

BEFORE THE CITY COUNCIL OF THE CITY OF TURLOCK

IN THE MATTER OF AMENDING TURLOCK }  
MUNICIPAL CODE TITLE 5, CHAPTER 16, }  
REGARDING CHRISTMAS TREE SALES LOTS; }  
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ORDINANCE NO. -CS

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**WHEREAS**, amendments to Chapter 5-16 (Christmas Tree Sales Lots) and Title 9 (Zoning Ordinance) are required to improve the permit process and timeline for Christmas tree sales lots, modify attached patio cover and air conditioner setbacks, revise noise standards, modify landscaping and irrigation requirements, update wireless communication facilities regulations, modify use classifications and permitting requirements, modify property development standards, modify requirements for underground utilities, amend setbacks for recycling and solid waste disposal facilities, redefine group homes and group quarters permitting requirements, and allow for electronic noticing; and

**WHEREAS**, other revisions and additions are intended to make the ordinance easier to implement, easier to understand, establish more specific standards and findings, and/or bring the City's ordinance into compliance with State and Federal law; and

**WHEREAS**, on February 28, 2017, the City Council of the City of Turlock determined that the approval of this Ordinance is exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) (General Rule) by approving **City Council Resolution 2017-XX**; and

**WHEREAS**, a properly noticed public hearing was held by the City Council of the City of Turlock on February 28, 2017, the City Council to consider the evidence and testimony in making the necessary findings and decision on this matter.

**BE IT ORDAINED** by the City Council of the City of Turlock as follows:

**SECTION 1. FINDINGS:** The City Council of the City of Turlock hereby finds the public necessity, convenience and general welfare support the proposed amendment and the proposed amendment is consistent with the Turlock General Plan.

**SECTION 2. AMENDMENT:** Title 5, Chapter 16 is hereby amended to read as follows:

## Chapter 5-16 CHRISTMAS TREE SALES LOTS

Sections:

- [5-16-01](#) Sales defined.
- [5-16-02](#) Licenses required to conduct: Property owner's liability.
- [5-16-03](#) Permitted time periods.
- [5-16-04](#) Licenses: Applications: Form.
- [5-16-05](#) Licenses: Conditioned approval.
- [5-16-06](#) Licenses: Location restrictions.
- [5-16-07](#) Security documents: Form: Refund.
- ~~[5-16-08](#) Application processing.~~

### **5-16-01 Sales defined.**

For the purposes of this chapter, "Christmas tree sales" shall mean any area used for the sale of Christmas trees.

### **5-16-02 Licenses required to conduct: Property owner's liability.**

- (a) Licenses required. It shall be unlawful for any person to operate, maintain, conduct, advertise or sell Christmas trees unless such person obtains both Planning ~~Department~~ [Division](#) authorization and a business license from the City to conduct such sales.
- (b) Property owner's liability. It shall be unlawful for the owner or possessor of any real property to knowingly permit the opening, conducting, carrying on or operation, or allowing any other person to operate a Christmas tree sales lot upon such real property without first obtaining a license therefor as provided in this chapter.

### **5-16-03 Permitted time periods.**

- (a) No Christmas tree sales lot shall open for business prior to the twenty-~~second~~<sup>fifth</sup> (2~~nd~~<sup>5th</sup>) day of November in any given n year.
- (b) A Christmas tree sales lot shall be closed, cleaned of all debris and merchandise prior to the ~~eighth~~ [fifteenth](#) (1~~5~~<sup>8th</sup>) day of January of any given year.

### **5-16-04 Licenses: Applications: Form.**

[An application for a Temporary Use of Land permit \(TMC 9-5-500ART\) shall be submitted to the Development Services Director at least two \(2\) weeks prior to the planned establishment of a sales lot. In addition to the requirements for a Temporary Use of Land permit, any ~~A~~ applications for a Christmas tree sales lots shall ~~be~~](#)

~~made in writing to the Planning Department at least two (2) weeks prior to the planned installation of a sales lot, and shall~~ contain the following information:

(a) Information concerning the applicant: The name, business name, address, mailing address, and telephone number. If the applicant will not be present on the proposed site, the name, address and telephone number of the persons responsible for managing the sales lot shall be included.

(b) Premises information: the address (if one exists), County Assessor's Parcel Number and description of the lot location of the proposed sales lot. Written proof of property ownership or the authorization for property usage by the legal owner shall be provided with the application.

(c) Plans for security lighting, dates and hours of operation and intended advertising of the business shall also be included with the application.

(d) Any additional information required by the Development Services Director to make the findings for a Temporary Use of Land permit pursuant to TMC 9-5-504.

#### **5-16-05 Licenses: Conditioned approval.**

The ~~Planning Director~~Development Services Director shall consider the location of the site and shall either grant the license without conditions or with conditions which must be met, including security required from the applicant as a guarantee that the conditions will be met, before a license is granted or not grant the application. Such criteria for approval may include, but are not limited to, any or all of the following subjects:

(a) Site circulation and access restrictions;

(b) Proximity of residential uses;

(c) Traffic/pedestrian visibility conflicts;

(d) Noise; ~~and~~.

(e) Conditions listed in TMC 9-5-505 (Temporary Use of Land – Conditions).

#### **5-16-06 Licenses: Location restrictions.**

Christmas tree sales lots shall be permitted on properties zoned for commercial or industrial uses located along the major thoroughfares identified by the Turlock General Plan.

### 5-16-07 Security documents: Form: Refund.

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At least two (2) weeks prior to the establishment of a sales lot, the applicant shall post a Five Hundred and no/100ths (\$500.00) Dollar refundable cleaning deposit to insure that the sales lot is clean and free of debris with the time period set forth in Section [5-16-03](#).

Prior to refund of any cleaning deposit, the Planning ~~Department~~ [Division](#) shall inspect the sales lot to insure that the property is clean and free of debris. The cost of any required cleanup of the sales lot shall be deducted for the security deposit.

### ~~5-16-08 Application processing.~~

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~~With two (2) working days from the issuance of a Christmas tree sales lot permit, the Planning Department shall notify, in writing, the Finance Department, Police Department and Fire Department and provide the following information:~~

~~(a) Copy of the sales lot application;~~

~~(b) Site location map.~~

**SECTION 3. AMENDMENT:** Title 9, Chapter 1, Article 2, Section 02 is hereby amended to read as follows:

### 9-1-202 Definitions.

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**“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.

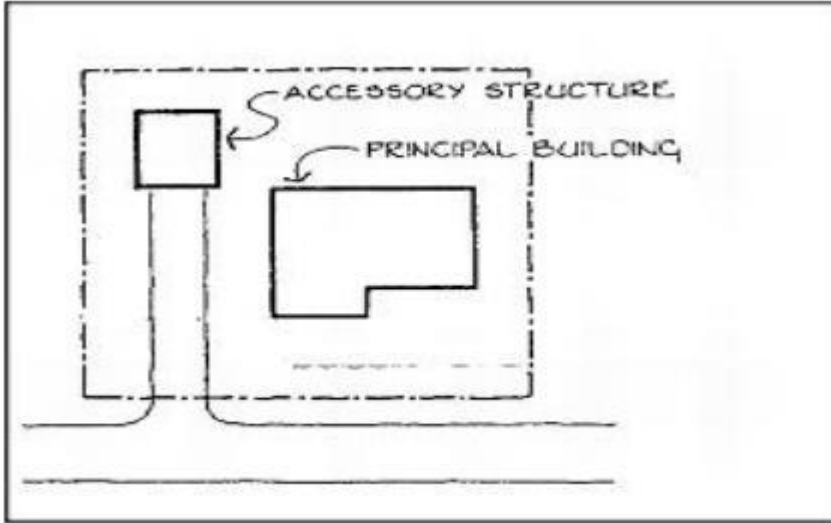
**“Access”** or **“access way”** shall mean the place, means, or way by which pedestrians and vehicles shall have safe, adequate, and usable ingress and egress to a property or use.

**“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;

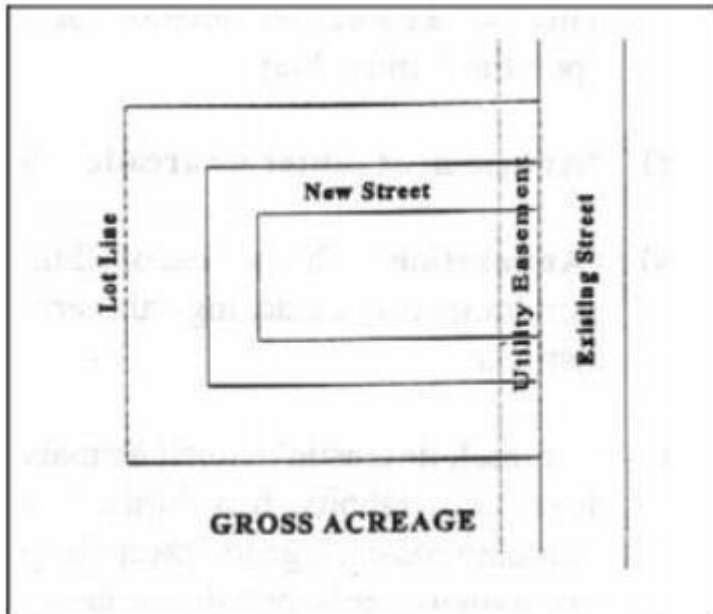
(b) Subordinate in area, extent, or purpose to the principal building or principal use;

- (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” and shall include both abutting property and real property located across alleys, streets, or other public 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.

**“Agriculture” or “agricultural use”** shall 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 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.

**“Airports and landing strips”** shall mean runways and related facilities for aircraft, including rotary-winged and ultralight 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 this title; 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 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.

**“Animal grooming”** shall mean the provision of bathing and trimming services for small animals on a commercial basis during regular business hours.

**“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.

**“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 this title. (See also “dwelling, multifamily.”)

**“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 California 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 California 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.

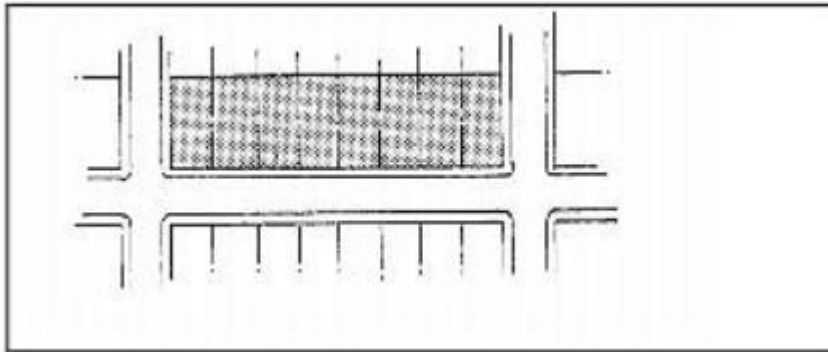
**“Bar”** shall mean any premises wherein alcoholic beverages are sold at retail for consumption on the premises ~~and where minors are excluded therefrom by law. A bar shall include any premises~~ wherein food products, including salads, sandwiches, desserts, and similar short order items and snacks,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

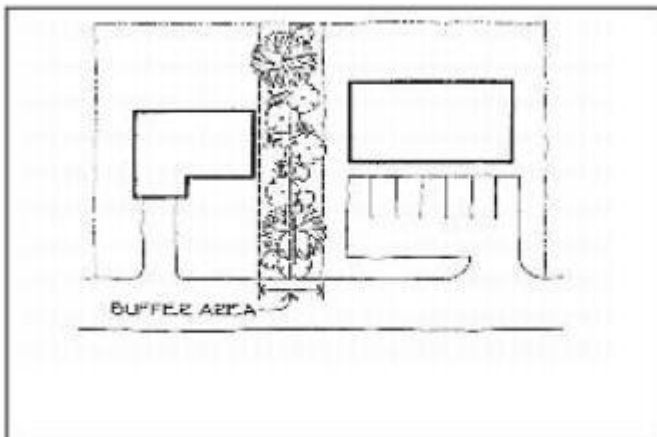
**“Block”** shall mean a section of land surrounded by public streets, highways, freeways, railroad rights-of-way, flood control channels, creeks, washes, rivers, or unsubdivided acreage or any combination thereof.

**“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.

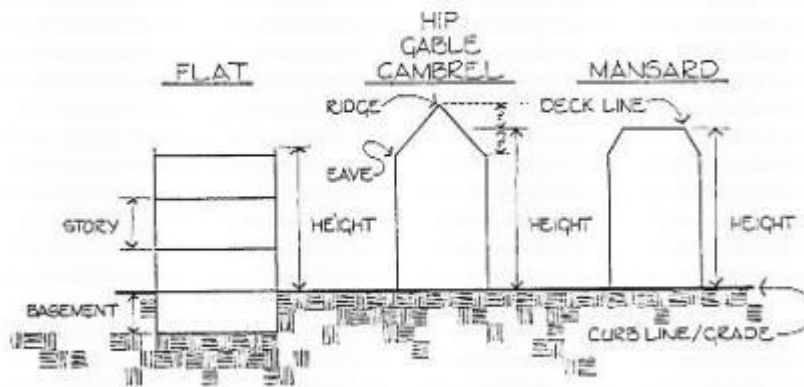
**“Building”** shall mean any structure used or intended for supporting or sheltering any use.

**Building, accessory.** See “accessory buildings and uses.”

“**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 and 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 premanufactured 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 [movie](#) theaters, [performing art theatres](#), 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 [or nightclubs](#).

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

“**Convalescent hospital**” shall mean a facility providing [short- or](#) 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 twenty-four (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 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, 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 premises 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 which provides vehicular access from a public street to required off-street parking spaces, garages, or recreational vehicle storage.

#### **Dwelling.**

(a) **"Multifamily"** 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 multifamily 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 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 California Building Code as applicable.

**“Family day care home”** shall mean a home, as defined in Section 1596.78(a) of the California Health and Safety Code, that regularly provides care, protection, and supervision for fourteen (14) or fewer children, in the provider’s own home, for periods of less than twenty-four (24) hours per day, while the parents or guardians are away, and is either a large family day care home or a small family day care home.

(a) “Large family day care home” 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.

(b) “Small family day care home” 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.

“**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 abuts 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 (2) adjoining properties.

“**Group homes**” shall mean any congregate housing arrangement for a group of unrelated individuals that share a condition, characteristic, or status not typical of the general population. This classification includes community care facilities, residential care facilities for the elderly, intermediate care facilities, nursing homes, assisted living facilities, alcohol and drug recovery, and other similar facilities that provide twenty-four (24) hour nonmedical services, supervision, or assistance for sustaining the activities of daily living, treatment, or for the protection of the individual. Such uses typically require licensing and inspection by the State of California.

(a) “**Unlimited**” shall mean the provision of congregate housing for thirteen (13) or more people.

(b) “**Large**” shall mean the provision of congregate housing for seven (7) to twelve (12) people.

(c) “**Small**” shall mean the provision of congregate housing for six (6) or less people.

“**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, non-licensed alcohol and drug recovery housing, and private residential clubs. Group quarters are not the same as group homes. Such facilities typically do not required licensing and inspection by the State of California.

(a) “**Unlimited**” shall mean the provision of shared living quarters for thirteen (13) or more people.

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

~~(b)~~(c) “**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.”

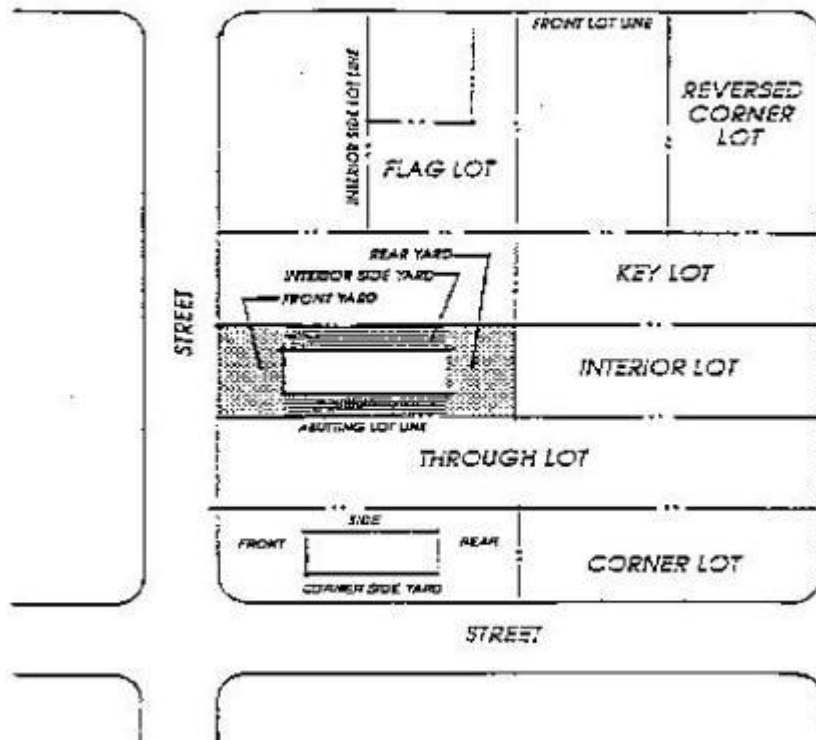
**“Livestock”** shall mean animals customarily raised or kept on farms to include horses, cows, bulls, calves, oxen, sheep, goats, and other bovine or hoofed animals including pigs, hogs, and swine.

“**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

Illustration of Terms



access.



“**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:

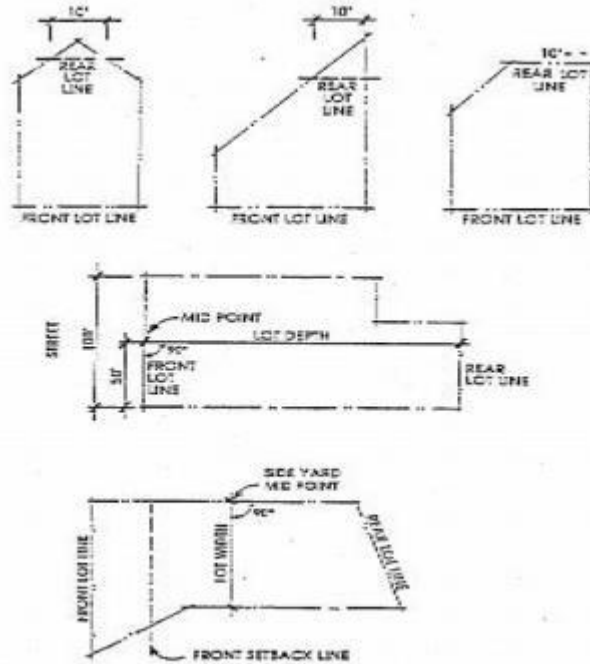
(a) “**Front**” shall mean, on an interior lot, the lot line separating the parcel from the street. On a through lot, both lot lines abutting a street frontage providing the primary access to the lot are considered front lot lines. On a through lot that is also a corner lot, the property owner may designate 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 [9-2-124](#). “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.

“Nightclub” shall mean an establishment providing any or all of the following entertainment opportunities, whether or not a fee is charged: (1) live performance, such as musical, dance, cabaret, or comedy acts; (2) any form of dancing by patrons or guests available to the general public; or (3) amplified live or recorded music. Typically, but not necessarily, alcoholic beverages and/or meals or refreshments may be served. A nightclub may be operated in combination with other uses, such as a restaurant or special event center, but operated only part of the day, typically in the evening.

“**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.

“**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 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 and 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 and 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 the requirements of this chapter.

**“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. The sale or service of alcoholic beverages shall be incidental to the sale of meals for consumption on the premises. A small band or single entertainer, such as harpists, guitarists, mariachi bands, and pianists, using acoustic or “low amplification” instruments, and offered at no cost to the patron, may be provided while meals are being served. “Low amplification” shall mean 60 dBA or less when measured three (3’) feet from the noise source using the A weighting scale of the sound level meter and the “fast” meter response.

**“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 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. The sale or service of alcoholic beverages shall be incidental to the sale or service of prepared food products.

**“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. [The sale or service of alcoholic beverages shall be incidental to the sale or service of prepared food products.](#)

**“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 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, but not limited to, a building or a swimming pool, but not including fences or walls 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 on-site or off-site 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 an accessory structure intended for swimming or recreational bathing that contains water over 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 [not exempt by State law](#). 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 [not exempt by State law](#).

“**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.

**“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 title for landscaping and accessory structures, that includes a front yard, side yard, street side yard, or rear yard. The classifications of yards are:

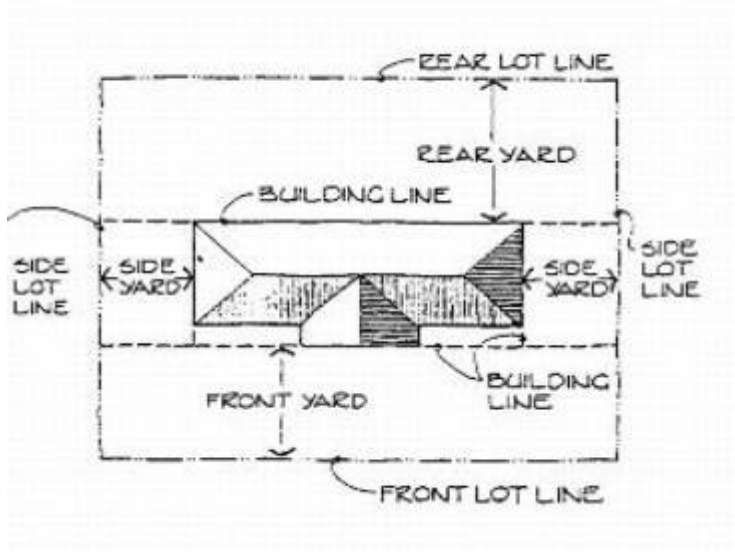
(a) **“Front”** shall mean the area between the front lot line and the required front setback line extending across the entire width of the lot.

(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.

**SECTION 4. AMENDMENT:** Chapter Index for Title 9, Chapter 2 is hereby amended to read as follows:

### 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](#) Underground utilities.
- [9-2-121](#) Neighborhood stores.
- [9-2-122](#) Rental storage facility.
- [9-2-123](#) Equipment sales, service, and rentals.
- [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 districts.
- [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](#) Parking lot design standards.

- [9-2-215](#) Driveway and corner visibility.
- [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~~[Legislative findings.](#)
- [9-2-302](#) Definitions.
- [9-2-303](#) 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.
- [9-2-405](#) Discontinuance.
- [9-2-406](#) Replacement and repairs due to damage.
- [9-2-407](#) Repairs and maintenance.
- [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 article provisions: Nuisances: Abatement.
- [9-2-510](#) Noncompliance.
- [9-2-511](#) Removal, costs, and enforcement.
- [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 requirements.
- [9-2-605](#) Application requirements.
- [9-2-606](#) Height.
- [9-2-607](#) ~~Location.~~ [Setbacks.](#)
- ~~[9-2-608](#) Residential (R) districts.~~
- ~~[9-2-609](#)~~ Visual compatibility and screening.
- ~~[9-2-610](#)~~ [909](#) Discontinuance of use.

**SECTION 5. AMENDMENT:** Title 9, Chapter 2, Article 1, Section 05 is hereby amended to read as follows:

#### **9-2-105 Building projections into yards.**

Buildings, ~~except accessory buildings or structures,~~ may project into the required yards as follows:

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

(b) **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 as defined in Article 4 of Chapter [9-5 TMC](#).

(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.

[\(f\) Attached patio covers. In residential districts, five \(5'\) feet into the required rear yard when the overall height of the patio cover structure is no greater than fifteen \(15'\) feet measured from the grade of the attached dwelling unit to the highest point of the patio cover structure. The length of the patio cover structure that runs parallel to the rear property line and encroaches into the rear yard shall not exceed one-third \(1/3\) of the width of the parcel. This exception applies only to patio covers attached to a dwelling unit.](#)

[\(g\) Attached air conditioners, heating units, and other similar equipment accessory to a dwelling unit. In residential districts, two and one-half \(2.5'\) feet into the side yard and five \(5'\) feet into a rear yard when the maximum height of the equipment does not exceed seven \(7'\) feet. An acoustical analysis demonstrating compliance with TMC 9-2-300ART \(Noise Standards\) shall be required prior to the issuance of a building permit.](#)

[\(h\) 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.

**SECTION 6. AMENDMENT:** Title 9, Chapter 2, Article 1, Section 08, Subsection (a) is hereby amended to read as follows:

**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 [the district height limit by more than](#) 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 (MAA) as set forth in Article 3 of Chapter [9-5](#) TMC (Minor Administrative and Minor 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 the district height limit by more than twenty-five percent (25%) or fifty (50') feet, whichever is greater, upon obtaining an approved Minor Administrative Approval (MAA) as set forth in Article 3 of Chapter [9-5](#): Minor Administrative and Minor Discretionary Permits.

(3) Any structure in an R district exceeding [the district height limit by](#) 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.

**SECTION 7. AMENDMENT:** Title 9, Chapter 2, Article 1, Section 09 is hereby amended to read as follows:

**9-2-109 Landscaping and irrigation.**

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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.

[\(6\) Encourage the incorporation of Low Impact Development Design Standards for storm water retention and treatment within the landscape areas.](#)

(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 Division prior to the occupancy of any building, unless other arrangements are agreed to by the Director. [Landscaping installed by a developer or public agency within the public right-of-way shall be reviewed by the Planning Division and the Department of Parks, Recreation, and Public Facility Maintenance prior to the issuance of an encroachment or grading permit. In residential areas, developer--installed front yard landscaping shall be installed prior to final occupancy. In residential areas, owner--installed front yard landscaping shall be installed prior to final occupancy unless a deferral agreement has been entered into with the City and recorded on the property. Public agency and private development projects are subject to the requirements of this section.](#)

(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 two thousand five hundred (2,500) square feet requiring a building and/or grading permit;~~ [New construction projects with an aggregate landscape area equal to or greater than five hundred \(500\) square feet requiring a building permit, encroachment, and/or grading permit;](#)

(iii) ~~New construction and rehabilitated landscapes which are developer-installed in single-family and multifamily projects with a landscape area equal to or greater than two thousand five hundred (2,500) square feet requiring a building and/or grading permit;~~ [Rehabilitated landscape projects with an aggregate landscape area equal to or](#)

greater than two thousand, five hundred (2,500) square feet requiring a building permit, encroachment, and/or grading permit; or

~~(iv) New construction landscapes which are homeowner-provided and/or homeowner-hired in single-family and multifamily residential projects with a total project landscape area equal to or greater than five thousand (5,000) square feet requiring a building and/or grading permit; or~~

(iv) 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) or Office of the Governor Executive Orders, 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 that does not require a discretionary permit;  
and

(iii) Routine maintenance of existing landscaping.

(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 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, nonliving ground cover, a low percentage of turf coverage, permeable paving, and water conserving irrigation techniques and systems in accordance with 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) or Office of the Governor Executive Orders, as may be amended from time to time.

(e) **Process.** The 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 Engineering Services Division or the Building and Safety Division for review and approval prior to the issuance of any building permit. (The plan shall be prepared by a person authorized by the State of 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 Development Services Department shall review each project and proposed landscape plan for compliance with the landscape and water conservation requirements.

(3) **Alternative means of compliance.** The 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:

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

Landscape Area Requirements	
Zone District	Required Landscaping (% of site)
I	5 <u>(b)</u> (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 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 ten thousand (10,000) square feet is to be developed in phases, the 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, 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. 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. In industrial zoning districts, areas planted along a

public right-of-way shall qualify as one and one-half (1-1/2) 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~~ For all commercial, industrial and multi-family projects, 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 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 nonporous surface material poured or laid in sections not exceeding one (1) square foot in area and collectively comprising less than two-thirds (2/3) 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 nonpermeable 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 (1) 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. Openings shall be allowed in the barrier to allow storm water run-off to enter landscaped areas.

(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.

(8) **Parking lot landscaping.** Parking lots and parking structures shall be landscaped in accordance with Article 2 of this chapter.

(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 section. Planned ~~Landscaping~~ within the public right-of-way ~~shall not may be used toward used when~~ determining the required percentage of landscaping as required in this article provided the landscaped area is maintained as part of the property and abuts landscaped area located on the property.

(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](#) TMC relating to street trees and in accordance with the street tree planting standards as established by the City Engineer.

(10) **Driveway and corner visibility.** All landscaping material shall be maintained in accordance with the provisions of TMC [9-2-215](#): Driveway and corner visibility.

(11) **Landscaping along walls.** All solid walls over three (3') feet in height that are adjacent to public streets or rights-of-way 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.

(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.

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

(14) **Model homes.** [For all single-family residential developments, front yard landscaping shall be installed by the developer in all model homes. To promote landscape water conservation through education, the front yard landscaping shall](#) ~~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~~ [consist](#) entirely ~~with of water saving~~ [water conservation](#) landscaping and irrigation ~~in accordance with~~ [meeting](#) 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 Development Services Department or approved by the 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 home such that it is clearly visible to buyers. The sign shall indicate that the model home features a ~~water saving~~water conservation landscape and irrigation design and shall comply with the State of California Model Water Efficient Landscape Ordinance.

(ab) **Interior Display.** A drawing, or combination of drawings, shall be displayed inside each ~~“water saving”~~ model home 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 home yards. A brochure with the same information ~~shall~~may be distributed with the sales information to potential buyers to satisfy this requirement.

(iv) **Literature.** Additional literature describing water ~~conserving~~conservation landscaping and irrigation shall also be made available to the potential buyer and displayed. The literature shall include information about designing, installing, managing and maintaining water conservation landscapes.

(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.

**SECTION 8. AMENDMENT:** Title 9, Chapter 2, Article 1, Section 13, Subsection (h) is hereby amended to read as follows:

### 9-2-113 Planned developments.

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(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 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 from a conditional use permit approved by the Planning Commission pursuant to Article 6 of Chapter [9-5](#) TMC (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 (Conditional Use Permits and Variances).~~

**SECTION 9. AMENDMENT:** Title 9, Chapter 2, Article 1, Section 14 is hereby amended to read as follows:

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

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(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 the California Vehicle Code. A private utility trailer, as defined herein, is considered incidental to the owner's 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.~~

**(b) 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, or 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 districts.

(iii) Parking is permitted outside in the interior side yard or rear yard provided it is not 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) Parking is permitted within the front yard [or corner side 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 or corner side yard parking of such a vehicular unit:

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 commercial storage, sale, or business uses, as permitted in such nonresidential zone.

**(cd) 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)~~seventy-two (72) 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-~~  
~~eightseventy-two~~ (4872) hours.

**(de) Owner permission required.** Notwithstanding the provisions of subsection (c) of this section, 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.

**(ef) 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.

**SECTION 10. AMENDMENT:** Title 9, Chapter 2, Article 1, Section 15, Subsection (c) is hereby amended to read as follows:

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

**(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.

(v) Whenever feasible, the recycling or trash enclosure shall be located to minimize visual impacts on adjacent uses, public parks, and public right-of-way, and to reduce noise and



odor impacts on adjacent residential areas, public parks, and other sensitive receptors as defined by the San Joaquin Valley Air District.

(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. When located on a property in a R District or on a property abutting a R District, a minimum setback shall be provided as follows: front yard and corner side yard: fifteen (15') feet; rear yard: fifteen (15') feet; side yard: ten (10') feet.

(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 Article 3 of Chapter 9-5 TMC (Minor Administrative and Minor Discretionary Permits).

**SECTION 11. AMENDMENT:** Title 9, Chapter 2, Article 1, Section 20 is hereby amended to read as follows:

**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 Development Services Director may waive the undergrounding requirement if it can be demonstrated to the Director that site conditions make underground placement impractical.~~

(a) **New utility lines.** Underground installation is required of all new electrical, gas, telephone, cable television, and similar utility lines.

(b) **Existing overhead lines.** Underground installation is required of all existing overhead electrical, gas, telephone, cable television, and similar utility lines which:

(1) Provide direct service to the property(ies) being developed.

(2) Are located within the boundaries of the property(ies) being developed.

(3) Are located between the property line and the centerline of the adjacent street of the property(ies) being developed.

(4) Are located along or within six (6') feet of the front property line of the property(ies) being developed.

(5) Are installed in conjunction with a roadway widening requiring the reconstruction or relocation of existing lines.

(c) **Exceptions.** This section shall not apply to the following types of facilities:

(1) Facilities which are installed and maintained for a period not to exceed thirty (30) days to provide emergency service.

(2) Temporary utility facilities used in conjunction with a construction project with an active building permit.

(3) Temporary uses approved pursuant to TMC 9-2-124 (Mobile food facilities) or TMC 9-5-503 (Temporary Uses of Land – Approval) when above-ground installation is allowed by the permit.

(4) Utility facilities that are prohibited to be undergrounded by the rules and regulations of the California Public Utility Commission.

(5) Utility lines providing overhead service lines to adjacent lots requiring modification or undergrounding on a property not controlled by the developer.

(6) Electrical transmission lines (69kV and above).

(d) **Waivers.** The requirement to underground utilities pursuant to this section may be waived by the City Engineer upon a written determination that one or more of the following conditions exist:

(1) Off-site lines are not required to be undergrounded and boring from the opposite side of the street or other public right-of-way is required.

(2) Undergrounding is infeasible or impractical under the physical conditions of the site.

(3) Undergrounding is infeasible or impractical based upon sound engineering and architectural practices.

(4) The project involves only the remodeling of an existing structure(s) where the relocation or replacement of the main service equipment or line is required and the actual cost of the remodeling does not exceed fifty (50%) percent of the appraised value of all existing structure(s) on the property for tax purposes.

(5) When the length of the line(s) abutting or on the property is less than six hundred (600') feet in length and the cost of work to underground the line(s) exceeds twenty-five (25%) percent of the overall cost of the project, exclusive of utility undergrounding, as determined by a method established by the City Engineer.

(e) Variances. The Planning Commission shall have the authority to grant a variance to this section in accordance with the procedures outlined in TMC 9-5-613 et seq. when the following additional requirements are met:

(1) Additional finding for approval. In addition to the findings for granting a variance contained in TMC 9-5-616, the Planning Commission shall also establish that the variance is required to allow for the logical and orderly development of the surrounding area.

(2) Deferral agreement required. In granting a variance to this section, the Planning Commission shall require the developer to enter into a deferral agreement with the City to underground utilities by a specific date or upon demand by the City as a condition of approval.

**SECTION 12. AMENDMENT:** Title 9, Chapter 2, Article 2, Section 03 is hereby amended to read as follows:

**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 ~~TMC 9-2-207~~this article.

**SECTION 13. AMENDMENT:** Title 9, Chapter 2, Article 2, Section 07, Subsections (d), (e), and (f) are hereby amended to read as follows:

**9-2-207 Parking in the R districts.**

(d) ~~Front-Yard setback restriction. No required parking shall take place in the front yard setback area of any residence. No parking space(s) required pursuant to TMC 9-2-209 shall take place in a front, corner side, side, or rear yard, except as provided in TMC 9-2-114. When a rear property line abuts a public alley and the parking space(s) is(are) accessed from the public alley, the rear yard restriction may be waived by the Director of Development Services.~~

(e) **Driveways.** Driveways shall comply with the following design standards and permitting requirements:

(1) **Driveway width.** Driveways may range from a minimum of ten (10') feet (for single vehicles) to a maximum of thirty (30') feet (for three (3) 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) **Driveway setback.** Driveways may encroach into a required side yard when the closest edge of the driveway is no closer than two and one-half (2-1/2') feet to an interior side property line and the required parking is provided in accordance with this article. The area between the driveway and the property line shall be landscaped.~~

~~(3) **Additional driveway storage areas.** Driveways may be widened up to ten (10') feet) for the purposes identified in TMC 9-2-114 provided the additional storage areas meet the standards and conditions contained in that section.~~

~~(4) **Ribbon driveways.** Ribbon driveways, planted with turf or decomposed granite between the concrete strips, are permitted subject to the City's Standard Specifications and Drawings.~~

~~(5) **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 (2-1/2') feet to an interior side yard 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 (2) driveway approaches, measured at the curb.

**(65) 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.

**(76) 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 (2) side property lines.

(f) **Land use permit required.** Prior to constructing a circular driveway or widening a driveway pursuant to ~~subsection (3) of this section~~ [TMC 9-2-207\(e\)](#), the property owner shall obtain approval of a minor administrative approval pursuant to Article 3 of Chapter [9-5 TMC](#) (Minor Administrative and Minor Discretionary Permits).

**SECTION 14. AMENDMENT:** Title 9, Chapter 2, Article 2, Section 11, Subsection (c) is hereby amended to read as follows:

**9-2-211 Bicycle parking.**

(c) **Design Requirements.** For each bicycle parking space required, a secure bike ~~rack~~ [parking facilities](#) shall be provided to which a user can secure the bicycle. ~~The stationary object~~ [Bicycle parking facilities](#) may be [consist of](#) 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](#)s near ~~the~~ building entrance(s) ~~that allows~~ [providing](#) public [and employee](#) access to the ~~bicycle rack~~ [building](#) and shall not interfere with pedestrian or vehicular circulation. [When the employee entrance is separated from the public entrance, bicycle parking spaces shall be provided at both access points to the building.](#)

**SECTION 15. AMENDMENT:** Title 9, Chapter 2, Article 2, Section 14, Subsection (f) is hereby amended to read as follows:

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

(f) Raised concrete curbing shall be provided to prevent vehicular encroachment into landscaping. [Openings shall be permitted in the curbing to allow storm water runoff to enter the landscaping.](#)

**SECTION 16. AMENDMENT:** Title 9, Chapter 2, Article 2, Section 16 is hereby amended to read as follows:

**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)~~ (4) 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 of two and one-half (2-1/2') ~~foot feet~~ and maximum of three and one-half (3-1/2') ~~foot feet~~) 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.~~

~~(2)~~ (3) **Solid fences.** A solid fence shall be constructed of wood, or other materials.

~~(3)~~ (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 twenty-five (25) square feet for tree wells), exclusive of curbs.

(e) The end of each row of parking stalls shall be separated from ~~aisleways~~ drive aisles 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. Parking lot trees shall provide a shade canopy covering fifty (50%) percent of the parking spaces within fifteen (15) years.

(g) All planting areas within or abutting a parking lot shall be protected with raised concrete curbs. Openings shall be allowed in the curbing to allow storm water runoff to enter the planting areas.

**SECTION 17. AMENDMENT:** Article title of Title 9, Chapter 2, Article 3 is hereby amended to read as follows:

**Article 3. ~~Noise Standards~~ RESERVED**

**SECTION 18. ADDITION:** Chapter title of Title 5, Chapter 28 is hereby added to read as follows:

Chapter 5-28  
NOISE STANDARDS

**SECTION 19. AMENDMENT:** Title 9, Chapter 2, Article 03 is hereby amended to read as follows:

~~9-2-3015-28-101 Specific purposes~~ Legislative findings.

~~In order to control unnecessary, excessive, and annoying noise and vibration in 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 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~~ The City Council finds as follows:

~~(a) determined that certain~~ Excessive, unnecessary or offensive noise ~~levels~~ and vibrations are detrimental to the public health, welfare, and safety, and are contrary to the public interest, and

(b) Every person in the city is entitled to live in an environment free from excessive, unnecessary or offensive noise levels; and

(c) The establishment of maximum permissible noise levels will further the public health, safety, welfare and peace and quiet of city inhabitants. ~~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 article is a public nuisance and shall be punishable as such.~~

### 5-28-102 Declaration of policy.

To control unnecessary, excessive, and annoying noise and vibration in 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 article and the Noise Element of the General Plan. Further, it is declared to be the policy of the city 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 article is a public nuisance and shall be punishable as such.

### ~~9-2-3025-28-103~~ **Definitions.**

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

**“A-weighted sound level”** shall mean ~~the sound level in decibels as measured on a sound level meter~~the standard A-weighted frequency response of a sound level meter, which de-emphasizes low and high frequency similar to the human hearing ear for moderate sounds.

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 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.

**“C-weighted sound level”** shall mean the standard C-weighted frequency response of a sound level meter, which de-emphasizes high frequencies of sound in a manner similar to the human ear for relatively loud sounds. The level so read is designated dB(c) or dBC.

**“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 (1) 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 [or any City of Turlock Police Officer](#). The Noise Control Officer shall be empowered to enforce the provisions of this article.

**“Noise disturbance”** shall mean any sound which:

- (a) Endangers or injures the safety or health of human beings or animals; or
- (b) Annoys or disturbs a reasonable person of normal sensitivities; or
- (c) 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.

“**Sensitive receptor**” shall mean a land use in which there is a reasonable degree of sensitivity to noise. Such uses include, but are not limited to, residences, schools, hospitals, churches, nursing homes, cemeteries, public libraries, motels and hotels, and other sensitive uses as determined by the Noise Control Officer.

“**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 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 five-thousandths (0.005) inch/second over the range of one (1) to one hundred (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.

### **9-2-3035-28-104 General noise regulations.**

Notwithstanding any other provision of this 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, unnatural or unusual offensive noise or vibration which disturbs the peace and quiet of any neighborhood; ~~or which causes~~

any discomfort or annoyance to any reasonable person of normal sensitiveness residing or conducting business in the area; or may detrimentally or adversely affect residents or places of business. Noncommercial public speaking and public assembly activities conducted on any public space or public right-of-way shall be exempt from the ~~operation~~ provisions of this article.

#### **9-2-3045-28-105 Preliminary action.**

If it is determined by the responding agency that a sound level in excess of the levels prescribed by this 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 article. Any such violation shall be an infraction.

#### **9-2-3055-28-106 Factors of determination.**

The factors which will be considered in determining whether a violation of the provisions of this 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.

#### **9-2-3065-28-107 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. For any short-term source, the investigation may consist of a determination that the noise or vibration causes discomfort or annoyance to a reasonable person of normal sensitiveness as determined by the Noise Control Officer. For any long-term source, the ~~The~~ investigation shall consist of a measurement taken with a sound level meter ~~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.**

(1) A-weighted noise measurement. Utilizing the A-~~weighting-weighted~~ 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 closest property line to the noise source, except that for amplified music or sound, the "fast" meter response shall be used.

(2) C-weighted noise measurement. Utilizing the C-weighted scale of a sound level meter and the "fast" meter response, the Noise Control Officer or his agent shall measure the source of the amplified music or sound at the receiver's closest property line to the noise source.

**9-2-3075-28-108 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) when the Noise Control Officer conducts an investigation using a sound level meter. The ambient noise varies throughout the community, depending upon proximity to highways, population density, and land use. ~~Difference-~~Different 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.**

<u>Exterior Noise Limits</u> <u>(Levels Not to Be Exceeded More Than 30 Minutes in Any Hour)</u>		
<u>Receiving Land Use Category</u>	<u>Time Period</u>	<u>Maximum Noise Level (dBA)</u>
<u>Residential</u>	=	=
<u>One- and Two-Family</u>	<u>10:00 p.m. – 7:00 a.m.</u>	<u>50</u>
	<u>7:00 a.m. – 10:00 p.m.</u>	<u>60</u>
<u>Multiple Dwelling</u>	<u>10:00 p.m. – 7:00 a.m.</u>	<u>55</u>
	<u>7:00 a.m. – 10:00 p.m.</u>	<u>60</u>
<u>Public Space</u>	<u>7:00 a.m. – 10:00 p.m.</u>	<u>65</u>
<u>Limited Commercial</u>		
<u>Motels/Hotels, Hospitals, Nursing</u>	<u>10:00 p.m. – 7:00 a.m.</u>	<u>55</u>
<u>Homes, Schools, Libraries,</u>	<u>7:00 a.m. – 10:00 p.m.</u>	<u>60</u>
<u>Museums, Churches</u>		
<u>All Other Commercial</u>	<u>10:00 p.m. – 7:00 a.m.</u>	<u>60</u>
	<u>7:00 a.m. – 10:00 p.m.</u>	<u>65</u>
<u>Light Industrial</u>	<u>Any Time</u>	<u>70</u>
<u>Heavy Industrial</u>	<u>Any Time</u>	<u>75</u>

<b>Exterior Noise Limits</b>				
<b>(Levels Not to Be Exceeded More Than 30 Minutes in Any Hour)</b>				
<b>Receiving Land Use Category</b>	<b>Time Period</b>	<b>Noise Level (dBA)</b>		
		<b>Noise Zone Classification</b>		
		<b>Rural/Suburban</b>	<b>Suburban</b>	<b>Urban</b>
<b>Residential</b>	-	-	-	-
One and 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
<b>Public Space</b>	7:00 a.m.—10:00 p.m.	50	55	60
<b>Limited Commercial</b>	-	-	-	-
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	
<b>Light Industrial</b>	Any Time		70	
<b>Heavy Industrial</b>	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.~~

~~(b2) Maximum permissible sound levels for churches and similar organizations using amplified bells, chimes, or other similar devices used by churches or similar organizations. Any church or similar organization using a~~ amplified bells, chimes, or other similar devices for churches or similar organizations shall only ~~use same~~ be used during the time period reflected ~~hereinbelow~~ in the table below and shall not exceed the following maximum permissible sound level nor shall the playing period exceed more than ~~thirty fifteen~~ (15)30 minutes in any one (1) hour:

<b>Amplified Bells or Chimes</b>			
<b>(Not to Exceed 30 Minutes in One Hour)</b>			
<b>Noise Zone</b>	<b>Receiving Land Use Category</b>	<b>Time Period</b>	<b>Maximum Permissible Sound Level (dBA)</b>
<del>All noise zones as specified in TMC 9-2-307(a)</del>	<del>All receiving land use categories as specified in TMC 9-2-307(a)</del>	<del>8:00 a.m. – 10:00 p.m.</del>	<del>60 dBA</del>

<b>Amplified Bells or Chimes</b>		
<b>(Not to Exceed 15 Minutes in Any One Hour)</b>		
<b>Receiving Land Use Category</b>	<b>Time Period</b>	<b>Maximum Permissible Sound Level (dBA)</b>
<del>All receiving land use categories as specified in TMC 9-2-307(a)</del>	<del>8:00 a.m. – 7:00 p.m.</del>	<del>60</del>
	<del>7:00 p.m. – 10:00 p.m.</del>	<del>55</del>

~~(cb) Interior noise standards.~~

<b>Maximum Permissible Dwelling Interior Sound Levels</b>			
<b>Noise Zone</b>	<b>Type of Land Use</b>	<b>Time Interval</b>	<b>Allowable Interior Noise Level (dBA)</b>



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 multifamily 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 (1) minute in any hour; or
- (iii) The noise standard plus ten (10) dB or the maximum measured ambient noise for any period of time.

(d) Amplified sound limits for sensitive receptors. Amplified music or sound which causes exterior sound level when measured at the property line of any affected sensitive receptor shall not exceed the maximum permissible sound level for any one (1) minute period:

<u>Sound Level Descriptor</u>	<u>Maximum Permissible Daytime (7:00 a.m. – 10:00 p.m.)</u>	<u>Maximum Permissible Nighttime (10:00 p.m. – 7:00 a.m.)</u>
<u>A-weighted (dBA)</u>	<u>60</u>	<u>45</u>
<u>C-weighted (dBC)</u>	<u>75</u>	<u>70</u>
<u>One-third octave band</u>	<u>10 dB increase in any one-third octave band</u>	

(1) If the existing ambient sound levels are higher than the standards listed in this subsection, the maximum sound levels due to amplified sound shall not exceed the ambient sound levels by more than three (3 dBA) dB for A-weighted measurements and five (5 dBC) dB for C-weighted measurements.

(2) If the separation of low frequency noise cannot be determined with the meter using either A or C weighting scales and low frequency tones are clearly audible, a sound level measurement in terms of one-third octave band frequencies shall be utilized. If this approach is required, a ten (10) dB increase in any one-third octave band due to the amplified sound shall be considered a violation of this article.

**9-2-3085-28-109 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 TMC [9-2-307](#), 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 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 in any hour; or

(4) The noise standard plus fifteen (15) dB for a cumulative period of more than one (1) 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 (1) 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 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.

### **9-2-3095-28-110 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; **Chimes and bells.** The use of amplified bells and chimes except as provided by Section 9-2-307(b) of this Article.~~

~~(1) **Exception.** Churches and other such organizations may use amplified bells, chimes or similar devices in accordance with the provisions in TMC 9-2-307(a)(2);~~

~~(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 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 (1) person if circumstances are determined to exist whereby a noise disturbance caused by an animal affects only one (1) 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, (1) the time of day; (2) the pitch; (3) the pattern; (4) the duration; and (5) 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:

<b>Mobile Construction Equipment</b>			
<b>Time Interval</b>	<b>One- and Two-Family Residential (dBA)</b>	<b>Multiple-Family Residential (dBA)</b>	<b>Commercial and Industrial (dBA)</b>
<b>Daily</b> 7:00 a.m. – 7:00 p.m.	75	<del>80</del> 75	85
<b>Weekends/Holidays</b> 9:00 a.m. – 8:00 p.m.	<del>60</del> 70	<del>65</del> 70	<del>70</del> 85

(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:

<b>Stationary Construction Equipment</b>			
<b>Time Interval</b>	<b>One- and Two-Family Residential (dBA)</b>	<b>Multiple-Family Residential (dBA)</b>	<b>Commercial and Industrial (dBA)</b>
<b>Daily</b> 7:00 a.m. – 7:00 p.m.	<del>60</del> 70	<del>65</del> 70	<del>70</del> 85
<b>Weekends/Holidays</b> 9:00 a.m. – 8:00 p.m.	<del>50</del> 60	<del>55</del> 65	<del>60</del> 85

(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 ~~noise source, on private property~~ When the noise source is located on a public space or in the public right-of-way, the affected residence shall be located ~~, or~~ at least one hundred fifty (150) feet (forty-six (46) meters) from the noise 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 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 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 (k)(2) of this section;

(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 (k)(2)(i) of this section 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 ~~inside~~ 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.

(o) **Trash enclosures and trash compacting equipment.** No person shall operate a trash enclosure or trash compacting equipment between the hours of 9:00 p.m. and 7:00 a.m. when such compacting activity takes place on any premises adjacent to, or across the street or alley from, a sensitive receptor.

**9-2-3105-28-111 Emergency exemptions.**

The provisions of this 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.

**9-2-3115-28-112 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 article.

(b) **Outdoor activities.** The provisions of this article shall not apply to occasional outdoor gatherings, public dances, shows, and sporting and entertainment events provided such events are conducted [in a public park or pursuant to a permit or license issued by the City relative to the staging of such events.](#) [The use of amplified music or sound shall comply with the noise limits established in Section 9-2-307\(d\) of this Article.](#)

(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 article. If, however, the operation is in the vicinity of residential land uses, and/or in operation for less than one (1) 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 uses unamplified bells, chimes or other similar devices is exempt from the provisions of this 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.~~



~~(e) **Central Park.** 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 article.~~

(d) **Public and private schools.** The normal operation of public and private schools typically consisting of classes, school bands, outdoor recreation, and other school-sponsored activities occurring between the hours of 7:00 a.m. and 10:00 p.m. on weekdays and 9:00 a.m. and 10:00 p.m. on weekends. This exemption shall not apply to special events or activities that are not directly operated by the school or are not directly related to the operation of the school.

(e) **City maintenance activities.** Tree and park maintenance activities conducted or authorized by City departments provided that use of portable blowers within two hundred (200') feet of a residence shall comply with the requirements of Section 9-2-309(l).

#### ~~9-2-3125-28-113~~ **Federal and State preempted activities.**

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Any other activity shall be exempt from the provisions of this article to the extent regulation thereof has been preempted by State or Federal laws.

#### ~~9-2-3135-28-114~~ **Special variances.**

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(a) The Planning Commission is authorized to grant variances for exceptions from any provision of this 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~~ established by resolution of the City Council. 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 (1) 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 article for which the variance was granted.

(e) A variance shall not exceed three hundred sixty-five (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.~~

#### **9-2-3145-28-115 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 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). The same procedures and considerations by the Planning Commission as followed under TMC [9-2-313](#) shall likewise apply.

#### **9-2-3155-28-116 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.

**SECTION 20. AMENDMENT:** Title 9, Chapter 2, Article 6, Section 01, Subsection (a) is hereby amended to read as follows:

#### **9-2-601 Purpose.**

(a) Provide the regulatory mechanism that accommodates the installation and development of wireless communication facilities, ~~whose services benefit~~ providing a service to the residents of Turlock.

**SECTION 21. AMENDMENT:** Title 9, Chapter 2, Article 6, Section 04 is hereby amended to read as follows:

**9-2-604 Permits requirements.**

All wireless communication facilities shall be subject to the following permitting requirements:

(a) **Prohibited.** Facilities in a R District which do not meet the following requirements:

(1) Are building mounted, entirely stealthed freestanding facilities, or totally enclosed within a building.

(2) If building mounted, are located or screened so as to prevent any public view or are architecturally designed to appear as an integral part of the building on which it is attached.

(3) If freestanding, are located on a property one (1) acre in size, or larger unless the Development Services Director determines that the facility is designed to minimize visual impact to neighboring properties.

(b) **Discretionary permit not required.** New wireless communication facilities and minor expansions as defined in Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 which will be co-locating on or within an existing approved tower or facility and comply with all applicable provisions of this article shall not be required to obtain a discretionary permit. New facilities authorized under this subsection must incorporate the same stealthing technique as utilized on the existing wireless communication facility. A visual simulation showing the proposed facility superimposed on photographs of the existing facility on the site with the existing surrounding shall be submitted as part of the building permit application.

(b) **Minor Discretionary Permit.**

(1) Minor discretionary permit required. The following facilities require a minor discretionary permit:

(i) All building mounted facilities, located in 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, visual compatibility, and screening.

(ii) All ground mounted facilities located in an industrial zoning district (including planned developments of an industrial nature), which are located at least five hundred (500') feet from a residential zoning district or the boundary of the beautification master plan area, and comply with the height, location, [visual compatibility](#), and screening requirements contained within this article.

**(2) Findings for approval.** An application for a minor discretionary permit for a wireless communication facility may be granted as provided in Article 3 of Chapter [9-5](#) TMC (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 [is a stealth facility and](#) 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.

**(d) Conditional Use Permit.**

**(1) Conditional use permit required.** The [following](#) facilities ~~that~~ require a conditional use permit ~~include~~:

[\(i\) All facilities in a R district that are not prohibited by this article.](#)

[\(ii\) All building-mounted facilities located in a commercial zoning district, except in the Heavy Commercial \(CH\) district when approved pursuant to TMC 9-2-604\(c\).](#)

[\(iii\) All ground mounted facilities that are located in a commercial zoning district.](#)

[\(iv\) ~~\(1\)~~ All ground mounted facilities that are located in an industrial zoning district, but are within \[five hundred \\(500'\\)\]\(#\) 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.~~

~~(3) Facilities in residential (R) zoning districts. Only facilities which are building mounted, entirely stealthed facilities, 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.~~

(v) All facilities that do not comply with the height, location, visual compatibility or screening requirements of this article.

(vi) (4) For those facilities where ~~it is~~ the Development Services Director ~~determines~~ the project may create a significant impact to the neighborhood.

(25) Findings for approval. An application for a conditional use permit for a wireless communication facility may be granted as provided in Article 6 of Chapter 9-5 TMC, 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 is a stealth facility and 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 TMC 9-2-601.

(iv) The proposed wireless communication facility conforms to the greatest extent possible with the provisions of this article.

**SECTION 22. AMENDMENT:** Title 9, Chapter 2, Article 6, Section 05 is hereby amended to read as follows:

**9-2-605 Application requirements.**

Prior to application submittal, applicants shall ~~meet with planning staff~~ attend a pre-application meeting 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. The applicant shall provide all required application materials listed in Subsection (a) for the pre-application meeting at least three (3) working days prior to the meeting and in accordance with the procedure established by the Development Services Director.

(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 five hundred (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 (3) 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 nontechnical 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.

(4) **Visual simulations.** The applicant shall submit scaled visual simulations, showing the proposed facility superimposed on photographs of the site and surroundings, to assist in assessing the visual impacts of the proposed facility and its compliance with the provisions of this section.

(5) **Expert evaluation.** A professional telecommunications expert shall perform an evaluation of the radio frequency certifying that the frequency levels meet federal standards and that the facility will not interfere with the City's or other public entities' emergency broadcast systems.

(6) **Special studies.** Any special studies required for environmental review.

(7) **Other application materials.** Any other materials deemed necessary by the Director of Development Services.

**SECTION 23. AMENDMENT:** Title 9, Chapter 2, Article 6, Section 07 is hereby amended to read as follows:

**9-2-607 ~~Location.~~ Setbacks.** At a minimum, all new facilities shall comply with the following setback requirements:

~~(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.~~

~~(a) 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 set back one (1') foot from any street frontage.

(b) When abutting a R district, a minimum setback shall be provided as follows: rear yard: fifteen (15') feet; side yard: ten (10') feet.

**SECTION 24. REPEALED:** Title 9, Chapter 2, Article 6, Section 08 is hereby repealed.

~~**9-2-608 Residential (R) districts.**~~

~~Only those facilities which are building mounted, entirely stealthed, or totally enclosed within a building shall be permitted in any residential district.~~

**SECTION 25. AMENDMENT:** Title 9, Chapter 2, Article 6, Section 09 is hereby amended to read as follows:

**9-2-6089 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, antennas, 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 nonreflective 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.

[\(e\) New wireless communication facilities shall be co-located with other existing or planned facilities where feasible to minimize visual impact.](#)

**SECTION 26. AMENDMENT:** Title 9, Chapter 2, Article 6, Section 10 is hereby amended to read as follows:

**9-2-60910 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 preconstruction condition within ninety (90) days of the cessation of operation.



**SECTION 27. AMENDMENT:** Title 9, Chapter 3, Article 1, Section 02 is hereby amended to read as follows:

**9-3-102 Use classifications.**

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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 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, 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.

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	<a href="#">(8)</a>
<u>Residential Uses</u>		
Family day care homes:		
<i>Large</i>	MAA	(1)
<i>Small</i>	P	
<u>Group Homes:</u>		
<i>Unlimited</i>	<a href="#">NP</a>	
<i>Large</i>	<a href="#">MDP</a>	
<i>Small</i>	<a href="#">P</a>	<a href="#">(7)</a>
<u>Group Quarters:</u>		
<i>Unlimited</i>	<a href="#">NP</a>	
<i>Large</i>	<a href="#">CUP</a>	
<i>Small</i>	P	<a href="#">(7)</a>
Home occupations	P	(2)
Emergency shelter	NP	
Manufactured housing	MAA	(9)
Single-family dwellings	P	<a href="#">(7)</a>
Second dwellings	P	(3) (7) <del>(8)</del>
<u>Public and Semipublic Uses</u>		
Religious assembly	CUP	
Utilities:		

<b>A DISTRICT (Agricultural District)</b>		
<b>USE CLASSIFICATIONS</b>		
<b>P Permitted</b>		
<b>NP Not Permitted</b>		
<b>MDP Minor Discretionary Permit</b>		
<b>MAA Minor Administrative Approval</b>		
<b>CUP Conditional Use Permit</b>		
	<b>A</b>	<b>Additional Use Regulations</b>
<i>Major</i>	CUP	
<i>Minor</i>	P	(6)
Accessory Structures and Uses	P	(4)
Domesticated animals	P	(5)
Temporary Uses	See Article 5 of Chapter <a href="#">9-5</a> TMC (Temporary Uses of Land)	
Nonconforming Uses and Structures	See Article 4 of Chapter <a href="#">9-2</a> TMC (Nonconforming Structures and Uses)	

- (1) See TMC [9-2-110](#), Family day care home.
- (2) See Article 2 of Chapter [9-5](#) TMC (Zoning Certificates and Home Occupation Permits).
- (3) See TMC [9-2-119](#), Second dwelling units.
- (4) See TMC [9-2-101](#), Accessory buildings or structures.
- (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.

**SECTION 28. AMENDMENT:** Title 9, Chapter 3, Article 2, Section 02 is hereby amended to read as follows:

**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 Development Services Director or designee.

**R DISTRICTS (Residential Districts)**

**USE CLASSIFICATIONS**

**P Permitted**

**NP Not Permitted**

**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
<u>Agricultural Uses</u>						
Community garden	CUP	CUP	CUP	CUP	CUP	(1)
Crop production	P	P	P	P	P	(1)
Domesticated animals	P	P	P	P	P	(2)
<u>Other agricultural uses</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	
<u>Residential Uses</u>						
Condominiums	PD	PD	PD	PD	PD	
Family day care homes:						
<i>Small</i>	P	P	P	P	P	(3) (13)
<i>Large</i>	MAA	MAA	MAA	MAA	MAA	(3) (13)
Group homes:						
<i>Unlimited</i>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>CUP</u>	<u>MDP</u>	
<i>Large</i>	<u>NP</u>	<u>CUP</u>	<u>CUP</u>	<u>MDP</u>	<u>MDP</u>	
<i>Small</i>	P	P	P	P	P	(9)
Group quarters:						
<i>Small Unlimited</i>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>CUP</u>	<u>CUP</u>	
<i>Large</i>	<u>NP</u>	<u>CUP</u>	<u>CUP</u>	<u>MDP</u>	<u>MDP</u>	
<i>Small</i>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>(9)</u>
Emergency shelter	NP	CUP	CUP	CUP	CUP	
Home occupations	P	P	P	P	P	(4)

**R DISTRICTS (Residential Districts)**

**USE CLASSIFICATIONS**

**P Permitted**

**NP Not Permitted**

**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
Manufactured housing	P	P	P	MDP	CUP	(15)
Mobile home parks	NP	CUP	CUP	CUP	CUP	(8)
Multifamily dwellings	NP	NP	NP	MDP	MDP	(10)
Residential care facilities	-	-	-	-	-	-
Large	CUP	CUP	CUP	CUP	CUP	-
Small	P	P	P	P	P	(9)
Second dwellings	P	P	P	P	P	(5)
Single-family dwellings	P	P	P	P	P	(10)
<u>Commercial Uses</u>						
Neighborhood store	NP	MDP	MDP	MDP	MDP	
All other commercial uses	NP	NP	NP	NP	NP	
<u>Public and Semipublic Uses</u>						
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 CUP	MDP CUP	
Cultural institutions	NP	NP	NP	NP	NP	

<b>R DISTRICTS (Residential Districts)</b>						
<b>USE CLASSIFICATIONS</b>						
<b>P Permitted</b>						
<b>NP Not Permitted</b>						
<b>PD Planned Development</b>						
<b>CUP Conditional Use Permit</b>						
<b>MDP Minor Discretionary Permit</b>						
<b>MAA Minor Administrative Approval</b>						
	<b>R-E</b>	<b>R-L</b>	<b>R-L4.5</b>	<b>R-M</b>	<b>R-H</b>	<b>Additional Use Regulations</b>
Day care centers	CUP	CUP	CUP	CUP	CUP	
Golf course/driving range	CUP	CUP	CUP	CUP	CUP	
Park and recreation facilities	MDP	MDP	MDP	MDP	MDP	
Public buildings and facilities	MDP	MDP	MDP	MDP	MDP	
Schools, public/private	CUP	CUP	CUP	CUP	CUP	
<u>Utilities:</u>						
<i>Major</i>	CUP	CUP	CUP	CUP	CUP	
<i>Minor</i>	MAA	MAA	MAA	MAA	MAA	
Industrial Uses	NP	NP	NP	NP	NP	
<u>Accessory Structures and Uses</u>						
Accessory buildings and structures	P	P	P	P	P	(6)
Animals, household	P	P	P	P	P	(2) (7)
Kennels	MDP	NP	NP	NP	NP	(11)
Temporary Uses	See Article 5 of Chapter <a href="#">9-5</a> TMC (Temporary Uses of Land). Construction trailers and sales office trailers may be located on the project site after required planning permits					

**R DISTRICTS (Residential Districts)**

**USE CLASSIFICATIONS**

**P Permitted**

**NP Not Permitted**

**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
						and approvals have been obtained. The trailer(s) must be removed upon completion of the applicable construction project. 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.

- (1) See TMC [9-1-202](#) (Definitions).
- (2) The keeping of domesticated animals may be kept as an accessory use to a residence, subject to the requirements of TMC [6-1-105.1](#) (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 (Zoning Certificates and Home Occupation Permits).
- (5) See TMC [9-2-119](#) (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 (1) other dwelling (i.e., the primary residence) is located on the same property.
- (6) See TMC [9-2-101](#) (Accessory buildings 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,~~ [Any housing](#) with six (6) or fewer occupants, ~~are~~ is 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 Article 4 of Chapter 6-1 TMC.
- (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 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.

**SECTION 29. AMENDMENT:** Title 9, Chapter 3, Article 2, Section 03 is hereby amended to read as follows:

**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.

<b>R DISTRICTS (Residential Districts)</b>						
<b>PROPERTY DEVELOPMENT REGULATIONS</b>						
	<b>R-E</b>	<b>R-L</b>	<b>R-L4.5</b>	<b>R-M</b>	<b>R-H</b>	<b>Additional Regulations</b>
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	2	2	2	3	4	
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	40	45	(16)
Yards						(3)

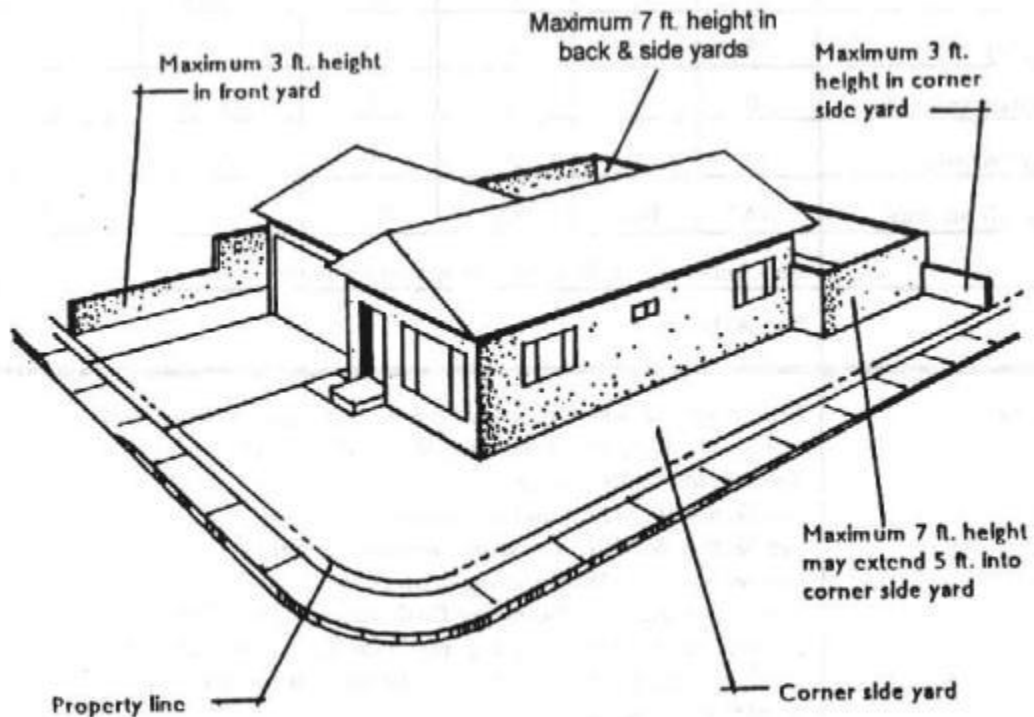
<b>R DISTRICTS (Residential Districts)</b>						
<b>PROPERTY DEVELOPMENT REGULATIONS</b>						
	<b>R-E</b>	<b>R-L</b>	<b>R-L4.5</b>	<b>R-M</b>	<b>R-H</b>	<b>Additional Regulations</b>
Front (ft.)	30	15	15	20	20	(7) (9) (14)
Side (ft.)	10	5	0 – 10	10 – 20	10 – 20	(7) (8) (11) (15)
Corner side (ft.)	30	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 <a href="#">9-2</a> TMC (Off-Street Parking and Loading Regulations).</p> <p>See TMC <a href="#">9-2-215</a> (Driveway and corner visibility).</p> <p>See Article 5 of Chapter <a href="#">9-2</a> TMC (Signs).</p> <p>See TMC <a href="#">9-2-112</a> (Outdoor storage).</p> <p>See TMC <a href="#">9-2-101</a> (Accessory buildings or structures).</p> <p>See TMC <a href="#">9-2-118</a> (Screening of mechanical equipment).</p> <p>See TMC <a href="#">9-2-115</a> (Recycling and solid waste disposal regulations). Trash and refuse</p>					

<b>R DISTRICTS (Residential Districts)</b>						
<b>PROPERTY DEVELOPMENT REGULATIONS</b>						
	<b>R-E</b>	<b>R-L</b>	<b>R-L4.5</b>	<b>R-M</b>	<b>R-H</b>	<b>Additional Regulations</b>
						<p>containers shall not be stored within the front yard or corner street yard setback areas.</p> <p>See TMC <a href="#">9-2-120</a> (Underground utilities).</p> <p>See Article 4 of Chapter <a href="#">9-2</a> TMC (Nonconforming Structures and Uses).</p> <p>See TMC <a href="#">9-2-114</a> (Permitted locations of <del>mobile homes</del>, recreational vehicles, and campers).</p> <p>See TMC <a href="#">9-2-107</a> (Development on lots divided by district boundaries).</p>

- (1) See TMC [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 or structures). For main structures, the minimum distance between structures shall increase five (5') feet per story, 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 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, razor wire, electrified fencing, and similar security devices are prohibited. In addition, all fences and walls shall be subject to the driveway visibility requirements of TMC [9-2-215](#) (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 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 Article 3 of Chapter [9-5](#) TMC (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 setback may be reduced to the average of the two (2) adjoining lots when the adjoining lots have already been developed. 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.



**FENCE HEIGHTS & SETBACKS**  
(This diagram is illustrative)

(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 the~~ minimum side and rear yard setbacks shall be ten (10') feet ~~for a one (1) story building.~~ When the property abuts an R-L district, and the height of any window frame in the second story exceeds twenty-five (25') feet, the setbacks for the second story shall be increased to fifteen (15') feet. ~~These setbacks shall be increased by five (5') ten (10') feet per story to a maximum of twenty (20') feet when the property abuts an R-L district. In these cases, these~~ These setbacks shall be further increased ~~to fifteen (15') feet for a two (2) story building and~~ to twenty (20') feet for a building that is three (3) stories or more in height when the property abuts an R-L district.

(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 a public alley.

(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.

(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.

(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.

(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.

**SECTION 30. AMENDMENT:** Title 9, Chapter 3, Article 3, Section 02 is hereby amended to read as follows:

**9-3-302 Use classifications.**

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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. 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 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 (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.



**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**

	<b>C-O</b>	<b>C-C</b>	<b>C-H</b>	<b>C-T</b>	<b>Additional Use Regulations</b>
<u>Agricultural Uses</u>					
Community garden	MDP	MDP	MDP	MDP	
Crop production	P	P	P	P	
<a href="#">Other agricultural uses</a>	<a href="#">NP</a>	<a href="#">NP</a>	<a href="#">NP</a>	<a href="#">NP</a>	
<u>Residential Uses</u>					
Family day care <a href="#">homes</a> :					
<i>Large</i>	MAA	NP	NP	NP	(1)
<i>Small</i>	P	NP	NP	NP	(1)
<a href="#">Group homes</a> :					
<a href="#">Unlimited</a>	<a href="#">MDP</a>	<a href="#">NP</a>	<a href="#">NP</a>	<a href="#">NP</a>	
<a href="#">Large</a>	<a href="#">MDP</a>	<a href="#">NP</a>	<a href="#">NP</a>	<a href="#">NP</a>	
<a href="#">Small</a>	<a href="#">P</a>	<a href="#">NP</a>	<a href="#">NP</a>	<a href="#">NP</a>	<a href="#">(2)</a>
Group quarters:					
<a href="#">Unlimited</a>	<a href="#">MDP</a>	<a href="#">NP</a>	<a href="#">NP</a>	<a href="#">NP</a>	
<i>Large</i>	MDP	NP	NP	NP	<del>(2)</del>
<i>Small</i>	P	NP	NP	NP	(2)
Emergency shelter	CUP	CUP	CUP	NP	(2) <del>(245)</del>
Caretaker unit	NP	NP	CUP	NP	<del>(178)</del>
<u>Public and Semipublic Uses</u>					

**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**

	<b>C-O</b>	<b>C-C</b>	<b>C-H</b>	<b>C-T</b>	<b>Additional Use Regulations</b>
Clubs and lodges	MDP	MDP	CUP	NP	
Convalescent hospitals	MDP	NPMDP	NP CUP	NP	
Cultural institutions	P	P	P	NP	
Day care centers	MDP	MAA	MAA	NP	
Government offices	P	P	P	NP	
Hospitals	CUP	CUP	CUP	NP	
Parking lots	MDP	MDP	MDP	CUP	
Public assembly	NP	MDP	MDP	CUP	
Public buildings and facilities	MDP	MDP	MDP	CUP	
Public utility service yards	NP	NP	MDP	NP	
Religious assembly	MDP	MDP	MDP	CUP	
Schools:					
<i>Trade</i>	MDP	MDP	MDP	NP	
<i>Public or private</i>	MDP	MDP	MDP	NP	
Utilities:					
<i>Major</i>	NP	NP	CUP	NP	
<i>Minor</i>	MAA	MAA	MAA	MAA	(3)
<u>Commercial Uses</u>					
Adult entertainment facilities	NP	NP	NP	NP	(4)

**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**

	<b>C-O</b>	<b>C-C</b>	<b>C-H</b>	<b>C-T</b>	<b>Additional Use Regulations</b>
Animal services					
Animal boarding	CUP	MDP	MDP	NP	(234)
Animal grooming	MDP	P	P	MDP	(234)
Animal hospitals	CUP	MDP	MDP	MDP	(234)
Animal retail sales	NP	P	P	MDP	(223) (234)
Antique shops	NP	P	P	MDP	(234)
Artists' studios	MDP	P	P	MDP	(189) (234)
Automobile repair:					
<i>Major</i>	NP	MDP	MAA	MDP	(6) (7)
<i>Minor</i>	NP	MAA	P	P	(6) (7)
Automobile 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:					
<i>Retail</i>	MDP	P	P	MDP	(234)
<i>Wholesale</i>	NP	NP	MDP	NP	
Bar	NP	CUP	CUP	CUP	(234)
Building materials and services	NP	MDP	MAA	CUP	(8) (13) (234)

**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**

	<b>C-O</b>	<b>C-C</b>	<b>C-H</b>	<b>C-T</b>	<b>Additional Use Regulations</b>
Catering services	NP	P	P	NP	
Clinics	MDP	MDP	P	MDP	(234)
Commercial filming	NP	MDP	P	NP	
Commercial recreation and entertainment	NP	CUP	CUP	CUP	(5)
Convenience gas mart	NP	MDP	MDP	MDP	
Discount club	NP	CUP	CUP	CUP	(204) (212)
Discount store	NP	MDP	MDP	CUP	(204) (212)
Discount superstore	NP	NP	NP	NP	(204) (212)
Entertainment, live (excluding adult entertainment)	NP	MDP	MDP	CUP	(14) (24)
Equipment sales, service, and rentals	NP	NP	MAA	NP	(13)
Financial services	CUP	MDP	MAA	MDP	(234)
Food and beverage sales:					
<i>Neighborhood store &lt;2,500 sf</i>	CUP	MAA	MAA	MDP	(234)
<i>Between 2,500 and 10,000 sf</i>	NP	MDP	MDP	MDP	(234)
<i>Larger than 10,000 sf</i>	NP	MDP	MDP	CUP	(204) (212)
Fortune telling	NP	CUPMDP	NP	NP	(9)
Funeral and interment services	MDP	MAA	MAA	NP	
Health/recreation center:					(234)

**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>3,000 square feet or less</u>	<u>NP</u>	<u>MAA</u>	<u>MAA</u>	<u>MAA</u>	
<u>Greater than 3,000 square feet</u>	NP	MAA	<del>MAA</del> MDP	CUP	
Hotels and motels	NP	MAA	MAA	MAA	(156)
Laboratories	MAA	MAA	MAA	NP	
Laundries:					
<i>Limited</i>	MAA	P	P	NP	
<i>Unlimited</i>	NP	NP	P	NP	
Maintenance and repair services:					
<i>Major</i>	NP	NP	MDP	NP	(13)
<i>Minor</i>	NP	MAA	MAA	MDP	(13) (234)
Nightclub	NP	CUP	CUP	CUP	(234)
Nurseries	NP	MAA	MAA	NP	
Nursing homes	MDP	MDP	NP	NP	
Offices:					
<i>Business and professional</i>	P	P	MAA	NP	
<i>Medical and dental</i>	P	P	MAA	MDP	(234)
Outdoor storage	NP	MDP	MDP	CUP	(13)
Personal services	MAA	P	P	MDP	(234)
Printing and publishing:					
<i>Limited</i>	MDP	MAA	P	NP	

**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
<i>Unlimited</i>	NP	NP	MDP	NP	
Recycling facility					
Collection facility:					
<del>L, large</del>	NP	NP	MDP	NP	(167)
<del>S Collection facility, small</del>	NP	P	P	MDP	(167) (234)
Processing facility	NP	NP	NP	NP	(167)
Rental storage facility	NP	NP	MDP	NP	(1920)
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	MDP	(10) (204) (212) (234)
Shopping center	NP	MDP	MDP	MDP	
Travel trailer park	NP	NP	MDP	MDP CUP	(156)
<del>Truck terminal</del>	<del>NP</del>	<del>NP</del>	<del>MDP</del>	<del>CUP</del>	
<u>Industrial Uses</u>					
Commissary	NP	NP	MDP	NP	
Industry					
Limited	NP	NP	MDP	NP	

**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**

	<b>C-O</b>	<b>C-C</b>	<b>C-H</b>	<b>C-T</b>	<b>Additional Use Regulations</b>
General	NP	NP	NP	NP	
Salvage and wrecking operations:					
<i>Motor vehicle</i>	NP	NP	CUP	NP	(145)
<i>Non-vehicular</i>	NP	NP	CUP	NP	(145)
<a href="#">Truck terminal</a>	<a href="#">NP</a>	<a href="#">NP</a>	<a href="#">CUP</a>	<a href="#">MDP</a>	
<a href="#">Truck yard</a>	<a href="#">NP</a>	<a href="#">NP</a>	<a href="#">CUP</a>	<a href="#">NP</a>	
Warehouse:					
<i>Limited</i>	NP	NP	MDP	NP	
<i>Wholesale distribution</i>	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 <a href="#">9-2</a> TMC (Nonconforming Structures and Uses).				

(1) See TMC [9-2-110](#) (Family day care home).

(2) Small ~~residential care facilities and interim housing~~ [group homes and group quarters](#) serving six (6) or fewer people are considered accessory to an [existing](#) residence [pursuant to State and federal law](#). ~~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 (Zoning Certificates and Home Occupation Permits).
- (6) See TMC [9-2-112](#) (Outdoor storage). In the 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 C-O district shall be limited to pharmacies and/or the sale of medical and/or dental products.
- (11) See TMC [9-2-101](#) (Accessory buildings or structures).
- (12) See Article 5 of Chapter [9-5](#) TMC (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 (Temporary Uses of Land).
- ~~(14) A conditional use permit issued in accordance with Article 6 of Chapter [9-5](#) TMC (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.~~
- (~~14~~5) See TMC [9-2-117](#) (Salvage and wrecking operations).
- (~~15~~6) A conditional use permit issued in accordance with Article 6 of Chapter [9-5](#) TMC (Conditional Use Permits and Variances) shall be required if a hotel, motel, or travel trailer park abuts an R district.
- (~~16~~7) See TMC [9-2-116](#) (Recycling facilities).



(178) A caretaker unit may be permitted within a rental storage facility. All such residences shall be constructed to R-M district standards.

(189) 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.

(1920) See TMC [9-2-122](#) (Rental storage facility).

(2024) See TMC [9-1-202](#) for the definitions of "discount store," "discount superstore," and "discount club."

(212) 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 (Conditional Use Permits and Variances).

(223) Retail sale of dogs and cats is prohibited in accordance with TMC [6-1-703](#).

(234) 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 Article 2 of Chapter [9-1](#) TMC (Establishment of Definitions). Uses shall not be permitted (i.e., are designated NP) as a stand-alone business.

(245) 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.

**SECTION 31. AMENDMENT:** Title 9, Chapter 3, Article 4, Section 02 is hereby amended to read as follows:

**9-3-402 Use classifications.**

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In the following schedule, the letter "P" designates use classifications permitted in I 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. 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 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 (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.

<b>I-BP and I DISTRICTS (Industrial)</b>			
<b>USE CLASSIFICATIONS</b>			
<b>P Permitted</b>			
<b>NP Not Permitted</b>			
<b>MDP Minor Discretionary Permit</b>			
<b>MAA Minor Administrative Approval</b>			
<b>CUP Conditional Use Permit</b>			
	<b>I-BP</b>	<b>I</b>	<b>Additional Use Regulations</b>
<u>Agricultural Uses</u>			
Community garden	MDP	MDP	
Crop production	P	P	
Other agricultural uses	MDP CUP	MDP	
<u>Public and Semipublic Uses</u>			
Airports and heliports	CUP	CUP	
Day care centers	MDP	MDP	
Government offices	MDP	MDP	

**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**

	<b>I-BP</b>	<b>I</b>	<b>Additional Use Regulations</b>
Parking lots	MDP	MDP	
Public buildings and facilities	MDP	MDP	
Religious assembly	CUP	CUP	
Schools, trade	MDP	MDP	
<u>Utilities:</u>			
<i>Major</i>	CUP	MDP	
<i>Minor</i>	P	P	(13)
<u>Commercial Uses</u>			
Adult entertainment facilities	MDP	MDP	(1)
Ambulance services	MDP	MDP	
<u>Animal services:</u>			
<i>Animal boarding</i>	MDP	MDP	
<i>Animal hospitals</i>	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)

**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
Commercial recreation and entertainment	MDP	MDP	
Communications facilities	MDP	MDP	
<del>Eating and drinking establishments</del>	<del>CUP</del>	<del>CUP</del>	
Equipment sales, service, and rentals	MDP	MDP	(12)
Financial services	MDP	MDP	(4)
Health/recreation centers: <u>5,000 square feet or less</u>	<u>MAA</u>	<u>MAA</u>	<u>(Directors Interpretation 2010-01)</u>
<u>Greater than 5,000 square feet</u>	MDP	<del>MDP</del> <u>CUP</u>	
Laboratories	MDP	MDP	
Labor camps	NP	CUP	
Maintenance and repair services: <i>Major</i>	NP	MDP	(5)
<i>Minor</i>	MDP	MDP	(5)
Motor vehicle repair: <i>Major</i>	NP	MDP	(2)
<i>Minor</i>	MDP	MDP	(2)
Offices: <i>Business and professional</i>	MDP	CUP	
<i>Medical and dental</i>	MDP	CUP	
Printing and publishing			

**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**

	<b>I-BP</b>	<b>I</b>	<b>Additional Use Regulations</b>
<i>Limited</i>	MDP	MDP	
<i>Unlimited</i>	MDP	MDP	
Research and development services	MDP	MDP	
Restaurant	CUP	CUP	
Retail sales	MDP	MDP	(6)
<u>Industrial Uses</u>			
Chemical mfg./processing	NP	CUP	
Commissary	NP	MDP	
Industry:			
<i>General</i>	CUP	MDP	
<i>Limited</i>	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	
Warehouse:			
<i>Limited</i>	MDP	MDP	(8)

<b>I-BP and I DISTRICTS (Industrial)</b>			
<b>USE CLASSIFICATIONS</b>			
<b>P Permitted</b>			
<b>NP Not Permitted</b>			
<b>MDP Minor Discretionary Permit</b>			
<b>MAA Minor Administrative Approval</b>			
<b>CUP Conditional Use Permit</b>			
	<b>I-BP</b>	<b>I</b>	<b>Additional Use Regulations</b>
<i>Wholesale distribution</i>	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 <a href="#">9-2</a> TMC (Nonconforming Structures and Uses).		
Recycling Facilities	See TMC <a href="#">9-2-116</a> (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 buildings used to manufacture products on 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 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 (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 or structures).
- (9) See Article 5 of Chapter [9-5](#) TMC (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 [9-2-122](#) (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 [9-2-123](#) (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.

**SECTION 32. AMENDMENT:** Title 9, Chapter 3, Article 5, Section 02 is hereby amended to read as follows:

**9-3-502 Use classifications.**

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In the following schedule, the letter “P” designates use classifications permitted in P-S 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. 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 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 (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.

<b>P-S DISTRICT (Public and Semipublic District)</b>		
<b>USE CLASSIFICATIONS</b>		
<b>P Permitted</b>		
<b>NP Not Permitted</b>		
<b>MDP Minor Discretionary Permit</b>		
<b>MAA Minor Administrative Approval</b>		
<b>CUP Conditional Use Permit</b>		
	<b>P-S</b>	<b>Additional Use Regulations</b>
<u>Agricultural Uses</u>		
Community garden	MDP	
Crop production	P	
Other agricultural uses	CUP	(7)
<u>Commercial Uses</u>		
Commercial recreation and entertainment	CUP	(1)
Outdoor storage	CUP	(2)
<u>Public and Semipublic Uses</u>		



**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**

	<b>P-S</b>	<b>Additional Use Regulations</b>
Airports	CUP	
Cemeteries	P	
Clubs and lodges	MDP	
Convalescent <del>facilities</del> <a href="#">hospitals</a>	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	MDP	
Public assembly	CUP	
Schools, public or private	MDP	
Storm drainage basins	P	(6)
Utilities:		
<i>Major</i>	MDP	
<i>Minor</i>	P	(5)

<b>P-S DISTRICT (Public and Semipublic District)</b>		
<b>USE CLASSIFICATIONS</b>		
<b>P Permitted</b>		
<b>NP Not Permitted</b>		
<b>MDP Minor Discretionary Permit</b>		
<b>MAA Minor Administrative Approval</b>		
<b>CUP Conditional Use Permit</b>		
	<b>P-S</b>	<b>Additional Use Regulations</b>
Accessory Structures and Uses	See TMC <a href="#">9-2-101</a> (Accessory buildings and uses).	
Temporary Uses	See Article 5 of Chapter <a href="#">9-5</a> TMC (Temporary Uses of Land). 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 <a href="#">9-2</a> TMC (Nonconforming Structures and Uses).	

- (1) See also TMC [9-2-112](#) (Outdoor storage) and TMC [9-2-120](#) (Underground utilities).
- (2) See TMC [9-2-112](#) (Outdoor storage) and Article 5 of Chapter [9-5](#) TMC (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.

**SECTION 33. AMENDMENT:** Title 9, Chapter 3, Article 5, Section 03 is hereby amended to read as follows:

**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 (Conditional Use Permits and Variances), or as required by a minor discretionary permit issued in accordance with Article 3 of Chapter [9-5](#) TMC (Minor Administrative and Minor Discretionary Permits). The 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 P-S 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 (Minor Administrative and Minor Discretionary Permits).

<b>P-S DISTRICT (Public and Semipublic District)</b>		
<b>PROPERTY DEVELOPMENT REGULATIONS</b>		
	<b>P-S</b>	<b>Additional Use Regulations</b>
Yards		(1) (5)
Front (ft.)	10	(2) (4)
Side (ft.)	0	(3)
Corner side (ft.)	10	(2) (4)
Rear (ft.)	10	(3)
Maximum height (ft.)	None	
Landscaping	Landscaping shall be provided consistent with the standards for the abutting properties. See TMC <a href="#">9-2-109</a> (Landscaping and irrigation).	
Fences and walls	A seven (7') foot solid masonry wall shall be required along any property line abutting an R, C, or P-S district. The <del>Community Development Director</del> <a href="#">Development Services Director</a> may allow fence and wall heights to be increased in order to mitigate noise problems documented by a noise study. Razor wire, electrified fencing, and similar security devices are prohibited. Barbed wire may be used on a limited basis for security or safety purposes with an MAA issued in accordance with Article 3 of Chapter <a href="#">9-5</a> TMC (Minor Administrative 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 <a href="#">9-2-215</a> (Driveway and	

<b>P-S DISTRICT (Public and Semipublic District)</b>		
<b>PROPERTY DEVELOPMENT REGULATIONS</b>		
	<b>P-S</b>	<b>Additional Use Regulations</b>
	corner visibility).	
Additional regulations	<p>See Article 2 of Chapter <a href="#">9-2</a> TMC (Off-Street Parking and Loading Regulations).</p> <p>See TMC <a href="#">9-2-215</a> (Driveway and corner visibility).</p> <p>See Article 5 of Chapter <a href="#">9-2</a> TMC (Signs).</p> <p>See TMC <a href="#">9-2-112</a> (Outdoor storage).</p> <p>See TMC <a href="#">9-2-118</a> (Screening of mechanical equipment).</p> <p>See TMC <a href="#">9-2-120</a> (Underground utilities).</p> <p>See Article 4 of Chapter <a href="#">9-2</a> TMC (Nonconforming Structures and Uses).</p> <p>See TMC <a href="#">9-2-115</a> (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.

**SECTION 34. AMENDMENT:** Title 9, Chapter 4, Article 1, Section 03 is hereby amended to read as follows:

**9-4-103 Use classifications.**

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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 Article 10 of Chapter [9-5](#) TMC. 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 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 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 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 Development Services Director or designee.

<b>Downtown Overlay District</b> <b>Use Classifications</b> <b>P Permitted</b> <b>NP Not Permitted</b> <b>CUP Conditional Use Permit</b> <b>MDP Minor Discretionary Permit</b>	<b>Downtown Overlay Districts</b>				
	<b>DC</b>	<b>DCT</b>	<b>TC</b>	<b>IR</b>	<b>OR</b>
RESIDENTIAL USES					
Emergency shelter <sup>1</sup>	NP	NP	CUP	CUP	CUP
Family day care home – small	P	P	P	P	P
Family day care home – large	MAA	MAA	MAA	MAA	MAA
<a href="#"><u>Group homes – small<sup>4</sup></u></a>	<a href="#"><u>P</u></a>	<a href="#"><u>P</u></a>	<a href="#"><u>P</u></a>	<a href="#"><u>P</u></a>	<a href="#"><u>P</u></a>
<a href="#"><u>Group homes - large</u></a>	<a href="#"><u>MAA</u></a>	<a href="#"><u>MAA</u></a>	<a href="#"><u>MDP</u></a>	<a href="#"><u>CUP</u></a>	<a href="#"><u>MDP</u></a>
<a href="#"><u>Group homes – unlimited</u></a>	<a href="#"><u>NP</u></a>	<a href="#"><u>NP</u></a>	<a href="#"><u>CUP</u></a>	<a href="#"><u>CUP</u></a>	<a href="#"><u>CUP</u></a>
Group quarters – small <sup>4</sup>	<a href="#"><u>NPP</u></a>	<a href="#"><u>NPP</u></a>	<a href="#"><u>NPP</u></a>	P	P
Group quarters – large	<a href="#"><u>CUPMAA</u></a>	<a href="#"><u>CUPMAA</u></a>	<a href="#"><u>CUPMDP</u></a>	CUP	<a href="#"><u>CUPMDP</u></a>
<a href="#"><u>Group quarters – unlimited</u></a>	<a href="#"><u>NP</u></a>	<a href="#"><u>NP</u></a>	<a href="#"><u>CUP</u></a>	<a href="#"><u>CUP</u></a>	<a href="#"><u>CUP</u></a>
Mobile home parks	NP	NP	NP	NP	NP
Residential – single/multifamily	P	P	P	P	P
COMMERCIAL USES					
Adult entertainment facilities	NP	NP	NP	NP	NP
Ambulance services	NP	NP	CUP	MDP	NP
Animal boarding	CUP	CUP	MDP	MDP	CUP
Animal grooming	P	P	P	MDP	MDP
Animal hospitals	CUP	CUP	MDP	MDP	CUP
Animal retail sales <sup>2</sup>	P	P	P	NP	NP
Art galleries	P	P	P	CUP	P

<b>Downtown Overlay District</b> <b>Use Classifications</b> <b>P Permitted</b> <b>NP Not Permitted</b> <b>CUP Conditional Use Permit</b> <b>MDP Minor Discretionary Permit</b>	<b>Downtown Overlay Districts</b>				
	<b>DC</b>	<b>DCT</b>	<b>TC</b>	<b>IR</b>	<b>OR</b>
Artists' studios	P	P	P	P	P
Automobile repair – minor	NP	NP	P	P	NP
Automobile repair – major	NP	NP	MDP	MDP	NP
Automobile sales and service	NP	NP	MDP	NP	NP
Automobile service stations	NP	NP	MDP	MDP	NP
Automobile storage	NP	NP	NP	NP	NP
Automobile washing	NP	NP	MDP	MDP	NP
Bakeries – retail	P	P	P	NP	NP
Bakeries – wholesale	NP	NP	NP	P	NP
Bar	CUP	NP	CUP	NP	NP
Building materials and services	NP	NP	P	P	NP
Catering services	P	P	P	P	NP
Commercial filming <sup>3</sup>	MDP	CUP	MDP	MDP	NP
Commercial recreation and entertainment <= 2,000 sf	MDP	CUP	P	P	NP
Commercial recreation and entertainment > 2,000 sf	CUP	NP	CUP	CUP	NP
Convenience gas mart	NP	NP	P	CUP	NP
<b>Dance hall/nightclub</b>	<b>CUP</b>	<b>NP</b>	<b>CUP</b>	<b>CUP</b>	<b>NP</b>
Dance schools <= 3,000 sf	MDP	CUP	MDP	NP	NP
Dance schools > 3,000 sf	CUP	CUP	MDP	NP	NP
Discount club	NP	NP	NP	NP	NP
Discount store	NP	NP	MDP	NP	NP

<b>Downtown Overlay District</b> <b>Use Classifications</b> <b>P Permitted</b> <b>NP Not Permitted</b> <b>CUP Conditional Use Permit</b> <b>MDP Minor Discretionary Permit</b>	<b>Downtown Overlay Districts</b>				
	<b>DC</b>	<b>DCT</b>	<b>TC</b>	<b>IR</b>	<b>OR</b>
Discount superstore	NP	NP	NP	NP	NP
<del>Entertainment live (excluding adult entertainment)</del>	<del>CUP</del>	<del>NP</del>	<del>MDP</del>	<del>NP</del>	<del>NP</del>
Equipment sales, service and rentals	NP	NP	CUP	CUP	NP
Financial services <= 5,000 sf	P	P	P	NP	MDP
Financial services > 5,000 sf	P	P	P	NP	CUP
Food and beverage sales <= 2,500 sf	P	MDP	P	CUP	CUP
Food and beverage sales > 2,500 and <= 10,000 sf	MDP	CUP	P	NP	NP
Food and beverage sales > 10,000 sf	MDP	CUP	MDP	NP	NP
Fortune-telling <sup>5</sup>	<del>CUP</del> MDP	NP	MDP	NP	NP
Funeral and interment services	MDP	MDP	P	CUP	NP
Health and recreation center <= 3,000 sf	MDP	MDP	MAA	CUP	NP
Health and recreation center > 3,000 sf	CUP	NP	MAA	NP	NP
Hotels and motels	MAA	NP	MAA	NP	NP
Laboratories	MAA	NP	MAA	NP	NP
Laundries – limited	P	MAA	P	NP	NP
Laundries – unlimited	NP	NP	NP	MDP	NP
Maintenance and repair services – minor	CUP	NP	NP	MDP	MDP
Maintenance and repair services – major	NP	NP	NP	CUP	NP
<u>Nightclub</u>	<u>CUP</u>	<u>NP</u>	<u>CUP</u>	<u>NP</u>	<u>NP</u>
Nurseries	MAA	MAA	MAA	P	MAA
Office – business and professional	P	P	P	P	P



<b>Downtown Overlay District</b> <b>Use Classifications</b> <b>P Permitted</b> <b>NP Not Permitted</b> <b>CUP Conditional Use Permit</b> <b>MDP Minor Discretionary Permit</b>	<b>Downtown Overlay Districts</b>				
	<b>DC</b>	<b>DCT</b>	<b>TC</b>	<b>IR</b>	<b>OR</b>
Office – medical and dental	P	P	P	CUP	P
Outdoor storage	NP	NP	MDP	MDP	NP
Personal services	P	P	P	CUP	MAA
Printing and publishing – limited (building <= 2,000 sf)	P	P	P	MDP	MDP
Printing and publishing – unlimited (building > 2,000 sf)	CUP	NP	MDP	MDP	NP
Recycling facility, collection facility – small	NP	NP	P	NP	NP
Recycling facility, collection facility – large	NP	NP	NP	NP	NP
Recycling facility, collection facility – processing facility	NP	NP	NP	NP	NP
Rental storage facility	NP	NP	NP	CUP	NP
Research and development services	MDP	NP	MDP	MDP	NP
Restaurant	P	P	P	CUP	CUP
Restaurant, drive-in	NP	NP	MDP	CUP	NP
Restaurant, drive-thru	NP	NP	MDP	CUP	NP
Retail sales	P	P	P	P	NP
Salvage and wrecking operations					
Motor vehicle	NP	NP	NP	NP	NP
Non-vehicular	NP	NP	NP	NP	NP
Second hand stores	MAA	MAA	MAA	MAA	NP
Shopping centers	NP	NP	CUP	NP	NP
Travel trailer park	NP	NP	NP	NP	NP
Truck terminals	NP	NP	NP	NP	NP

<b>Downtown Overlay District</b> <b>Use Classifications</b> <b>P Permitted</b> <b>NP Not Permitted</b> <b>CUP Conditional Use Permit</b> <b>MDP Minor Discretionary Permit</b>	<b>Downtown Overlay Districts</b>				
	<b>DC</b>	<b>DCT</b>	<b>TC</b>	<b>IR</b>	<b>OR</b>
<b>INDUSTRIAL USES</b>					
Chemical mfg./processing	NP	NP	NP	CUP	NP
Commissary	NP	NP	NP	NP	NP
Industry – general	NP	NP	NP	CUP	NP
Industry – limited	NP	NP	NP	P	NP
Hazardous waste transfer station	NP	NP	NP	NP	NP
Salvage and wrecking operations	NP	NP	NP	NP	NP
Speculative buildings	NP	NP	NP	MDP	NP
Transfer stations	NP	NP	NP	NP	NP
Truck yard	NP	NP	NP	CUP	NP
Warehouse – limited	NP	NP	NP	CUP	NP
Warehouse – wholesale	NP	NP	NP	CUP	NP
<b>PUBLIC AND SEMIPUBLIC USES</b>					
Clubs and lodges <= 2,500 sf	P	CUP	MDP	CUP	CUP
Clubs and lodges > 2,500 sf	CUP	CUP	MDP	CUP	CUP
Convalescent hospitals <del>(including nursing homes and assisted living facilities)</del>	<del>NP</del> <u>CUP</u>	<del>NP</del> <u>CUP</u>	CUP	<del>NP</del> <u>CUP</u>	CUP
Cultural institutions	P	P	P	P	P
Day care centers	MAA	P	P	MDP	P
Government offices	P	P	P	P	P
Hospitals	CUP	CUP	CUP	CUP	CUP

<b>Downtown Overlay District</b> <b>Use Classifications</b> <b>P Permitted</b> <b>NP Not Permitted</b> <b>CUP Conditional Use Permit</b> <b>MDP Minor Discretionary Permit</b>	<b>Downtown Overlay Districts</b>				
	<b>DC</b>	<b>DCT</b>	<b>TC</b>	<b>IR</b>	<b>OR</b>
Parking lots	MDP	MDP	MDP	MDP	MDP
Public buildings and facilities	MDP	MDP	MDP	MDP	CUP
Public utility service yards	NP	NP	NP	P	NP
<del>Religious assembly</del>	-	-	-	-	-
Religious assembly <= 2,500 sf	P	CUP	MDP	CUP	CUP
Religious assembly > 2,500 sf	CUP	CUP	MDP	CUP	CUP
Schools – trade	MDP	MDP	MDP	MDP	MDP
Schools – public/private	MDP	MDP	MDP	CUP	MDP
Utilities – minor	MDP	MDP	MDP	MDP	MDP
Utilities – major	NP	NP	NP	CUP	NP

<sup>1</sup> 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.

<sup>2</sup> Retail sale of dogs and cats is prohibited in accordance with TMC [6-1-703](#).

<sup>3</sup> Indoor studios.

<sup>4</sup> [Any housing with six \(6\) or fewer occupants is deemed permitted by right in a residential zoning district pursuant to State and Federal law](#)

<sup>5</sup> [No fortune-telling use shall be located any closer than within seven hundred fifty \(750'\) feet of another fortune-telling use.](#)

**SECTION 35. AMENDMENT:** Chapter Index for Title 9, Chapter 5 is hereby amended to read as follows:

## 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](#) Application fees.
- [9-5-106](#) Application expiration.
- [9-5-107](#) Permits: Expiration.
- [9-5-108](#) Permits: Renewal.
- [9-5-109](#) Permits, certificates, and licenses: Validity.
- [9-5-110](#) Permits and variances: Revocation or modification: Grounds.
- [9-5-111](#) Permits and variances: Suspension and revocation.
- [9-5-112](#) Amendments: Authorized.
- [9-5-113](#) Amendments: Initiation.
- [9-5-114](#) Amendments: Applications.
- [9-5-115](#) Amendments: Hearings.
- [9-5-116](#) Hearings: Scope of provisions.
- [9-5-117](#) Hearings: Time and place.
- [9-5-118](#) Hearings: Notices: Form.
- [9-5-119](#) Hearings: Notices: Publication.
- [9-5-120](#) Hearings: Notices: Posting and [mailingtransmitting](#).
- [9-5-121](#) Hearings.
- [9-5-122](#) Hearings: Transcripts.
- [9-5-123](#) Hearings: Continuance.
- [9-5-124](#) Commission hearings: Commission recommendations.
- [9-5-125](#) Commission hearings: Transmittal of resolutions.
- [9-5-126](#) Commission hearings: Records.
- [9-5-127](#) Council hearings: Council decisions.
- [9-5-128](#) Council hearings: Transmittal of resolutions and ordinances.
- [9-5-129](#) Council hearings: Records.

- [9-5-130](#) Appeals: Authorized.
- [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.
- [9-5-213](#) Home occupation permits: Revocation.

Article 3. Minor Administrative and 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.
- [9-5-315](#) Minor discretionary permit: Time limits for development of property and uses.

- [9-5-316](#) Outdoor [diningseating](#) defined.
- [9-5-317](#) Outdoor [diningseating](#) permit required.
- [9-5-318](#) Authority to issue outdoor [diningseating](#) permits.
- [9-5-319](#) Application for outdoor [diningseating](#) permit.
- [9-5-320](#) Issuance of outdoor [diningseating](#) permit.
- [9-5-321](#) Conditions and restrictions pertaining to outdoor [diningseating](#).
- [9-5-322](#) Insurance.
- [9-5-323](#) Alcoholic beverage restrictions.
- [9-5-324](#) Outdoor [diningseating](#) permit not deed or easement.
- [9-5-325](#) Suspension or revocation of outdoor [diningseating](#) permit.
- [9-5-326](#) Protest issuance of permit.
- [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. Prezoning and Annexation **Revised 6/15**

- [9-5-701](#) Prezoning of unincorporated land. **Revised 6/15**
- [9-5-702](#) Prezoning: Purpose. **Revised 6/15**
- [9-5-703](#) Prezoning: Exceptions. **Revised 6/15**
- [9-5-704](#) Prezoning and annexation: Applications: Hearings. **Revised 6/15**
- [9-5-705](#) Prezoning and annexation: Findings. **Revised 6/15**
- [9-5-706](#) Prezoning and annexation: Consideration of territory within secondary sphere of influence. **Revised 6/15**

- [9-5-707](#) Prezoning and annexation: Denial. Revised 6/15
- [9-5-708](#) Prezoning and annexation: Development agreement requirements. Revised 6/15
- [9-5-709](#) Prezoning and annexation: Area-wide planning required. Revised 6/15

Article 8. Historic Site Contracts Revised 6/15

- [9-5-801](#) Specific purpose. Revised 6/15
- [9-5-802](#) Historical site contract. Revised 6/15
- [9-5-803](#) Qualified historical building or structure. Revised 6/15
- [9-5-804](#) Use of the State Historic Building Code. Revised 6/15
- [9-5-805](#) Demolition. Revised 6/15
- [9-5-806](#) Cancellation. Revised 6/15

Article 9. Development Agreements Revised 6/15

- [9-5-901](#) Short title. Revised 6/15
- [9-5-902](#) Authority and purpose. Revised 6/15
- [9-5-903](#) Forms and information. Revised 6/15
- [9-5-904](#) Qualifications of applicants. Revised 6/15
- [9-5-905](#) Form of development agreement. Revised 6/15
- [9-5-906](#) Duty to give notice. Revised 6/15
- [9-5-907](#) Contents of development agreements. Revised 6/15
- [9-5-908](#) Determinations by the Planning Commission. Revised 6/15
- [9-5-909](#) Council hearings. Revised 6/15
- [9-5-910](#) Initiation of amendments or cancellation. Revised 6/15
- [9-5-911](#) Recordation of agreements, amendments, or cancellation. Revised 6/15
- [9-5-912](#) Review of agreements. Revised 6/15

Article 10. Design Review Revised 6/15

- [9-5-1001](#) Purpose. Revised 6/15
- [9-5-1002](#) Applicability. Revised 6/15
- [9-5-1003](#) Findings. Revised 6/15

Article 11. Enforcement Revised 6/15

- [9-5-1101](#) Purpose. Revised 6/15



[9-5-1102](#) Permits, licenses, certificates, and approvals. **Revised 6/15**

[9-5-1103](#) Violation. **Revised 6/15**

[9-5-1104](#) Enforcement. **Revised 6/15**

**SECTION 36. AMENDMENT:** Title 9, Chapter 5, Article 1, Section 01 is hereby amended to read as follows:

**9-5-101 Applications: Form.**

The 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 TMC [9-5-120](#) for ~~mailing~~ [transmitting](#) 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 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.

**SECTION 37. AMENDMENT:** Title 9, Chapter 5, Article 1, Section 20 is hereby amended to read as follows:

**9-5-120 Hearings: Notices: Posting and ~~mailing~~ [transmitting](#).**

All notice of public hearings before the Planning Commission shall be posted and ~~mailed~~ [transmitted](#) 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 may furnish a certified copy of the names and addresses of the property owners as shown on the latest equalized

assessment roll. 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) **Electronic transmittal.** Notices may be electronically transmitted to any property owner that has requested notification in this manner. Such notice shall be equivalent to mailing by letter or post card provided that the same information is made available in the notice.

(d) **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 Development Services Director.

(e) **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.

**SECTION 38. AMENDMENT:** Title 9, Chapter 5, Article 1, Section 25 is hereby amended to read as follows:

**9-5-125 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~~ transmitted to the applicant at the physical or electronic address shown on the application filed with the Secretary of the Planning Commission. Other copies of the resolution shall be ~~mailed~~ transmitted or filed as specified in this article for the specific action thereon.

**SECTION 39. AMENDMENT:** Title 9, Chapter 5, Article 3, Section 01 is hereby amended to read as follows:

**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~~ approximately five (5) to ten (10) working days, depending on the complexity of the specific proposal. They are distinct from “ministerial”

approvals which are “nondiscretionary” actions permitted upon a determination that the standards established by City ordinance for the proposal are met.

**SECTION 40. AMENDMENT:** Title 9, Chapter 5, Article 3, Section 04 is hereby amended to read as follows:

**9-5-304 Minor administrative approval: Review: Approval.**

No later than fifteen (15) working days following submittal of an application for minor administrative approval, the application and all related materials will be reviewed for completeness. The applicant will be notified immediately upon finding the application 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. All applications for a minor administrative approval must first

be approved in writing by the 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 Development Services Director may approve, conditionally approve, or disapprove an application for such permit. An approved or conditionally approved minor administrative approval permit shall become effective on the date that it is acted upon by the City.

**SECTION 41. AMENDMENT:** Title 9, Chapter 5, Article 3, Section 09 is hereby amended to read as follows:

**9-5-309 Minor discretionary permit: Application: Completeness.**

(a) Applications for minor discretionary review shall be submitted to the 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)~~ thirty (30) 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 Development Services Director or his/her designee shall transmit the relevant parts of the permit application to all affected City departments [and external agencies](#) for review, comments, and condition requirements. ~~All comments will be returned to the Development Services Director~~ [The transmittal will require that comments and conditions be provided to the Development Services Department](#) within ten (10) working days [of receipt](#).

**SECTION 42. AMENDMENT:** Title 9, Chapter 5, Article 3, Section 11, Subsection (a) is hereby amended to read as follows:

**9-5-311 Minor discretionary permit: Notice.**

(a) The Development Services Director shall give notice of the proposed request, by mail, [electronic media](#), or [personal](#) 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 equalized assessment roll.

**SECTION 43. AMENDMENT:** Title 9, Chapter 5, Article 3, Section 12 is hereby amended to read as follows:

**9-5-312 Minor discretionary permit: Approval: Findings: Conditions.**

(a) The 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 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 are 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.

[\(b\) An approved or conditionally approved minor discretionary permit shall become effective on the date that it is acted upon by the City.](#)

**SECTION 44. AMENDMENT:** Title 9, Chapter 5, Article 3, Section 16 is hereby amended to read as follows:

**9-5-316 Outdoor ~~dining~~seating defined.**

Outdoor ~~dining~~seating 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.

**SECTION 45. AMENDMENT:** Title 9, Chapter 5, Article 3, Section 17 is hereby amended to read as follows:

**9-5-317 Outdoor ~~dining~~seating 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~~seating without first obtaining a minor discretionary permit in accordance with the provisions of this article.

**SECTION 46. AMENDMENT:** Title 9, Chapter 5, Article 3, Section 18 is hereby amended to read as follows:

**9-5-318 Authority to issue outdoor ~~dining~~seating permits.**

The Development Services Director, or his or her designated representative, is hereby authorized to issue outdoor ~~dining~~seating 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 [diningseating](#) permit will not be issued where, in the opinion of the Development Services Director, or his or her designated representative, the speed, volume, or nearness of vehicular traffic is not compatible with outdoor [diningseating](#). Issuance will not be unreasonably withheld.

**SECTION 47. AMENDMENT:** Title 9, Chapter 5, Article 3, Section 19 is hereby amended to read as follows:

**9-5-319 Application for outdoor [diningseating](#) 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 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.

**SECTION 48. AMENDMENT:** Title 9, Chapter 5, Article 3, Section 20 is hereby amended to read as follows:

**9-5-320 Issuance of outdoor [diningseating](#) permit.**

If the proposed design and location of the tables and chairs to be used for outdoor [diningseating](#), as described in the application, conforms to those guidelines set forth by the Development Services Director, or his or her designated representative, an outdoor [diningseating](#) permit shall be issued to the applicant.

No permit shall be issued until the applicant has paid a one (1) 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.

**SECTION 49. AMENDMENT:** Title 9, Chapter 5, Article 3, Section 21 is hereby amended to read as follows:

**9-5-321 Conditions and restrictions pertaining to outdoor diningseating.**

The issuance of permits by the 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 is subject to the following:

- (a) The outdoor diningseating 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 diningseating 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 diningseating area must not interfere with curbs, ramps, or driveways. No element of the outdoor diningseating 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 diningseating area must remain clear of litter at all times. The permittee shall maintain the tables and chairs in the permitted outdoor diningseating area in a clean condition at all times.
- (e) Outdoor diningseating 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.

**SECTION 50. AMENDMENT:** Title 9, Chapter 5, Article 3, Section 22 is hereby amended to read as follows:

**9-5-322 Insurance.**

Each outdoor diningseating 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.

**SECTION 51. AMENDMENT:** Title 9, Chapter 5, Article 3, Section 23 is hereby amended to read as follows:

**9-5-323 Alcoholic beverage restrictions.**

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The service of alcoholic beverages shall be restricted solely to on-premises consumption by customers within the outdoor [diningseating](#) area. Each of the following standards applies to outdoor [diningseating](#) areas which provide alcoholic beverage service:

(a) The outdoor [diningseating](#) area must be clearly and physically separated from pedestrian traffic. All barriers, railings, fences, or planters placed around the outdoor [diningseating](#) area, whether movable or permanent, affixed, or contiguous to the sidewalk shall be in place during hours of operation and shall be a minimum of three (3') feet in height to clearly define the area. Barriers, railings, fences, or planters must be installed close enough together to prevent pedestrian traffic through them. Landscaping in planters or planted in the ground can be used to create the physical separation;

(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 [diningseating](#) area;

(c) The outdoor [diningseating](#) 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 [diningseating](#) 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 [diningseating](#) area must be included in the outdoor [diningseating](#) permit issued pursuant to this section.

**SECTION 52. AMENDMENT:** Title 9, Chapter 5, Article 3, Section 24 is hereby amended to read as follows:

**9-5-324 Outdoor [diningseating](#) permit not deed or easement.**

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Permission to encroach upon a portion of a public sidewalk with tables and chairs granted under this section shall not constitute a deed or grant of an easement by the City.

**SECTION 53. AMENDMENT:** Title 9, Chapter 5, Article 3, Section 25 is hereby amended to read as follows:



**9-5-325 Suspension or revocation of outdoor diningseating permit.**

The outdoor diningseating permit granted under this chapter shall be subject to suspension or revocation by the Development Services Director when the permittee violates any of the restrictions and conditions set forth in this section, or any rule or regulation of the Development Services Director adopted in pursuance of the provisions of this section. The outdoor diningseating permit shall be automatically suspended upon the termination of the insurance required under TMC 9-5-322. Upon termination of the insurance required under 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 diningseating permit granted under this section.

**SECTION 54. AMENDMENT:** Title 9, Chapter 5, Article 3, Section 26 is hereby amended to read as follows:

**9-5-326 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 diningseating 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 Development Services Director within thirty (30) calendar days after the permit has been approved. Upon receipt of any such protest, the Development Services Director will schedule a hearing to hear all protests or oppositions to the issuance of an outdoor diningseating permit.

**SECTION 55. AMENDMENT:** Title 9, Chapter 5, Article 3, Section 29 is hereby amended to read as follows:

**9-5-329 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 [diningseating](#) area permit within the time prescribed, the City may seize and remove the tables and chairs.

Any other provisions of this 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 [diningseating](#) 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 [diningseating](#) tables and chairs.

**SECTION 56. AMENDMENT:** Title 9, Chapter 5, Article 5, Section 01, Introductory Paragraph is hereby amended to read as follows:

**9-5-501 Temporary uses.**

Certain land uses of a temporary nature as defined in TMC [9-1-202](#) (Definitions) may be authorized by the 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, [parking-lotcloseout](#) sales, and other similar uses) shall be exempt from this article.

**SECTION 57. AMENDMENT:** Title 9, Chapter 5, Article 5, Section 01, Subsection (b) is hereby amended to read as follows:

(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 Development Services Director within the terms and conditions of each particular temporary use of land permit. The 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-one hundred and thirty-five (90135)~~ days within a calendar year on a single property, with a limitation of no more than three (3) nonconsecutive separate events of a maximum of ~~thirty (30)~~forty-five (45) days per each event.

(2) **Outdoor commercial promotional/sales events.**

(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. 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 [9-2-124](#) 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.

**SECTION 56. 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 57. 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.

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Turlock this 28<sup>th</sup> day of February, 2017, by the following vote:

AYES:  
NOES:  
NOT PARTICIPATING:  
ABSENT:

Signed and approved this 28<sup>th</sup> day of February, 2017.

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GARY SOISETH, Mayor

ATTEST:

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Jennifer Land, City Clerk,  
City of Turlock, County of Stanislaus,  
State of California