Administrative and Minor Discretionary Permits).

(c) Security devices. Razor wire, electrified fencing, and similar security devices are prohibited. Barbed wire may be used on a limited basis for nonresidential uses located in the IR overlay district for security or safety purposes with a minor administrative approval issued in accordance with TMC 9-5-300ART (Minor Administrative and Minor Discretionary Permits).

provided that the barbed wire is not visible from the public right-of-way and is not abutting a residence or Residential district.

9-4-103 Use Classifications.

In the following schedule, the letter “P” designates use classifications permitted in a District, the letters “NP” designate use classifications not permitted, the letters “MAA” designate use classifications allowed on approval of a minor administrative approval, the letters “MDP” designate use classifications allowed on approval of a minor discretionary permit, and the letters “CUP” designate use classifications allowed on approval of a conditional use permit. All new or expanded uses of a site or structure shall obtain the necessary permits as indicated in the following schedule.

All new or expanded uses of a site or structure, except a single-family dwelling, involving an expansion of floor area of one thousand (1,000) square feet or twenty-five (25%) percent of the existing building floor area, whichever is less, or the conversion of an existing residential structure to a nonresidential use, are subject to design review in accordance with TMC 9-5-1000ART. New or expanded uses subject to design review shall obtain a MDP design review permit. Design review shall take place concurrently with the processing of any other required permit. Compliance with the adopted citywide Design Guidelines and the Downtown Design Guidelines of the City of Turlock is mandatory for all commercial developments subject to design review.

Alterations or modifications to a developed site or the exterior of an existing structure are subject to review in accordance with TMC 9-5-300ART (Minor Administrative and Minor Discretionary Permits). The review is to ensure compliance with the established policies, standards and guidelines adopted by the Turlock City Council.

Any change in use or business within an existing structure that is permitted or, in the opinion of the Development Services Director, is suitable to the site and structures in which it is located and does not increase the intensity or impact of its prior use, shall obtain a zoning certificate in accordance with TMC 9-5-200ART (Zoning Certificates and Home Occupation Permits). The zoning certificate shall be obtained prior to the issuance of a building permit or prior to commencement of a use where no building permit is required.

Uses not contained in the following schedule may be permitted subject to a conditional use permit. Such conditional uses must be of a similar nature and intensity as other uses in the district as determined by the Development Services Director or designee.

<u>Downtown Overlay District Use Classifications</u>		<u>Downtown Overlay Districts</u>				
<u>P</u>	<u>Permitted</u>					
<u>NP</u>	<u>Not Permitted</u>					
<u>CUP</u>	<u>Conditional Use Permit</u>					
<u>MDP</u>	<u>Minor Discretionary Permit</u>					
		<u>DC</u>	<u>DCT</u>	<u>TC</u>	<u>IR</u>	<u>OR</u>
<u>RESIDENTIAL USES</u>						

<u>Downtown Overlay District Use Classifications</u>		<u>Downtown Overlay Districts</u>				
<u>P</u>	<u>Permitted</u>					
<u>NP</u>	<u>Not Permitted</u>					
<u>CUP</u>	<u>Conditional Use Permit</u>					
<u>MDP</u>	<u>Minor Discretionary Permit</u>					
		<u>DC</u>	<u>DCT</u>	<u>TC</u>	<u>IR</u>	<u>OR</u>
	<u>Emergency shelter¹</u>	<u>NP</u>	<u>NP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>
	<u>Family day care home – small</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
	<u>Family day care home – large</u>	<u>MAA</u>	<u>MAA</u>	<u>MAA</u>	<u>MAA</u>	<u>MAA</u>
	<u>Group quarters – small</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>P</u>
	<u>Group quarters – large</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>
	<u>Mobile home parks</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
	<u>Residential – single/multifamily</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
	<u>COMMERCIAL USES</u>					
	<u>Adult entertainment facilities</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
	<u>Ambulance services</u>	<u>NP</u>	<u>NP</u>	<u>CUP</u>	<u>MDP</u>	<u>NP</u>
	<u>Animal boarding</u>	<u>CUP</u>	<u>CUP</u>	<u>MDP</u>	<u>MDP</u>	<u>CUP</u>
	<u>Animal grooming</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>MDP</u>	<u>MDP</u>
	<u>Animal hospitals</u>	<u>CUP</u>	<u>CUP</u>	<u>MDP</u>	<u>MDP</u>	<u>CUP</u>
	<u>Animal retail sales²</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>NP</u>
	<u>Art galleries</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>CUP</u>	<u>P</u>
	<u>Artists' studios</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
	<u>Automobile repair – minor</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>NP</u>
	<u>Automobile repair – major</u>	<u>NP</u>	<u>NP</u>	<u>MDP</u>	<u>MDP</u>	<u>NP</u>
	<u>Automobile sales & service</u>	<u>NP</u>	<u>NP</u>	<u>MDP</u>	<u>NP</u>	<u>NP</u>
	<u>Automobile service stations</u>	<u>NP</u>	<u>NP</u>	<u>MDP</u>	<u>MDP</u>	<u>NP</u>
	<u>Automobile storage</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
	<u>Automobile washing</u>	<u>NP</u>	<u>NP</u>	<u>MDP</u>	<u>MDP</u>	<u>NP</u>
	<u>Bakeries – retail</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>NP</u>
	<u>Bakeries – wholesale</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>NP</u>
	<u>Bar</u>	<u>CUP</u>	<u>NP</u>	<u>CUP</u>	<u>NP</u>	<u>NP</u>
	<u>Building materials & services</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>NP</u>
	<u>Catering services</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP</u>
	<u>Commercial filming³</u>	<u>MDP</u>	<u>CUP</u>	<u>MDP</u>	<u>MDP</u>	<u>NP</u>

¹ Where the emergency shelter is proposed in a location that falls within the Emergency Shelter overlay district, the permitting requirements contained in Article 2 of this chapter shall prevail.

² Retail sale of dogs and cats is prohibited in accordance with TMC 6-1-703.

³ Indoor studios

<u>Downtown Overlay District Use Classifications</u>		<u>Downtown Overlay Districts</u>				
<u>P</u>	<u>Permitted</u>					
<u>NP</u>	<u>Not Permitted</u>					
<u>CUP</u>	<u>Conditional Use Permit</u>					
<u>MDP</u>	<u>Minor Discretionary Permit</u>					
		<u>DC</u>	<u>DCT</u>	<u>TC</u>	<u>IR</u>	<u>OR</u>
	<u>Commercial recreation & entertainment <= 2,000 sf</u>	<u>MDP</u>	<u>CUP</u>	<u>P</u>	<u>P</u>	<u>NP</u>
	<u>Commercial recreation & entertainment > 2,000 sf</u>	<u>CUP</u>	<u>NP</u>	<u>CUP</u>	<u>CUP</u>	<u>NP</u>
	<u>Convenience gas mart</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>CUP</u>	<u>NP</u>
	<u>Dance hall / nightclub</u>	<u>CUP</u>	<u>NP</u>	<u>CUP</u>	<u>CUP</u>	<u>NP</u>
	<u>Dance schools <= 3,000 sf</u>	<u>MDP</u>	<u>CUP</u>	<u>MDP</u>	<u>NP</u>	<u>NP</u>
	<u>Dance schools > 3,000 sf</u>	<u>CUP</u>	<u>CUP</u>	<u>MDP</u>	<u>NP</u>	<u>NP</u>
	<u>Discount club</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
	<u>Discount store</u>	<u>NP</u>	<u>NP</u>	<u>MDP</u>	<u>NP</u>	<u>NP</u>
	<u>Discount superstore</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
	<u>Entertainment live (excluding adult entertainment)</u>	<u>CUP</u>	<u>NP</u>	<u>MDP</u>	<u>NP</u>	<u>NP</u>
	<u>Equipment sales, service & rentals</u>	<u>NP</u>	<u>NP</u>	<u>CUP</u>	<u>CUP</u>	<u>NP</u>
	<u>Financial services <=5,000 sf</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>MDP</u>
	<u>Financial services > 5,000 sf</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>CUP</u>
	<u>Food and beverage sales <= 2,500 sf</u>	<u>P</u>	<u>MDP</u>	<u>P</u>	<u>CUP</u>	<u>CUP</u>
	<u>Food and beverage sales >2,500 and <= 10,000 sf</u>	<u>MDP</u>	<u>CUP</u>	<u>P</u>	<u>NP</u>	<u>NP</u>
	<u>Food and beverage sales > 10,000 sf</u>	<u>MDP</u>	<u>CUP</u>	<u>MDP</u>	<u>NP</u>	<u>NP</u>
	<u>Fortune telling</u>	<u>CUP</u>	<u>NP</u>	<u>MDP</u>	<u>NP</u>	<u>NP</u>
	<u>Funeral & internment services</u>	<u>MDP</u>	<u>MDP</u>	<u>P</u>	<u>CUP</u>	<u>NP</u>
	<u>Health & recreation center <= 3,000 sf</u>	<u>MDP</u>	<u>MDP</u>	<u>MAA</u>	<u>CUP</u>	<u>NP</u>
	<u>Health & recreation center > 3,000 sf</u>	<u>CUP</u>	<u>NP</u>	<u>MAA</u>	<u>NP</u>	<u>NP</u>
	<u>Hotels & motels</u>	<u>MAA</u>	<u>NP</u>	<u>MAA</u>	<u>NP</u>	<u>NP</u>
	<u>Laboratories</u>	<u>MAA</u>	<u>NP</u>	<u>MAA</u>	<u>NP</u>	<u>NP</u>
	<u>Laundries – limited</u>	<u>P</u>	<u>MAA</u>	<u>P</u>	<u>NP</u>	<u>NP</u>
	<u>Laundries – unlimited</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>MDP</u>	<u>NP</u>
	<u>Maintenance & repair services – minor</u>	<u>CUP</u>	<u>NP</u>	<u>NP</u>	<u>MDP</u>	<u>MDP</u>
	<u>Maintenance & repair services – major</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>CUP</u>	<u>NP</u>

<u>Downtown Overlay District Use Classifications</u>		<u>Downtown Overlay Districts</u>				
<u>P</u>	<u>Permitted</u>					
<u>NP</u>	<u>Not Permitted</u>					
<u>CUP</u>	<u>Conditional Use Permit</u>					
<u>MDP</u>	<u>Minor Discretionary Permit</u>					
		<u>DC</u>	<u>DCT</u>	<u>TC</u>	<u>IR</u>	<u>OR</u>
	<u>Nurseries</u>	<u>MAA</u>	<u>MAA</u>	<u>MAA</u>	<u>P</u>	<u>MAA</u>
	<u>Office – business & professional</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
	<u>Office – medical & dental</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>CUP</u>	<u>P</u>
	<u>Outdoor storage</u>	<u>NP</u>	<u>NP</u>	<u>MDP</u>	<u>MDP</u>	<u>NP</u>
	<u>Personal services</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>CUP</u>	<u>MAA</u>
	<u>Printing & publishing – limited (building <= 2,000 sf)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>MDP</u>	<u>MDP</u>
	<u>Printing & publishing – unlimited (building > 2,000 sf)</u>	<u>CUP</u>	<u>NP</u>	<u>MDP</u>	<u>MDP</u>	<u>NP</u>
	<u>Recycling facility, collection facility – small</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>NP</u>	<u>NP</u>
	<u>Recycling facility, collection facility – large</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
	<u>Recycling facility, collection facility – processing facility</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
	<u>Rental storage facility</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>CUP</u>	<u>NP</u>
	<u>Research & development services</u>	<u>MDP</u>	<u>NP</u>	<u>MDP</u>	<u>MDP</u>	<u>NP</u>
	<u>Restaurant</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>CUP</u>	<u>CUP</u>
	<u>Restaurant, drive-in</u>	<u>NP</u>	<u>NP</u>	<u>MDP</u>	<u>CUP</u>	<u>NP</u>
	<u>Restaurant, drive-thru</u>	<u>NP</u>	<u>NP</u>	<u>MDP</u>	<u>CUP</u>	<u>NP</u>
	<u>Retail sales</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP</u>
	<u>Salvage & wrecking operations</u>					
	<u>Motor vehicle</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
	<u>Non-vehicular</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
	<u>Second hand stores</u>	<u>MAA</u>	<u>MAA</u>	<u>MAA</u>	<u>MAA</u>	<u>NP</u>
	<u>Shopping centers</u>	<u>NP</u>	<u>NP</u>	<u>CUP</u>	<u>NP</u>	<u>NP</u>
	<u>Travel trailer park</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
	<u>Truck terminals</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
	<u>INDUSTRIAL USES</u>					
	<u>Chemical mfg/processing</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>CUP</u>	<u>NP</u>
	<u>Commissary</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
	<u>Industry – general</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>CUP</u>	<u>NP</u>
	<u>Industry – limited</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>NP</u>

<u>Downtown Overlay District Use Classifications</u>		<u>Downtown Overlay Districts</u>				
<u>P</u>	<u>Permitted</u>					
<u>NP</u>	<u>Not Permitted</u>					
<u>CUP</u>	<u>Conditional Use Permit</u>					
<u>MDP</u>	<u>Minor Discretionary Permit</u>					
		<u>DC</u>	<u>DCT</u>	<u>TC</u>	<u>IR</u>	<u>OR</u>
	<u>Hazardous waste transfer station</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
	<u>Salvage & wrecking operations</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
	<u>Speculative buildings</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>MDP</u>	<u>NP</u>
	<u>Transfer stations</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
	<u>Truck yard</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>CUP</u>	<u>NP</u>
	<u>Warehouse - limited</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>CUP</u>	<u>NP</u>
	<u>Warehouse - wholesale</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>CUP</u>	<u>NP</u>
<u>PUBLIC & SEMIPUBLIC USES</u>						
	<u>Clubs & Lodges <= 2,500 sf</u>	<u>P</u>	<u>CUP</u>	<u>MDP</u>	<u>CUP</u>	<u>CUP</u>
	<u>Clubs & Lodges > 2,500 sf</u>	<u>CUP</u>	<u>CUP</u>	<u>MDP</u>	<u>CUP</u>	<u>CUP</u>
	<u>Convalescent hospitals (including nursing homes and assisted living facilities)</u>	<u>NP</u>	<u>NP</u>	<u>CUP</u>	<u>NP</u>	<u>CUP</u>
	<u>Cultural Institutions</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
	<u>Day care centers</u>	<u>MAA</u>	<u>P</u>	<u>P</u>	<u>MDP</u>	<u>P</u>
	<u>Government offices</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
	<u>Hospitals</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>
	<u>Parking lots</u>	<u>MDP</u>	<u>MDP</u>	<u>MDP</u>	<u>MDP</u>	<u>MDP</u>
	<u>Public buildings & facilities</u>	<u>MDP</u>	<u>MDP</u>	<u>MDP</u>	<u>MDP</u>	<u>CUP</u>
	<u>Public utility service yards</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>NP</u>
	<u>Religious assembly</u>					
	<u>Religious assembly <= 2,500 sf</u>	<u>P</u>	<u>CUP</u>	<u>MDP</u>	<u>CUP</u>	<u>CUP</u>
	<u>Religious assembly > 2,500 sf</u>	<u>CUP</u>	<u>CUP</u>	<u>MDP</u>	<u>CUP</u>	<u>CUP</u>
	<u>Schools – trade</u>	<u>MDP</u>	<u>MDP</u>	<u>MDP</u>	<u>MDP</u>	<u>MDP</u>
	<u>Schools – public/private</u>	<u>MDP</u>	<u>MDP</u>	<u>MDP</u>	<u>CUP</u>	<u>MDP</u>
	<u>Utilities – minor</u>	<u>MDP</u>	<u>MDP</u>	<u>MDP</u>	<u>MDP</u>	<u>MDP</u>
	<u>Utilities – major</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>CUP</u>	<u>NP</u>

9-4-104 Downtown Core- (DC).

The Downtown Core is the historic focal point of Downtown Turlock. It's a place where shopping, dining, and entertainment is encouraged and is an area where buildings shall be high density in order to achieve an urban appearance. Buildings shall range from two (2) to four (4) stories in height in order to encourage a mix of commercial, office, and residential uses. The

design and look of the Core communicates the historic character of the City through the use of architecture and streetscape design. The following is intended to preserve and enhance the historic character of the Downtown Core and the quality of public realm (streetscape, public parking, plazas, etc.) improvements. This overlay district accomplishes this through specific use requirements and development standards:

(a) Specific purposes.

- (1) To ensure the current and future success of the Downtown Core by preserving and enhancing its unique historic character and to encourage future development and land uses that are compatible with the overall character of the Downtown Core;
- (2) Protect and enhance the pedestrian environment and accessibility in and around the Downtown Core area;
- (3) Promote re-use and renovation of historic buildings in Downtown while promoting new investment and construction;
- (4) Encourage mixed-use development in the Downtown Core supporting residences and offices on the upper floors;
- (5) Encourage ground floor retail and restaurants.

(b) Development standards.

Category	Regulation
----------	------------

~~Design review shall take place concurrently with the processing of any other required permit. Compliance with the adopted design guidelines of the City of Turlock is mandatory for all commercial developments subject to design review.~~

~~Alterations or modifications to a developed site or the exterior of an existing structure are subject to review in accordance with Article 3 of Chapter 9-5 TMC, Minor Administrative and Minor Discretionary Permits. The review is to ensure compliance with the established policies, standards, and guidelines adopted by the Turlock City Council.~~

~~Any change in use or business within an existing structure which does not require an approved conditional use permit shall obtain a zoning certificate in accordance with Article 2 of Chapter 9-5 TMC, Zoning Certificates and Home Occupation Permits. The zoning certificate shall be obtained prior to the issuance of a building permit or prior to commencement of a use where no building permit is required.~~

~~Uses not contained in the following sections may be permitted subject to a conditional use permit, in accordance with Article 6 of Chapter 9-5 TMC, Conditional Use Permits and Variances. Such conditional uses must be of a similar nature and intensity as other uses in the district as determined by the Community Development Services Director or designee.~~

(c) Permitted uses.

- ~~(1) **Ground level.** Antique shops, art galleries, artist studios is accessory to art galleries, business and professional offices, cultural institutions, financial services,~~

government offices, personal services, printing and publishing, religious assembly, restaurants (including outdoor dining), retail sales, retail bakeries, and other similar uses as determined by the Community Development Services Director or designee.

(2) **Second floor and above.** Residential units, business and professional offices, clubs and lodges, cultural institutions, government offices, photography studios, artists' studios, medical and dental clinics, hotels and motels, research and development services, personal services, and other similar uses as determined by the Community Development Services Director or designee.

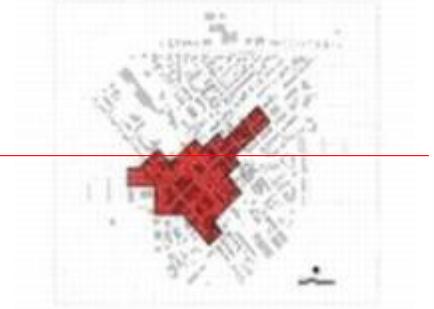
(d) Conditionally permitted uses.

(1) **Ground level.** Bars, dance hall/night clubs, live entertainment, fortune telling, and other similar uses as determined by the Community Development Services Director, or designee.

(2) **Second floor and above.** Day care centers, trade schools, dance schools, all those uses conditionally permitted at ground level, and other similar uses as determined by the Community Development Services Director, or designee.

(e) **Prohibited uses.** Automotive sales, service, repair or washing, restaurants (drive through), industry (limited or general), emergency shelters, utilities (major and minor), ambulance services, convenience gas mart, outdoor storage, funeral and interment services, rental storage facilities, travel trailer or mobile home parks, salvage and wrecking operations, warehousing, and other similar uses as determined by the Community Development Services Director or designee.

(f) Development standards.

Category	Regulation	Interpretation
Land Use		
Applicable Base Zone	<u>CCC-C</u>	
Maximum Lot Coverage	100% *Intensity of the allowable building coverage of the lot area. See design guidelines Design Guidelines for how to handle frontage treatments.	
<u>Typical</u> Floor Area Ratio	3.0 for Mixed Use 1.0 for Retail Commercial *Floor Area Ratio	

	(FAR) is the ratio of building area to parcel area.	
Permitted Uses	Refer to subsection (c) of this section	
Conditionally Permitted Uses	Refer to subsection (d) of this section	

Setbacks

Front Yard	<p>Zero (0') feet maximum*</p> <p>*exceptExcept for plazas, courtyards, entries or outdoor dining; <u>for a single family residential unit, the front yard setback shall be fifteen (15') for the residence and twenty (20') feet for a garage or carport.</u></p>	<p>The diagram shows a building footprint on a grid. The top and left sides are labeled 'STREET'. A '12' Sidewalk' is indicated between the building and the street on the top side. The front setback is marked as '0'' on the right side. The side yard is marked as '0'' on the bottom side, labeled 'Side Yard/Adjacent Building'. The rear yard is marked as '0'' on the right side, labeled 'Rear Yard'. The building footprint is an L-shape with a 12-foot wide section at the top.</p>
Side Yard	Zero (0') feet maximum	
Rear Yard	Zero (0') feet maximum	
Corner Side Yard	Zero (0') feet maximum	

Building Massing

Building Height	Sixty (60') feet maximum	<p>The diagram shows a simple rectangular building footprint with a vertical arrow pointing to the top edge, labeled '60' Maximum'.</p>
-----------------	--------------------------	---

Landscaping	Zero (0%) percent of lot area *may include hardscape, plazas, courtyards, and planters	
Parking		
Parking Requirements	Off-street parking not required in the Downtown Core	
Signage		
Signage in accordance with Article 5 of Chapter 9-2 TMC 9-2-500ART (Signs) except:		
Freestanding Signs	No freestanding signs are permitted, except for tenant directory signs which may be placed within a courtyard, plaza, or entry. Any freestanding signs shall be single sided, shall be limited to six (6') feet in overall height, shall not exceed three (3') feet in width, shall be placed within a landscaped bed, and	

	shall be made from the same materials as other signs on the site.	
Restaurant Menu Signs	<p>Restaurant menu signs shall be permitted and shall be located in a permanently mounted display box on the surface of the building adjacent to the entry. Taping a menu to a box is not an appropriate menu sign. The allowable area for restaurant menu signs shall be a maximum of six (6) square feet. For special circumstances in which restaurants occupy a considerable amount of window space, menus are to be decoratively displayed in the window adjacent to the entry. Such signs will not be included in the sign area calculation for the business.</p>	

Wall Signs

Wall signs shall be placed on the building in such a manner as to enhance, not detract or hide, architectural features of the building. External illumination using appropriate lighting material is preferred over internal illumination. Cabinet signs are prohibited.



Projecting Signs

Projecting signs shall not exceed two (2') feet by two (2') feet in size and shall be placed on the building in such a manner as to enhance, not detract or hide, architectural features of the building. External illumination using appropriate lighting material is preferred over internal illumination. Cabinet signs are prohibited. Projecting signs shall not be included in the sign area calculation for the building.



A-Frame Signs

A-Frame signs shall be permitted, provided the sign complies with the following size and design requirements:

- No A-Frame sign shall have more than two (2) sides
 - The overall size of the sign, including frame, shall not exceed two (2') feet in width and four (4') feet in height
 - The sign shall be constructed of materials similar to those found on the building and/or the wall signs
 - The sign shall not be placed on the public sidewalk in such a manner as to obstruct public access, including ADA accessibility requirements
- A-Frame signs shall not be included in the sign area calculation for the building



Other

Design	Compliance with the Downtown Design Guidelines and Zoning Regulations is required	
--------	---	--

9-4-~~103-105~~ Downtown Core Transition- (DCT).

The Downtown Core Transition district is a contrast to the historic urban feel of the Downtown Core with ample setbacks, mature trees lining the streets, and low-intensity residential and office structures. Yet, located along the East Main corridor, this district is an important link and gateway opportunity for the Downtown Core. The Downtown Core Transition district's residential scale is to be preserved while creating a unifying streetscape character that ties this area to the Downtown Core. Consideration of gateway features and strengthened pedestrian orientation are priorities for this district. All new uses, construction, reconstruction, and remodels shall be subject to these regulations.

(a) Specific purposes.

- (1) Preserve the lower intensity residential scale character of this transition area while maintaining the importance of this link to the Downtown Core.
- (2) Encourage mixed use development and land uses that are appropriate for the existing structures and character of this district.
- (3) Encourage pedestrian accessibility and orientation.

~~(b) Use classifications Downtown Core Transition district (DCT). All new or expanded uses of a site or structure, involving an expansion of floor area of one thousand (1,000) square feet or twenty-five (25%) percent of the existing building floor area, whichever is less, or the conversion of an existing residential structure to a nonresidential use, area subject to design review in accordance with Article 10 of Chapter 9-5 TMC, Design Review. Design review shall take place concurrently with the processing of any other required permit. Compliance with the adopted design guidelines of the City of Turlock is mandatory for all development subject to design review.~~

~~Alterations or modifications to a developed site or the exterior of an existing structure are subject to review in accordance with Article 3 of Chapter 9-5 TMC, Minor Administrative and Minor Discretionary Permits. Any change in use or business within an existing structure which does not require an approval conditional use permit shall obtain a zoning certificate in accordance with Article 2 of Chapter 9-5 TMC, Zoning Certificates and Home Occupation Permits.~~ **(b) Development standards.**

<u>Category</u>	<u>Regulation</u>
------------------------	--------------------------

Land Use	
<u>Applicable Base Zone</u>	<u>C-O</u>
<u>Maximum Lot Coverage</u>	<u>Sixty (60%) percent</u> <u>*Intensity of the allowable building coverage of the lot area</u>
<u>Typical Floor Area Ratio</u>	<u>1.0</u> <u>*Floor Area Ratio (FAR) is the ratio of building area to parcel area</u>
<u>Front Yard</u>	<u>Ten (10') feet minimum**</u>
<u>Side Yard</u>	<u>Five (5') feet minimum*</u>
<u>Rear Yard</u>	<u>Ten (10') feet minimum*</u>
<u>Corner Side Yard</u>	<u>Ten (10') feet minimum</u>
<p><u>* When adjacent to residential zoning districts, a seven (7') foot tall decorative masonry wall is required along the property line</u></p> <p><u>** For a single family residential unit, the front and corner side yard setbacks shall be fifteen (15') for the residence and twenty (20') feet for a garage or carport.</u></p>	
Building Massing	
<u>Building Height</u>	<u>Forty-five (45') feet maximum</u>
<u>Landscaping</u>	<u>Fifteen (15%) percent of the lot area</u> <u>*may include hardscape, plazas, courtyard areas, and planters</u>

~~The zoning certificate shall be obtained prior to the issuance of a building permit or prior to commencement of a use where no building permit is required.~~

~~Uses not contained in the following sections may be permitted subject to a conditional use permit, in accordance with Article 6 of Chapter 9-5 TMC, Conditional Use Permits and Variances. Such conditional uses must be of a similar nature and intensity as other uses in the district as determined by the Community Development Services Director or designee.~~

~~(c) **Permitted uses.** Artists studios, art galleries, business and professional offices, dance schools, day care centers, financial institutions, government offices, medical and dental offices and clinics, personal services, photography studios, private schools, public uses, retail sales, residences (single and multifamily), restaurants, and other similar uses as determined by the Community Development Services Director or designee.~~

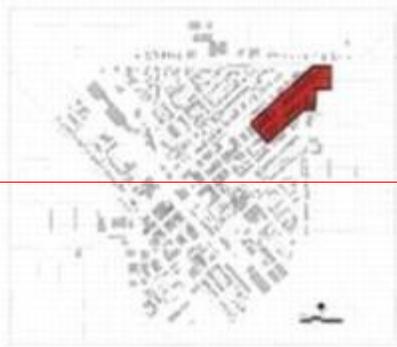
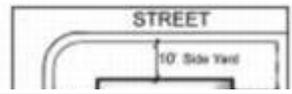
~~All residential uses shall comply with the standards for the Residential Medium Density (R-M) zoning regulations, unless authorized in accordance with Article 6 of Chapter 9-5 TMC, Conditional Use Permits and Variances (See Director's Interpretation 99-02).~~

~~(d) **Conditionally permitted uses.** Clubs and lodges, gas stations (including convenience gas marts), mixed use projects, nurseries, religious assembly uses, and other similar uses as determined by the Community Development Services Director or designee.~~

~~All residential uses shall comply with the standards for the Residential Medium Density (R-M) zoning regulations, unless authorized in accordance with Article 6 of Chapter 9-5 TMC, Conditional Use Permits and Variances (See Director's Interpretation 99-02).~~

~~(e) **Prohibited uses.** Auto sales, auto service and repairs, drive through restaurants, equipment sales, service, and/or rentals, emergency shelters, industrial uses, maintenance services, outdoor storage, rental storage facilities, and other similar uses as determined by the Community Development Services Director or designee.~~

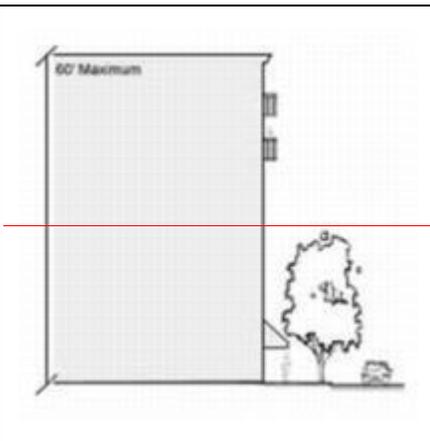
~~(f) **Development standards.**~~

Category	Regulation	Interpretation
Land Use		
Applicable Base Zone	CO and CC	
Maximum Lot Coverage	Sixty (60%) percent *Intensity of the allowable building coverage of the lot area	
Floor Area Ratio	1.0 *Floor Area Ratio (FAR) is the ratio of building area to parcel area	
Permitted Uses	Refer to subsection (c) of this section	
Conditionally Permitted Uses	Refer to subsection (d) of this section	
Setbacks		
Front Yard	Ten (10') feet minimum	
Side Yard	Five (5') feet minimum*	

Rear Yard	Ten (10') feet minimum*
Corner Side Yard	Ten (10') feet minimum
*When adjacent to residential zoning districts, a seven (7') foot tall decorative masonry wall is required along the property line	

Building Massing

Building Height	Forty-five (45') feet maximum
Landscaping	Twenty-five (25%) percent of the lot area *may include hardscape, plazas, courtyard areas, and planters



Parking

Parking Requirements	Fifty (50%) percent of the parking requirements as set forth in TMC 9-2-209	
	Parking shall be located at rear of lot and access from alley unless the applicant can demonstrate	

	it is infeasible to do so.	
Signage		
Signage in accordance with Article 5 of Chapter 9-2 TMC 9-2-500ART (Signs) except:		
Freestanding Signs	Freestanding signs shall not exceed six (6') feet in overall height, measured from grade, may be internally illuminated, but external illumination is preferred, installed within a landscaped bed, and constructed of materials designed to complement	

	the primary structure	
Wall Signs	<p>Wall signs shall be placed on the building in such a manner as to enhance, not detract or hide, architectural features of the building. External illumination using appropriate lighting material is preferred over internal illumination. Cabinet signs are prohibited</p>	
A-Frame Signs	<p>A-Frame signs shall be permitted, provided the sign complies with the following size</p>	

	<p>and design requirements:</p> <ul style="list-style-type: none">• No A-Frame sign shall have more than two (2) sides• The overall size of the sign, including frame, shall not exceed two (2') feet in width and four (4') feet in height• The sign shall be constructed of materials similar to those found on the building and/or the wall signs• The sign shall not be placed on the public sidewalk in such a	
--	--	--

	<p>manner as to obstruct public access, including ADA accessibility requirements</p> <p>A-Frame signs shall not be included in the sign area calculation for the building</p>	
Other		
Design	<p>Compliance with the Downtown Design Guidelines and Zoning Regulations is required</p>	

9-4-104-106 Transitional Commercial- (TC).

The Transitional Commercial areas lay north, south, and west of the Downtown Core. These areas contain office and commercial buildings that cater to the auto-oriented consumer. These areas also serve as the main gateways into the Downtown Core and shall be designed to establish a good first impression of the downtown area. This can be accomplished by incorporating gateway signage and landscaping, providing a unified streetscape design, regulating signage, and screening parking. The following regulations are set forth to encourage a community character that will support the charm and character of the Downtown Core.

(a) **Specific purposes.**

- (1) Allow for a variety of commercial uses and an architectural character consistent with a predominantly automobile oriented commercial district with appropriately scaled architecture;
- (2) Enhance aesthetics through improved landscaping and architectural forms;
- (3) Create a pedestrian friendly and accessible commercial district environment.

~~(b) **Use classifications** Transitional Commercial (TC). All new or expanded uses of a site or structure, involving an expansion of floor area of one thousand (1,000) square feet or twenty five (25%) percent of the existing building floor area, whichever is less, or the conversion of an existing residential structure to a nonresidential use, area subject to design review in accordance with Article 10 of Chapter 9-5 TMC, Design Review. Design review shall take place concurrently with the processing of any other required permit. Compliance with the adopted design guidelines of the City of Turlock is mandatory for all development subject to design review.~~

~~Alterations or modifications to a developed site or the exterior of an existing structure area subject to review in accordance with Article 3 of Chapter 9-5 TMC, Minor Administrative and Minor Discretionary Permits. Any change in use or business within an existing structure which does not require an approved conditional use permit shall obtain a zoning certificate in accordance with Article 2 of Chapter 9-5 TMC, Zoning Certificates and Home Occupation Permits. The zoning certificate shall be obtained prior to the issuance of a building permit or prior to commencement of a use where no building permit is required.~~

~~Uses not contained in the following sections may be permitted subject to a conditional use permit, in accordance with Article 6 of Chapter 9-5 TMC, Conditional Use Permits and Variances. Such conditional uses must be of a similar nature and intensity as other uses in the district as determined by the Community Development Services Director or designee.~~

~~(c) **Permitted uses.** Animal boarding, grooming, and hospitals, automobile sales, service, and repair (minor), building materials and services, business and professional offices, convenience gas marts, cultural institutions, day care centers, financial institutions, food and beverage sales (less than ten thousand (10,000) square feet), funeral and internment services, government offices, hardware stores, health and recreation services, hotels and motels, laundries (limited or self-serve), medical and dental offices and clinics, nurseries, personal services, recycling facilities (small), residential uses (single and multifamily), retail sales, restaurants (including drive through), and other similar uses as determined by the Community Development Services Director or designee.~~

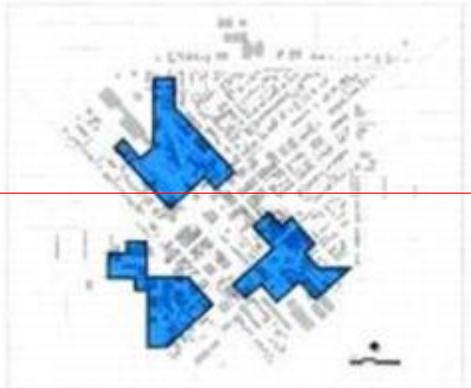
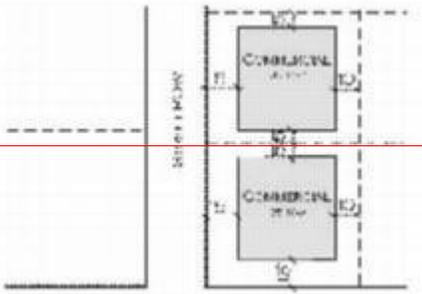
~~(d) **Conditionally permitted uses.** Automobile repair (major), bars, commercial recreation and entertainment, convalescent hospitals (including nursing homes and assisted living facilities), dance halls, equipment sales, service, and rental, food and beverage sales (greater than ten thousand (10,000) square feet), emergency shelters, hospitals, nightclubs, outdoor storage, pawn shops, religious assembly uses, and other~~

~~similar uses as determined by the Community Development Services Director or designee.~~

~~(e) Prohibited uses. Industrial uses, maintenance services, rental storage facilities.~~

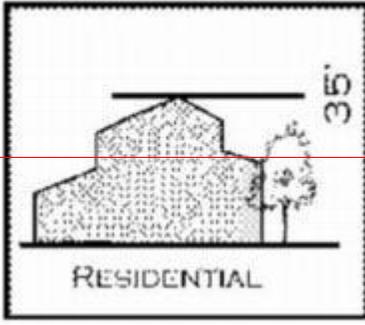
~~(f) Development standards.~~

(b) Development standards.

Category	Regulation	Interpretation
Land Use		
Applicable Base Zone	CC-C	
Maximum Lot Coverage	Forty-five (45%) percent *Intensity of the allowable building coverage of the lot area.	
<u>Typical</u> Floor Area Ratio	.6 <u>1.5</u> *Floor Area Ratio (FAR) is the ratio of building area to parcel area.	
Permitted Uses	Refer to subsection (c) of this section	
Conditionally Permitted Uses	Refer to subsection (d) of this section	
Setbacks		
Front Yard	Fifteen (15') <u>Ten (10')</u> feet minimum ***	
Side Yard	Five (5') feet minimum*	
Rear Yard	Ten (10') feet minimum*	
Corner Side Yard	Fifteen (15') <u>Ten (10')</u> feet minimum	
*When adjacent to residential zoning districts, a seven (7') foot tall decorative masonry wall is required along the property line	<u>*When adjacent to residential zoning districts, a seven (7') foot tall decorative masonry wall is required along the property line</u>	
zoning districts, a	<u>** Except for plazas, courtyards, entries or outdoor dining; for a single family</u>	

<p>seven (7') foot tall decorative masonry wall is required along the property line</p>	<p><u>residential unit, the front and corner yard setbacks shall be fifteen (15') for the residence and twenty (20') feet for a garage or carport.</u></p>
---	--

Building Massing

<p>Building Height</p>	<p>Thirty<u>Forty</u>-five (35<u>45</u>') feet maximum</p>	
<p>Landscaping</p>	<p>Twenty-five (25)<u>Ten (10%)</u> percent of the lot area *may include hardscape, plazas, courtyard areas, and planters</p>	

Parking

<p>Parking Requirements</p>	<p>Refer to the parking requirements as set forth in <u>TMC 9-2-209200ART.</u></p>	
-----------------------------	---	--

Signage

<p><u>Signage in accordance with TMC 9-2-500ART except:</u></p>	
<p>Signage in accordance with Article 5 of Chapter 9-2 TMC except: Sites that support an auto-serving use, such as automobile fueling/convenience gas mart, auto sales, auto repair, and the like may incorporate freestanding monument signs within the required landscaping. Such signs shall not exceed six (6') feet in overall height, measured from grade, and may be internally illuminated. All materials for the sign shall be complementary to the primary structure. Otherwise, all signs within this district shall be permanently affixed to the wall of the primary</p>	

structure. All wall or projecting signs shall be placed on the building in such a manner as to enhance, not detract or hide, architectural features of the building. External illumination using appropriate lighting material is preferred over internal illumination. Cabinet signs are prohibited. ~~No portable~~ A-Frame style signs ~~shall be~~ are not permitted.



Other

Design	Compliance with the Downtown Design Guidelines and Zoning Regulations is required
--------	---

9-4-~~105-107~~ Industrial Residential- (IR).

The Industrial/Residential areas lie in the southwest section of the downtown. This is a unique opportunity area to capitalize on the industrial character of the existing agriculturally related buildings. Many vacant and underutilized sites currently occupy this district, however, multifamily infill buildings, mixed use building, and enhanced streetscapes will help to liven up the area. There is also an opportunity to create an industrial gateway to the Downtown Core by providing gateway signage and improved landscaping along South Golden State Boulevard. The following district regulations address the unique land use opportunities in this area by providing for market forces to work while addressing inherent land use conflicts.

(a) Specific purposes.

- (1) Encourage economically viable re-use of existing agricultural/industrial buildings;
- (2) Create opportunities for the market to determine appropriate land uses while preventing inherent land use conflicts.

~~(b) Use classifications Industrial/Residential (IR). All new or expanded uses of a site or structure, involving an expansion of floor area of one thousand (1,000) square feet or twenty-five (25%) percent of the existing building floor area, whichever is less, or the conversion of an existing residential structure to a nonresidential use, area subject to design review in accordance with Article 10 of Chapter 9-5 TMC, Design Review. Design review shall take place concurrently with the processing of any other required permit. Compliance with the adopted design guidelines of the City of Turlock is mandatory for all development subject to design review. Alterations or modifications to a developed site or the exterior of an existing structure area subject to review in accordance with Article 3 of Chapter 9-5 TMC, Minor Administrative and Minor Discretionary Permits. Any change in use or business within an existing structure which does not require an approved conditional use permit shall~~

obtain a zoning certificate in accordance with Article 2 of Chapter 9-5 TMC, Zoning Certificates and Home Occupation Permits. The zoning certificate shall be obtained prior to the issuance of a building permit or prior to commencement of a use where no building permit is required.

Uses not contained in the following sections may be permitted subject to a conditional use permit, in accordance with Article 6 of Chapter 9-5 TMC, Conditional Use Permits and Variances. Such conditional uses must be of a similar nature and intensity as other uses in the district as determined by the Community Development Services Director or designee.

(c) **Permitted uses.** Ambulance services, animal hospitals, automobile repair (minor and major), automobile storage (see TMC 9-2-112), bakeries (wholesale), building materials and services, day care centers, government offices, industry (limited), outdoor storage, parking lots, printing (limited and unlimited), residential uses (single and multifamily), trade schools, vehicle washing, warehousing, and other similar uses as determined by the Community Development Services Director or designee.

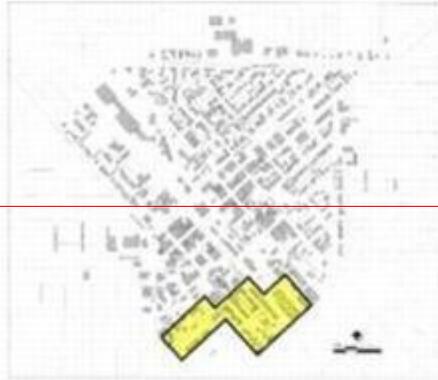
(d) **Conditionally permitted uses.** Commercial recreation and entertainment, convenience gas mart, emergency shelters, mixed use projects, nightclubs and dance halls, private schools, religious assembly uses, restaurants, emergency shelters, and other similar uses as determined by the Community Development Services Director or designee.

(e) **Prohibited uses.** Financial services, business and professional offices (unless accessory to a permitted use), medical and dental offices and clinics, and retail sales (unless accessory to a permitted use).

(f) **Development standards.**

(b) **Development standards.**

Category	Regulation	Interpretation
Land Use	Industrial	Residential
Applicable Base Zone	I	<u>IR-H</u>
Maximum Lot Coverage	35% <u>60%</u>	50% <u>100%</u>
<u>Typical</u> Floor Area Ratio	0.40 <u>0.60</u>	0.75 <u>1.5</u>
Permitted Uses	Refer to subsection (c) of this section* <u>Floor Area Ratio (FAR) is the ratio of building</u>	



	<u>area to parcel area.</u>		
Conditionally Permitted Uses	Refer to subsection (d) of this section		
Setbacks	Industrial	Residential	
Front Yard	Fifteen (15') <u>Ten (10')</u> feet minimum	Ten (10') feet minimum**	
Side Yard	Five (5') feet minimum*	Five (5') feet minimum*	
Rear Yard	Ten (10') feet minimum*	Ten (10') feet minimum*	
Corner Side Yard	Fifteen (15') <u>Ten (10')</u> feet minimum	Ten (10') feet minimum	
*When adjacent to residential, a seven (7') foot decorative masonry wall is required along the property boundary	* When adjacent to residential, a seven (7') foot decorative masonry wall is required along the property boundary		
**Twenty (20') feet to garage for single-family residential	** For a single family residential unit, the front and corner side yard setbacks shall be fifteen (15') for the residence and twenty (20') feet for a garage or carport.		
Building Massing	Industrial	Residential	
Building Height	Fifty (50')	Thirty-five	

	feet	(35') feet	
Landscaping	Twenty-five (25) Ten (10%) percent		
Parking			
Parking Requirements	Refer to Article 2 of Chapter 9-2 TMC Refer to TMC 9-2-200ART (Off-Street Parking and Loading Regulations).		
Signage			
Signage in accordance with Article 5 of Chapter 9-2 TMC, 9-2-500ART (Signs, except:)			
Freestanding signs	Freestanding signs shall not exceed six (6') feet in overall height, measured from grade, may be internally illuminated, but external illumination is preferred, installed within a landscaped bed, and constructed of materials designed to complement the primary structure		

Wall Signs	Wall signs shall be placed on the building in such a manner as to enhance, not detract or hide, architectural features of the building. External illumination using appropriate lighting material is preferred over internal illumination. Cabinet signs are prohibited	
A-Frame Signs	Not permitted	
Other		
Design	Compliance with the Downtown Design Guidelines for the Industrial Residential District and Zoning Regulations is required	

9-4-106-108 Office Residential- (OR).

The intent of the office/residential district is to preserve the character of the traditional residential neighborhoods while providing for the orderly and logical conversion or transition to compatible office uses as the market allows. The office/residential district area shall maintain its character as a traditional residential neighborhood through the preservation of historic residential structures and the establishment of guidelines for new construction, remodels and renovation that will ensure a residential scale and character. The pedestrian friendly environment in this area is also a priority. Unifying the streets with street trees and continuous sidewalks will further enhance the pedestrian friendly environment. Streetscape elements consistent with the Downtown Core elements such as street lights, trash receptacles, and benches placed in appropriate locations will visually unify and tie together this district to the Core.

(a) Specific purposes.

- (1) Preserve historic character of buildings and residential character of the District.
- (2) Promote residential scale design for new office development.
- (3) Maintain and enhance a pedestrian friendly environment.

~~(b) **Use classifications office/residential (OR).** All new or expanded uses of a site or structure, involving an expansion of floor area of one thousand (1,000) square feet or twenty-five (25%) percent of the existing building floor area, whichever is less, or the conversion of an existing residential structure to a nonresidential use, are subject to design review in accordance with Article 10 of Chapter 9-5 TMC. Design review shall take place concurrently with the processing of any other required permit. Compliance with the adopted design guidelines of the City of Turlock is mandatory for all commercial developments subject to design review.~~

~~Alterations or modifications to a developed site or the exterior of an existing structure are subject to review in accordance with Article 3 of Chapter 9-5 TMC, Minor Administrative and Minor Discretionary Permits. The review is to ensure compliance with the established policies, standards and guidelines adopted by the Turlock City Council. Any change in use or business within an existing structure which does not require an approved CUP shall obtain a zoning certificate in accordance with Article 1 of Chapter 9-5 TMC, Zoning Certificates and Home Occupation Permits. The zoning certificate shall be obtained prior to the issuance of a building permit or prior to commencement of a use where no building permit is required.~~

~~Uses not contained in subsections (c), (d) and (e) of this section may be permitted subjected to a conditional use permit. Such conditional uses must be of a similar nature and intensity as other uses in the district as determined by the Community Development Director or designee.~~

~~(c) **Permitted uses.** Business and professional offices, cultural institutions, day care centers, medical and dental clinics, personal services, residential (single and multifamily) and other similar uses as determined by the Community Development Director or designee.~~

~~(d) **Conditionally permitted uses.** Convalescent hospitals (including nursing homes and assisted living facilities), financial institutions, emergency shelters, hospitals, mixed use projects, neighborhood stores, religious assembly uses, restaurants (including delicatessens), and other similar uses as determined by the Community Development Director or designee.~~

~~(e) **Prohibited uses.** Auto sales, service, and repairs, drive through restaurants, drive through personal services, industrial uses, outdoor storage, rental storage facilities, retail sales, and other similar uses.~~

~~(f) **Development standards.**~~

(b) **Development standards.**

Category	Regulation	Interpretation
----------	------------	----------------

Land Use	Office or Residential	Mixed Use	
Applicable Base Zone	Office or Residential <u>C-O</u> (for office uses) or <u>R-H</u> (for residential uses or mixed uses)		
Maximum Building Lot Coverage	Forty (40%) percent	Sixty (60%) percent	
<u>Maximum Building Lot Coverage</u>	<u>Sixty (60%) percent</u> *Intensity of the allowable building coverage of the lot area		
Floor Area Ratio	.6	.8	
*Floor Area Ratio (FAR) is the ratio of building area to parcel area.			

Permitted Uses	Refer to subsection (c) of this section	
Conditionally Permitted Uses	Refer to subsection (d) of this section	

Setbacks

Front Yard	Fifteen (15') feet minimum	Ten (10') feet minimum**	<p>NOT TO SCALE</p>
Side Yard		Five (5') feet minimum*	
Rear Yard		Ten (10') feet minimum*	
Corner Side Yard		Ten (10') feet minimum	

*When adjacent to residential zoning districts, a seven (7') foot tall decorative masonry wall is required along the property line	* When adjacent to residential zoning districts, a seven (7') foot tall decorative masonry wall is required along the property line
	** For a single family residential unit, the front and corner side yard setbacks shall be fifteen (15') for the residence and twenty (20') feet for a garage or carport.

Building Massing

Building Height	Thirty-five (35')Forty (40') feet maximum	
-----------------	---	--

Landscaping	Thirty (30) <u>Fifteen</u> <u>(15%)</u> percent of the lot area	
Parking		
Parking Requirements	Office: Fifty (50%) percent of the required parking spaces. On-street parking directly abutting property may be applied to meet office parking requirements. All other uses as set forth in TMC 9-2- 209 Residential: As set forth in TMC 9-2- 209 <u>200ART (Off-Street Parking and Loading Regulations).</u>	<u>Residential: As set forth in TMC 9-2-200ART (Off-Street Parking and Loading Regulations)</u>
Signage		
Signage in accordance with Article 5 of Chapter 9-2 TMC <u>9-2-500ART</u> except:		

Freestanding Signs

Freestanding signs shall not exceed four (4') feet in overall height, measured from grade, may be externally illuminated, installed within a landscaped bed, and constructed of materials designed to complement the primary structure



Wall Signs

Wall signs shall be placed on the building in such a manner as to enhance, not detract or hide, architectural features of the building. External illumination using appropriate lighting material is preferred over internal



	illumination. Cabinet signs are prohibited	
<u>A-Frame Signs</u>	No portable A-Frame signs shall be <u>Not</u> permitted	
Other		
Design	Compliance with the Downtown Design Guidelines and Zoning Regulations is required	

Article 2. Emergency Shelter Regulations

9-4-201 Purpose.

The purpose of this article is to establish a nondiscretionary process for emergency shelters that will be permitted within a zoning overlay district to meet the requirements of Senate Bill 2 enacted on October 13, 2007.

9-4-202 Emergency shelter permit required.

Prior to operating an emergency shelter, a nondiscretionary permit shall be obtained and all other applicable local, State and federal laws, regulations and codes shall be met. The approval shall be specific to a location and shall not be transferable to any other location. The application shall be on a form prescribed for that purpose, and shall include the written consent of the owner of the property on which the shelter is to be located. The permit shall be recorded on the property and shall run with the land.

9-4-203 District cap on number of beds that may be permitted.

The Turlock City Council shall establish the cap on the number of beds that may be permitted under this nondiscretionary permit process. The cap shall be reviewed annually by the Turlock City Council at a formal public hearing.

9-4-204 Nondiscretionary emergency shelter permit application: review and approval.

(a) Once an application has been accepted as complete, the ~~Community~~ Development Services Director or designee shall take action within thirty (30) days.

(b) Once an application has been accepted as complete, the ~~Community~~ Development Services Director or designee shall refer the permit application to City departments and any other agencies deemed appropriate by the ~~Community~~ Development Services Director.

(c) In considering an application for a permit pursuant to this section, the application shall meet all of the following standards:

(1) The application shall be for an emergency shelter as defined in the California Health and Safety Code.

(2) The property must be located within the emergency shelter zoning overlay district adopted by the Turlock City Council and located within a Heavy Commercial (CH), Community Commercial (CC), Industrial (I), Downtown Industrial Residential (IR), or Downtown Transitional Commercial (TC) zoning district. In no case shall an emergency shelter permit be issued for a property located in a residential district as defined in Articles 1 and 2 of Chapter 9-3 TMC or the Downtown core overlay district defined in TMC 9-4-102.

(3) Approving the application shall not result in the number of beds within the overlay zoning district exceeding the district cap or the property-specific cap established by the Turlock City Council established pursuant to TMC 9-4-203 or TMC 9-4-205(a), respectively.

(d) The permit shall ~~be~~ not be deemed to be a discretionary act within the meaning of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

9-4-205 Conditions.

In authorizing an application for a nondiscretionary emergency shelter permit, the Community Development Director shall include as conditions of approval, the following minimum provisions:

(a) The maximum number of beds on a property shall not exceed the following levels:

(1) Forty (40) beds in the Community Commercial (CC) and Downtown Transitional Commercial (TC) districts;

(2) Seventy-five (75) beds in the Heavy Commercial (CH) zoning district; and

(3) One hundred (100) beds in the Industrial (I) and Downtown Industrial Residential (IR) zoning districts.

(4) The number of beds shall not exceed the district cap established in TMC 9-4-203.

(b) The development of the property shall be consistent with the General Plan; the Turlock Municipal Code including, but not limited to, this title; the Turlock Standard Specifications and Drawings; the City of Turlock Design Guidelines; and all other State and federal codes, laws and regulations. Design review required pursuant to ~~Article 10 of Chapter 9-5~~ TMC 9-5-1000ART shall apply and shall be performed in conjunction with review of this permit.

(c) If located within one hundred fifty (150') feet of a residential zoning district, outdoor activity and intake areas shall be screened from public view and from the view of adjacent properties.

(d) Adequate lighting shall be provided in all parking, pedestrian paths, and entry areas. Lights shall be shielded and reflected away from adjacent uses.

(e) Off-street parking shall be provided at a rate of one (1) vehicle parking space per employee (by shift) plus one (1) vehicle parking space for every ten (10) beds. Bicycle parking shall be provided at a rate of one (1) space for every three (3) beds and shall meet the California Building Code requirements. Off-street parking within five hundred (500') feet devoted to the shelter during its operating hours by formal contractual agreement between the shelter operator and the property owner may be approved by Planning Division as satisfying the off-street parking requirement. Parking available on-street along the street frontage of the property on which the shelter is located may also be counted toward satisfying the off-street parking requirement.

(f) Adequate management, support staff and security must be present during the hours of operation of the facility. A minimum of one (1) supervisory level staff member must be present on the site during hours of operation. Operator(s) must ensure that loitering does not occur on the property during off-hours and must ensure that clients are not loitering, littering, or otherwise creating a nuisance to the neighborhood. A security plan shall be submitted to the Turlock Police Department for approval and must be approved before the facility begins operation and annually thereafter. If a client is socially disruptive or is responsible for creating any type of nuisance to the neighborhood or facility, the operator must discharge the client and notify the Turlock Police Department.

(g) The security plan prepared under subsection (f) of this section must include the hours of operation and intake period and must provide at least one (1) employee or volunteer of the same sex as clients. Alcohol, weapons and illegal substances shall not be allowed on the site at any time. The operator must comply with all laws and shall notify the Police Department of all crimes in accordance with the security plan.

(h) If twenty-six (26) or more beds are included in the permit, a security guard or security officer must be provided during the intake period. If fifty-one (51) or more beds, a second security guard or security officer must be provided during the intake period. Security guards must be licensed through the State of California Department of Consumer Affairs Bureau of Security and Investigative Services.

(i) The maximum length of stay shall be no longer than that established by the California Health and Safety Code for emergency shelters.

(j) The shelter shall have set hours of operation and the hours shall be posted in a publicly visible and accessible location on a sign that is no larger than one (1) square foot.

(k) Outdoor activity shall be allowed only during the hours of 8:00 a.m. to 10:00 p.m. The shelter shall comply with [Article 3 of Chapter 9-2-TMC 9-2-300ART \(Noise Standards\)](#) at all times.

~~(f)-(l)~~ Pets may be allowed on site. For purposes of this section, “pets” means dogs and cats only. All pets must be kept within an enclosed crate that shall be maintained and cleaned by the operator of the emergency shelter. All pets shall be housed within the emergency shelter and shall be leashed at all times when not housed in the crate. No limit shall be placed on the number of pets that can be maintained. All dogs shall be properly licensed and vaccinated for parvo, distemper, bordetella and any other applicable diseases. No unaltered pets or puppies/kittens under the age of four (4) months shall be permitted. No sick or aggressive animals shall be permitted. Pet owners and emergency shelter operators are required to dispose of animal feces as outlined in TMC-6-1-116. Each pet owner shall provide the shelter operator with the name of an emergency contact person to house the pet in the event that the owner is unable to care for the pet. All animal storage facilities will be properly cleaned daily. The shelter shall be subject to obtaining an initial permit that shall be inspectedreviewed and renewed annually. A fee shall be set by City Council resolution for the initial permit and annual compliance inspections, and may be amended from time to time.

9-4-206 Application processing fee.

A fee shall be paid by the applicant to cover the costs of processing and administering the nondiscretionary emergency shelter permit application. Such fee shall be set by City Council resolution, and may be amended from time to time.

9-4-207- Suspension or revocation of emergency shelter permit.

An emergency shelter permit may be suspended or revoked in accordance with the procedures and standards ~~of Article 11 of Chapter 9-5 TMC.~~ TMC 9-5-1100ART (Enforcement).

9-4-208- Appeal.

The decision of the ~~Community~~ Development Services Director may be appealed as provided by ~~Chapter TMC 1-4 TMC.~~ (Appeals).

Chapter 9-5 ADMINISTRATION

Sections:

Article 1. Permit Applications, Hearings, Amendments, and Appeals

9-5-101 Applications: Form.

9-5-102 Applications: Accompanying maps and data.

9-5-103 Applications: Investigations.

9-5-104 Applications: Hearings.

~~9-5-105 Fees.~~

~~9-5-105 Application Fees.~~

~~9-5-106 Application Expiration.~~

~~9-5-107 Permits: Expiration.~~

~~9-5-107 Permits: Renewal.~~

~~9-5-108 9-5-108 Permits: Renewal.~~

~~9-5-109 Permits, certificates, and licenses: Validity.~~

~~9-5-109 9-5-110 Permits and variances: Revocation or modification: Grounds.~~

~~9-5-110 9-5-111 Permits and variances: Suspension and revocation.~~

~~9-5-111 9-5-112 Amendments: Authorized.~~

~~9-5-112 9-5-113 Amendments: Initiation.~~

~~9-5-113 9-5-114 Amendments: Applications.~~

~~9-5-114 9-5-115 Amendments: Hearings.~~

~~9-5-115 9-5-116 Hearings: Scope of provisions.~~

~~9-5-116 9-5-117 Hearings: Time and place.~~

~~9-5-117 9-5-118 Hearings: Notices: Form.~~

~~9-5-118 9-5-119 Hearings: Notices: Publication.~~

~~9-5-119 9-5-120 Hearings: Notices: Posting and mailing mailings.~~

~~9-5-120~~ ~~Hearings.~~

~~9-5-121~~ ~~9-5-121~~ ~~Hearings.~~

~~9-5-122~~ ~~Hearings: Transcripts.~~

~~9-5-122~~ ~~9-5-123~~ ~~Hearings: Continuance.~~

~~9-5-123~~ ~~9-5-124~~ ~~Commission hearings: Commission recommendations.~~

~~9-5-124~~ ~~9-5-125~~ ~~Commission hearings: Transmittal of resolutions.~~

~~9-5-125~~ ~~9-5-126~~ ~~Commission hearings: Records.~~

~~9-5-126~~ ~~9-5-127~~ ~~Council hearings: Council decisions.~~

~~9-5-127~~ ~~9-5-128~~ ~~Council hearings: Transmittal of resolutions and ordinances.~~

~~9-5-128~~ ~~9-5-129~~ ~~Council hearings: Records.~~

~~9-5-129~~ ~~9-5-130~~ ~~Appeals: Authorized.~~

~~9-5-130~~ ~~9-5-131~~ ~~Permits and variances: New applications.~~

Article 2. Zoning Certificates and Home Occupation Permits

9-5-201 Zoning certificates: Purpose.

9-5-202 Zoning certificates: Required.

9-5-203 Zoning certificates: Application.

9-5-204 Zoning certificates: Applications: Departmental approval.

9-5-205 Zoning certificates: Denial.

9-5-206 Zoning certificates: Effective date.

9-5-207 Zoning certificates: Expiration.

9-5-208 Home occupation permits: Required.

9-5-209 Home occupation permit: Applications.

9-5-210 Home occupation permits: Conditions: Issuance.

9-5-211 Home occupation permits: Denial.

9-5-212 Home occupation permits: Term: ~~Renewal~~.

9-5-213 Home Occupation Permits: Revocation.

Article 3. Minor Administrative & Minor Discretionary Permits

9-5-301 Minor administrative approval (MAA): Purpose and intent.

9-5-302 Minor administrative approval: Applicability.

9-5-303 Minor administrative approval: Application.

9-5-304 Minor administrative approval: Review: Approval.

9-5-305 Minor administrative approval: Expiration.

9-5-306 Minor administrative approval: Fee.

9-5-307 Minor discretionary permits: Purpose and intent.

9-5-308 Minor discretionary permit: Authorized.

9-5-309 Minor discretionary permit: Application. Completeness.

9-5-310 Minor discretionary permit: Review.

9-5-311 Minor discretionary permit: Notice.

9-5-312 Minor discretionary permit: Approval: Findings: Conditions.

9-5-313 Minor discretionary permit: Fee.

9-5-314 Minor discretionary permit: Violation: Penalty.

~~9-5-314.1~~—~~9-5-315~~ Minor discretionary permit: Time limits for development of property and uses.

~~9-5-315~~—~~9-5-316~~ Outdoor dining defined.

~~9-5-315.1~~—~~9-5-317~~ Outdoor dining permit required.

~~9-5-315.2~~—~~9-5-318~~ Authority to ~~issued~~ ~~issue~~ outdoor dining permits.

~~9-5-315.3~~—~~9-5-319~~ Application for outdoor dining permit.

~~9-5-315.4~~—~~9-5-320~~ Issuance of outdoor dining permit.

~~9-5-315.5~~—~~9-5-321~~ Conditions and restrictions pertaining to outdoor dining.

~~9-5-315.6 Insurance.~~

~~9-5-315.7 9-5-322 Insurance.~~

~~9-5-323~~ Alcoholic beverage restrictions.

~~9-5-315.8 9-5-324~~ Outdoor dining permit not deed or easement.

~~9-5-315.9 9-5-325~~ Suspension or revocation of outdoor dining permit.

~~9-5-315.10 9-5-326~~ Protest issuance of permit.

~~9-5-315.11 Denial of permit.~~

~~9-5-315.12 Penalties.~~

~~9-5-315.13 9-5-327~~ Denial of permit.

~~9-5-328~~ Penalties.

~~9-5-329~~ Removal of tables and chairs.

Article 4. Minor Exceptions

9-5-401 Purpose.

9-5-402 Application.

9-5-403 Applicability.

9-5-404 Findings.

9-5-405 Burden of proof.

9-5-406 Precedents.

9-5-407 Minor exception: Expiration.

Article 5. Temporary Uses of Land

9-5-501 Temporary uses.

9-5-502 Application.

9-5-503 Approval.

9-5-504 Findings.

9-5-505 Conditions.

9-5-506 Fee.

Article 6. Conditional Use Permits and Variances

- 9-5-601 Conditional use permits: Authorized.
- 9-5-602 Conditional use permits: Required: Purposes.
- 9-5-603 Conditional use permits: Applications: Hearings.
- 9-5-604 Conditional use permits: Granting.
- 9-5-605 Conditional use permits: Granting: Conditions.
- 9-5-606 Conditional use permits: Denial.
- 9-5-607 Conditional use permits: Issuance.
- 9-5-608 Conditional use permits: Effective date.
- 9-5-609 Conditional use permits: Time limits for development of property and uses.
- 9-5-610 Conditional use permits. Expiration.
- 9-5-611 Conditional use permits: Renewal.
- 9-5-612 Conditional use permits: New applications.
- 9-5-613 Variances: Authorized.
- 9-5-614 Variances: Applications.
- 9-5-615 Variances: Applications: Hearings.
- 9-5-616 Variances: Granting.
- 9-5-617 Variances: Granting: Conditions.
- 9-5-618 Variances: Denial.
- 9-5-619 Variances: Granting or denial: Transmittal of resolution.
- 9-5-620 Variances: Issuance.
- 9-5-621 Variances: Effective date.
- 9-5-622 Variances: Time limits for development of property and uses.

- 9-5-623 Variances: Expiration.
- 9-5-624 Variances: Renewal.
- 9-5-625 Variances: New applications.

Article 7. Rezoning and Annexation

- 9-5-701 Rezoning of unincorporated land.
- 9-5-702 Rezoning: Purpose.
- 9-5-703 Rezoning: Exceptions.
- 9-5-704 Rezoning and annexation: Applications: Hearings.
- 9-5-705 Rezoning and annexation: Findings.
- 9-5-706 Rezoning and annexation: Consideration of territory within secondary sphere of influence.
- 9-5-707 Rezoning and annexation: Denial.
- 9-5-708 Rezoning and annexation: Development agreement requirements.
- 9-5-709 Rezoning and annexation: Area-wide planning required.

Article 8. Historic Site Contracts

- 9-5-801 Specific purpose.
- 9-5-802 Historical site contract.
- 9-5-803 Qualified historical building or structure.
- 9-5-804 Use of the state historic building code.
- 9-5-805 Demolition.
- 9-5-806 Cancellation.

Article 9. Development Agreements

- 9-5-901 Short title.
- 9-5-902 Authority and purpose.

- 9-5-903 Forms and information.
- 9-5-904 Qualifications of applicants.
- 9-5-905 Form of development agreement.
- 9-5-906 Duty to give notice.
- 9-5-907 Contents of development agreements.
- 9-5-908 Determinations by the Planning Commission.
- 9-5-909 Council hearings.
- 9-5-910 Initiation of amendments or cancellation.
- 9-5-911 Recordation of agreements, amendments, or cancellation.
- 9-5-912 Review of agreements.

Article 10. Design Review

- 9-5-1001 Purpose.
- 9-5-1002 Applicability.
- 9-5-1003 Findings.

Article 11. Enforcement

- 9-5-1101 Purpose.
- 9-5-1102 Permits, licenses, certificates, and approvals.
- 9-5-1103 Violation.
- 9-5-1104 Enforcement.

Article 1. Permit Applications, Hearings, Amendments, and Appeals

9-5-101-Applications: Form.

The **Community Development Services** Director shall prescribe the form in which applications shall be made for the reclassification of property, permits, amendments, and appeals. In addition to any other information required in connection with applications, a map shall be submitted with each application showing the boundaries of the subject parcel and each parcel

within an area defined by ~~Section 9-5-118 of Article 1 of Chapter 5 of Title 9 of this Code for mailing notices of hearings.~~ TMC 9-5-120 for mailing notices of hearings. This map shall include the Assessor's block and lot numbers of each parcel so shown. A list shall accompany the map giving the names and addresses of the property owners of the subject parcels. No application shall be accepted unless it is complete and complies with such requirements. The acceptance of an application shall not constitute any indication of approval.

The application shall be made on forms furnished by the ~~Community Development~~ Services Department and shall be full and complete. All applications shall include data such as building and site plans and other information necessary to assure the presentation of all pertinent facts for the permanent record and to assist in determining the validity of the request.

9-5-102 Applications: Accompanying maps and data.

An application for a permit, reclassification of land, amendment or appeal shall be accompanied by maps, drawings, and data as necessary to evaluate the proposed request for conformance with the General Plan and the provisions of this chapter.

9-5-103 Applications: Investigations.

The responsible official shall make, or cause to be made, an investigation of the facts bearing on the case to provide the information necessary to assure action consistent with the intent of this chapter and the Turlock Area General Plan and its amendments. A written report of such investigation shall be presented to the bodies charged with the responsibility of dealing with the specific action.

9-5-104 Applications: Hearings.

Upon the receipt of a complete and verified application, a reasonable time and place for a public hearing with the appropriate deciding body shall be established. The hearing shall be held in accordance with the procedures and requirements set forth in this article. ~~The application shall expire after one (1) year from the date of submittal or if the applicant fails to respond to an incomplete letter from the Division within six (6) months of transmittal.~~

9-5-105 Fees Application fees.

(a) **Applications and permits.** - The City Council shall, by resolution, fix the amount of the fees for the applications and permits required and authorized by the provisions of this chapter. Before accepting any application, the established fee shall be charged and collected.

(b) **Special reports and consultants.** - Before accepting any application for filing, the estimated costs of any special report or consultant's fee determined to be necessary shall be charged and collected. Any actual cost that is more than that paid by the applicant shall be collected from the applicant prior to the issuance of the permit, and any estimated cost collected from the applicant that is more than the actual cost shall be returned to the applicant at the time of the issuance of the permit.

(c) **Waivers.** - Any fee required by the provisions of this chapter may be waived for any public body, district, or agency of the Federal, State, County, or municipal government.

9-5-106 Application expiration.

The application shall expire after one (1) year from the date of submittal or if the applicant fails to respond to an incomplete letter from the Planning Division within six (6) months of transmittal.

9-5-107 Permits: Expiration.

Any permit issued shall expire if the use permitted has not commenced within one (1) year of the date of approval or as otherwise specified in the permit. A use shall be deemed to have commenced upon issuance of a building permit, construction, the issuance of a Certificate of Occupancy from the Building Division, or approval of other permits deemed equivalent by the ~~Community~~-Development Services Director.

9-5-~~107-108~~ Permits: Renewal.

Any permit may be renewed for an additional period of one (1) year, provided an application for the renewal of the permit is filed with the acting agency prior to the expiration of the permit. The acting agency may grant or deny an application for renewal in the same manner as set forth in this article for the specific action in the original application.

9-5-~~108-109~~ Permits, certificates, and licenses: Validity.

Any permit, certificate, or license issued in conflict with the provisions of this article shall be null and void.

9-5-~~109-110~~ Permits and variances: Revocation or modification: Grounds.

Unless otherwise specifically provided in this article, the acting agency may revoke or modify any permit or variance on one (1) or more of the following grounds:

- (a) That the approval was obtained by fraud;
- (b) That the use for which the approval was granted is not being exercised;
- (c) That the granted permit or variance is being, or recently has been, exercised contrary to the terms and conditions of approval or in violation of any statute, ordinance, law, or regulation;
- (d) That the use for which the approval was granted is being exercised in a manner that is detrimental to the public health or safety or constitutes a nuisance; or
- (e) That the continued exercise of the use for which the approval was granted appears to be detrimental or contrary to the public welfare.

9-5-~~110-111~~ Permits and variances: Suspension and revocation.

Upon determining the violation of any applicable permit or variance granted according to the provisions of this chapter, the ~~Community~~-Development Services Director may automatically suspend that permit. The property owner will be notified immediately upon suspension. All operations of the use may be ordered to cease during the time of suspension if it is determined necessary in order to protect the health, safety and general welfare of the public. A public hearing shall be held within sixty (60) days of notification of suspension. If, at this hearing, it is determined that the regulations, general provisions and conditions are not being complied with, the permit or variance may be revoked or action may be taken to ensure compliance.

9-5-~~111-112~~ Amendments: Authorized.

This chapter may be amended by changing the boundaries of districts, the classification of land, any regulations, or other provisions if required for the public necessity, convenience, or general welfare. Amendments may be authorized by the City Council upon a recommendation from the Planning Commission. The procedures and requirements set forth in this article shall govern all

9-5-~~112-113~~ Amendments: Initiation.

Amendments may be initiated as follows:

(a) By a resolution of intention of the Council;

(b) By a resolution of intention of the Commission;

(c) By the application of any interested person or the ~~Community~~ Development Services Director for an amendment involving the classification of any use not listed in this chapter or to change the classification of any listed use where it is alleged that change in processes, procedures, or methods of operation or serving the public warrant such change.

9-5-~~113-114~~ Amendments: Applications.

The application for an amendment shall be filed with the Secretary of the Planning Commission by the applicant. The applicant shall submit all the required data in accordance with the provisions of this article.

9-5-~~114-115~~ Amendments: Hearings.

All applications for amendment shall be reviewed at a public hearing before the Planning Commission in accordance with the provisions of this article. The City Council shall take action on the proposed amendment at a public hearing subsequent to review and recommendation by the Planning Commission.

9-5-~~115-116~~ Hearings: Scope of provisions.

The procedures and requirements in ~~Section 9-5-121-TMC 9-5-121~~ through ~~Section TMC 9-5-130 of this Article 1 of Chapter 5 of Title 9 of this Code~~ shall govern the action on matters requiring public hearings.

9-5-~~116-117~~ Hearings: Time and place.

The Secretary of the Commission or the Clerk of the Council shall set a reasonable time and place for public hearings. Hearings shall be held not less than fifteen (15) nor more than ~~fifty~~ one hundred (100) days after the receipt of a completed application including all necessary documents or studies, unless different time limits are specified in this article for the specific actions.

9-5-~~117-118~~ Hearings: Notices: Form.

The notice of a public hearing shall include the description of the property, the nature of the proposal, the time and place at which the public hearing will be held.

9-5-~~118-119~~ Hearings: Notices: Publication.

All notices of public hearings before the Planning Commission or the City Council shall be published in a newspaper of general circulation in the community not less than ten (10) days before the hearings.

9-5-~~119-120~~ Hearings: Notices: Posting and mailing.

All notice of public hearings before the Planning Commission shall be posted and mailed or published, in accordance with the following requirements:

(a) **Posting.** - Not less than one (1) notice giving the time, date and location of the hearing shall be posted in a location that is visible to the general public. Such notices shall be posted not less than seventy-two (72) hours prior to the hearing.

(b) **Mailing.** - Letter or postal card notices shall be mailed to property owners within a five hundred (500') foot radius of the subject property not less than ten (10) days before the hearing. The applicant ~~shall~~ may furnish a certified copy of the names and addresses of the property owners as shown on the latest ~~adopted tax rolls of the county.~~ equalized assessment role. The failure to send a notice by mail to any property owner, where the address is not a matter of public record, shall not invalidate any proceedings in connection with any action.

(c) **On-site posting.** - Within ten (10) days of filing an application for a permit for a project requiring a public hearing before the Planning Commission, the applicant shall post an approximately four (4') foot by six (6') foot sign, containing both a written description and an illustration of the proposed project, on the subject property in a location visible to the public or other location approved by the ~~Community~~ Development Services Director.

(d) **Publication.** - When a large number of parcels of land are to be rezoned to conform to the General Plan, all notices may be given by publication in a newspaper of general circulation in the City and in the County. There shall be a minimum of two (2) publications at least five (5) days apart, and the last publication shall be at least ten (10) days prior to the hearing.

9-5-~~120-121~~ Hearings. _____

The Planning Commission or City Council shall review the application or proposed action and any evidence or reports pertinent to any action to be taken. The Planning Commission or City Council shall hear all persons wishing to be heard on the subject for the public hearing. The applicant or appellant may appear in his own behalf or be represented by other authorized representatives.

9-5-~~121-122~~ Hearings: Transcripts.

Any person interested in an application, appeal, or proposed action may request a copy of the recorded tapes, if any, within two (2) weeks of the hearing date. Any request shall be submitted in writing, and the person making the request shall agree to pay all the costs involved in obtaining a copy of the tapes. Nothing in this section shall prevent any interested person from employing a stenographic reporter of his own if he so chooses.

9-5-~~122-123~~ Hearings: Continuance.

If, for any reason, a public hearing cannot be held on the date set, the Planning Commission may reschedule the hearing to a later date. When rescheduled to within thirty (30) days of the original hearing date, the Planning Commission may publicly announce the time, place and location of the rescheduled hearing and additional notice will not be required. Otherwise, if the hearing is rescheduled beyond thirty (30) days, additional public notice will be required in accordance with ~~Section 9-5-116 through Section 9-5-118 of Article 1 of this chapter~~ TMC 9-5-117 through TMC 9-5-120.

9-5-~~123-124~~ Commission hearings: Commission recommendations.

The Planning Commission shall ~~announce~~ provide its recommendations to the project applicant within ten (10) days after the conclusion of the public hearing. Such action shall be by resolution which shall set forth the findings of the Planning Commission and any recommended conditions and any specific findings or recommendations specified in this article for the specific action thereon. The action shall be by a majority vote of all the voting members.

9-5-~~124~~-~~125~~ Commission hearings: Transmittal of resolutions.

Not later than ten (10) days following the rendering of a decision or recommendation, a copy of the resolution shall be sent by mail to the applicant at the address shown on the application filed with the Secretary of the Planning Commission. Other copies of the resolution shall be mailed or filed as specified in this article for the specific action thereon.

9-5-~~125~~-~~126~~ Commission hearings: Records.

The Secretary of the Planning Commission shall maintain a record of the evidence presented at such public hearing. If the Planning Commission recommends the approval of the application or the proposed action, the Secretary of the Planning Commission shall transmit the complete record of the case to the City Council. In the case of an appeal on a Planning Commission decision, the Secretary of the Planning Commission shall transmit the complete record of the case to the City Council immediately after the appeal is filed.

9-5-~~126~~-~~127~~ Council hearings: Council decisions.

The City Council shall take action on recommendations from the Planning Commission by approving, conditionally approving or disapproving proposed applications. City Council action shall be taken by resolution or, in the case of amendment to the zoning regulations, by ordinance. Such resolution shall set forth the findings of the City Council and any required conditions, including the time limits and the guarantees necessary to insure compliance with the provisions of this chapter and the General Plan.

9-5-~~127~~-~~128~~ Council hearings: Transmittal of resolutions and ordinances.

Not later than ten (10) days following the rendering of a decision, a copy of the resolution or ordinance shall be forwarded to the Secretary of the Planning Commission by the City Clerk.

9-5-~~128~~-~~129~~ Council hearings: Records.

The City Clerk shall make a record of the evidence presented at the public hearing. The record, together with the resolution or ordinance announcing the findings of the public hearing, shall be maintained as a part of the permanent records of the City.

9-5-~~129~~-~~130~~ Appeals: Authorized.

Any action or decision of the Planning Commission rendered pursuant to the provisions of this Chapter may be appealed as provided by Chapter 4 of Title-~~1~~-~~1~~ of this Code. Any action of the ~~Community~~-Development ~~Services~~ Director made hereunder, may be appealed to the Planning Commission in the same manner as provided by Chapter 4 of Title-~~1~~-~~1~~ of this Code.

9-5-~~130~~-~~131~~ Permits and Variances: New Applications.

Following the denial or revocation of any permit or variance, an application for the same, or similar use on the same site, shall not be accepted for submittal to the acting agency within a one (1) year period after the date of denial or revocation.

Article 2. Zoning Certificates and Home Occupation Permits

9-5-~~201~~- Zoning certificates: Purpose.

The purpose of a zoning certificate is to provide a preliminary review for proposed business uses to determine consistency and conformance with requirements of the applicable zoning district.

9-5-~~202~~- Zoning certificates: Required.

A zoning certificate shall be required prior to the commencement of any new business use or change of ownership upon application for a business license. A zoning certificate shall not be required for the renewal of a business license for existing businesses.

9-5-203- Zoning certificates: Application.

An application for a zoning certificate may be made at the same time the application for a business license is made. The acceptance of an application shall not constitute any indication of approval.

9-5-204- Zoning certificates: Applications: Departmental approval.

The ~~Community~~ Development ~~Services~~ Director shall check the application to assure compliance with all the provisions of this chapter and may issue the zoning certificate upon determining that proposed use either conforms with the standards of the applicable zoning district or constitutes a previously conforming use.

9-5-205- Zoning certificates: Denial.

Should the ~~Community~~ Development ~~Services~~ Director determine that the proposed use does not conform to the standards of the zoning district or constitute a previously existing conforming use, approval of the zoning certificate application shall be denied.

9-5-206- Zoning certificates: Effective date.

The zoning certificate shall become effective immediately after the issuance of such certificate by the ~~Community~~ Development ~~Services~~ Director. However, the approved use shall not commence until a Certificate of Occupancy has been issued by the Building ~~Division pursuant to the requirements of Section 1 of Chapter 12 of Title 8 of this Code (Section 8-12-01 et seq.)~~ and Safety Division.

9-5-207- Zoning certificates: Expiration.

The zoning certificate shall expire six (6) months after the effective date if the use has not commenced within this time. If the approved use has commenced within six (6) months of the effective date, the zoning certificate shall expire concurrently with the expiration of any associated Business License.

9-5-208- Home occupation permits: Required.

No home occupation shall be established in a residence until a home occupation permit is approved by the Secretary of the Planning Commission.

9-5-209- Home occupation permit: Applications.

An application for a home occupation permit shall be submitted to the Secretary of the Planning Commission by the person responsible for the operation of any home occupation. If the applicant is not the owner of the property involved, the applicant shall have a "consent of owner" form signed by the owner or his authorized representative.

9-5-210- Home occupation permits: Conditions: Issuance.

(a) ~~Conditions.~~ No home occupation permit shall be issued unless the use applied for meets the following standards and conditions:

~~(1) Such~~ (1) The permit is only valid for the person(s) and location identified in the application and shall not be transferrable to another person(s) or location.

~~(2)~~ The home occupation shall be conducted entirely within the residential dwelling or approved accessory structure that complies with Section ~~4 of Article 1101~~ of Chapter 2 ~~of or Title 99~~ of the Turlock Municipal Code (~~{Section 9-2-101:9-2-101: Accessory Buildings and Uses}~~). ~~There shall be no outside or Structures].~~ Outside activity, storage, or display is prohibited.

~~(2-3)~~ The floor area used for such occupation or profession shall not exceed 400 square feet in any case.

~~(3-4)~~ The proposed occupation shall clearly be incidental and secondary to the residential use of the dwelling, and shall not change the residential character of the dwelling.

~~(4) There shall be no~~ (5) Window displays, "show window windows", or window other exterior display to attract customers, clients, or the general public. ~~There shall be no are prohibited.~~ No exterior sign, except a nameplate professional occupation sign one foot by one foot is size, announcing the name and home occupation affixed to a wall of the primary dwelling.

~~(5) No external~~ (6) Exterior alterations of residential dwellings, for the purpose of drawing attention to the business, or in association with the operation of the business, ~~shall be permitted~~ are prohibited.

~~(6-7)~~ Operation of the business shall not generate vehicular traffic that is not normally associated with residential or agricultural uses.

(i) ~~Deliveries to the home occupation shall be limited to no more than two (2) deliveries per day. No delivery shall be by vehicles larger than a typical delivery van (Fed Ex, UPS, etc.).~~

(ii) ~~No more than one (1) vehicle standard pick up or van, and one (1) utility trailer, as defined and in accordance with the Turlock Municipal Code, Section 9-2-114, specifically designated to be used for the home occupation shall park at the subject residence at any time. The vehicle shall be limited to a standard pick up or van.~~

~~(iii)~~ (iii) Must comply with Turlock Municipal Code, Section 4-7-1008 concerning the parking of commercial vehicles in residential districts.

(iv) In the event outside persons are employed to perform functions of this business away from the premises, parking or storage of employees' vehicles in the neighborhood is prohibited.

~~(iv-v)~~ v At least one (1) on-site parking space shall be provided for customers to the business. For the purposes of this ~~section~~ Section only, parking in a driveway shall meet the definition of a parking space.

~~(7-8)~~ Such occupation ~~or of~~ profession shall be conducted by the residents of the premises.

~~(8-9)~~ The proposed home occupation business shall be limited to no more than two (2) customers at a time and no more than six (6) customers per day. ~~All customer visits shall be limited to the hours of, arriving no earlier than~~ 7:00 a.m. and ~~leaving no later than~~ 7:00

p.m.

~~(9)-10~~ Storage of goods that are not produced on the premises shall be limited to 100 cubic feet (approximately the size of a typical residential bedroom closet).

~~(10) Retail sales on the premises are prohibited except for goods produced on the premises, or used in association with a service provided on site.~~

~~(11)~~ The proposed occupation shall only involve the use of power-driven equipment or chemicals normally incidental to the residential use.

~~(12)~~ The applicant shall not list or advertise the residence address in the commercial telephone directory, newspaper, radio, or television in connection with the proposed occupation or profession.

~~(13)~~ The proposed occupation shall not create a nuisance by reason of noise, odor, dust, vibration, fumes, smoke, electrical interference, or other causes.

~~(14)~~ Any other conditions that the ~~Community~~ Development Services Director, or designee, deem necessary to protect the health, safety, and welfare of the residents in the surrounding neighborhood.

~~(b) Issuance.~~ ~~(b) Indemnification.~~ In the event the city determines that it is necessary to take legal action to enforce any of the provisions of these conditions, and such legal action is taken, the applicant shall be required to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the city, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the city should otherwise agree with applicant to waive said fees or any part thereof. The foregoing shall not apply if the permittee prevails on every issue in the enforcement proceeding.

~~(c) Compliance with all other laws and regulations.~~ Business operations conducted at this residence shall comply with all local, state, and federal laws and regulations, including, but not limited to, building, fire, and ADA accessibility requirements.

~~(d) Issuance.~~ The Secretary of the Planning Commission shall analyze all the facts presented and, if the use applied for meets each and every one of the required conditions and standards, shall issue the home occupation permit within ten (10) days.

9-5-211- Home occupation permits: Denial.

A home occupation permit issued pursuant to the provisions of this article shall not include commercial photograph studios, beauty parlors, barber shops, or any similar service enterprises, that do not comply with the provisions of ~~Section 2 of Article 1 of Chapter 5 of Title 9 of the Turlock Municipal Code (Section 9-5-210: TMC 9-5-210~~ (Home Occupation Permits: Conditions: Issuance). Retail sales (except for goods produced on the premises), music schools, dancing schools, business schools, or other schools of any kind with organized classes, retail motor vehicle sales or repair or any similar activities are prohibited.

If the use applied for does not meet the required conditions and standards, the Secretary of the Planning Commission shall deny the application.

9-5-212- Home occupation permits: Term: ~~Renewal~~.

~~(a) Term. Each~~ home occupation permit shall ~~be issued for an initial period of time consistent with~~ not expire unless revoked; however, the ~~related City business license. This initial time period shall be not less six (6) months nor more than twelve (12) months.~~
~~(b) Renewal. Following the initial period of approval, a home occupation permit may be renewed every six (6) months~~ is not transferrable to remain valid with the related City business license for the same business. a different permittee, location, or use.

9-5-213- Home Occupation Permits: Revocation.

The Home Occupation Permit granted under this article shall be subject to revocation by the ~~Community~~ Development Services Director, or designee, when the permittee violates any of the restrictions and conditions set forth in this article.

Article 3. Minor Administrative & Minor Discretionary Permits

9-5-301- Minor administrative approval (MAA): Purpose and intent.

Minor Administrative Approvals are those which are routine in nature and do not require a public hearing, but may require an administrative interpretation regarding compliance with established policies, standards and guidelines adopted by the Turlock City Council. The purpose of Minor Administrative Approvals is to provide speedy approval over the counter or within a time period of no more than five (5) working days, depending on the complexity of the specific proposal. They are distinct from “ministerial” approvals which are “non-discretionary” actions permitted upon a determination that the standards established by City Ordinance for the proposal are met.

9-5-302- Minor administrative approval: Applicability.

Only those uses, activities, or permits as specifically enumerated in the zoning districts or other articles of this chapter as requiring a Minor Administrative Approval may be approved and issued following the administrative discretion of the ~~Community~~ Development Services Director or his/her designee according to the provisions contained in this article.

9-5-303- Minor administrative approval: Application.

Applications for Minor Administrative Approval shall be made to the ~~Community~~ Development Services Department on a form prescribed by the Department and shall include all requisite materials and payment of applicable filing fee.

9-5-304- Minor administrative approval: Review: Approval.

All applications for a Minor Administrative Approval must first be approved in writing by the ~~Community~~ Development Services Director or his/her designee before such use or activity commences. All applications and proposed uses shall be reviewed for compliance with the applicable policies, standards and guidelines which shall be adopted by resolution of the Planning Commission or City Council, as may be amended from time to time.

The ~~Community~~ Development Services Director may approve, conditionally approve, or disapprove an application for such permit.

9-5-305- Minor administrative approval: Expiration.

If requested prior to expiration, the Minor Administrative Approval may be extended by the ~~Community~~ Development Services Director upon a finding of just cause.

9-5-306- Minor administrative approval: Fee.

A fee shall be paid by the applicant to cover the costs of processing and administering the Minor Administrative Approval application service as established by the City Council as set forth in

Article 3 of Chapter 3 of Title-3- of this Code. Such fee shall be set by City Council resolution, and may be amended from time to time.

9-5-307- Minor discretionary permits: Purpose and intent.

Minor Discretionary Permits require administrative discretion in determining compliance with adopted policies, codes and standards of the City and require public notice prior to approval.

Minor Discretionary Permits may be authorized by the ~~Community~~-Development Services Director within a typical time frame of three (3) to four (4) weeks.

9-5-308- Minor discretionary permit: Authorized.

Only those uses, activities, or permits specifically enumerated in the applicable zoning districts as requiring a Minor Discretionary Permit may be approved and issued upon administrative discretion of the ~~Community~~-Development Services Director or his/her designee according to the provisions contained in this article.

9-5-309- Minor discretionary permit: Application. Completeness.

(a) Applications for Minor Discretionary Review shall be submitted to the ~~Community~~ Development Services Department including all required materials and the written consent of the property owner of the proposed location. All materials must be clear, legible and of sufficient clarity to allow other interested agencies and interested property owners to understand the proposal.

(b) No later than five (5) days following submittal of an application for Minor Discretionary Permit, the application and all related materials will be reviewed for completeness. The applicant will be notified immediately if an application is found to be incomplete, and the additional information needed to complete the application will be identified. The applicant is responsible to provide any missing information and/or revised plans as may be necessary and resubmit the materials. Once resubmitted, the application will again be reviewed for completeness as described above.

(c) Once an application has been deemed complete, the ~~Community~~-Development Services Director or his/her designee shall transmit the relevant parts of the permit application to all affected City departments for review, comments, and condition requirements. All comments will be returned to the ~~Community~~-Development Services Director within ten (10) working days.

9-5-310- Minor discretionary permit: Review.

The ~~Community~~-Development Services Director shall consider the following aspects of each Minor Discretionary Permit application to the extent they are applicable to the proposal:

(a) Relationship to the character of the neighborhoods in which the site is located, the appearance and harmony of proposed buildings and/or their use with adjacent development and the surrounding natural features.

(b) Review of site layout, considering the orientation and location of buildings and open spaces in relation to physical characteristics of the site.

(c) Review of the layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, drives and walkways.

(d) Review of buildings for scale, mass, proposition, articulation of facades, use of materials, overall composition of design and harmony with surrounding buildings.

(e) Review of location height, and materials of fences, walls and screen plantings to ensure harmony with adjacent development and adequate screening of storage and nuisance activities.

(f) Review of colors and materials in relationship to adjacent architectural and natural elements.

(g) Review subdivision designs to ensure that developments are in harmony with established neighborhoods or surrounding natural features.

(h) Review of landscape plans for placement and selection of all plant materials with emphasis on variety and hardiness of Turlock's climatic conditions.

(i) Review of location, color, size, height, lighting, and landscaping of outdoor advertising signs and structures, in relation to traffic hazards and appearance and harmony with the environment.

(kj) All other relevant comments from affected City departments and other agencies.

9-5-311- Minor discretionary permit: Notice.

(a) The ~~Community~~-Development Services Director shall give notice of the proposed request, by mail or delivery, to all adjacent property owners not less than ten (10) days prior to the date on which the administrative decision will be made. Adjacent property owners shall include those abutting all sides of the property upon which the request is made, including those across any abutting public or private street or others the Director determines should receive public notice. Property owner and address information used by the City shall be based on the latest ~~adopted County tax equalized assessment~~ role.

(b) If no hearing is requested by the applicant or other affected person, or if no responses are received in opposition to the request within the prescribed time period, then the ~~Community~~ Development Services Director or his/her designee may take action on the Minor Discretionary Permit application.

(c) If a hearing is requested by the applicant or other affected person or agency, or if any responses are received in opposition to the request, the ~~Community~~-Development Services Director shall forward the application to the Planning Commission for formal public hearing and consideration. When the application is forwarded to the Planning Commission, the applicant shall be responsible for the payment of additional application processing fees necessary to cover the costs of this additional review and public notice. The applicant may also be asked to supplement the permit application materials as determined by the ~~Community~~-Development Services Director.

9-5-312- Minor discretionary permit: Approval: Findings: Conditions.

(a) The ~~Community~~-Development Services Director or his/her designee may approve, conditionally approve, or disapprove an application for a Minor Discretionary Permit. In approving a Minor Discretionary Permit application, the ~~Community~~-Development Services Director or his/her designee shall find that the following are fulfilled or shall impose reasonable conditions to ensure that they are fulfilled:

(1) The proposal is consistent with the Turlock General Plan, the Zoning Ordinance and all other adopted plans for the site;

(2) The proposal is in harmony with the existing or proposed development in the general area or neighborhood and will be compatible with adjacent structures and uses, including those on adjoining properties;

(3) The proposal is consistent with the development plan, terms, conditions, and/or intent of any planned development or conditional use permit currently in effect on the property;

(4) Any structural elements contained within the proposal is of high quality design consistent with the intent of the City Design Element of the Turlock General Plan and the exterior design, appearance, materials, and colors will not cause the nature of the neighborhood to materially depreciate;

(5) The proposal will not otherwise constitute a nuisance or be detrimental to the public safety, health, and welfare of the neighborhood and community.

9-5-313 Minor discretionary permit: Fee.

A fee shall be paid by the applicant to cover the costs of processing and administering the Minor Discretionary Permit application service as established by the City Council as set forth in Article 3 of Chapter 3 of Title 3 of this Code. Such fee shall be set by Council resolution, and may be amended from time to time.

9-5-314- Minor discretionary permit: Violation: Penalty.

Any person who undertakes, operates or maintains a use of land in any district other than in strict compliance with the provisions of this ~~section title~~ or the terms and conditions of any written approval granted, shall be subject to the penalties set forth in this chapter.

9-5-314.1-315 Minor discretionary permit: Time limits for development of property and uses-*

The Community Development Director may establish a time limit for development of the subject property and use. The time limit set by the ~~Community~~ Development ~~Services~~ Director shall be reasonable, based upon the size and nature of the proposed development. Such time limit may be extended by the ~~Community~~ Development ~~Services~~ Director for good cause when the applicant presents proof of unusual conditions not of his own making.

9-5-315-9-5-316 Outdoor dining defined.

Outdoor dining entails the use of City sidewalks and public rights-of-way for the consumption of food or beverages in conjunction with the operation of a bona fide food service establishment properly licensed for such service and which provides on-premises customer seating.

9-5-315.1-317 Outdoor dining permit required.

No owner or operator of a business establishment shall occupy any portion of a public sidewalk, court, plaza, alley, or street with tables and chairs for outdoor dining without first obtaining a ~~minor discretionary~~ permit in accordance ~~Section 9-5-307 through 9-5-314:with TMC 9-5-300ART (Minor Administrative and~~ Minor Discretionary Permits) and with the provisions of this article.

9-5-315.2-318 Authority to ~~issued~~issue outdoor dining permits.

The ~~Community~~ Development ~~Services~~ Director, or his or her designated representative, is hereby authorized to issue outdoor dining permits, revocable at will, to owners or operators of business establishments for the placement of tables and chairs in the public sidewalk, court, alley or street adjacent to and incidental to the operation of a food service establishment, according to the procedures as set forth in this article. An outdoor dining permit will not be issued where, in the opinion of the Community Development Director, or his or her designated representative, the speed, volume or nearness of vehicular traffic is not compatible with outdoor dining. Issuance will not be unreasonably withheld.

9-5-315.3-319 Application for outdoor dining permit.

Every owner or operator of a business establishment desiring to place tables and chairs in a public sidewalk, court, alley or street shall first submit an application for the issuance of such a permit to the ~~Community~~ Development ~~Services~~ Department. Each application shall state the name of the applicant, the name and address of the establishment, the proposed area to be occupied by the tables and chairs, and the hours and days that the area is to be so occupied. The application shall be accompanied by a space-use plan which indicates the location, number and arrangement of the tables and chairs to be used, the location of the entrance to the establishment, and the location of any existing sidewalk obstructions in the proposed area to be occupied by the tables and chairs. Trees, traffic signs, benches and all similar obstacles shall constitute obstructions.

9-5-315.4-320 Issuance of outdoor dining permit.

If the proposed design and location of the tables and chairs to be used for outdoor dining, as described in the application, conforms to those guidelines set forth by the ~~Community~~ Development ~~Services~~ Director, or his or her designated representative, an outdoor dining permit shall be issued to the applicant.

No permit shall be issued until the applicant has paid a one-time fee for the permit. The amount of the permit fee is in an amount as shall be set forth from time to time by resolution of the City Council.

~~Once an outdoor dining permit is issued by the Community Development Director, the permittee shall display a copy of the approved permit within the business establishment in an area clearly visible from the sidewalk.~~

9-5-315.5-321 Conditions and restrictions pertaining to outdoor dining.

The issuance of permits by the ~~Community~~ Development ~~Services~~ Director for the use of City sidewalks and public rights-of-way for the consumption of food or beverages in front of business establishments are subject to the following:

(a) The outdoor dining area shall leave not less than four (4') consecutive feet of sidewalk width to ensure adequate space for pedestrian traffic on the adjacent sidewalk. The minimum width stated above must be free of all obstacles and obstructions for a clear path of travel. For the purpose of minimum clear path, traffic signs, trees and all similar obstacles shall constitute obstructions. It is the responsibility of the permittee to keep this sidewalk pedestrian zone clear and unimpeded for pedestrian movement.

(b) Outdoor dining areas may not intrude on pedestrian "clear vision zones" at corners and thus must be set back a minimum of six (6') feet from any crosswalk. The outdoor dining area must not interfere with curbs, ramps or driveways. No element of the outdoor dining area may interfere with access to any building including all paths of travel or exit.

(c) When the sidewalk is not in use for seating and service, all removable fixtures (i.e., chairs, planters, tables, etc.) shall be stored inside the restaurant premises.

(d) The outdoor dining area must remain clear of litter at all times. The permittee shall maintain the tables and chairs in the permitted outdoor dining area in a clean condition at all times.

(e) Outdoor dining areas must conform to and comply with all relevant regulations in this Code and all applicable building laws including State laws and regulations.

(f) Tables, chairs, and customers shall be confined to the area shown on the application submitted by the permittee.

9-5-~~315.6~~ 322 Insurance.

Each outdoor dining permittee shall provide the City Clerk with evidence of insurance coverage in the amount and form as approved by the City Attorney or his/her designee. Such amounts shall be set forth from time to time by resolution of the City Council. The required insurance shall be maintained in a current status throughout the use of the public right-of-way, and a copy of the insurance renewal shall be provided to the City Clerk and/or the Planning Division upon renewal.

9-5-~~315.7~~ 323 Alcoholic beverage restrictions.

The service of alcoholic beverages shall be restricted solely to on-premises consumption by customers within the outdoor dining area. Each of the following standards apply to outdoor dining areas which provide alcoholic beverage service:

(a) The outdoor dining area must be clearly and physically separated from pedestrian traffic. All barriers, railings, fences or planters placed around a sidewalk cafe whether moveable or permanent, affixed, and contiguous to the sidewalk and in place during hours of operation to clearly define the area. The spacing, if any, between barriers, railings, fences, or planters must prevent pedestrian traffic through them. Landscaping can be either in planters or planted in the ground. In order to maximize visual access and pedestrian safety, the height of the railing, barrier or planter, with its planted material, shall not be less than three (3') feet;

(b) The business operator shall post a written notice to customers that the drinking or carrying of an open container of alcohol is prohibited outside the outdoor dining area;

(c) The outdoor dining area operation must be duly licensed by the State Department of Alcoholic Beverage Control, and the City of Turlock requirements and restrictions for the service of alcoholic beverages in outdoor dining areas shall not be less than those required by the State Department of Alcoholic Beverage Control; and

(d) Any and all exits from the bona fide food service establishment to be used for the service of alcoholic beverages to the outdoor dining area must be included in the outdoor dining permit issued pursuant to this chapter section.

9-5-~~315.8~~ 324 Outdoor dining permit not deed or easement.

Permission to encroach upon a portion of a public sidewalk with tables and chairs granted under this chapter section shall not constitute a deed or grant of an easement by the City.

9-5-~~315.9~~ 325 Suspension or revocation of outdoor dining permit.

The outdoor dining permit granted under this chapter shall be subject to suspension or revocation by the ~~Community~~ Development Services Director when the permittee violates any of the restrictions and conditions set forth in this chapter section, or any rule or regulation of the ~~Community~~ Development Services Director adopted in pursuance of the provisions of this chapter section. The outdoor dining permit shall be automatically suspended upon the termination of the insurance required under Section TMC 9-5-324 of Article 3 of Chapter 5 of Title 9 of this Code.322. Upon termination of the insurance required under Section 9-5-324 of Article 3 of Chapter 5 of Title 9 of this Code TMC 9-5-322, permittee agrees to indemnify and hold the City of Turlock, its officers, agents and employees free and harmless from any and all damages, costs, charges or liability of any kind or character that may arise out of, relate to, or

in any way be connected with the exercise of the rights granted pursuant to the issuance of the encroachment permit.

The City of Turlock must notify the State Department of Alcoholic Beverage Control of any suspension or revocation of an outdoor dining permit granted under this ~~chapter section~~.

~~9-5-315.10-326~~ Protest issuance of permit.

Any person or persons who deem their interests or property, or that of the general public, will be adversely affected by the occupancy of a public sidewalk, court, alley or street with tables and chairs for outdoor dining and for which permission has been applied for under the provisions of this chapter, may protest the issuance of said permit by writing to the ~~Community~~ Development ~~Services~~ Director within thirty (30) calendar days after the ~~applicant has posted the outdoor dining permit as required under Section 9-5-324 of Article 3 of Chapter 5 of Title 9 of this Code has been approved.~~ Upon receipt of any such protest, the ~~Community~~ Development ~~Services~~ Director will schedule a hearing to hear all protests or oppositions to the issuance of an outdoor dining permit.

~~9-5-315.11-327~~ Denial of permit.

Upon denial of a permit by the ~~Community~~ Development ~~Services~~ Director, an applicant may, within ~~fifteen (15)~~ ~~ten (10)~~ calendar days following notification of such denial, file a notice of appeal to the City Council, who shall then hear all appeals concerning the application for permit.

~~9-5-315.12-328~~ Penalties.

The placement of tables and chairs on a public sidewalk or other public right-of-way without a permit issued in compliance with this chapter shall constitute an infraction punishable by a fine of One Hundred and no/100ths (\$100.00) Dollars. The nonpayment of such fine, or the continued existence of a condition in violation of this ~~chapter section~~, shall be grounds for the ~~Community~~ Development ~~Services~~ Director to prohibit placement of tables and chairs by the responsible owner or operator of the fronting business establishment until such penalty has been paid or the condition corrected.

~~9-5-315.13-329~~ Removal of tables and chairs.

Any tables and chairs placed in or upon the public sidewalk or rights-of-way without a validly issued permit may be seized and removed pursuant to this section. The City of Turlock shall issue a notice to the owner or operator of the business establishment fronting on the sidewalk from which the tables and chairs are to be removed before such tables and chairs are seized. The owner or operator of the business establishment shall be given ten (10) business days in which to remedy the violation. If the responsible party does not remedy the violation and apply for and obtain an outdoor dining area permit within the time prescribed, the City may seize and remove the tables and chairs.

Any other provisions of this ~~chapter section~~ notwithstanding, if tables and chairs are placed in the public sidewalk or in or upon the public sidewalk or rights-of-way in such a manner as to pose an immediate and serious danger to persons or property, the City may seize such tables and chairs without prior notice to the person responsible for such tables and chairs if it is impractical to remedy the danger by moving the tables and chairs to another point on the sidewalk or public right-of-way.

The responsible party shall be notified promptly of such seizure of tables and chairs and shall have the right to request an informal hearing before a designated City official within ten (10) business days after such notification to determine whether the seizure was proper. All tables

and chairs seized pursuant to this section shall be retained by the City and may be recovered as provided herein.

As a condition of recovering outdoor dining tables and chairs properly seized pursuant to this section, the person responsible for such tables and chairs shall pay an impound fee covering the actual cost to the City of transporting and storing the outdoor dining tables and chairs.

Article 4. Minor Exceptions

9-5-401- Purpose.

These provisions shall ensure the following:

(a) Minor adjustments from standards contained in this title of the Turlock Municipal Code shall be granted only when, because of special circumstances applicable to the property, the strict application deprives such property of privileges enjoyed by other property in the vicinity and under identical land use districts.

(b) Any minor exception granted shall be subject to such conditions as will ensure that the minor adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and land use district in which such property is situated.

9-5-402- Application.

An application for a minor exception shall be filed in a manner consistent with the requirements contained in Article 3 of this chapter for ~~Minor Discretionary Permits~~minor discretionary permits.

9-5-403- Applicability.

The ~~Community~~-Development Services Director may grant a minor exception up to a maximum of ten (10%) percent governing only the following measurable design/site considerations:

- (a) Distance between structures;
- (b) Lot dimensions;
- (c) On-site parking, loading and landscaping;
- (d) Setbacks;
- (e) Structure heights.

Any minor exception request which exceeds the prescribed limitations outlined in this section shall require the filing of a ~~Variance~~variance application pursuant to Article 6 of this Chapter. Minor exceptions may be approved by the ~~Community~~-Development Services Director only if no other entitlements are required. If other approvals are necessary, the minor exception shall be filed concurrently.

9-5-404- Findings.

The ~~Community~~-Development Services Director may approve and/or modify an application in whole or in part, with or without conditions, only if all of the following findings are made:

(a) That there are special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this code deprives such property of privileges enjoyed by other property in the vicinity;

(b) That granting the minor exception is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and land use district and denied to the property for which the minor exception is sought;

(c) That granting the minor exception will not be materially detrimental to the public health, safety, or welfare, or injurious to the property or improvements in such vicinity and land use district in which the property is located;

(d) That granting the minor exception does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and land use district in which such property is located;

(e) That granting the minor exception does not exceed ten (10%) percent of the standards being modified, or allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel; and

(f) That granting the minor exception will not be inconsistent with the General Plan.

9-5-405- Burden of proof.

The burden of proof to establish the evidence in support of the findings as required by ~~Section 4 of Article 4 of Chapter 5 of Title 9 of this Code (Section 9-5-404) above~~ TMC 9-5-404, above, is the responsibility of the applicant.

9-5-406- Precedents.

The granting of a minor exception is not admissible as evidence for the granting of a new minor exception.

9-5-407- Minor exception: Expiration.

A minor exception approval shall expire after one (1) year if construction has not begun or the use commenced. If requested prior to expiration, the minor exception may be extended upon a finding of just cause.

Article 5. Temporary Uses of Land

9-5-501- Temporary uses.

Certain land uses of a temporary nature as defined in TMC-~~9-1-202-~~ (Definitions, Temporary use), may be authorized by the ~~Community~~ Development Services Director pursuant to the proper application process and subject to the limitations and standards contained herein. Temporary land uses otherwise regulated by the Turlock Municipal Code (Christmas tree sales, fireworks stands, ~~etc.)~~ parking lot sales, and other similar uses) shall be exempt from this ~~section article~~.

(a) Limitations of use by zoning district.

(1) Commercial/Industrial Districts and Planned Development Districts. Temporary uses of land may include, but are not limited to: sales office trailers, storage yards, parking lots, parking lot sales, outside sales of seasonal merchandise (produce, pumpkins, and the like), special events and displays of community interest in which the temporary use is intended to be operated as defined in TMC-~~9-1-202-~~ (Definitions, Temporary use).

Temporary outside sales conducted by itinerant vendors are also subject to the regulations of Chapter ~~5-17~~ TMG17 of Title 5 of this Code. No temporary use of land permit shall be required for a parking lot sale in an organized shopping center when: 1) all of the participants are permitted uses in the center; 2) the event is held on the improved portion of the site; and 3) adequate parking is provided.

(2) **Residential and Residential Planned Development Districts.** Temporary uses of land may include, but are not limited to: contractor storage yards, model homes, and tract sales offices, when the temporary uses are incidental and accessory to the primary land uses permitted in the residential zoning district. This limitation shall not apply to accessory uses that are otherwise permitted and regulated by other sections of this Code (examples: home occupations, residential garage/yard sales).

(b) **Duration of temporary uses.** The temporary use of land for those activities permitted herein may be authorized for a limited and specified period of time not to exceed one (1) year in duration as set by the ~~Community~~ Development Services Director within the terms and conditions of each particular temporary use of land permit. The ~~Community~~ Development Services Director may consider and take appropriate action on a request for an extension of a temporary use of land for one (1) additional one (1) year period, upon review of a written request submitted no later than thirty (30) days prior to the expiration of the approved temporary use of land permit. In regards to the following specific temporary land uses, these time periods shall apply:

(1) **Outside sales of seasonal merchandise (Christmas trees, pumpkins, and the like).** The outside sale of seasonal merchandise and produce in one (1) location may be permitted up to a maximum of ninety (90) days within a calendar year on a single property, with a limitation of no more than three (3) non-consecutive separate events of a maximum of thirty (30) days per each event.

(2) **Outdoor commercial promotional/sales events.** ~~The temporary outdoor promotions/sales events for a commercial business which is not part of~~

(i) When located within an organized shopping center, commercial businesses that are not permitted uses in the center may be permitted for up to six (6) such special events per calendar year. ~~Within organized shopping centers, six (6) special events per calendar year may be permitted for that shopping center at which any or all tenants may participate. In either case, each~~ Each separate temporary outdoor promotional/sales event shall not exceed seventy-two (72) hours in length.

(ii) For commercial business(es) that are part of an organized shopping center, there is no limit on the number or duration of the promotional or sales events when: 1) any or all tenants or owners within the center participate; 2) adequate parking is provided on site; and 3) the property owner has provided written permission for the event, if applicable.

(3) **Itinerant vendors.** No temporary use of land permit shall be required for any itinerant vendor that vends on the improved portion of a commercial or industrial property for a period of less than thirty (30) minutes during a twenty-four (24) hour period so long as the vendor does not relocate within one thousand (1,000) feet of such location. "Mobile food facilities" are regulated pursuant to TMC- ~~9-2-12512-4~~ and shall not be required to obtain a temporary use of land permit. All other itinerant vendors may be permitted up to a maximum of

seventy-two (72) hours on a single property, with a limitation of no more than six (6) events of any type in any one (1) year at any single location.

(c) Signing.

(1) All signing related to an authorized temporary use of land shall comply with the temporary sign regulations in ~~Article 5 of Chapter 9-2 TMC, Signs. TMC 9-2-500ART (Signs)~~. A temporary sign permit shall first be obtained from the City prior to the installation of any temporary signage.

(2) Noncommercial signing, which may include balloons, pennants, and special displays, may be permitted as part of an approved temporary land use permit as specified above. Such noncommercial signs must be securely fastened or attached so as not to create any type of public safety hazard.

(d) Maximum number of temporary uses per lot. On properties less than one (1) acre in size, no more than one (1) temporary use may be permitted at any one (1) time. Exceptions to this provision may be made by the Director if it is determined that all of the findings in TMC 9-5-504 can be made. At no time shall two (2) similar temporary uses be permitted on any property less than one (1) acre in size.

(e) Maximum number and locations of temporary uses per applicant. No single organization or individual may conduct more than six (6) events of any type in any one (1) year at any single location. Furthermore, no single organization or individual may conduct events at more than three (3) locations in any one (1) year. For the purposes of this article, an "event" is a single occurrence of any temporary activity on a particular lot.

9-5-502- Application.

Any person may apply to the ~~Community~~-Development ~~Services~~ Department for approval of a temporary use of land not less than fifteen (15) days before the use is intended to begin. Such application shall be on a form prescribed for that purpose, and shall include the written consent of the owner of the property on which the use is to be located.

9-5-503- Approval.

(a) All applications for a temporary use of land permit must first be approved in writing by the ~~Community~~-Development ~~Services~~ Director before such use commences. The ~~Community~~ Development ~~Services~~ Director may approve, conditionally approve, or disapprove an application for such use.

(b) The ~~Community~~-Development ~~Services~~ Director may require a conditional use permit as provided in Article 6 of this chapter, to allow for Planning Commission review and action on a temporary use of land permit request where a determination is made that the proposed use may be of particular interest or concern to surrounding property owners or to the public at large. A conditional use permit must be required for those uses which would require such a permit under other provisions in this ~~chapter title~~.

9-5-504- Findings.

The ~~Community~~-Development ~~Services~~ Director may approve an application for a temporary use of land for a period of time as specified in this chapter only upon making all of the following findings:

- (a) The proposed use will not adversely affect adjacent structures and uses or the surrounding neighborhood;
- (b) The proposed use will not adversely affect the circulation and flow of vehicular and pedestrian traffic in the immediate area;
- (c) The proposed use will not create a demand for additional parking which cannot be met safely and efficiently in existing parking areas;
- (d) The proposed use will not conflict with the terms or intent of any planned unit development permit or conditional use permit currently in effect on the property;
- (e) The proposed use will not otherwise constitute a nuisance or be detrimental to the public welfare of the community.

9-5-505- Conditions.

(a) In authorizing an application for a temporary use of land permit, the **Community Development Services** Director shall include as conditions of approval, the following minimum provisions:

- (1) The use will be limited to the dates and times (or period of time), nature and extent prescribed by the **Community Development Services** Director;
- (2) All work, including building, electrical, and plumbing will conform to all requirements of applicable codes;
- (3) Provisions for fire protection and fire vehicle access will be made as prescribed by the Fire Chief;
- (4) Signing will be limited to that approved by the **Community Development Services** Director;
- (5) The site will be continuously maintained free of weeds, litter and debris;
- (6) Within three (3) days after removal of the temporary use, the site will be completely cleaned; all trash, debris, signs, sign supports, and temporary electrical service will be removed;
- (7) Any additional limitations or conditions as required by the **Community Development Services** Director as conditions of approval.

(b) For applications for temporary use of land permits which allow for an itinerant vendor, the following minimum provisions and conditions shall also be applicable:

- (1) An itinerant vendor sales stand and/or use shall not be located upon the paved or any unpaved portion of a public right-of-way nor impede the free and unobstructed use of any sidewalk. Push carts may use the public sidewalk so long as the cart does not impede the movement of pedestrians.
- (2) The itinerant vendor sales activity, including the display of all related merchandise or products for sale, shall be limited to the immediate confines of the temporary street side stand, trailer, vehicle, or other enclosure approved as part of the permit.

(3) All uses shall be located in such a manner that will not impede the normal use of driveways serving the property where the use is proposed nor in such a manner that encourages customers to stop in the street or driveway to obtain vendor service.

(4) Uses providing for temporary street side stands, trailers, or vehicles shall comply with the setback/yard provisions of the specific commercial or industrial zone the use is proposed to be located in.

(5) Uses providing for temporary street side stands, trailers, or vehicles shall not reduce the number of off-street parking spaces below the minimum number specified for the zone district the use is proposed to be located in.

9-5-506- Fee.

A fee shall be paid by the applicant to cover the costs of processing and administering the temporary use of land permit application. Such fee shall be set by City Council resolution, and may be amended from time to time.

Article 6. Conditional Use Permits and Variances

9-5-601- Conditional use permits: Authorized.

Upon acceptance of an application, the Planning Commission may grant a conditional use permit for a use allowed conditionally in the respective zoning district.

9-5-602- Conditional use permits: Required: Purposes.

(a) **Required.**- No conditional use shall be located in any district unless and until a conditional use permit is granted in accordance with the procedure set forth in this article.

(b) **Purpose.**- The purpose of a conditional use permit is to evaluate the site features, operating characteristics, and design of a proposed use to ensure compatibility with other uses in the general area.

9-5-603- Conditional use permits: Applications: Hearings.

At the time an application for a conditional use permit is deemed complete, the Secretary of the Planning Commission shall set the date of hearing in the manner prescribed by law.

9-5-604- Conditional use permits: Granting.

All actions of the Planning Commission relating to findings and recommendations shall be in accordance with the provisions of this ~~chapter~~, article. The Planning Commission shall authorize the granting of the conditional use permit if it finds as follows:

(a) That the site for the proposed ~~use~~ use is adequate in size and shape to accommodate such uses, all yards, open spaces, wall, fences, parking, loading, landscaping and other features required by the Municipal Code or the ~~commission~~ Planning Commission to make sure such use is compatible with the land and uses in the vicinity;

(b) That the site for the proposed use is related properly to streets and highways to carry the quantity and kind of traffic generated by the proposed use;

(c) That the proposed use will not adversely affect the abutting property or the permitted use thereof with the provisions of conditions; and

(d) That the site for the proposed use is in conformance with the General Plan.

9-5-605- Conditional use permits: Granting: Conditions.

(a) **Imposition of conditions.**- In authorizing a conditional use permit, the [Planning](#) Commission may require that the use conform with the site plan, architectural drawings, or statements submitted in support of the application necessary to protect the public health, safety, and general welfare and secure the objectives of the General Plan. The Commission may also impose such other conditions necessary to achieve these purposes, including, but not limited to, the following:

- (1) Special yards, open spaces, and buffers;
- (2) Fences and walls;
- (3) The provision and surfacing of parking areas;
- (4) Street dedications and improvements, including the provision of service roads or alleys where practical and necessary;
- (5) The regulation of points of vehicular ingress and egress;
- (6) The regulation of signs;
- (7) Landscaping and the maintenance;
- (8) The maintenance of the grounds;
- (9) The control of noise, vibration, odors, and other potentially dangerous and objectionable elements;
- (10) Limits on the time for conducting certain activities;
- (11) The time period within which the proposed use shall be developed; and
- (12) Any other conditions that will promote the development of the City in an orderly and efficient manner and in conformity with the intent and purpose set forth in this [chapter article](#) and the General Plan.

(b) **Guarantees of compliance with conditions.**- The [Planning](#) Commission may require reasonable guarantees that such conditions will be complied with.

(c) **Yard, height, and area requirements.**- Unless otherwise approved by resolution, the provisions for required front, rear, and side yards and the requirements for height and area applicable to the specific district shall prevail.

(d) **Off-street parking and loading requirements.**- The provision of off-street parking and loading applicable to the particular use shall prevail unless otherwise approved by resolution.

9-5-606- Conditional use permits: Denial.

If because of the size or character of the use proposed on a particular site, its location, or its relationship to adjoining parcels and uses, the [Planning](#) Commission is unable to make the findings set forth in Section [9-5-504](#), the [Planning](#) Commission shall disapprove the conditional use permit application.

9-5-607- Conditional use permits: Issuance.

Immediately following the [Planning](#) Commission approval of a conditional use permit application, the Secretary of the [Planning](#) Commission shall cause a formal conditional use permit to be issued to the applicant.

9-5-608- Conditional use permits: Effective date.

The conditional use permit shall become effective on the eleventh calendar day after the date of approval, unless appealed on or before the tenth day.

9-5-609- Conditional use permits: Time limits for development of property and uses.

The [Planning](#) Commission may establish a time limit for development of the subject property and use. The time limit set by the [Planning](#) Commission shall be reasonable, based upon the size and nature of the proposed development. Such time limit may be extended by the [Planning](#) Commission for good cause when the applicant presents proof of an unusual condition not of his own making.

9-5-610- Conditional use permits. Expiration.

If no specific time is specified, any permit granted by the [Planning](#) Commission or Council shall become null and void within one year after the effective date of such permit. The permits shall not become null and void if:

- (a) The use has commenced; or
- (b) A building permit has been issued for the project by the Building Inspector and construction has begun with continuous progress toward completion maintained; or
- (c) A certificate of occupancy has been issued by the Building Inspector for the use or structure.

9-5-611- Conditional use permits: Renewal.

If an application for renewal is filed prior to expiration, a conditional use permit may be renewed for an additional one year period. The acting agency may grant or deny an application for renewal in the same manner as set forth for the original application.

9-5-612- Conditional use permits: New applications.

Following the denial or revocation of a conditional use permit, an application for the same, or similar use on the same site, shall not be accepted for submittal to the Planning Commission within a one year period after the date of denial or revocation.

9-5-613- Variances: Authorized.

The [Planning](#) Commission shall have the authority to investigate and hear an application for variance from the provisions of this ~~chapter article~~ when a practical difficulty, unnecessary hardship or inconsistent result is alleged due to the strict and literal interpretation of this ~~chapter article~~. Upon hearing the application, the [Planning](#) Commission may grant, conditionally grant or deny the following applications for variance:

- (a) To vary any of the requirements of this ~~chapter article~~ in the case of a parcel which is exceptionally narrow, shallow, of unusual shape, unusual topographic conditions or due to other exceptional existing conditions that limit the practical use of the parcel; and
- (b) To permit modifications of the requirements of this ~~chapter article~~ for the practical use of a parcel where a legal nonconforming use or structure exists.

9-5-614- Variances: Applications.

Completed applications and filing fees for a variance shall be submitted to the Secretary of the Commission.

9-5-615- Variances: Applications: Hearings.

Upon receipt of a completed variance application, the Secretary of the Planning Commission shall set a hearing in the manner prescribed by law.

9-5-616- Variances: Granting.

All actions of the Planning Commission relating to findings and recommendations shall be in accordance with the provisions of this chapter, article. The Planning Commission shall grant, or conditionally grant, the requested variance upon determining at the public hearing, that the following findings are established beyond reasonable doubt:

- (a) That there are exceptional or extraordinary circumstances or conditions applying to the property or the intended use, which do not apply to other properties or uses in the same district;
- (b) That, due to these exceptional or extraordinary circumstances, the literal enforcement of the provisions of this chapter article would result in a practical difficulty or unnecessary hardship;
- (c) That a variance is necessary for the preservation of a substantial property right possessed by other properties in the same district;
- (d) That the granting of a variance will not be materially detrimental to the public welfare, injurious to property or improvements in the vicinity or district where the property is located;
- (e) That granting a variance will not constitute a special privilege inconsistent with the limitations on other properties classified in the same zoning district; and
- (f) That granting a variance will be in harmony with the general purpose and intent of the provisions of this chapter article and the General Plan.

9-5-617- Variances: Granting: Conditions.

(a) **Imposition of conditions.-** In granting a variance, the Planning Commission may require that the use conform to the site plan, architectural drawings, or statements submitted in support of the application as necessary to protect the public health, safety, and general welfare and secure the objectives of this chapter article and the General Plan. The Commission may also impose other conditions necessary to achieve such purposes as:

- (1) Special yards, open spaces, and buffers;
- (2) Fences and walls;
- (3) The provision and surfacing of parking areas;
- (4) Street dedications and improvements, including the provision of service roads or alleys where practical and necessary;
- (5) The regulation of vehicular ingress, egress and circulation;
- (6) The regulation of signs;
- (7) The provision and maintenance of landscaping;
- (8) Maintenance of grounds;

(9) The control of noise, vibration, odors

(10) Limits on the time for conducting certain activities;

(11) The time period within which the proposed use shall be developed; and

(12) Any other conditions that will promote the development of the City in an orderly and efficient manner and in conformity with the intent and purposes set forth in this ~~chapter~~ article and the General Plan.

(b) **Guarantees of compliance with conditions.**— The Planning Commission may require reasonable guarantees that these conditions will be complied with.

9-5-618- Variances: Denial.

If, because of the size or character of the site, its location, or its relationship to adjoining parcels and uses, the Planning Commission is unable to make the findings set forth in Section 9-5-~~516616~~, the Planning Commission shall disapprove the granting of the variance.

9-5-619- Variances: Granting or denial: Transmittal of resolution.

In addition to the requirements of this ~~chapter~~ article, a copy of the resolution granting or denying the variance shall be filed with the City Clerk, and a copy shall be sent to the Building Inspector by the Secretary of the Planning Commission.

9-5-620- Variances: Issuance.

Immediately following the approval of a variance application, the Secretary of the Planning Commission shall cause a certificate of variance to be issued to the applicant.

9-5-621- Variances: Effective date.

The variance shall become effective on the eleventh day after the copy of the resolution granting the variance is filed with the City Clerk, unless appealed on or before the tenth day.

9-5-622- Variances: Time limits for development of property and uses.

The Planning Commission may establish a time limit for development of the subject property and use. The time limit set by the Planning Commission shall be reasonable, based upon the size and nature of the proposed development. Such time limit may be extended by the Planning Commission for good cause when the applicant presents proof of unusual conditions not of his own making.

9-5-623- Variances: Expiration.

If no time limit is specified, the granted variance shall become null and void within 180 days following the effective date unless:

(a) The use has ~~commence~~commenced; or

(b) A building permit has been issued for the project by the Building Inspector and construction has begun toward completion with continuous progress maintained; or

(c) A certificate of occupancy has been issued by the Building Inspector for the use or structure.

9-5-624- Variances: Renewal.

If an application for renewal is filed prior to the expiration, a variance may be renewed for an additional period of 180 days. The Planning Commission may grant ~~or~~ deny an application for the renewal of a variance.

9-5-625- Variances: New applications.

Following the denial or revocation of a variance, an application for the same, or similar request on the site, shall not be filed within one year from the date of denial or revocation of a variance.

Article 7. Rezoning and Annexation

9-5-701- Rezoning of unincorporated land.

(a) The City may rezone unincorporated territory adjoining the City limits for the purpose of establishing the zoning district which will apply in the event of subsequent annexation to the City.

(b) The method and procedure for establishing such rezones shall be in accordance with ~~Article 1 of Chapter 1 of Title 9 of this Code et seq. (Article 9-5-100 et seq)~~ **TMC 9-5-700ART (Rezoning and Annexation)** for the establishment of zoning districts and reclassification of land within the City.

(c) Unincorporated territory which has been rezoned shall carry a "P" prefix before the zone classification and shall be so designated on the official zoning map of the City.

(d) The zone classification established through the rezoning procedure shall become effective and enforceable at the time annexation of the territory to the City becomes effective. At this time, the "P" prefix shall be deemed automatically removed from the zone classification.

9-5-702- Rezoning: Purpose.

The purposes of rezoning territory prior to annexation into the City are:

(a) To promote the orderly development and expansion to the boundaries of the City of Turlock; and

(b) To protect, preserve and promote the quality of life in the City by establishing control over the quality, distribution and rate of growth in the City of Turlock.

9-5-703- Rezoning: Exceptions.

The standards established and the process contained in this ~~section~~ **article** shall not be applicable to the following types of annexation proposals to the City of Turlock:

(a) Publicly owned lands and/or facilities;

(b) Lands within unincorporated portions of Stanislaus County which are totally bounded by the Turlock corporate limits (unincorporated islands);

(c) Annexations initiated by the Turlock City Council.

9-5-704 Rezoning and annexation: Applications: Hearings.

Applications for rezoning and annexation of territory to the City of Turlock shall be submitted to the Secretary of the Planning Commission for evaluation. At the time the application is deemed complete, a date of hearing shall be set in the manner prescribed by law and in accordance with Article 1 of this chapter.

9-5-705 Rezoning and annexation: Findings.

Each application submitted to the City of Turlock proposing rezoning and annexation of unincorporated territory shall be reviewed pursuant to the following application criteria:

(a) **Orderly and contiguous development.**

(1) Is the territory proposed for annexation adjacent to existing urban limits of Turlock?

(2) Is the territory located within the primary sphere of influence area of the City of Turlock? A single parcel in which more than fifty (50%) percent of the land area is located within the primary sphere of influence shall be considered to be located within the primary sphere.

(3) Is the development proposed for the unincorporated territory consistent with the land use designations contained within the Turlock Area General Plan?

(b) **Educational facilities.** Has the proposed residential development fully mitigated all potential impacts to the Turlock School Districts?

(c) **Parks and recreation facilities.** Does the proposal include full mitigation of impacts on parks and recreation needs by either land dedication and development or by payment of in lieu development fees at a standard consistent with the Turlock General Plan?

(d) **Public safety facilities.** Does the proposal include full mitigation of impacts to police and fire services including analysis of emergency (CODE I) response times or other innovative techniques?

(e) **Public infrastructure facilities.**

(1) Does the proposal include full mitigation of impacts to needed public infrastructure both on-site and along the project frontage which serve the proposed development without the need for the City to provide supplemental facilities?

(2) Does the proposal have the capability to fully mitigate the impacts associated with its development through the payment of applicable Capital Facility Fees?

(3) Does the proposal include full mitigation that will not worsen the LOS (Level of Service) at any intersection or along any roadway serving or affected by the project (computed for weekday peak hour at full buildout/occupancy) to an unacceptable level?

9-5-706-Prezoning and annexation: Consideration of territory within secondary sphere of influence.

If the territory proposed for annexation does not meet the above standard regarding location within the primary sphere of influence, the applicant has the opportunity to apply for an amendment to the primary sphere of influence line. In considering requests to amend the primary sphere of influence line, the City of Turlock shall be guided by the following standards:

(a) The inventory of available land located within the primary area of influence that has not received prezone approval and/or been annexed to the City is less than 500 acres.

(b) The Turlock City Council, upon recommendation from the Planning Commission, adopts findings that a particular request for an amendment to the primary sphere of influence line is necessary for the protection of the public welfare; the enhancement of the community; and is consistent with and furthers the goals and policies of the Turlock Area General Plan.

9-5-707-Prezoning and annexation: Denial.

If the proposed prezone and annexation application does not meet all of the findings referenced above, the application shall be considered premature and shall be denied.

9-5-708-Prezoning and annexation: Development agreement requirements.

A development agreement may be required for consideration in conjunction with the review of a prezone and annexation proposal when determined appropriate by the City. The application process for a development agreement shall be as specified in Article 9 of this chapter: Development Agreements, and shall include the payment of processing fees as established by City Council resolution which may be amended from time to time.

9-5-709- Prezoning and annexation: Area-wide planning required.

It is the policy of the City of Turlock (Turlock General Plan and Resolution 99-021 as amended from time to time), subject to certain exceptions, that all annexations of land to the City shall be accompanied by an appropriate area-wide plan. This requirement shall be accomplished by either the preparation of a Specific Plan as set forth in Government Code Section 65450 et seq. or by the preparation of a Master Plan as described below. A Master Plan shall be adopted by the procedure set forth in ~~Article 7 of Chapter 9-5-TMC 9-5-700ART~~ (Prezoning and Annexation) ~~of this Code.~~

(a) **Master Plan content.** A Master Plan shall address and describe the following, as applicable:

- (1) Location and boundaries of the Master Plan area;
- (2) Proposed uses of land, including proposed densities and/or intensities, design and development standards;
- (3) Proposed prezoning of property, which shall become the zoning upon the effective date of the annexation (or rezoning in the case of any property already in the City);
- (4) Proposed location and development standards of major streets and roads (public and private), including traffic control devices needed to maintain the City's established level of service standards;
- (5) Proposed location and description of public infrastructure, facilities and utilities needed to support the development of the Master Plan area;
- (6) Proposed location of any parks and other public open space;
- (7) Proposed location of any public schools;
- (8) Identification of the means and methods of financing public improvements, including those funded through the City's development impact fee program and/or any supplemental development impact fee needed to fund needed facilities not included in the City's development impact fee program;
- (9) Phasing plan or program (if any), including its relationship to public infrastructure, facilities and utilities, and to any policies affecting the rate and/or timing of growth and development of the City;
- (10) Mitigation measures identified in the environmental review process that are needed to reduce and/or eliminate environmental impacts;
- (11) Discussion of the consistency of the proposed Master Plan with the Turlock General Plan, including the Housing Element (where applicable); and
- (12) Any other such matters or issues that that could affect the orderly development of the Master Plan area.

(b) **Master Plan development standards and review processes.** Unless otherwise specified in the adopted Master Plan, all development in the Master Plan area shall be subject to the applicable review and approval processes and design and development standards of the zoning regulations of this Code. Subject to a Minor Discretionary Permit, the Community Development Director may approve minor modifications, exceptions and waivers to the zoning regulations of this Code to allow for orderly development in the Master Plan area. Modifications or changes considered major (e.g. significant changes in land use/zoning, circulation or public facilities, etc.) may be considered subject to the process and procedures for amending the Code including rezoning (~~Section 9-5-112 et seq. of Article 1 of Chapter 5 of Title 9 of this Code~~). TMC 9-5-112 et seq.

(c) **Master Plan funding.** A Master Plan may be initiated and prepared by property owners and/or developers in consultation with the City of Turlock or by the City of Turlock at its discretion. When the preparation of a Master Plan is privately initiated, the applicant shall pay all costs associated with the preparation of the Master Plan. The applicant shall submit the draft Master Plan to the Community Development Department for review and pay a processing fee as established by council resolution, as amended from time to time. When the preparation of a Master Plan is initiated and funded by the City of Turlock, the City shall be fully reimbursed for the cost of preparing the Master Plan. The collection of a Master Plan reimbursement fee shall occur in conjunction with either the issuance of a building permit and/or final subdivision map, as established in conjunction with the approval of the Master Plan. By written agreement with the City, the cost of preparing a Master Plan may be shared between the City and private parties.

Article 8. Historic Site Contracts

9-5-801 Specific purpose.

The provisions and regulations for Historic Site Contracts are hereby established for the following purposes:

- (a) For the protection, enhancement, and use of places, sites, buildings, and structures having special historic, architectural, and cultural interest and value;
- (b) To impose appropriate and reasonable controls on the appearance and use of these places, sites, buildings, and structures for preserving their character and economic value to the City and its citizens;
- (c) For the proper use of places, sites, buildings, and structures that are desirable to the community but require special considerations because of their age, structural nature, or threats from modernization which could have a negative effect on their unique and important character and economic value;
- (d) For the protection of substantial public investments in conservation, recreation, aesthetics and the general public health, safety, and welfare; and
- (e) For the enhancement of tourism and the economy of the City by protecting and preserving places having special and unique character and interest.

9-5-802- Historical site contract.

(a) **Application.** Upon submittal of an application, the ~~Community~~ Development Services Director may authorize a Historical Site Contract for places, sites, properties, buildings, structures, and signs found to be qualified as historical buildings or structures. Applications shall

be submitted and reviewed pursuant to the ~~Minor Discretionary Permit (MDP) process as set forth in Section 7 of Article 3 of this chapter (Section 9-5-307 et. seq.)~~ minor discretionary permit process as set forth in TMC 9-5-300ART (Minor Administrative and Minor Discretionary Permits) including payment of all applicable processing fees.

(b) **Findings.** In reviewing an application for a Historic Site Contract, the ~~Community~~ Development Services Director shall consider the following criteria and include those applicable as findings of fact to any approval:

- (1) The property, place, site, building, structure, or use has special local historical, architectural, archaeological, or cultural interest that embodies the character and history of the City of Turlock;
- (2) The unique character and history of the City of Turlock reflected in the property, place, site, building, structure or use should be preserved as living parts of the community;
- (3) The property, place, site, building, structure or use is facing increasing pressures of modernization and may be threatened with demolition or decay;
- (4) The request represents an area of special natural beauty, aesthetic interest, or entryway corridors, which would enhance the economy of the City by creating market draws or tourist attractions;
- (5) The property is listed on the National Register of Historic Places or any state or county official register of historical or architecturally significant sites, places, or landmarks or should be and by this action is listed on the City of Turlock register of historically or architecturally significant sites, places, or landmarks.

(c) **Terms of the contract.**

- (1) The use of the property may be restricted in a manner deemed reasonable to carry out the purpose of this article.
- (2) The term of the contract shall be for a minimum period of ten (10) years.
- (3) Where applicable, the contract shall provide for the following:
 - (i) The preservation of qualified historical property and, the restoration and rehabilitation of the property to conform to the rules and regulations of the California Office of Historic Preservation ~~of the Department of Parks and Recreation~~, the United States Secretary of the Interior's Standards for Rehabilitation, and the State Historical Building Code.
 - (ii) The periodic examination of the interior and exterior of the premises by the assessor, the ~~Department of Parks and Recreation~~ California Office of Historic Preservation, and the State Board of Equalization as necessary to determine the owner's compliance with the contract.
- (4) The owner or agent of an owner shall provide written notice of the contract to the Office of Historic Preservation within six (6) months of entering into the contract.

(5) Unless a notice of non-renewal has been issued by the City or the owner, a one (1) year renewal period shall be added to the term of the contract on each anniversary date of the execution of the contract.

(6) If the City or the owner desires not to renew the contract, a written notice of non-renewal shall be issued at least ninety (90) days prior to the renewal date by the owner or at least sixty (60) days prior to the renewal date by the City.

(7) Upon receipt of a notice of non-renewal from the City, an owner may submit a written protest of the proposed non-renewal. The City may then withdraw the notice of non-renewal at any time prior to the renewal date.

(8) If either the City or the owner serves a notice of non-renewal, the contract shall remain in effect for the balance of the contract term.

(9) The owner shall furnish the City with any information necessary to determine the eligibility of the property involved.

(10) Within twenty (20) days after the execution of a contract, the Secretary of the Planning Commission shall record a copy of the contract with the county recorder.

(d) **Finding to protect public safety and welfare.** ~~In authorizing a Historic Site Contract, the Community Development Services Director must find that the granting of the contract, or the authorization of the Chief Building Official to use the State Historic Building Code, will not be detrimental to the public safety and welfare.~~

9-5-803- Qualified historical building or structure.

For the purpose of this section, pursuant to California Government Code Section 18955 of the Health and Safety Code, a qualified historical building or structure is any structure, collection of structures, and their associated sites deemed of importance to the history, architecture, or culture of an area by an appropriate local or state governmental jurisdiction. This shall include structures on existing or future national, state or local historical registers or official inventories, such as the National Register of Historic Places, State Historical Landmarks, State Points of Historical Interest, and city or county registers or inventories of historical or architecturally significant sites, places, historic districts, or landmarks.

9-5-804- Use of the state historic building code.

Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a building or structure may be made as required by the State Historic Building Code, when authorized by the building official, provided that:

(a) Any unsafe or substandard conditions will be corrected in accordance with approved plans;

(b) The restored building or structure will be less hazardous, based on life and fire risk, than the existing building.

9-5-805- Demolition.

No building or structure, or portion thereof, for which a Historic Site Contract has been entered into, shall be removed, relocated, demolished or structurally altered without prior approval from the ~~Community Development Services Director in the form of a minor administrative approval as set forth in TMC 9-5-300ART (Minor Administrative Approval (MAA) as set forth in Article 3 of this chapter (Section 9-5-301 et. seq.) and Minor Discretionary Permits).~~

9-5-806- Cancellation.

The City may cancel a contract if it determines that the owner has breached any of the conditions of the contract or has allowed the property to deteriorate to the point that it no longer meets the standards for a qualified historical property. The City may also cancel a contract if it determines that the owner has failed to restore or rehabilitate the property in the manner specified in the contract.

Article 9. Development Agreements

9-5-901- Short title.

This article may be referred to as the "Development Agreement Law of the City of Turlock."

9-5-902- Authority and purpose.

This article is adopted pursuant to the provisions of Sections 65864 through 65869.5 of the California Government Code. The purpose of adopting this article is to establish procedures and requirements for the consideration of development agreements in conjunction with specific development plans.

9-5-903- Forms and information.

(a) The ~~Department of Community~~ Development Services Department shall prescribe the form for each application, notice, and document provided for or required by this article for the preparation and implementation of development agreements.

(b) The ~~Department of Community~~ Development Services Department may require an applicant to submit such information and supporting data as ~~the Department of Community Development considers~~ necessary to process the application.

9-5-904- Qualifications of applicants.

(a) Only a qualified applicant may file an application to enter into a development agreement. A qualified applicant is a person who has legal or equitable interest in the real property which is the subject of the development agreement, and an applicant includes an authorized agent.

(b) The ~~Community~~ Development Services Director may require an applicant to submit proof of his or her legal or equitable interest in the real property and of the authority of the agent to act for the applicant. Before processing the application, the ~~Community~~ Development Services Director may obtain the opinion of the City Attorney as to the sufficiency of the applicant's interest in the real property to enter into the agreement. The ~~Community~~ Development Services Director may require the applicant to submit a preliminary title report.

9-5-905- Form of development agreement.

Each application to enter into a development agreement shall be accompanied by the form of standard development agreement established by the City and approved by the City Council with such additional alternatives or modifications or changes as may be proposed by the applicant. Such alterations or modifications or changes as proposed by the applicant are not binding on the City and may or may not be approved for inclusion by the City Council.

9-5-906- Duty to give notice.

The ~~Department of Community~~ Development Services Department shall give notice of the City's intention to consider the adoption of a development agreement in conjunction with any other public hearing required by State law or this article at least ten (10) days prior to the hearing date.

(a) **Form of notice.**—The form of the notice of intention to consider the adoption of a development agreement shall contain:

(1) The time and place of the hearing;

(2) A general explanation of the matter under consideration, including a general description of the area; and

(3) Other information required by specific provisions of this article or which the ~~Department of Community Development~~ Services Department considers necessary or desirable.

(b) **Time and manner of notice.**—The time and manner of giving notice shall be by both:

(1) **Publication.**—Publication at least once in a newspaper of general circulation published and circulated in the City; and

(2) **Mailing.**—Mailing of the notice to all persons shown on the last equalized assessment roll as owning real property ~~within 300 feet of the property, as per TMC 9-5-120~~, which is the subject of the proposed development agreement.

9-5-907 Contents of development agreements.

(a) A development agreement shall specify the duration of the agreement, the permitted uses of the property, the density or intensity of use, the maximum height and size of proposed buildings, and provisions for reservation or dedication of land for public purposes.

(b) The development agreement may also include conditions, terms, restrictions, and requirements for subsequent or concurrent discretionary actions applicable to the project; provided that such conditions, terms, restrictions, and requirements shall not prevent development of the land for the uses and to the density or intensity of development set forth in the agreement.

(c) The agreement may provide that construction shall commence within a specified time and that the project or any phase thereof be completed within a specified time.

(d) The agreement may also include terms and conditions relating to applicant financing of necessary public facilities and subsequent reimbursement over time.

9-5-908 Determinations by the Planning Commission.

After the hearing held by the Planning Commission, which may be held in conjunction with other required hearings for the project, the Planning Commission shall make its recommendation in writing to the City Council. The recommendation shall include findings on the Planning Commission's determination whether or not the proposed development agreement:

(a) Is consistent with the objectives, policies, general land uses, and programs specified in the General Plan and any applicable Specific Plan;

(b) Is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located;

(c) Is in conformity with the public convenience and general welfare and good land use practices;

(d) Will be detrimental to the health, safety, and general welfare;

(e) Will adversely affect the orderly development of property or the preservation of property values; and

(f) Will provide sufficient benefit to the City to justify entering into the agreement.

9-5-909- Council hearings.

(a) Following notice pursuant to ~~Section 6 of this article (Section TMC 9-5-906)~~, the City Council shall hold a public hearing. The City Council may accept, modify, or disapprove the recommendation of the Planning Commission. The City Council shall not approve the development agreement unless the City Council adopts findings to support its action as referenced in ~~Section 7 of this article (Section 9-5-907)~~. TMC 9-5-908.

(b) If the City Council approves the development agreement, it shall do so by the adoption of an ordinance as required by Government Code Section 65867.5. After the ordinance approving the development agreement takes effect, the City may enter into and execute the agreement.

9-5-910 Initiation of amendments or cancellation.

Either party may propose an amendment to or the cancellation, in whole or in part, of a development agreement previously entered into. If proposed by a developer, the procedure for proposing and the adoption of an amendment to or cancellation, in whole or in part, of the development agreement shall follow the same procedures required for entering into the development agreement (Government Code Section 65868). However, where the City initiates a proposed amendment or cancellation of the development agreement, the City shall provide thirty (30) days advance notice to the property owner of the intention to initiate proceedings.

9-5-911 Recordation of agreements, amendments, or cancellation.

(a) Within ten (10) days after the City enters into the development agreement, the City Clerk shall record the agreement with the County Recorder.

(b) If the parties to the agreement, or their successors in interest, amend or cancel the agreement as provided in Section 65868 of the California Government Code, or if the City terminates or modifies the agreement as provided in Section 65865.1 of the Government Code for the failure of the applicant to comply in good faith with the terms or conditions of the agreement, the City Clerk shall also record notice of such action with the County Recorder.

9-5-912- Review of agreements.

The ~~Department of Community~~ Development Services Department shall review the development agreement every twelve (12) months after the date the agreement is entered into, until the project is fully implemented. After full project implementation, the City shall review the development agreement as often and in the manner as may be specified within the terms of each specific development agreement.

(a) The ~~Department of Community~~ Development Services Department shall begin the review proceeding by giving notice to the property owner that the City intends to undertake a periodic review of the implementation of the development agreement. The Department shall give thirty (30) days advance notice of the time when the matter will be considered by the Planning Commission and City Council.

(b) The Planning Commission and City Council shall conduct a public hearing at which the property owner shall demonstrate good faith compliance with the terms of the agreement. The burden of proof on such issue shall be upon the property owner. Notice of the hearing shall be

given in conformance with ~~Section 17 of Article 1 of this chapter (Section 9-5-117 TMC 9-5-118 et.seq).~~

(c) The City Council, upon the recommendation of the Planning Commission, shall determine whether or not the property owner, for the period under review, has complied in good faith with the terms and conditions of the agreement.

(d) If the City Council finds and determines that the property owner has complied in good faith with the terms and conditions of the agreement during the period under review, the review shall be concluded. If the City Council finds and determines that the property owner has not complied in good faith with the terms and conditions of the agreement during the period under review, the City Council shall order the property owner to cure the default within sixty (60) days. If the property owner fails to do so, the City Council may modify or terminate the agreement.

Article 10. Design Review

9-5-1001 Purpose.

The purposes for establishing design review are as follows:

(a) Effective implementation of the objectives and goals in the General Plan.

(b) Standards and policies to promote and enhance quality architectural design, good site planning and the preservation of property values throughout the City.

(c) Enhancement of the orderly and harmonious appearance of new development.

(d) To compliment the mandatory property development regulations contained in Title 9 of this Code by providing good examples of potential design solutions and by providing design interpretations of the various mandatory regulations.

(e) Maintenance of the public health, safety, general welfare and property throughout the City by avoiding and preventing possible deterioration in the form of:

(1) The appearance of open spaces, buildings and related structures visible from public streets having a substantial effect on property values and the taxable value of property in the City.

(2) Poor planning, neglect of proper design standards, and the construction of buildings and structures unsuitable and incompatible with the character of the neighborhood.

(f) To protect the general health, welfare and safety of the residents of the City.

9-5-1002 Applicability.

Design guidelines are advisory for permitted uses. However, the design guidelines should be incorporated as applicable in all development subject to a Minor Administrative Permit, Minor Discretionary Permit, Conditional Use Permit or planned development proposal, to encourage the highest level of design quality while at the same time providing the flexibility necessary to encourage creativity on the part of project designers. Exceptions include: single-family residences on in-fill sites, interior remodels, or interior tenant improvements.

9-5-1003 Findings.

Upon receipt of an application, the ~~Community~~ Development Services Director or designee shall review the proposed project and determine the project adequately meets the following findings:

(a) The design and layout of the proposed project will not unreasonably interfere with the use and enjoyment of neighboring existing or future development, will not result in vehicular and/or pedestrian hazards and provides a desirable environment for occupants, visitors and neighbors.

(b) The architectural design of the proposed project is compatible with the character of the surrounding neighborhood and will implement the General Plan by insuring harmonious, orderly and attractive development.

Article 11. Enforcement

9-5-1101 Purpose.

Enforcement of the provisions of this code shall be diligently pursued in order to provide for their effective administration, to ensure compliance with any conditions of approval, to promote the City's planning efforts and for the protection of the public health, safety and welfare of the City.

9-5-1102 Permits, licenses, certificates, and approvals.

All persons empowered with the authority to issue permits, licenses, certificates, or other approvals, shall comply with the provisions of this title and grant no permit, license, certificate, or approval in conflict with these provisions. Any permit, license, certificate, or approval granted in conflict with any provision of this title shall be void.

9-5-1103 Violation.

It shall be unlawful to violate or fail to perform any condition, requirement or restriction placed on any permit, Planned Development zone, variance or other similar action.

9-5-1104 ~~Enforcement.~~

It shall be the duty of the Neighborhood Preservation Officer, the Chief of Police, and the ~~Community~~ Development Services Director to enforce the provisions of this title. AnyIn addition to all other actions and/or remedies provided by this Code, any violation of this title shall be deemed a nuisance and enforcement proceedings shall be pursuant to Article 3 of Chapter ~~5-5~~ (Nuisance Abatement Procedures), Article 1 of Chapter 4-16 (Cost Recovery), and/or Article 1 of Chapter 2-11 (Administrative Citations).

SECTION 7. VALIDITY: If any section, subsection, sentence, clause, word, or phrase of this ordinance is held to be unconstitutional or otherwise invalid for any reason, such decision shall not affect the validity of the remainder of this ordinance. The Turlock City Council hereby declares that they would have passed this ordinance, and each section, subsection, sentence, clause, word, or phrase thereof, irrespective of the fact that one or more section, subsection, sentence, clause, word, or phrase be declared invalid or unconstitutional.

SECTION 8. ENACTMENT: Prior to the expiration of fifteen (15) days from the passage and adoption thereof, this ordinance shall be published in a newspaper of general circulation printed and published in the County of Stanislaus, State of California, together with names of the members of the City Council voting for and against the same.