



Title 9: Zoning

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Chapter 4: Use Regulations

This chapter identifies the allowed land use provisions for each of the zoning districts in the City. This is done through the use of a system of land use classifications for defining the allowed uses. This chapter also includes special provisions for certain land use categories and activities that are in addition to other development standards and regulations in other parts of this code, such as chapter 9-5 (site, development, and operational standards).

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Chapter 4: Use Regulations

Article A: Use Classification System

Sections:

- 9-4A-1 Purpose
- 9-4A-2 Classification of Land Uses
- 9-4A-3 Allowed Land Uses
- 9-4A-4 Temporary Uses
- 9-4A-5 Description of Land Uses

Draft Zoning Code Changes:

- *This article establishes a system of land use classifications that group uses on the basis of common function, product, or compatibility characteristics.*
- *This article introduces a system of symbols to identify permit requirements, rather than a list of uses. All uses have been defined.*

9-4A-1 Purpose

The purpose of this article is to establish the system for classifying land uses within the City. This article defines the various land uses referred to elsewhere in this chapter.

9-4A-2 Classification of Land Uses

In order to simplify land use regulations, land uses listed in this article and throughout this Title have been grouped into general categories on the basis of common function, product, or compatibility characteristics. These allowed use categories are called use classifications. Use classifications describe one or more uses having similar characteristics but do not list every use or activity that may appropriately be within the classification. Each land use is described in article 9-4B (allowed uses and required entitlements). For example, personal service use includes a wide range of individual personal service uses (beauty parlor, dry cleaning, tanning salons, tailors). Rather than listing all such uses individually throughout this Title, personal service use is listed once and is further defined in article 9-4B (allowed uses and required entitlements).

The following rules apply to use classifications:

1. **Special Use Regulations.** Additional use regulations for special land uses are listed in article 9-4D (special use standards).
2. **Uses Not Listed.** Land uses that are not listed in the zoning district tables are not allowed, except as otherwise provided for in this Title.
3. **Illegal Uses.** No use that is illegal under local, state, or federal law shall be allowed in any zoning district within the City.

4. **Specific Plan Zoning District.** When a property is located within a specific plan zoning district, the allowed use provisions of that specific plan zoning district shall govern. If a specific plan zoning district refers back to, utilizes, or defers to one or more of the City's base zoning districts, the allowed use provisions in those base zoning districts shall apply. If there are any conflicts between a base zoning district and a specific plan zoning district, the specific plan zoning district shall prevail. See chapter 9-8 (specific plan zoning districts) for more information.
5. **Overlay Zoning District.** When a property is located within an overlay zoning district, the allowed use provisions of that overlay zoning district shall prevail. When an overlay zoning district is silent on allowed use provisions, it defers the allowed use provisions to the base zoning district. Only where there is a conflict do the overlay zoning district provisions prevail. See chapter 9-9 (overlay zoning districts) for more information.
6. **Similar Uses.** When a use is not specifically listed in this code, it shall be understood that the use may be permitted if the planning director determines that the use is substantially similar to other uses listed based on established criteria and required findings outlined in section 9-2B-7 (similar use determination). It is further recognized that every conceivable use cannot be identified in this Title and, anticipating that new uses will evolve over time, the planning director may make a similar use determination to compare a proposed use and measure it against those uses listed.

9-4A-3 Allowed Land Uses

Zoning district allowed uses and corresponding requirements for entitlements are listed in table 9-4B-2 (allowed uses and required entitlements for base zoning districts) for all of the City's base zoning districts. Generally, a use is either allowed by right, allowed through issuance of a permit, or not permitted. In addition to the requirements for planning entitlements of this Title, other permits may be required prior to establishment of the use (e.g., building permit or permits required by other agencies). The requirements for planning entitlements identified in table 9-4B-2 include:

1. **Permitted (P).** A land use shown with a "P" indicates that the land use is permitted by right in the designated zoning district, subject to compliance with all applicable provisions of this Title (e.g., development standards) as well state and federal law.
2. **Administratively Permitted (A).** A land use shown with an "A" indicates that the land use is permitted in the designated zoning district upon issuance of an administrative use permit from the designated approving authority, subject to compliance with all applicable provisions of this zoning code (e.g., development standards), as well as state and federal law.
3. **Home Occupation Permit (H).** A land use shown with a "H" indicates that the land use is permitted in the designated zoning district upon issuance of a home occupation permit from the designated approving authority, subject to compliance with all applicable provisions of this zoning code (e.g., development standards), as well as state and federal law.
4. **Conditional Permitted (C).** A land use shown with a "C" indicates that the land use is permitted in the designated zoning district upon issuance of a conditional use permit from the designated approving authority, subject to compliance with all applicable provisions of this zoning code (e.g., development standards) as well state and federal law.
5. **Not Permitted (N).** A land use shown with an "N" in the table is not allowed in the applicable zoning district. Additionally, uses not shown in the table are not permitted, except as otherwise provided for in this Title.

9-4A-4 Temporary Uses

On occasion, property will be used for an event, activity, or use on a short-term basis. Such use is considered a temporary use. Temporary uses of property are not regulated through table 9-4B-2 (allowed uses and required entitlements for base zoning districts). Rather, the provisions of article 9-4C (temporary uses) provides the regulations for these uses, including development standards and time limits. Temporary uses may be listed in table 9-4B-2 as a convenience to the reader, but allowed use provisions are not listed; a reference to article 9-4C is provided in its place.

9-4A-5 Description of Land Uses

This section provides a listing and definition of all the land uses referred to elsewhere in this chapter. The uses are organized alphabetically for ease of use.

A. "A" Definitions

Adult Day Health Care Center. A facility, as defined under Health and Safety Code §1507.7, that provides nonmedical care and supervision for adult health care, including organized day program of therapeutic, social, and skilled nursing health activities and services to elderly persons or adults with disabilities with functional impairments, either physical or mental, for the purpose of restoring or maintaining optimal capacity for self-care. Programs offered are on a less than twenty-four (24) hour basis. State law does not limit the City's ability to regulate these uses.

Agricultural Products Processing. The act of changing an agricultural crop after harvest from its natural state to the initial stage of processing in order to prepare it for market and for further processing at an off-site location. Examples of this processing include nut hulling and shelling, bean cleaning, corn shelling and sorting, grape sorting and crushing, primary processing of fruits to juice and initial storage of the juice, without fermentation, and cleaning and packing of fruits. More comprehensive processing facilities (e.g., raw milk processed to cheese) are considered food and beverage manufacturing and, as such, are included under the definition of manufacturing, minor.

Agricultural Tourism. Establishments that cater to tourists and provide agricultural products either produced on the site or within the community. Such uses include but are not limited to wineries with tasting rooms and permanent roadside crop stands or fruit stands.

Airport. A facility where aircraft such as airplanes can take off and land. An airport minimally consists of one runway but other common components are hangars and terminal buildings.

Alcoholic Beverage Sales, Off-Site. The retail sale of beer, wine, and/or other alcoholic beverages for off-premises consumption.

Alcoholic Beverage Sales, On-Site. See "bar/nightclub" and "restaurant."

Ambulance Service. Emergency medical care and transportation, including incidental storage and maintenance of vehicles.

Animal Husbandry. Raising and breeding of animals or production of animal products. Typical uses include grazing, ranching, dairy farming, poultry farming, beekeeping, and enclosed fisheries, but exclude slaughterhouses and feedlot operations. This classification includes accessory agricultural buildings accessory to such uses. Animal sales, boarding, and grooming are defined separately under "animal sales and grooming." Keeping of animals is defined separately under "animal keeping."

Animal Keeping. The keeping of farm animals, including, but not limited to, cows, horses, goats, sheep, and fowl or poultry (except roosters). Does not include the keeping of common household pets, which are separately defined.

Animal Sales and Grooming. Retail sales of domestic and exotic animals, bathing and trimming services, and boarding of said animals for a maximum period of seventy-two (72) hours conducted entirely within an enclosed building with no outdoor use. Grooming as part of a veterinary facility is included under that use listing.

Art, Antique, Collectable. Retail sales uses including antique shops, art galleries, curio, gift, and souvenir shops, and the sales of collectible items including sports cards and comic books. Stores selling handcrafted items that are produced on the site are defined separately as artisan shops.

Artisan Shop. Retail stores selling art glass, ceramics, jewelry, and other handcrafted items, where the facility includes an area for the crafting of the items being sold.

Assembly Uses. Include any of the following uses:

1. Meeting facilities for organizations including facilities for business associations, civic, social, and fraternal organizations, labor unions and similar organizations, political organizations, professional membership organizations, and other membership organizations;
2. Churches and other religious institutions, including living quarters for ministers and staff, but excluding other establishments maintained by religious organizations such as educational institutions and day care, which are separately regulated; and
3. Community centers and other multipurpose meeting and recreational facilities that include one or more meeting or multipurpose facilities, kitchens, and outdoor barbecue facilities available for use by various groups for meetings, parties, receptions, dances, etc.

Auto and Vehicle Rental. Retail establishments renting automobiles, trucks, vans, and large farm equipment (e.g., combines, tractors). This use listing includes the rental of recreation vehicles, motorcycles, and boats. May also include repair shops (for rental vehicles only) and the sales of parts and accessories, incidental to vehicle rental activities.

Auto and Vehicle Sales. Retail establishments selling automobiles, trucks, vans, and large farm equipment (e.g., combines, tractors). This use listing includes the sales of recreation vehicles, motorcycles, and boats. May also include repair shops and the sales of parts and accessories, incidental to vehicle dealerships. It does not include the sale of auto parts/accessories separate from a vehicle dealership (see “auto parts sales”), bicycle and moped sales (see “retail, general”), tire recapping establishments (see “vehicle services – major”), businesses dealing exclusively in used parts (see “recycling facility – scrap and dismantling”), or fueling station, all of which are separately defined.

Auto and Vehicle Sales, Wholesale. Wholesale establishments selling new and used vehicles and used vehicle parts. This use is normally developed as part of an auto wrecking, junkyard, or salvage yard. Conventional automobile dealerships are listed under auto and vehicle sales and rental.

Auto and Vehicle Storage. Facilities for the storage of operative and inoperative vehicles for limited periods of time. Includes but is not limited to storage of parking tow-aways, impound yards, and storage lots for automobiles, trucks, buses, and recreation vehicles. Does not include vehicle dismantling (see “auto vehicle dismantling”) or retail sales (see “auto and vehicle sales”).

Auto Parts Sales. Stores that sell new automobile parts, tires, and accessories. May also include minor parts installation (see “vehicle services”). Does not include tire recapping establishments, which are found under “vehicle services – major” or businesses dealing exclusively in used parts, which are included under “auto and vehicle sales, wholesale.”

Auto Vehicle Dismantling. Establishment for the dismantling of automobile vehicles, including the dismantling or wrecking of automobiles or other motor vehicles, and/or the storage or keeping for sale of parts and equipment resulting from such dismantling or wrecking. Retail sales are included under the definition of “auto and vehicle sales, wholesale.”

B. “B” Definitions

Banks and Financial Services. Financial institutions such as banks and trust companies, credit agencies, holding (but not primarily operating) companies, lending and thrift institutions, and investment companies. Also includes automated teller machines (ATM).

Bar/Nightclub. Any bar, cocktail lounge, discotheque, or similar establishment, which may also provide live entertainment (e.g., music and/or dancing, comedy) in conjunction with alcoholic beverage sales. These facilities do not include bars that are part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May also include the brewing of beer as part of a brew pub or microbrewery. Bars and nightclubs may include outdoor food and beverage areas consistent with the standards of this Title and State regulations. This use specifically includes on-site sales of alcohol.

Bed and Breakfast Inn. Residential structures with one family in permanent residence with up to five bedrooms rented for overnight lodging, where meals may be provided subject to applicable Health Department regulations. A bed and breakfast inn with more than five guest rooms is considered a hotel or motel and is included under the definition of “hotel and motel.”

Broadcasting and Recording Studio. Commercial and public communications uses including radio and television broadcasting and receiving stations and studios, with facilities entirely within buildings. Does not include transmission and receiving apparatus such as antennas and towers, which are under the definition of “telecommunication facility.”

Building Materials Store/Yard. Retail establishments selling lumber, steel, and other large building materials, where most display and sales occur indoors. Includes paint, wallpaper, glass, and fixtures. Includes stores selling to the general public, even if contractor sales account for a major proportion of total sales. Includes incidental retail ready-mix concrete operations. Establishments primarily selling electrical, plumbing, heating, and air conditioning equipment and supplies are classified in “storage, warehousing” and “wholesaling and distribution.” Hardware stores are listed in the definition of “retail, general,” even if they sell some building materials.

Bus and Transit Shelter. A small structure designed for the protection and convenience of waiting transit passengers and that has a roof and usually two or three sides.

Business Support Services. Establishments primarily within buildings, providing other businesses with services such as maintenance, repair and service, testing, rental, etc. Support services include, but are not limited to:

1. Equipment repair services (except vehicle repair, see “vehicle services”);
2. Commercial art and design (production);
3. Computer-related services (rental, repair);
4. Copying, quick printing, and blueprinting services (other than those defined as “printing and publishing”);
5. Equipment rental businesses within buildings (rental yards are defined under “storage, yards”);
6. Film processing laboratories;
7. Heavy equipment repair services where repair occurs on the client site;
8. Janitorial services;
9. Mail advertising services (reproduction and shipping);
10. Mail box services other heavy-service business services;
11. Outdoor advertising services; and
12. Photocopying and photofinishing.

C. “C” Definitions

Call Center. An office equipped to handle a large volume of calls, especially for taking orders or servicing customers.

Card Room. A gambling establishment that offers card games for play by the public.

Caretaker Housing. A permanent residence that is accessory to a site with a nonresidential primary use and that is needed for security, twenty-four (24) hour care or supervision, or monitoring of facilities, equipment, or other conditions on the site.

Car Washing and Detailing. Permanent, drive-through, self-service, and/or attended car washing establishments, including fully mechanized facilities. May include detailing services. Temporary car washes (e.g., fundraising activities generally conducted at a service station or other automotive-related business, where volunteers wash vehicles by hand, and the duration of the event is limited to one day) are not part of this use classification.

Cemetery/Mausoleum. Land used for the burial of the dead, and dedicated for cemetery purposes, including columbariums and mausoleums.

Check Cashing Business. An establishment that, for compensation, engages in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving a similar purpose. Also includes establishments primarily engaged in cashing payroll or personal checks for a fee or advancing funds on future checks. This classification does not include a state or federally chartered bank, savings association, credit union or similar financial institution (see “banks and financial services”).

Child Day Care Facility. Facility that provides nonmedical care and supervision of minor children for periods of less than twenty-four (24) hours for an individual child. These facilities include the following, all of which are required to be licensed by the state:

1. **Child Day Care Center.** Commercial or nonprofit child day care facility operated outside of a home, typically able to accommodate fifteen (15) or more children. Includes infant centers, preschools, sick child centers, day care centers, and school-age day care facilities. These may be operated in conjunction with a school or church facility, apartment complex, or as an independent land use. Also includes employer-sponsored child care centers.
2. **Family Day Care Home, Large.** A single-family residence that provides day care for seven (7) to fourteen (14) children, inclusive, including children under the age of ten (10) years who reside at the home. This description is consistent with §1596.78 of the Health and Safety Code.
3. **Family Day Care Home, Small.** A single-family residence that provides day care for eight (8) or fewer children, including children under the age of ten (10) years who reside at the home. Per state law, these uses may not be regulated differently than single-family dwellings. This description is consistent with §1596.78 of the Health and Safety Code.

Community Garden. A site used for growing plants for food, fiber, herbs, flowers, which is shared and maintained by City residents or as part of a co-op.

Consignment Store. A retail store where goods are placed on consignment, which is the act of placing goods in the hands of another, while still retaining ownership, until the goods are sold.

Construction Yard/Storage Shed. The temporary storage of materials and equipment, including the use of storage sheds, as part of a construction project. Construction yards/storage sheds are considered temporary uses regulated by article 9-4C.

Convenience Store. Easy access retail stores of five thousand (5,000) square feet or less in gross floor area, which carry a range of merchandise oriented to convenience and travelers' shopping needs. These stores may be part of a fueling station or an independent facility. Larger stores or stores oriented toward the daily shopping needs of residents are separately defined as "neighborhood market" and "grocery store/supermarket."

Crematory. An establishment or furnace that cremates dead human bodies.

Crop Production. Raising and harvesting of plants, tree crops, row crops, or field crops on an agricultural or commercial basis, including packing and processing. Includes horticulture establishments engaged in the cultivation of flowers, fruits, vegetables, or ornamental trees and shrubs for wholesale and incidental retail sales. This classification includes agricultural buildings accessory to such uses and roadside stands for display/sale of agricultural products grown on the premises. Excludes uses for which other garden, nursery, or landscape merchandise are stored and sold on the site.

D. "D" Definitions

Drive-in and Drive-through Sales and Service. Facilities where food or other products may be purchased by motorists without leaving their vehicles. These facilities include fast-food restaurants, drive-through coffee, dairy product, photo stores, etc.

Dwelling, Multi-Family. A building designed and intended for occupancy by three or more families living independently of each other, each in a separate dwelling unit, which may be owned individually or by a single landlord (e.g., apartment, apartment house, townhouse, condominium).

Dwelling, Second Unit. An attached or detached dwelling unit which provides complete independent living facilities for one or more persons, with permanent provisions for living, sleeping, eating, cooking, and sanitation sited on the same parcel as the primary dwelling unit. This definition includes granny flats.

Dwelling, Single-Family. A building designed exclusively for occupancy by one family on a single lot. This classification includes factory-built, modular housing units constructed in compliance with the City-adopted building code and mobile homes/manufactured housing on permanent foundations (defined in California Health and Safety Code §18007), and model homes for the first sale of homes within the subdivision.

Dwelling, Two-Family. An attached building (e.g., duplex, halfplex) designed for occupancy by two families living independently of each other, where both dwellings are located on a single or adjacent lots. More than one two-family dwelling may be located on a single lot consistent with the density provisions of the general plan. Does not include second dwelling units, which are separately described as “dwelling, second unit.”

E. “E” Definitions

Emergency Shelter. Any facility, the primary purpose of which is to provide temporary or transitional shelter for the homeless in general or for specific populations of the homeless.

Employee Housing. Consistent with Health and Safety Code §17008, property used temporarily or seasonally (not more than one hundred eighty (180) days in any calendar year as provided in §17010 of the Health and Safety Code) for the residential use of unrelated persons/families employed to perform agricultural or industrial labor either on- or off-site of agricultural activities. The accommodations may consist of any living quarters, dwelling, boardinghouse, tent (only temporary occupancy), bunkhouse (only temporary occupancy), mobile home, manufactured home, recreational vehicle, travel trailer, or other housing accommodations maintained in one or more buildings, or one or more sites, and the premises upon which they are situated, including area set aside for parking of mobile homes or camping of employees by the employer. Employee housing may also involve permanent residency if the housing accommodation is a mobile home, manufactured home, travel trailer, or recreational vehicle. Specifically, there are two types of employee housing as follows:

1. **Employee Housing, Large.** Employee housing that serves more than six (6) employees and consists of no more than thirty-six (36) beds in group quarters or twelve (12) units or spaces designed for use by a single family or household.
2. **Employee Housing, Small.** Employee housing that serves six (6) or fewer employees.

Entertainment and Assembly Events. The temporary gathering of people, either out-of-doors or within a structure, for entertainment or assembly events in a way that deviates or is in addition to the common use of the property on a day-to-day basis. Examples include, but are not limited to, carnivals, concerts, and fairs. Entertainment and assembly events are considered temporary uses regulated by article 9-4C.

Equestrian Facility, Commercial. Commercial horse, donkey, and mule facilities including horse ranches, boarding stables, riding schools and academies, horse exhibition facilities (for shows or other competitive events), pack stations, and barns, stables, corrals, and paddocks accessory and incidental to these uses.

Equestrian Facility, Hobby. Stables, corrals, and paddocks used by the individual homeowners of corresponding property and their animals.

Equipment Sales and Rental. Service establishments with outdoor storage/rental yards, which may offer a wide variety of materials and equipment for rental (e.g., construction equipment).

F. "F" Definitions

Farmers Market. The temporary sale of farm-fresh produce and other goods. Farmers markets are generally held out-of-doors in public spaces and are considered temporary uses regulated by article 9-4C. For permanent uses, see "convenience store," "neighborhood market," or "grocery store/supermarket."

Freight Yard/Truck Terminal. Transportation establishments furnishing services incidental to air, motor freight, and rail transportation including freight forwarding services, freight terminal facilities, joint terminal and service facilities, packing, crating, inspection, and weighing services, postal service bulk mailing distribution centers, transportation arrangement services, truck repair, truck terminals, trucking facilities including transfer and storage.

Fueling Station. A retail business selling gasoline, diesel, or other motor vehicle fuels. Vehicle services which are incidental to fuel services are included under "vehicle services – minor."

Fuel Storage and Distribution. A large-scale facility where fuel (such as propane and gasoline) is stored and distributed without retail sales

G. "G" Definitions

Garage/Yard Sale. A temporary sales event associated with a residential use. Garage/yard sales are considered temporary uses regulated by article 9-4C.

Garden Center/Plant Nursery. Establishments providing for the cultivation and sale of trees, shrubs, and plants, including the sale of garden and landscape materials (packaged and/or bulk sale of unpackaged materials) and equipment.

Grocery Store/Supermarket. A retail business where the majority of the floor area open to the public is occupied by food products packaged for preparation and consumption away from the site of the store. These full-service businesses do not typically have limited hours of operation.

Group Residential. Shared living quarters without separate kitchen and/or bathroom facilities for each room or unit. This classification includes residential hotels, dormitories, fraternities, sororities, convents, rectories, and private residential clubs but does not include living quarters shared exclusively by a family. This category includes boardinghouses, which are defined as a building other than a hotel or restaurant where meals or lodging or both meals and lodging are provided for compensation for four (4) or more persons.

Guest House. A detached structure accessory to a single-family dwelling, accommodating living/sleeping quarters, but without kitchen or cooking facilities.

H. "H" Definitions

Heliport. A facility, other than an emergency medical services (EMS) landing site as defined in the California Code of Regulations Title 21 §3527, for the landing and takeoff of one or more helicopters. Such facilities may include, but are not limited to, and are not required to have, the following: designated marked landing areas; storage structure(s) and/or tie-downs; refueling facilities; and other support services. This use listing specifically includes agricultural heliports, public-use heliports, heliports at hospitals, personal-use heliports, and temporary helicopter landing sites, all as defined in California Code of Regulations Title 21 §3527.

Home Occupation. The conduct of a business within a dwelling unit or residential site, employing occupants of the dwelling, with the business activity being subordinate to the residential use of the property. Examples include, but are not limited to, accountants, financial advisors, architects, artists, attorneys, notaries, offices for construction businesses (without equipment or material storage), gardening service, and real estate sales.

Hookah Parlor. Any facility or location whose business operation, whether as its primary use or as an accessory use, is denoted by the smoking of tobacco or other substances through one or more pipes (commonly known as a hookah, waterpipe, shisha, or narghile) designed with a tube passing through an urn of water that cools the smoke as it is drawn through it, including but not limited to establishments known variously as hookah bars, hookah lounges, or hookah cafes. Hookah parlors are prohibited in all zoning districts.

Hotel and Motel. Facility with guest rooms or suites, provided without kitchen facilities, rented to the general public for transient lodging (less than thirty (30) days). Hotels provide access to most guest rooms from an interior walkway and typically include a variety of services in addition to lodging, for example, restaurants, meeting facilities, personal services, etc. Motels provide access to most guest rooms from an exterior walkway. Also includes accessory guest facilities such as swimming pools, tennis courts, indoor athletic facilities, accessory retail uses, etc. Hotels and motels that provide full kitchen facilities are listed under "group residential."

Household Pet. The keeping and/or raising of birds, cats, dogs, or other common household pets. See specific regulations in chapter 5-1 (animal control) of this municipal code.

I. "I" Definitions

Indoor Amusement/Entertainment Facility. Establishments providing indoor amusement and entertainment services for a fee or admission charge, including dance halls and ballrooms, and electronic game arcades, as primary uses. Four (4) or more electronic games or coin-operated amusements in any establishment, or a premises where fifty percent (50%) or more of the floor area is occupied by amusement devices, are considered an electronic game arcade; three (3) or less machines are not considered a land use separate from the primary use of the site.

Indoor Fitness and Sports Facility. Predominantly participant sports and health activities conducted entirely within an enclosed building. Typical uses include bowling alleys, billiard parlors, ice/roller skating rinks, indoor racquetball courts, indoor climbing facilities, soccer areas, gymnastic studios, athletic clubs, and health clubs.

Interim Agricultural Use. The use of property for crop production or other agricultural use on a temporary basis until such time as it is economically viable to develop the property to the highest and best use as defined by the general plan. Interim agricultural uses are considered temporary uses regulated by article 9-4C. These uses involve commercial agricultural operations, including aspects such as mechanized commercial equipment, and are different from community-based operations described in community gardens.

J. “J” Definitions

Reserved for future use.

K. “K” Definitions

Kennel. Facility providing for the boarding of animals as the primary use of the facility. May also include day-time boarding and activity for animals (e.g., “doggie day care”) and ancillary grooming facilities. A kennel as part of a veterinary facility is included under that use listing.

L. “L” Definitions

Library/Museum. Public or quasi-public facilities including aquariums, arboretums, art exhibitions, botanical gardens, historic sites and exhibits, libraries, museums, and planetariums.

Live-Work Facility. A structure or portion of a structure:

1. That combines a commercial or manufacturing activity allowed in the zone with a residential living space for the owner of the commercial or manufacturing business, or the owner’s employee, and that person’s household;
2. Where the resident owner or employee of the business is responsible for the commercial or manufacturing activity performed; and
3. Where the commercial or manufacturing activity conducted takes place subject to a valid business license associated with the premises.

M. “M” Definitions

Maintenance and Repair of Small Equipment. Establishments providing on-site repair and accessory sales of supplies for appliances, office machines, home electronic/mechanical equipment, bicycles, tools, or garden equipment, conducted entirely within an enclosed building. This classification does not include maintenance and repair of vehicles.

Manufactured Home. See dwelling, single-family.

Manufacturing, Major. Manufacturing, fabrication, processing, and assembly of materials in a raw form. Uses in this category typically create greater than usual amounts of smoke, gas, odor, dust, sound, or other objectionable influences that might be obnoxious to persons conducting business on-site or on an adjacent site. Uses include but are not limited to batch plants, rendering plants, aggregate processing facilities, plastics and rubber products manufacturing.

Manufacturing, Minor. Manufacturing, fabrication, processing, and assembly of materials from parts that are already in processed form and that, in their maintenance, assembly, manufacture, or plant operation, do not create excessive amounts of smoke, gas, odor, dust, sound, or other objectionable influences that might be noxious to persons conducting business on-site or on an adjacent site. Uses

include but are not limited to furniture manufacturing and cabinet shops, laundry and dry cleaning plants, metal products fabrication, and food and beverage manufacturing (e.g., raw milk processed to cheese).

Manufacturing, Small-Scale. Establishments manufacturing and/or assembling small products primarily by hand, including but not limited to jewelry, pottery and other ceramics, as well as small glass and metal art and craft products.

Massage Therapy. Establishment where customers can receive a massage. See specific use regulations in chapter 4-7 (massage establishments and therapists).

Medical Marijuana Dispensary. Any facility or location, whether fixed or mobile, where medical marijuana is made available to, distributed by, or distributed to one or more of the following as defined in California Health and Safety Code §§11362.5 and 11362.7, et seq.:

1. A qualified patient;
2. A person with an identification card; or
3. A primary caregiver.

Medical Services. Facilities that provide medical services as further defined as follows:

1. **Extended Care.** Residential facilities providing nursing and health-related care as a primary use with inpatient beds, such as board and care homes, convalescent and rest homes, extended care facilities, and skilled nursing facilities. Long-term personal care facilities that do not include medical treatment are included under “residential care homes” and “residential care facilities.”
2. **General.** Facility primarily engaged in providing outpatient medical, mental health, surgical, and other personal health services, but which are separate from hospitals, including medical and dental laboratories, medical, dental and psychiatric offices, optometrist, outpatient care facilities, and other allied health services. Counseling services by other than medical doctors or psychiatrists are included under “office, business and professional.”
3. **Hospital.** Hospitals and similar facilities engaged primarily in providing diagnostic services and extensive medical treatment (with overnight stay capabilities), including surgical and other hospital services. These establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care. May include on-site accessory clinics and laboratories.

Mobile Home. See dwelling, single family.

Mobile Home Park. Consistent with Government Code §65852.7, any site that is planned and improved to accommodate two (2) or more mobile homes used for residential purposes, or on which two (2) or more mobile home lots are rented, leased, or held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate mobile homes used for residential purposes.

Mortuary/Funeral Home. Funeral homes and parlors, where the deceased are prepared for burial or cremation and funeral services may be conducted.

N. “N” Definitions

Neighborhood Market. A pedestrian-oriented grocery/specialty market store offering food products packaged for preparation and consumption away from the site of the store and oriented to the daily shopping needs of surrounding residential areas. Neighborhood markets are less than fifteen thousand (15,000) square feet in size and operate less than eighteen (18) hours per day. For larger stores, see “grocery store/supermarket.” Neighborhood markets may include deli or beverage tasting facilities that are ancillary to the market/grocery portion of the use.

O. “O” Definitions

Office, Accessory. Offices that are incidental and accessory to another business or sales activity that is the primary use. Incidental offices that are customarily accessory to another use are allowed as part of an approved primary use. The qualification criteria for this definition is that the floor area of the accessory office use shall not exceed twenty-five percent (25%) of the total tenant floor area.

Office, Business and Professional. This use listing includes offices of administrative businesses providing direct services to consumers (e.g., insurance companies, utility companies), government agency and service facilities (e.g., post office, civic center), professional offices (e.g., accounting, attorneys, employment, public relations), and offices engaged in the production of intellectual property (e.g., advertising, architectural, computer programming, photography studios). This use does not include medical offices (see “medical services”), temporary offices, or offices that are incidental and accessory to another business or sales activity that is the primary use (see “office, accessory”). These facilities typically operate during normal business hours, Monday through Friday, seven (7) a.m. to six (6) p.m.

Outdoor Commercial Recreation. Facility for various outdoor participant sports and types of recreation where a fee is normally charged for use, including, but not limited to, amphitheaters, amusement and theme parks, golf courses, golf driving ranges, health and athletic club outdoor facilities, miniature golf courses, skateboard parks, stadiums and coliseums, race tracks, swim and tennis clubs, tennis courts, water slides, and zoo.

P. “P” Definitions

Park and Ride Facility. A designated area where a vehicle may be left in order to carpool with other commuters or to ride public transit.

Parking Facility. A parking lot or parking structure used for parking motor vehicles where the facility is the primary use of the site. Parking structures and lots that are developed in conjunction with another primary use of the site to satisfy the on-site parking requirements for the development are not included in this definition.

Park/Public Plaza. Public parks including playgrounds and athletic fields/courts and public plazas and outdoor gathering places for community use. If privately owned and restricted to the public (e.g., require payment of fee), the same facilities are included under the definition of “outdoor commercial recreation.”

Pawn Shop. Any room, store, building, or other place in which the business of pawn brokering, or the business of lending money upon personal property, pawns or pledges, or the business of purchasing articles from vendors or their assignees at prices agreed upon at or before the time of such purchase, is engaged in, carried on, or conducted.

Personal Services. Establishments providing non-medical services as a primary use, including, but not limited to, barber and beauty shops, clothing rental, day spas (excluding massage therapy), dry cleaning stores with limited on-site cleaning (see manufacturing, minor for larger operations), home electronics and small appliance repair, laundromats (self-service laundries), permanent makeup, shoe repair shops, and tailors. These uses may also include accessory retail sales of products related to the services provided, and tanning salons.

Printing and Publishing. Establishments engaged in printing by letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying, and other establishments serving the printing trade including bookbinding, typesetting, engraving, photoengraving, and electrotyping. This use also includes establishments that publish newspapers, books, and periodicals, and establishments manufacturing business forms and binding devices. Does not include quick printing services or desktop publishing, which are included in “business support services.”

Public Safety Facility. Facility operated by public agencies including fire stations, other fire prevention and firefighting facilities, and police and sheriff substations and headquarters, including interim incarceration facilities.

Q. “Q” Definitions

Reserved for future use.

R. “R” Definitions

Recreational Vehicle Park. A site where one or more lots are used, or are intended to be used, by campers with recreational vehicles or tent trailers. Recreational vehicle parks may include public restrooms, water, sewer, and electric hookups to each lot and are intended as a higher-density, more intensively developed use than campgrounds. May include accessory retail uses where they are clearly incidental and intended to serve park patrons only. These facilities are not intended for long-term stay or residency.

Recycling Facility – Collection. A recycling facility used for the acceptance by donation, redemption, or purchase of recyclable materials from the public that does not occupy more than five hundred (500) square feet. This classification may include a mobile unit, kiosk-type units that may include permanent structures, and unattended containers placed for the donation of recyclable materials. This also includes reverse vending machines, an automated mechanical device that accepts one or more types of empty beverage containers including, but not limited to, aluminum cans, glass bottles and plastic bottles, and issues a cash refund or a redeemable credit slip with value of not less than the container’s redemption value as determined by the state. As required under California Public Resources Code §14500, et seq., a recycling collection facility shall be located within a one-half (½) mile radius of a grocery store (referred to as the convenience zone under §14509.4).

Recycling Facility – Processing. A recycling facility located in a building or enclosed space and used for the collection and processing of recyclable materials. Processing means the preparation of material for efficient shipment or to an end-user’s specifications by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing. Collection of recycling materials as the sole activity is included in the definition of “recycling facility – collection.”

Recycling Facility – Scrap and Dismantling. Uses engaged in the assembling, breaking up, sorting, temporary storage, and distribution of recyclable or reusable scrap and waste materials. This use does

not include landfills or other terminal waste disposal sites. Also see “auto vehicle dismantling” for related use for automobiles. These facilities may also be used for collection of recycling materials where the collection is incidental to the scrap and dismantling operation.

Research and Development. Indoor facilities for scientific research, and the design, development, and testing of electrical, electronic, magnetic, optical, and mechanical components in advance of product manufacturing, that are not associated with a manufacturing facility on the same site. Includes but is not limited to chemical and biotechnology research and development. Does not include computer software companies (see “office, business and professional”), soils and other materials testing laboratories (see “business support services”), or medical laboratories (see “medical services, general”).

Residential Care Facility. Consistent with the definitions of state law (Health and Safety Code §1502), a residential care facility is a facility that provides twenty-four (24) hour nonmedical care for more than six (6) persons eighteen (18) years of age or older, or emancipated minors, with chronic, life-threatening illness in need of personal services, protection, supervision, assistance, guidance, or training essential for sustaining the activities of daily living, or for the protection of the individual. This classification includes residential care facilities for the elderly, adult residential facilities, wards of the juvenile court, and other facilities licensed by the state of California.

Residential Care Home. Consistent with the definitions of state law (Health and Safety Code §1502), a residential care home is a home that provides twenty-four (24) hour non-medical care for six (6) or fewer persons eighteen (18) years of age or older, or emancipated minors, with chronic, life-threatening illness in need of personal services, protection, supervision, assistance, guidance, or training essential for sustaining the activities of daily living, or for the protection of the individual. This classification includes rest homes, residential care facilities for the elderly, adult residential facilities, wards of the juvenile court, and other facilities licensed by the state of California. Per state law, these uses may not be regulated differently than single-family dwellings. Convalescent homes, nursing homes and similar facilities providing medical care are included under the definition of “medical services, extended care.”

Resource Protection and Restoration. Activities and management of an area to preserve, re-create, and enhance natural resource such as fish and wildlife habitat, rare and endangered plants, vernal pools, erosion control, wetlands, and floodwater conveyance.

Resource-Related Recreation. Facility related to passive recreation in open space areas including bicycle and pedestrian trails, picnic areas, parking areas, and interpretive centers.

Restaurant. A retail business selling food and beverages prepared and/or served on the site, for on- or off-premise consumption, from a permanent structure. Includes eating establishments where customers are served from a walk-up ordering counter for either on- or off-premise consumption and establishments where most customers are served food at tables for on-premise consumption, but may include providing food for take-out. Also includes coffee houses and accessory cafeterias as part of office and industrial uses. This use specifically includes on-site sales of alcohol.

Retail, Accessory. The retail sales of various products (including food service) in a store or similar facility that is located within a health care, hotel, office, or industrial complex. These uses include pharmacies, gift shops, and food service establishments within hospitals; convenience stores and food service establishments within hotel, office, and industrial complexes. This use category also includes retail

associated with industrial uses for the products sold, distributed, or manufactured on site. Such retail area shall not exceed twenty-five percent (25%) of the total square footage for each tenant space

Retail, General. The retail sales of merchandise not specifically listed under another use classification. This classification includes department stores; drug stores; furniture, furnishings, and appliance stores; dry goods; clothing stores; fabric and sewing supplies; home improvement supplies; florists (except that nurseries are separately defined); and businesses retailing goods such as the following: toys, hobby materials, handcrafted items, jewelry, cameras and electronic equipment, audio and video sales and rental, sporting goods, kitchen utensils, art supplies, and similar activities.

Retail, Warehouse Club. Retail stores that emphasize the packaging and sale of products in large quantities or volumes, some at discounted prices. Sites and buildings are usually large and industrial in character. Patrons may be required to pay membership fees.

S. "S" Definitions

School. A facility that provides for the education and/or training of individuals or groups as further defined as follows:

1. **Academic – Private and Charter.** Any privately owned and operated elementary school, middle school, secondary school, high school, or other institution providing academic instruction for students from kindergarten through twelfth (12th) grade. This listing also includes a private school operating under a charter from the local school district and not managed directly by the governing body of the public school district (e.g., school board).
2. **Academic – Public.** Public elementary schools, middle schools, secondary schools, high schools, and any other public school providing academic instruction for students from kindergarten through twelfth (12th) grade.
3. **Colleges and Universities – Private.** Any privately owned college or university, including medical schools, law schools, and other instruction of higher education, including dorms, offices, facility maintenance yards, offices, and similar supportive functions.
4. **Colleges and Universities – Public.** Public community colleges, colleges, and universities, including dorms, offices, facility maintenance yards, offices, and similar supportive functions.
5. **Equipment/Machinery/Vehicle Training.** Facilities and programs for training students in the repair and maintenance of various equipment, machinery, and vehicles which tend to have a more industrial nature to them. Examples include, but are not limited to, maintenance of business equipment and consumer products (e.g., computers and other electronic equipment, appliance repair, re-upholstery and furniture repair), trade schools (e.g., metal work/welding), and vehicle repair and maintenance (e.g., repair, alteration, restoration, towing, painting, cleaning, or finishing of automobiles, motorcycles, trucks, recreational vehicles, boats, and other vehicles).
6. **Specialized Education and Training/Studios.** Specialty schools for instructing and training students in a variety of specialized programs, including, but not limited to, the following:
 - a. Computers and electronics training schools,
 - b. Drama schools;
 - c. Driver educational schools;

- d. Language schools;
- e. Music schools;
- f. Professional, vocational, and trade schools of a nonindustrial nature (e.g., culinary, cosmetology, arts and media, accounting and finance, health and dental including nursing, legal, psychology, and technology); and
- g. Studio-style facilities including, but not limited to, dance/ballet, art, photography, yoga, martial arts (e.g., karate, kung fu, judo, tae kwon do, jujitsu), and fitness studios other than “indoor fitness and sports facilities.”

Seasonal Sale. The retail sale of goods related to seasonal holidays, including but not limited to Christmas tree sales, pumpkin sales, and fireworks stands.

Semi-Permanent Mobile Food Vehicle. Any vehicle as defined in §670 of the California Vehicle Code, which is equipped and used for retail sales of prepared, prepackaged, or unprepared, unpackaged food or foodstuffs of any kind that parks for more than twenty (20) minutes daily for more than fourteen (14) days in one calendar year at one or more locations within the City. For the purposes of this Title, a mobile food vehicle shall also include any trailer or wagon equipped and used as described in this paragraph and pulled by a vehicle. Excluded from this category are 1) any person engaged in vending conducted in connection with: a) the operations of a state certified farmers' market, b) an event authorized by a special event permit or other permit or entitlement issued by the City of Lemoore, such as an authorized street fair, or c) an event at a sports complex, little league facility, school facility or recreational facility if the vendor is in partnership with the organization conducting the event and is located on the site of the event; or 2) any person not exceeding the time thresholds listed in paragraph one of this definition.

Sexually Oriented Business. Any business that, for any form of consideration, as a regular and substantial portion of conduct, offers its patrons products, merchandize, services, or entertainment that, because of its sexually explicit nature, may, pursuant to state law or local regulatory authority, be offered only to persons over the age of eighteen (18) years. A regular and substantial portion of conduct shall mean that either (1) twenty-five percent (25%) or more of the business's gross revenue is derived from merchandise, services, or entertainment that is of a sexually explicit nature; or (2) twenty-five percent (25%) or more of the floor space of the area of the building open to the public is used for the display of products, merchandise, services, or entertainment that is of a sexually explicit nature. Examples include, but are not limited to, the following:

1. **Adult Bookstore.** An establishment that has twenty-five percent (25%) or more of its stock in books, magazines, periodicals, or other printed matter, or of photographs, films, motion pictures, videocassettes, slides, tapes, records, or other form of visual or audio representations which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities and/or specified anatomical areas as defined in this Title.
2. **Adult Cabaret.** An establishment that, for any form of consideration, as a regular and substantial course of conduct presents live performances that are characterized by an emphasis upon specified sexual activities (as defined in this Title) or feature any semi-nude person.
3. **Adult Hotel/Motel.** A hotel or motel or similar business establishment offering public accommodations for any form of consideration which (1) provides patrons with closed-circuit television transmissions, films, computer-generated images, motion pictures, videocassettes,

slides, or other photographic reproductions twenty-five percent (25%) or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas (as defined in this Title); and (2) rents, leases, or lets any room for less than a six (6) hour period, or rents, leases, or lets any single room more than twice in a twenty-four (24) hour period.

4. **Adult Motion Picture Theater.** An establishment that, for any form of consideration, as a regular and substantial course of conduct offers to show films, computer-generated images, motion pictures, videocassettes, slides, or other photographic reproductions that are characterized by an emphasis upon specified sexual activities or the exposure of specified anatomical areas as defined in this Title.
5. **Adult Retail Store.** An establishment that, for any form of consideration, as a regular and substantial course of conduct (twenty-five percent (25%) or more of the stock) offers for sale, rent, or viewing either adult entertainment material, adult entertainment merchandise, or both.

Single-Room Occupancy (SRO) Facility. A room or efficiency unit, as defined by Health and Safety Code §17958.1, intended or designed to be used, or which is used, rented, or hired out, to be occupied, or which is occupied, as a primary residence, by guests. It is a multi-unit housing facility that typically consists of a single room and shared bath. It may also include a shared common kitchen and common activity area. SROs may be restricted to seniors or be available to persons of all ages. Dormitories are separately defined under “group residential.”

Smoke Shop. An establishment that either devotes more than fifteen percent (15%) of its total floor area to smoking, drug, and/or tobacco paraphernalia, or devotes more than a ten foot (10') by five foot (5') (two feet in depth maximum) section of shelf space for display for sale of smoking, drug, and/or tobacco paraphernalia.

Solar Power Station. A facility, that is the primary use of the site, where solar energy is collected and converted into electrical energy (e.g., solar farms).

Storage, Personal Storage Facility. A structure or group of structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces and characterized by low parking demand.

Storage, Warehouse. Facility for the storage of furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include warehouse, storage, or mini-storage facilities offered for rent or lease to the general public (see “storage, personal storage facility”) or warehouse facilities in which the primary purpose of storage is for wholesaling and distribution (see “wholesaling and distribution”).

Storage, Yard. The storage of various materials outside of a structure other than fencing, either as an accessory or principal use.

Supportive Housing. Housing that is linked with on- or off-site services that assist the resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, where possible, work in the community. Per state law, these uses may not be regulated differently than other dwellings. In accordance with Health and Safety Code §50675.14, there is no limit on the length of stay and such facilities are occupied by a target population that includes, among other populations,

adults, emancipated youth, families, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people who are:

1. Low income having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions; or
2. Individuals eligible for services provided under the Lanterman Development Disabilities Services Act (Division 4.5 of the Welfare and Institutions Code).

Swap Meets. The temporary gathering of people and secondhand goods for the sale or trade of those products, whether out-of-doors or within a structure. Swap meets are considered temporary uses regulated by article 9-4C.

T. "T" Definitions

Tattoo Parlor. Any establishment that engages in the business of tattooing and/or branding human beings. This listing does not include permanent makeup services when incidental to a personal services use (e.g., beauty shops).

Telecommunication Facility. Facility designed and/or used for the purpose of transmitting, receiving, or relaying voice and/or data signals from various wireless communication devices, including transmission tower, antenna, and/or other facility designed or used for that purpose. Telecommunication facilities are divided into two types as follows:

1. **Telecommunication Facility – Major.** A communication facility that:
 - a. Is a freestanding ground-mounted facility; or
 - b. Is a structure or roof-mounted facility that is more than ten feet (10') above the structure roof line; and
 - c. Is not specifically identified as a minor facility below.

Examples include, but are not limited to, the following:

- a. Telecommunication towers (cellular towers);
 - b. Satellite earth station (SES) antennas that are more than two (2) meters in diameter; and
 - c. Parabolic antennas, direct broadcast satellite (DBS) antennas, and multi-point distribution service (MDS) antennas that are more than one (1) meter in diameter.
2. **Telecommunication Facility – Minor.** Any wireless communication facility that is either (1) operated exclusively as part of a public safety network, or (2) specifically exempt from local regulation by state or federal law or rule (including but not limited to the Telecommunications Act of 1996 and 47 C.F.R. §1.4000). Examples include, but are not limited to, the following:
 - a. Amateur radio transmission facilities which comply with the standards of section 9-4D-14 (telecommunication facilities);
 - b. Satellite earth station (SES) antennas that are two (2) meters in diameter or less;
 - c. Parabolic antennas, direct broadcast satellite (DBS) antennas, and multi-point distribution service (MDS) antennas that are one (1) meter in diameter or less.

Temporary Construction Office. An office established for purposes of a construction project, usually contained within a trailer or other mobile structure. Temporary construction offices are considered temporary uses regulated by article 9-4C.

Temporary Sales Office. An office established for purposes of selling lots or homes as part of new residential subdivisions and located within the subdivision for which the sales are occurring. Temporary sales offices may be located within a trailer or other mobile structure or within a model home or other structure. Temporary sales offices are considered temporary uses regulated by article 9-4C.

Theater/Auditorium. Indoor facilities for public assembly and group entertainment, other than sporting events (e.g., civic theaters, facilities for live theater and concerts, exhibition and convention halls, motion picture theaters, auditoriums). Does not include outdoor theaters, concert and similar entertainment facilities, and indoor and outdoor facilities for sporting events; see “outdoor commercial recreation.”

Thrift Store. A retail establishment selling secondhand goods donated by members of the public.

Transit Facility. Maintenance and service centers for the vehicles operated in a mass transportation system. Includes buses, taxis, railways, etc. Note that taxi operations are subject to police department review as identified in section 3-6A-6 of this municipal code.

Transit Station/Terminal. Passenger stations for vehicular and rail mass transit systems.

Transitional Housing. Housing containing sleeping, kitchen, and bathroom facilities that are used to ease the transition of homeless individuals (including aged-out foster children) to independent living within twenty-four (24) months. Usually provided with supportive services to assist in finding and keeping permanent housing. Per state law, these uses may not be regulated differently than other dwellings.

U. “U” Definitions

Utility Facility and Infrastructure. Includes the following:

1. **Fixed-Base Structures and Facilities.** Facilities serving as junction points for transferring utility services from one transmission voltage to another or to local distribution and service voltages. These uses include any of the following facilities that are not exempted from land use permit requirements by Government Code §53091: electrical substations and switching stations; natural gas regulating and distribution facilities; public water system wells, treatment plants, and storage; telephone switching facilities; and wastewater treatment plants, settling ponds, and disposal fields. These uses do not include office or customer service centers (classified in “offices”) or equipment and material storage yards.
2. **Transmission Lines and Pipelines.** Pipelines for potable water, reclaimed water, natural gas, and sewage collection and disposal, and facilities for the transmission of electrical energy for sale, including transmission lines for a public utility company. Also includes telephone, telegraph, cable television, and other communications transmission facilities utilizing direct physical conduits.

V. “V” Definitions

Vehicle Services – Major. The repair, alteration, restoration, towing, painting, cleaning (e.g., self-service and attended car washes), or finishing of automobiles, trucks, recreational vehicles, boats, farm equipment, and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This use includes major repair and body work-repair facilities dealing with entire vehicles; such establishments typically provide towing, collision repair, other body work, and painting services and may also include tire recapping establishments.

Vehicle Services – Minor. Minor facilities specialize in limited aspects of repair and maintenance (e.g., muffler and radiator shops, quick-lube, smog check). Does not include repair shops that are part of a vehicle dealership on the same site (see “auto and vehicle sales”) or automobile dismantling yards, which are included under “recycling facility – scrap and dismantling.”

Veterinary Facility. Veterinary facility that is primarily enclosed, containing only enough cage arrangements as necessary to provide services for domestic and exotic animals requiring acute medical or surgical care with accessory outdoor use that provides long-term medical care. Grooming and boarding of animals is allowed only if accessory to the facility use.

W. “W” Definitions

Wholesaling and Distribution. Establishments engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Includes such establishments as agents, merchandise or commodity brokers, and commission merchants, assemblers, buyers, and associations engaged in the cooperative marketing of farm products, merchant wholesalers, and stores primarily selling electrical, plumbing, heating and air conditioning supplies and equipment.

X. “X” Definitions

Reserved for future use.

Y. “Y” Definitions

Reserved for future use.

Z. “Z” Definitions

Reserved for future use.

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Chapter 4: Use Regulations

Article B: Allowed Uses and Required Entitlements

Sections:

- 9-4B-1 Purpose
- 9-4B-2 Allowed Uses and Required Entitlements

Draft Zoning Code Changes:

- *Allowed use regulations have been consolidated into a single table and updated to reflect current laws, best practices, and consistency with the General Plan and recently adopted ordinances.*

9-4B-1 Purpose

The purpose of this chapter is to establish allowed land uses and requirements for planning entitlements for each of the City's base zoning districts. Allowed uses herein are consistent with and implement the City's general plan corresponding land use designations as shown in table 9-4B-2 (allowed uses and required entitlements for base zoning districts).

9-4B-2 Allowed Uses and Required Entitlements

Table 9-4B-2 identifies allowed uses and corresponding requirements for land use permits and entitlements for all base zoning districts within the City of Lemoore. Definitions for the land uses listed herein (use classifications) are provided in section 9-4A-5 (description of land uses). See additional use requirements in article 9-4D (special use standards). Uses are organized into common categories as follows:

1. Residential Uses;
2. Agricultural and Animal-Related Uses;
3. Recreation, Resource Preservation, Open Space, Education, and Public Assembly Uses;
4. Utility, Transportation, Public Facility, and Communication Uses;
5. Retail, Service, and Office Uses;
6. Automobile and Vehicle Uses;
7. Industrial, Manufacturing, and Processing Uses; and
8. Temporary Uses.

Zoning district names for the zoning district symbols used in the table are as follows:

1. Residential Zoning Districts
 - a. AR = Agricultural and Rural Residential
 - b. RVLDD = Very Low Density Residential

- c. RLD = Low Density Residential
 - d. RN = Neighborhood Residential
 - e. RLMD = Low-Medium Density Residential
 - f. RMD = Medium Density Residential
 - g. RHD = High Density Residential
2. Mixed Use Zoning Districts
- a. DMX-1 = Downtown Mixed Use, Core
 - b. DMX-2 = Downtown Mixed Use, Intermediate
 - c. DMX-3 = Downtown Mixed Use, Edge
 - d. MU = Mixed Use
3. Office, Commercial, and Industrial Zoning Districts
- a. NC = Neighborhood Commercial
 - b. RC = Regional Commercial
 - c. PO = Professional Office
 - d. ML = Light Industrial
 - e. MH = Heavy Industrial
4. Special Purpose Zoning Districts
- a. W = Wetlands
 - b. AG = Agriculture
 - c. PR = Parks and Recreation
 - d. CF = Public Services and Community Facilities

Any land use shown with a “P” indicates that the land use is permitted by right; an “A” indicates that the land use is permitted in the designated zoning district upon issuance of an administrative use permit (pursuant to article 9-2B); a “H” indicates that the land use is permitted in the designated zoning district upon issuance of a home occupation permit (pursuant to article 9-2B); a “C” indicates that the land use is permitted in the designated zoning district upon issuance of a conditional use permit (pursuant to article 9-2B); and an “N” indicates that the use is not allowed. Except as otherwise provided for in this Title, uses not shown in the table are not permitted.

Table 9-4B-2: ALLOWED USES AND REQUIRED ENTITLEMENTS FOR BASE ZONING DISTRICTS																				
Land Use/ Zoning District	Residential Zoning Districts							Mixed Use Zoning Districts				Office, Commercial, and Industrial Zoning Districts					Special Purpose Zoning Districts			
	AR	RVLD	RLD	RN	RLMD	RMD	RHD	DMX-1	DMX-2	DMX-3	MU	NC	RC	PO	ML	MH	W	AG	PR	CF
Residential Uses																				
Caretaker Housing	C	P	P	P	P	P	P	P	P	P	P	C	C	P	P	P	C	N	C	C
Child Day Care Facility – Family Day Care Home, Large ¹	N	A	A	A	A	A	A	A	A	A	A	N	N	N	N	N	N	N	N	N
Child Day Care Facility – Family Day Care Home, Small	N	P	P	P	P	P	P	P	P	P	P	N	N	N	N	N	N	N	N	N
Dwelling, Multi-Family	N	N	N	N	P	P	P	P ²	P	P	P	N	N	P	N	N	N	N	N	N
Dwelling, Second Unit ³	N	A	A	A	A	A	A	N	A	A	N	N	N	N	N	N	N	N	N	N
Dwelling, Single-Family	P	P	P	P	P	P	N	N	A	P	N	N	N	N	N	N	N	N	N	N
Dwelling, Two-Family	N	N	A	P	P	P	N	N	P	P	N	N	N	N	N	N	N	N	N	N
Emergency Shelter	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N	N	N	N	P
Employee Housing, Large	C	C	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Employee Housing, Small	P	P	P	P	P	P	N	N	P	P	N	N	N	N	N	N	N	N	N	N
Group Residential	N	N	N	N	N	P	P	P	P	P	P	N	N	N	N	N	N	N	N	C
Guest House	P	P	P	P	P	P	N	N	P	P	N	N	N	N	N	N	N	N	N	N

P = Permitted by right | A = Administrative Use Permit required | H = Home Occupation Permit required | C = Conditional Use Permit required | N = Not Permitted

Table 9-4B-2: ALLOWED USES AND REQUIRED ENTITLEMENTS FOR BASE ZONING DISTRICTS																				
Land Use/ Zoning District	Residential Zoning Districts							Mixed Use Zoning Districts				Office, Commercial, and Industrial Zoning Districts					Special Purpose Zoning Districts			
	AR	RVLD	RLD	RN	RLMD	RMD	RHD	DMX-1	DMX-2	DMX-3	MU	NC	RC	PO	ML	MH	W	AG	PR	CF
Home Occupation ⁴	H	H	H	H	H	H	H	H	H	H	N	N	N	N	N	N	N	N	N	N
Live-Work Facility ⁵	N	N	N	N	N	N	A	A	A	A	A	A	N	N	N	N	N	N	N	N
Mobile Home Park ⁶	N	C	C	C	C	A	A	N	N	N	N	N	N	N	N	N	N	N	N	N
Recreational Vehicle Park ²⁴	N	N	N	N	N	N	N	N	N	N	N	N	C	N	C	N	N	N	N	N
Residential Care Facility	N	N	N	N	C	C	P	N	N	N	C	C	N	N	N	N	N	N	N	N
Residential Care Home	N	P	P	P	P	P	P	C	P	P	P	N	N	N	N	N	N	N	N	N
Single-Room Occupancy (SRO) Facility	N	N	N	N	N	N	P	C	C	C	N	N	N	N	N	N	N	N	N	N
Supportive Housing	P	P	P	P	P	P	P	P	P	P	P	N	N	N	N	N	N	N	N	N
Transitional Housing	P	P	P	P	P	P	P	P	P	P	P	N	N	N	N	N	N	N	N	N
Agricultural and Animal-Related Uses																				
Agricultural Tourism	P	N	N	N	N	N	N	N	C	C	N	N	N	N	P	P	N	N	N	P
Animal Husbandry	C	N	N	N	N	N	N	N	N	N	N	N	N	N	C	C	N	P	N	N
Animal Keeping	P	P	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	N	N
Animal Sales and Grooming	N	N	N	N	N	N	N	P	P	P	P	P	P	N	N	N	N	N	N	N
Crop Production	P	C	A ⁶	N	N	N	N	N	N	N	N	N	N	N	A	A	N	P	N	N
Equestrian Facility, Commercial	P	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	N

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Equestrian Facility, Hobby	C	P	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	C
Household Pet	P	P	P	P	P	P	P	P	P	P	P	N	N	N	N	N	N	N	N	N
Kennel	P	N	N	N	N	N	N	N	N	N	N	N	C ⁸	C ⁸	P	N	N	N	N	N
Veterinary Facility	P	N	N	N	N	N	N	P	P	P	P	P	P	P	P	N	N	N	N	N
Recreation, Resource Preservation, Open Space, Education, and Public Assembly Uses																				
Assembly Uses	A	N	C	C	A	A	A	A	A	A	A	A	A	P	C	N	N	N	A	A
Cemetery/ Mausoleum	C	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	P
Community Garden ⁹	A	A	A	A	A	A	A	A	A	A	N	N	N	A	N	N	N	N	A	A
Indoor Amusement/ Entertainment Facility ¹⁰	N	N	N	N	N	N	N	P	P	C	P	P	P	N	C	N	N	N	P	P
Indoor Fitness and Sports Facility	N	N	N	N	N	N	N	P	P	C	P	P	P	C	C	N	N	N	P	P
Library/Museum	N	N	N	N	N	N	N	P	P	P	C	N	C	P	N	N	N	N	P	P
Outdoor Commercial Recreation	N	N	N	N	N	N	N	p ¹¹	p ¹¹	p ¹¹	N	N	N	N	C	N	N	N	P	P
Park/Public Plaza	N	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N	N	P	P
Resource Protection and Restoration	P	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	N	P	P

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Resource-Related Recreation	P	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	N	P	P
School, Academic-Private and Charter	N	N	C	C	C	C	C	N	N	N	C	N	N	N	N	N	N	N	N	P
School, Academic-Public	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N	P	P
School, Colleges and Universities-Private	N	N	N	N	N	N	N	N	N	N	C	N	N	P	C	N	N	N	N	P
School, Colleges and Universities-Public	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N	P	P
School, Equipment/Machinery/Vehicle Training	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	C	N	N	N	P
School, Specialized Education and Training/Studio	N	N	N	N	N	N	N	P	P	C	P	P	P	P	C	N	N	N	N	N
Theater/Auditorium	N	N	N	N	N	N	N	P	C	C	P	P	P	N	N	N	N	N	P	P
Utility, Transportation, Public Facility, and Communication Uses																				
Airport	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Ambulance Service	N	N	C	N	N	N	N	N	N	N	N	N	P	P	P	N	N	N	N	N
Broadcasting and Recording Studio	N	N	N	N	N	N	N	P ¹¹	P ¹¹	C ¹¹	C	C	P	P	P	N	N	N	N	N

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Bus and Transit Shelter	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N	P	P
Fuel Storage and Distribution	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	C	N	N	N	N
Heliport	N	N	N	N	N	N	N	N	N	N	N	N	C	C	C	C	N	N	N	N
Park and Ride Facility	N	N	N	N	N	N	N	P	P	N	P	P	P	P	P	P	N	N	P	P
Parking Facility	N	N	N	N	N	N	N	P	P	C	P	P	P	P	P	P	N	N	N	N
Public Safety Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N	P	P
Solar Power Station	C	N	N	N	N	N	N	N	N	N	N	N	N	N	C	C	N	N	N	C
Telecommunication Facility – Major ¹²	N	N	N	N	N	N	N	C ¹³	C ¹³	N	C ¹³	C ¹³	C ¹³	N	C ¹³	C ¹³	N	N	C ¹³	C ¹³
Telecommunication Facility – Minor ¹²	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N	P	P
Transit Facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	N	N	N	P
Transit Station/Terminal	N	N	N	N	N	N	N	P	N	N	P	P	P	C	P	P	N	N	N	P
Utility Facility and Infrastructure	P	P	P	P	P	P	P	N	N	N	P	P	P	P	P	P	P	N	P	P
Retail, Service, and Office Uses																				
Adult Day Health Care Facility	N	N	N	N	N	N	C	N	C	C	C	C	C	P	N	N	N	N	N	N
Alcoholic Beverage Sales, Off-Site ¹⁴	N	N	N	N	N	N	N	C	C	C	C	C	C	C	C	N	N	N	N	N

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Alcoholic Beverage Sales, On-Site ¹⁴	See “bar/nightclub” and “restaurant”																			
Art, Antique, Collectable	N	N	N	N	N	N	N	P ¹⁵	P ¹⁵	P ¹⁵	P	P	P	N	N	N	N	N	N	N
Artisan Shop	N	N	N	N	N	N	N	P ¹⁵	P ¹⁵	P ¹⁵	P	P	P	N	N	N	N	N	N	N
Banks and Financial Services	N	N	N	N	N	N	N	P ¹⁵	P ¹⁵	P ¹⁵	P	P	P	P	N	N	N	N	N	N
Bar/Nightclub ¹⁴	N	N	N	N	N	N	N	C	C	N	C	C	C	N	N	N	N	N	N	N
Bed and Breakfast Inn	N	N	N	N	N	N	N	N	P	P	P	C	N	N	N	N	N	N	N	N
Building Materials Store/ Yard	N	N	N	N	N	N	N	P ^{11, 15}	P	N	C	P	P	N	N	N	N	N	N	N
Business Support Services	N	N	N	N	N	N	N	P ¹⁵	P ¹⁵	C	P	P	P	P	N	N	N	N	N	N
Call Center	N	N	N	N	N	N	N	N	N	N	N	P	N	P	C	N	N	N	N	N
Card Room	N	N	N	N	N	N	N	C ¹⁵	C ¹⁵	N	N	N	C	N	N	N	N	N	N	N
Crematory	N	N	N	N	N	N	N	N	N	N	N	N	C	N	C	P	N	N	N	N
Check Cashing Business	N	N	N	N	N	N	N	N	N	N	N	C	C	N	N	N	N	N	N	N
Child Day Care Facility – Child Day Care Center	N	N	N	C	C	A	A	C	N	P	P	P	P	P	N	N	N	N	N	N
Consignment Store	N	N	N	N	N	N	N	P ¹⁵	C ¹⁵	N	C	P	P	P	N	N	N	N	N	N
Convenience Store	N	N	N	N	N	N	N	P ¹⁵	P ¹⁵	C ¹⁵	P	P	P	P	N	N	N	N	N	N

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Drive-in and Drive-through Sales and Service ¹⁶	N	N	N	N	N	N	N	N	N	N	N	C	A	N	N	N	N	N	N	N
Equipment Sales and Rental	N	N	N	N	N	N	N	N	N	N	N	N	C	N	P	P	N	N	N	N
Garden Center/ Plant Nursery	N	N	N	N	N	N	N	P ¹⁵	P ¹⁵	N	N	P	P	N	N	N	N	N	N	N
Grocery Store/ Supermarket	N	N	N	N	N	N	N	N	N	N	N	P	P	N	N	N	N	N	N	N
Hookah Parlor	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Hotel and Motel	N	N	N	N	N	N	N	P	N	N	P	P	P	P	N	N	N	N	N	N
Maintenance and Repair of Small Equipment	N	N	N	N	N	N	N	P ¹⁵	P ¹⁵	C ¹⁵	C	P	P	P	P	P	N	N	N	N
Massage Therapy ¹⁷	N	N	N	N	N	N	N	A	N	N	A	A	A	N	N	N	N	N	N	N
Medical Marijuana Dispensary	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Medical Services, Extended Care	N	N	N	N	N	N	N	C	C	C	P	P	P	P	N	N	N	N	N	N
Medical Services, General	N	N	N	N	N	N	N	P	P	P	P	P	P	P	N	N	N	N	N	N
Medical Services, Hospital	N	N	C	C	C	C	C	N	N	N	C	C	P	P	C	N	N	N	N	N
Mortuary/Funeral Home	N	N	N	N	N	N	N	C	C	C	C	P	P	P	N	N	N	N	N	N

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	AR	RVLD	RLD	RN	RLMD	RMD	RHD	DMX-1	DMX-2	DMX-3	MU	NC	RC	PO	ML	MH	W	AG	PR	CF
Neighborhood Market	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N	N	N	N	N	N
Office, Accessory	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P	P	N	N	P	P
Office, Business and Professional	N	N	N	N	N	N	N	P	P	P	P	N	N	P	N	N	N	N	N	N
Pawn Shop	N	N	N	N	N	N	N	C	C	N	N	P	P	N	N	N	N	N	N	N
Personal Services	N	N	N	N	N	N	N	P	P	P	P	P	P	P	N	N	N	N	N	N
Restaurant	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P	N	N	N	N	N
Retail, Accessory	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P	P	N	N	N	N
Retail, General	N	N	N	N	N	N	N	P ^{11, 15}	P ^{11, 15}	P ^{11, 15}	P ¹⁸	P ¹⁸	P	N	N	N	N	N	N	N
Retail, Warehouse Club	N	N	N	N	N	N	N	N	N	N	N	N	P	N	N	N	N	N	N	N
Semi-Permanent Mobile Food Vehicle ¹⁹	N	N	N	N	N	N	N	N	N	N	N	A	A	N	A	A	N	N	N	N
Sexually Oriented Business ²⁰	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	C	N	N	N	N
Smoke Shop	N	N	N	N	N	N	N	C	N	N	C	C	P	N	N	N	N	N	N	N
Tattoo Parlor	N	N	N	N	N	N	N	C	C	N	N	N	C	N	N	N	N	N	N	N
Thrift Store ²¹	N	N	N	N	N	N	N	C	C	N	N	A	A	N	N	N	N	N	N	N
Automobile and Vehicle Uses																				
Auto and Vehicle Rental	N	N	N	N	N	N	N	N	N	N	P	N	P	P	P	P	N	N	N	N

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	AR	RVLD	RLD	RN	RLMD	RMD	RHD	DMX-1	DMX-2	DMX-3	MU	NC	RC	PO	ML	MH	W	AG	PR	CF
Auto and Vehicle Sales	N	N	N	N	N	N	N	N	N	N	N	N	P	N	N	N	N	N	N	N
Auto and Vehicle Sales, Wholesale	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	N	N	N	N
Auto and Vehicle Storage	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	N	N	N	N
Auto Parts Sales	N	N	N	N	N	N	N	N	P ^{11, 15}	N	N	P	P	P	P	P	N	N	N	N
Auto Vehicle Dismantling	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	P	N	N	N	N
Car Washing and Detailing	N	N	N	N	N	N	N	N	P	N	N	C	P	N	P	P	N	N	N	N
Fueling Station ²²	N	N	N	N	N	N	N	N	C	N	N	C	A	A	A	A	N	N	N	N
Vehicle Services – Major	N	N	N	N	N	N	N	N	C	N	N	N	N	N	P	P	N	N	N	N
Vehicle Services – Minor	N	N	N	N	N	N	N	N	C ²³	N	N	C ²³	C ²³	N	C ²³	C ²³	N	N	N	N
Industrial, Manufacturing, and Processing Uses																				
Agricultural Products Processing	C	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	N	N	N	N
Freight Yard/Truck Terminal	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	N	N	N	N
Manufacturing, Major	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	P	N	N	N	N

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Manufacturing, Minor	N	N	N	N	N	N	N	N	N	N	N	N	N	C	P	P	N	N	N	N
Manufacturing, Small-Scale	N	N	N	N	N	N	N	N	N	N	N	N	N	P ²³	P	P	N	N	N	N
Printing and Publishing	N	N	N	N	N	N	N	N	C ¹¹	N	N	P	P	P	P	P	N	N	N	N
Recycling Facility – Collection	N	N	N	N	N	N	N	N	C	N	P	P	P	N	P	P	N	N	N	N
Recycling Facility – Processing	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	P	N	N	N	N
Recycling Facility – Scrap and Dismantling	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	P	N	N	N	N
Research and Development	N	N	N	N	N	N	N	N	N	N	N	N	N	P ²³	P	P	N	N	N	N
Storage, Personal Storage Facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	N	N	N	N
Storage, Warehouse	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	N	N	N	N
Storage, Yard	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	N	N	N	N
Wholesaling and Distribution	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	N	N	N	N
Temporary Uses																				
Construction Yard/ Storage Shed		See article 9-4C (temporary uses)																		

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Entertainment and Assembly Events	See article 9-4C (temporary uses)																		
Farmers Market	See article 9-4C (temporary uses)																		
Garage/Yard Sale	See article 9-4C (temporary uses)																		
Interim Agricultural Use	See article 9-4C (temporary uses)																		
Seasonal Sale	See article 9-4C (temporary uses)																		
Swap Meets	See article 9-4C (temporary uses)																		
Temporary Construction Office	See article 9-4C (temporary uses)																		
Temporary Sales Office	See article 9-4C (temporary uses)																		
Nonconforming Uses																			
Nonconforming Uses	See article 9-2C (nonconforming uses, structures, and properties)																		
Notes																			
<ol style="list-style-type: none"> 1. See additional regulations for large family daycare homes in section 9-4D-7. 2. Only permitted on the first floor when located along an alley or side street; otherwise must be on an upper floor. 3. See additional regulations for second dwelling units in section 9-4D-12. 4. See additional regulations for home occupations in section 9-4D-5. 5. See additional regulations for live-work facilities in section 9-4D-8. 6. See additional regulations for mobile home parks in section 9-4D-10 7. Minimum lot size shall be 20,000 square feet. 8. All activities and storage shall be located within an enclosed structure(s). 9. See additional regulations for community gardens in section 9-4D-3. 																			

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10. See special permit requirements in article 3-4C.
11. Maximum tenant space shall be 10,000 square feet.
12. See additional regulations for telecommunication facilities in section 9-4D-15.
13. Facilities less than 75 feet (75') tall are permitted by right, except that major site plan and architectural review is still required. Otherwise, a conditional use permit is required in addition to major site plan and architectural review.
14. See additional regulations for alcoholic beverage sales in section 9-4D-2.
15. Use is permitted by right when located on the ground floor. Otherwise, a conditional use permit is required.
16. See additional regulations for drive-in and drive-through facilities in section 9-4D-4.
17. See additional regulations for massage therapy in section 9-4D-9. Additionally, see additional permit requirements in chapter 4-7.
18. Maximum tenant space shall be 30,000 square feet.
19. See additional regulations for semi-permanent mobile food vendors in section 9-4D-13.
20. See additional regulations for sexually oriented businesses in section 9-4D-14.
21. See additional regulations for thrift stores in section 9-4D-16.
22. See additional regulations for fueling stations in section 9-4D-6.
23. Use is permitted by right when located more than five hundred feet (500') from a residential use or district.
24. See additional regulations for recreational vehicle parks in section 9-4D-11.

P = Permitted by right | A = Administrative Use Permit required | H = Home Occupation Permit required | C = Conditional Use Permit required | N = Not Permitted

Chapter 4: Use Regulations

Article C: Temporary Uses

Sections:

- 9-4C-1 Purpose
- 9-4C-2 Permit Requirements and Exemptions
- 9-4C-3 General Development Standards for Temporary Uses
- 9-4C-4 Standards for Specific Temporary Uses

Draft Zoning Code Changes:

- *This is a new article addressing the temporary use of property for special events and uses.*
- *A temporary use permit as described in article 9-2B is required for certain temporary uses as described in this article. There is a category of temporary activities that are exempt from permit requirements.*

9-4C-1 Purpose

The purpose of this article is to establish development standards for temporary activities, such as special events and uses, to ensure the overall health, safety, and general welfare of the community is maintained.

9-4C-2 Permit Requirements and Exemptions

Uses of property (including land, buildings, and structures) and activities that are temporary in nature shall comply with the permit requirements described below. The process for application for and review and issuance of a temporary use permit shall be as described in section 9-2B-4 (temporary use permit).

A. Temporary Uses Exempt from Permit Requirements

The following temporary activities and uses are allowed by right and expressly exempt from the requirement of first obtaining a temporary use permit, provided they conform to the listed development standards. Uses that fall outside of the categories defined shall be required to obtain a temporary use permit.

1. Car washes of a temporary nature (e.g., school fundraisers).
2. Construction yards, storage sheds, and construction offices (on-site) in conjunction with an approved construction project where the yard and/or shed are located on the same site as the approved project.
3. Emergency public health and safety facilities established by a public agency.
4. Entertainment and assembly events held within auditoriums, stadiums, or other public assembly facilities, provided the proposed use is consistent with the intended use of the facility.
5. Entertainment and assembly events as part of an allowed permanent use (e.g., race at a raceway).

6. Events held exclusively on City property.
7. Events held exclusively on school grounds and that are in conjunction with the school use.
8. Events held exclusively on church grounds and that are in conjunction with the church use.
9. Garage and yard sales held on private property and when occurring no more than three (3) consecutive days two (2) times per calendar year.
10. Outdoor promotional events and seasonal sales related to an existing business with temporary outdoor display and sales of merchandise and seasonal sales in conjunction with an established commercial business that holds a valid business license and is in compliance with the development standards of this Title.
11. Seasonal sales involving fireworks, as these uses are permitted through existing state processes and City business license.
12. Storage containers not in conjunction with an approved construction project when:
 - a. Located on residential property for periods less than seventy-two (72) hours, and
 - b. Located on nonresidential property for periods of no more than forty-five (45) days.
13. Temporary land uses in a zoning district that allows that land use on a permanent basis.

B. Temporary Use Permit Required

The following temporary activities and uses may be allowed, subject to the issuance of a temporary use permit prior to the commencement of the activity or use. Activities or uses that do not fall within the categories defined below, and are not otherwise exempted in subsection A above, shall comply with the use and development regulations and permit requirements that otherwise apply to the property.

1. Construction yards, storage sheds, and construction offices (off-site) in conjunction with an approved construction project, where the yard is located on a site different from the site of the approved construction project.
2. Entertainment and assembly events, including carnivals, circuses, concerts, fairs, festivals, food events, fundraisers, haunted houses, outdoor entertainment/sporting events, and similar events designed to attract large crowds and when not otherwise part of or consistent with a permitted use (e.g., race at a raceway).
3. Extension of nonconforming period as provided in section 9-2C-6-C (extension of nonconforming period).
4. Farmers markets, as defined in this chapter, held on private property.
5. Interim agricultural uses, as defined in this chapter.
6. Swap meets, as defined in this chapter, including flea markets, rummage sales, and similar events held on private property.
7. Seasonal sales as defined in this chapter (e.g., Halloween, Christmas), including temporary residence/security trailers, except when related to an existing business (see section 9-4C-2-A-10).
8. Temporary sales offices as defined in this chapter.

9. Other temporary activities that the planning director determines are similar in nature and intensity to those identified above.

9-4C-3 General Development Standards for Temporary Uses

Standards for height, off-street parking spaces, setbacks, and other structure and property development standard that apply to the category of use or the zoning district of the subject parcel shall apply to all temporary activities. Requirements for long-term improvements that exceed the duration of the temporary use, including but not limited to landscaping and paving of parking lots, shall not be imposed.

9-4C-4 Standards for Specific Temporary Uses

The following standards shall apply to the specific temporary uses described below.

A. Construction Yard/Storage Shed and Temporary Construction Office

Any temporary use permit for a construction yard, storage shed, or temporary construction office shall expire upon completion of the construction project, or the expiration of the accompanying building permit or improvement permit authorizing construction, whichever occurs first.

B. Entertainment and Assembly Events

Entertainment and assembly events when not part of or consistent with a permitted use shall not be permitted for periods of longer than seven (7) days.

C. Extension of Nonconforming Period

As provided in section 9-2C-6-C (extension of nonconforming period), the twelve (12) month nonconforming period for nonconforming uses provided in article 9-2C (nonconforming uses, structures, and properties) may be extended upon issuance of a temporary use permit. All approved extensions shall comply with the following standards:

1. **Public Improvements.** The City may, as part of the approval of the extension of the nonconforming use period, require the completion of improvements to the adjacent public right-of-way consistent with the requirements of this Title.
2. **Time Period.** The designated approving authority shall establish a maximum time period for the extension of the legal nonconforming use status. In no event shall the extension be longer than twenty-four (24) months.

D. Farmers Market

Farmers markets shall not be held for more than two (2) consecutive days per week at the same location.

E. Garage/Yard Sale

Garage sales, yard sales, and similar activities shall not occur more than two (2) times per year, with no sale exceeding three (3) consecutive days.

F. Interim Agricultural Use

Interim agricultural uses, as defined in this chapter and of a commercial operation (e.g., using mechanized commercial equipment) shall only be allowed on vacant property a minimum of one thousand feet (1,000') from an existing residential use. No buildings or structures, other than wells, structures for conservation and drainage protection, and unpaved roads shall be permitted. Operation may include the use of commercial agricultural equipment. Access to the use shall be reviewed and approved by the public works director prior to issuance of the temporary use permit.

G. Seasonal Sale

Seasonal sales shall only be allowed on nonresidential property. The maximum period for seasonal sales shall be forty-five (45) days per sale. No more than two (2) such activities shall be allowed for a property within a twelve (12) month period.

H. Swap Meet

Swap meets and similar activities shall only be allowed on nonresidential property or on vacant residentially zoned property that is a minimum of one thousand feet (1,000') from an existing residential use. The maximum period for swap meets shall be two (2) consecutive days per sale. No more than four (4) such activities shall be allowed for a property within a twelve (12) month period.

I. Temporary Sales Office

Temporary sales offices shall be solely for the sale of homes in the project within which they are located and may be kept until the project is sold out.

Chapter 4: Use Regulations

Article D: Special Use Standards

Sections:

- 9-4D-1 Purpose
- 9-4D-2 Alcoholic Beverage Sales
- 9-4D-3 Community Garden
- 9-4D-4 Drive-In and Drive-Through Facilities
- 9-4D-5 Home Occupations
- 9-4D-6 Fueling Stations
- 9-4D-7 Large Family Daycare Homes
- 9-4D-8 Live-Work Facilities
- 9-4D-9 Massage Therapy
- 9-4D-10 Mobile Home Parks
- 9-4D-11 Recreational Vehicle Parks
- 9-4D-11 Second Dwelling Units
- 9-4D-12 Semi-Permanent Mobile Food Vendors
- 9-4D-13 Sexually Oriented Businesses
- 9-4D-14 Telecommunication Facilities
- 9-4D-15 Thrift Stores

Draft Zoning Code Changes:

- *This new article lists the special development standards and permit requirements for special uses.*
- *Existing regulations for large family daycare homes, semi-permanent mobile food vendors, and home occupations have been carried over.*
- *New regulations have been established for certain activities, including community gardens, drive-in and drive-through facilities, fueling stations, telecommunication facilities, and thrift stores.*

9-4D-1 Purpose

The purpose of this article is to establish site planning, development, and/or operating standards for certain land uses. It is the City's intent in establishing these standards to mitigate the potential adverse impacts of these uses and activities on adjacent and surrounding land uses by applying special design requirements, regulating activities within the use, and establishing special setback and other development standards.

The regulations and standards contained within this article shall apply only to those uses specifically listed in the corresponding section and shall be in addition to any other development standards and regulations contained elsewhere within this Title (e.g., lighting, landscaping, parking, signage). These uses may only be located in those zoning districts as described in, and shall only be authorized in concert

with, the permit requirements of article 9-4B (allowed uses and required entitlements). Where the special standards in this article conflict with the standards of the underlying base zoning district, the special standards in this article shall prevail.

9-4D-2 Alcoholic Beverage Sales

A. Purpose and Applicability

The purpose of these regulations is to regulate the location of commercial retail sales of alcoholic beverages for specific types of on-site and off-site consumption through the application of development standards to minimize the potential public health and safety effects on the community. These standards shall apply to the sale of alcoholic beverages for on-site consumption when not associated with eating places (e.g., restaurants) and for off-site consumption.

B. Allowed Use Regulations

The sale of alcoholic beverages for both on-site and off-site consumption shall only be permitted in compliance with the allowed use and permit requirements listed in article 9-4B (allowed uses and required entitlements). Sale of alcoholic beverages for on-site and off-site consumption shall only be allowed after issuance of a conditional use permit. Note that the requirement for a conditional use permit is in addition to any requirement that the state Department of Alcohol Beverage Control may impose under §23958.4 of the Business and Professional Code for a letter of public convenience and necessity (see section 9-2B-x).

C. Special Application Materials

In addition to completing a permit application for a conditional use permit as required by this Title, an application for a use permit for on-site and off-site sales of alcoholic beverage as regulated by this section shall also include the following information:

1. The distance to the nearest park;
2. The distance to the nearest school;
3. The distance to the nearest church; and
4. A listing of all existing sales of alcoholic beverages within one (1) mile of the proposed location.

D. Development Standards

Unless otherwise allowed through subsection 9-4D-2-E below, all sales of alcoholic beverages for on-site or off-site consumption as regulated by this section shall comply with the following development standards:

1. No establishment shall be within one thousand feet (1,000') of a church, school, or park;
2. There shall be no more than one (1) establishment within any single shopping center;
3. No more than two (2) establishments shall be located within one thousand feet (1,000') of a major roadway intersection.

E. Deviations from Development Standards

Establishments selling alcoholic beverages for on-site or off-site consumption as regulated by this section may be allowed to deviate from the development standards listed in subsection 9-4D-2-D above if the approving authority makes all of the following findings:

1. The location of the use will not result in adverse impacts on park facilities, school facilities, existing religious land uses, and/or existing residential land uses.
2. The traffic increases associated with the use will not result in potential hazards to existing pedestrian and/or vehicular traffic.
3. The development conforms to all applicable provisions of the zoning code.

9-4D-3 Community Garden

A. Purpose

The purpose of these regulations is to ensure that community gardens are operated and maintained in a manner compatible with surrounding (primarily residential) development.

B. Development Standards

Community gardens shall comply with all of the following development standards:

1. **Use.** Community gardens are limited to the cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity.
2. **Animal Keeping.** The keeping of livestock and animals is prohibited.
3. **Minimum Size.** The minimum lot size for community gardens shall be one (1) acre.
4. **Setbacks.** Accessory buildings and structures shall comply with the accessory structure setback requirements listed in section 9-5A-8 (residential accessory structures). Crop areas must be set back at least three feet (3') from all property lines.
5. **Height.** Garden and farm-related buildings and structures may not exceed twenty feet (20') in height.
6. **Fencing.** Fencing shall be provided around the site consistent with the standards of section 9-5A-7 (fencing and walls).
7. **Use of Chemicals.** The use of commercial-grade pesticides as part of a community garden is prohibited.
8. **Harvest Sales.** A maximum of four (4) harvest sales shall be allowed annually from the garden site.

9-4D-4 Drive-In and Drive-Through Facilities

A. Purpose

The purpose of this section is to regulate drive-through windows and remote tellers with development standards that address the mitigation of traffic, congestion, excessive pavement, pedestrian connections, litter, and noise.

B. Applicability

Development standards herein shall apply to all new facilities with drive-in and drive-through sales and services and will be reviewed in conjunction with the required conditional use permit and/or site plan and architectural review application.

C. Development and Design Standards

The following standards shall be the minimum requirements for all drive-in and drive-through facilities. Deviations to these provisions may be considered through the issuance of a site plan and architectural review permit.

1. **Site Area.** The minimum site area for drive-in and drive-through facilities shall be one (1) acre.
2. **Aisles.** The minimum standards for drive-through aisles are as follows:
 - a. Aisles shall have a twelve foot (12') minimum width on curves and an eleven foot (11') minimum width on straight sections.
 - b. Aisles shall provide at least one hundred eighty feet (180') of reservoir space for each facility, as measured from the service window to the entry point into the drive-up lane. Non-food and/or non-beverage businesses may reduce the stacking space to a minimum of sixty feet (60'). Exceptions may be granted by the designated approving authority when an applicant demonstrates that the required reservoir space is unnecessary.
 - c. Aisle entrances and exits shall be at least one hundred fifty feet (150') from an intersection of public rights-of-way, measured at the closest intersecting curbs, and at least fifty feet (50') from the curb-cut on an adjacent property. Exceptions may be granted by the designated approving authority when aisle pullout spaces are provided.
 - d. Aisles shall be separated from the site's ingress and egress routes or access to a parking space.
 - e. Landscaping of drive-through aisles. Landscaping of drive-through aisles shall be consistent with the requirements for landscaping of parking lots as provided in section 9-5D-E-3 (landscaping of parking lots) to screen vehicles.
3. **Pedestrian Access and Crossings.** Pedestrian access shall be provided from each abutting street to the primary entrance with a continuous, minimum four foot (4') wide sidewalk or delineated walkway. Generally, pedestrian walkways should not intersect the drive-through aisles, but where they do the walkways shall have clear visibility and shall be delineated by textured and colored paving and shall be clearly signed to alert vehicles in the drive-through aisles
4. **Parking.** Drive-up windows, remote tellers, and drive-through aisles shall be designed and constructed to be consistent with the requirements of article 9-5E (off-street parking and loading). The placement of drive-up windows, remote tellers, and drive-through aisles shall not be considered as justification for reducing the number of parking spaces that are otherwise required.
5. **Noise.** Drive-up windows and their order stations shall be located such that impacts to sensitive receptors (neighbors) are minimized.
6. **Signs.** Signage for drive-up windows and remote tellers shall be consistent with the requirements of article 9-5F (signs).
7. **Drive-Through Windows.** Drive-through windows shall be visible from a public way to ensure that all activity can be viewed from an adjacent street.

9-4D-5 Home Occupations

A. Purpose and Applicability

The regulations contained in this section shall apply to home occupations to ensure the compatibility of the home occupations with the principal residential uses in order to protect the integrity and character of neighborhoods.

B. Approval Process

Home occupations are a permitted use as part of all residential uses. Prior to the establishment of a home occupation, the proprietor of a home occupation shall first obtain a home occupation permit and a business license from the City. The procedures for submittal, review, and approval of the home occupation permit shall be as described in article 9-2B (planning permits and entitlements). No business license shall be issued until a home occupation permit is first issued. Business licenses shall be reviewed and issued consistent with the provisions of Title 3 (business, license, and permit regulations) of this municipal code.

C. Categories of Home Occupations

As described in article 9-2B (planning permits and entitlements), there are two types of home occupations permits – major and minor. Major permits are discretionary in nature and are reserved for those activities that may generate significant vehicular and pedestrian traffic and thereby may adversely impact residential neighborhoods. Minor permits are ministerial and are for those activities that have little or no impact on the neighborhood. Examples of each kind of activity are described below. The planning director shall have the authority to determine if a proposed activity is a major or minor activity, or is an activity prohibited as a home occupation.

1. Minor Home Occupation. Minor home occupations are characterized as small-scale operations that blend in with the surrounding residential neighborhood and are not immediately discernable. These types of occupations do not generate higher levels of traffic than that customarily found in a residential neighborhood, involve the limited shipment of goods, and are uses where no customers visit the home. Examples include, but are not limited to, the following types of occupations:
 - a. Art and craft work such as ceramics, flower arranging, jewelry making, painting, sculpting, and photography;
 - b. Electronic and mail order commerce of goods that ship in packages smaller than one (1) cubic foot; and
 - c. Office uses such as an office for a tax preparer, contractor, architect, attorney, consultant, counselor, engineer, insurance agent, planner, tutor, data and or word processing, and real estate agent where no customers come to the home.
2. Major Home Occupation. Major home occupations are more intensive operations that may have a noticeable impact on surrounding residential land uses as a result of increased traffic (vehicular and pedestrian), the shipment of goods beyond those customary for a residential neighborhood, or noise or odor. Examples include, but are not limited to, the following types of occupations:
 - a. Catalog sale of large merchandise (more than one (1) cubic foot);
 - b. Electronic and mail order commerce of goods that ship in packages larger than one (1) cubic foot;

- c. Furniture striping and refurbishing;
- d. Mobile clinics; and
- e. Office uses such as an office for a contractor, architect, attorney, consultant, counselor, engineer, insurance agent, planner, tutor, data and or word processing, and real estate agent where fewer than five (5) customers come to the home per day.

D. Activities Prohibited as Home Occupations

The following activities are specifically prohibited as home occupations:

1. Ambulance service;
2. Ammunition reloading, including custom reloading;
3. Boardinghouse, bed-and-breakfast hotel, time share condominium;
4. Carpentry, cabinetmakers;
5. Ceramics (kiln of six (6) cubic feet or more);
6. Firearms repair or sales;
7. Health salons, gyms, dance studios, aerobic exercise studios;
8. Massage therapy;
9. Medical, dental, chiropractic, or veterinary clinics (including boarding);
10. Mortician, hearse service;
11. Palm reading and fortune telling;
12. Private clubs;
13. Repair or reconditioning of boats or recreation vehicles;
14. Restaurants or taverns;
15. Retail sales from site (except direct distribution of artist's originals and electronic and mail order commerce);
16. Storage, repair, or reconditioning of major household appliances;
17. Storage, repair, or reconditioning of motorized vehicles or large equipment on-site other than personal use;
18. Tattoo service;
19. Tow truck service; and
20. Welding service.

E. Performance Standards

It is the intent of the following standards to reduce the impact of the home occupation to the degree that its effects on the neighborhood are undetectable from normal and usual residential activity. These standards shall apply to both major and minor home occupation permit applications. Failure to comply with these standards will result in revocation of the home occupation permit and/or business license.

1. **Number of Home Occupations.** There is no limit on the number of home occupations at a residence provided that the performance standards identified in this section are met.
2. **Employees.** Off-site employees or partners are not permitted. Only occupants of the home may work on-site.
3. **Habitable Floor Area.** The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes. Not more than one hundred fifty (150) square feet or fifteen percent (15%) of the floor area of the dwelling, whichever is less, shall be used in the home occupation.
4. **Off-Site Effects.** There shall be no mechanical equipment or operation used which creates or makes dust, odor, vibration, or other effects detectable at the property line. No process shall be used which is hazardous to public health, safety, morals, or welfare.
5. **Sales**
 - a. On-site sales. There shall be no products sold on the premises except artist's originals or products individually made to order on the premises.
 - b. Off-site sales. Off-site sales, including electronic and mail order commerce, shall be permitted.
6. **Display.** There shall be no display of products produced by occupants of the dwelling which are visible in any manner from the outside of the dwelling unit.
7. **Traffic.** The use shall not generate pedestrian or vehicular traffic beyond that which is normal in a residential district nor in any case require the parking of more than two (2) additional vehicles at any one time.
8. **Vehicles.** One truck or van, not more than three-quarter (3/4) ton capacity, may be kept on or adjacent to the premises associated with the home occupation. No campers or semi-trailers incidental to the home occupation shall be kept on the premises.
9. **Storage.** There shall be no storage of material or supplies out-of-doors.
10. **Exterior Appearance.** There shall be no remodeling or construction of facilities especially for the home occupation which changes the external appearance of the neighborhood from a residential to a more commercial look when viewed from the front of the building.
11. **Signs.** Signs shall be allowed for the home occupation in accordance with article 9-5F (signage).
12. **Visitors and Customers.** Visitors and customers shall not exceed those normally and reasonably occurring for a residence, including not more than eight (8) a day, during the hours of eight in the morning (8:00 a.m.) to seven in the evening (7:00 p.m).
13. **Deliveries.** Deliveries shall not exceed those normally and reasonably occurring for a residence. Deliveries of materials for the home occupation shall not involve the use of commercial vehicles except for Fed Ex, UPS, or USPS-type home pickups and deliveries.
14. **Hazardous Materials.** Storage of hazardous materials is limited to below those thresholds as established by the fire department to not require any special permits or licenses.

9-4D-6 Fueling Stations

A. Purpose and Intent

The purpose of this section is to establish requirements for the location and construction of new fueling stations. The intent of these provisions is to ensure that new fueling stations are compatible with surrounding uses and activities by mitigating associated problems with traffic, congestion, excessive pavement and lighting, litter, and hazardous materials.

B. Applicability

The regulations contained in this section shall apply to fueling stations as defined in section 9-4A-5 (description of land uses). The establishment of new fueling stations shall be consistent with the allowed use provisions of article 9-4B (allowed uses and required entitlements) and the standards contained within this section, as well as other development standards as required by this code.

C. Development and Design Standards

The following special standards apply to all new fueling stations and qualifying expansions/improvements to existing fueling stations. Fueling stations shall also comply with all applicable state and federal regulations regarding site design, pricing signs, containment, maintenance, and operations.

1. **Frontage.** The minimum public street frontage shall be one hundred thirty-five feet (135') on each public street for all new fueling stations.
2. **Access Driveways.** Driveway design shall be consistent with the City's improvement standards, except that the minimum width for driveways shall be thirty-five feet (35'). The width shall be expanded to forty-five feet (45') whenever the driveway accesses a street with a width of, or with a planned ultimate width of, eighty-four feet (84') or greater. Driveways shall be no closer than one hundred fifty feet (150') from the nearest intersecting point of street right-of-way lines, or as otherwise determined by the public works director for traffic safety.
3. **Landscaping.** Landscape shall be provided consistent with the provisions of article 9-5D (landscaping).
4. **Signs.** Signs shall be consistent with the standards of article 9-5F (signage).
5. **Fences and Walls.** A wall shall be provided between fueling stations and abutting residential zoning or uses consistent with the provisions of section 9-5A-7 (fences and walls).
6. **Structure Height.** Structures shall observe the height limits of the underlying zoning district, except that canopies constructed over pump islands located outside the buildable area of the lot shall not exceed a maximum height of seventeen feet (17'). Deviations from these standards may be allowed in conjunction with site plan and architectural review.

9-4D-7 Large Family Daycare Homes

The regulations contained in this section shall apply to large family daycare homes as defined in article 9-4A (use classification system). The establishment of new large family daycare homes shall be consistent with the allowed use provisions of article 9-4B (allowed uses and required entitlements) and the standards contained within this section, as well as other development standards as required in the underlying zoning district. Where the standards of the underlying district conflict with the standards herein, these standards shall apply.

A. Location

A large family daycare home facility shall not be located within one thousand feet (1,000') of an existing like facility.

B. Loading and Unloading Area

A safe off-street area, a minimum of ten feet (10') wide and twenty feet (20') long, shall be provided on the subject property for loading and unloading children from vehicles.

C. Hours of Operation

The day care home operation shall be restricted to the period of seven o'clock (7:00) A.M. to seven o'clock (7:00) P.M. The applicant shall be responsible for maintaining low sound levels on the property. The exterior noise level produced by the operation, measured at the property line, shall not exceed sixty (60) dBA.

D. Parking

At least one (1) off-street parking space for employee(s) shall be provided in addition to the two (2) parking spaces required for the dwelling residents, if the employee is not a resident of the subject dwelling.

9-4D-8 Live-Work Facilities

A. Purpose and Applicability

The regulations contained in this section shall apply to live-work facilities as defined in article 9-4A (use classification system). The establishment of new live-work facilities shall be consistent with the allowed use provisions of article 9-4B (allowed uses and required entitlements) and the standards contained within this section, as well as other development standards as required in the underlying zoning district. Where the standards of the underlying district conflict with the standards herein, these standards shall apply.

B. Limitations on Use

The nonresidential component of a live-work facility shall be a use allowed within the applicable zoning district; however, the uses and activities described below shall be prohibited:

1. Any automobile and vehicle uses as listed in article 9-4B (allowed uses and required entitlements).
2. Any industrial, manufacturing, and processing uses as listed in article 9-4B (allowed uses and required entitlements).
3. Any activity which involves:
 - a. Storage of flammable liquids or hazardous materials beyond those normally associated with a residential use; or
 - b. Welding, machining, or any open flame work.
4. Any other activity or use, as determined by the planning director as incompatible with residential activities or have the possibility of affecting the health or safety of live-work unit residents, because of the potential for the use to create dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration, or other impacts, or that would be hazardous because of materials, processes, products, or wastes.

C. Density

Live-work units shall comply with the density regulations of the applicable zoning district.

D. Design Standards

1. **Floor Area Requirements.** No more than fifty percent (50%) of the ground-floor area shall be reserved for living space. Up to one hundred percent (100%) of the ground-floor area may be dedicated to working space.
2. **Separation and Access.** Each live-work unit shall be separated from other units and other uses in the structure. Access to each unit shall be provided from common access areas, corridors, or halls, and the access to each unit shall be clearly separate from other live-work facilities or other uses within the same structure.
3. **Facilities to Accommodate Commercial or Industrial Activities.** A live-work facility shall be designed to accommodate commercial or industrial uses as evidenced by the provision of ventilation, interior storage, flooring, and other physical improvements of the type commonly found in exclusively commercial or industrial facilities used for the same work activity.
4. **Integration of Living and Working Space.** Areas within a live/work unit that are designated as living space shall be an integral part of the live/work and not separated (or occupied and/or rented separately) from the work space, except that mezzanines and lofts may be used as living space subject to compliance with the other provisions of this section, and living and working space may be separated by interior courtyards or similar private space. Exceptions to this requirement may be allowed when the City-adopted building code requires specific occupancy separation.
5. **Parking.** Each live-work facility shall comply with the parking standards of article 9-5E (off-street parking and loading).

E. Non-Resident Employees

Up to two (2) persons who do not reside in the live-work unit may work in the unit at any one time. Additional employment may be permitted through issuance of an administrative use permit based on findings that the employment will not adversely affect traffic and parking conditions in the vicinity of the site.

F. Changes in Use

After approval, a live-work facility shall not be converted to entirely residential use, nor shall the ratio of living space to working space be changed, unless authorized through administrative use permit approval. As part of the approval of the administrative use permit, the designated approving authority must find that the exclusive residential use will not impair the ability of nonresidential uses on and adjacent to the site to continue operating because of potential health or safety concerns or nuisance complaints raised by the exclusively residential use and/or its occupants.

9-4D-9 Massage Therapy

A. Purpose and Intent

The purpose of this section is to establish regulations to allow massage therapy activity to occur. Regulations in this section are intended to reduce impacts to the degree so as to minimize any potential adverse effect such uses have on surrounding commercial or industrial uses.

B. Applicability

The regulations and standards contained in this section shall apply to the establishment of any massage therapy as defined by section 9-4A-5 (description of land uses) in the City and shall be in addition to any other development standards and regulations contained elsewhere within this Title. The establishment of any massage therapy use shall include the opening of such a business as a new business, the relocation of such a business, or the conversion of an existing business location to any massage therapy use.

C. Permit Requirements

Massage therapy establishments regulated by this section shall only be permitted in accordance with article 9-4B (allowed uses and required entitlements) and subject to the special regulations outlined in this section. These requirements are in addition to other permits or certificates required by law.

D. Special Standards

Prior to the establishment of massage therapy uses, the following requirements shall be met.

1. **Permit Required.** In accordance with chapter 4-7, a permit approving the massage therapy business is required prior to establishment of the use.
2. **Permit Posted.** A copy of the massage therapy permit shall be posted in plain view within the establishment.
3. No person who is granted a permit issued pursuant to this section shall operate under any name or conduct his or her business under any designation not specified in his or her permit.
4. **Employee Registration Required.** All employees must be registered with the City as required in section 4-7-7-1.

9-4D-10 Mobile Home Parks

A. Purpose and Applicability

This section applies to mobile home parks within the City. The purpose of this section is to regulate mobile home parks in residential zoning districts consistent with state law (California Health and Safety Code §18200 et seq.). The establishment of new mobile home parks shall be consistent with the allowed use provisions of article 9-4B (allowed uses and required entitlements) and the standards contained within this section, as well as other development standards as required in the underlying zoning district. Mobile home parks are also subject to major site plan and architectural review.

B. Development Standards

All mobile home parks shall comply with the development standards imposed by the State of California as provided in Chapter 2 of Title 25 of the California Code of Regulations. Additionally, all mobile home parks shall comply with the following to the extent consistent with state law:

1. **Park Area, Density, and Site Area.**
 - a. The minimum area of a mobile home park shall be five (5) acres. The first phase of mobile home park development shall be not less than five (5) acres and shall include all required recreational and service amenities.
 - b. The maximum density shall be eight (8) mobile home sites per gross acre.

- c. Each mobile home site shall be not less than three thousand (3,000) square feet in area, including pad, parking, private access, landscaping and private storage areas.
 - d. No mobile home site shall be less than thirty feet (30') in width.
2. **Clearances, Setbacks, and Yard Spaces.** Mobile home parks and the mobile home sites within parks shall comply with the setback standards identified in table 9-4D-10-B-1. No mobilehome or incidental structure shall be located in any required yard space; except, that tow bars may extend into such yard space.

TABLE 9-4D-10-B-1 – CLEARANCES, SETBACKS, AND YARD SPACES FOR MOBILE HOME PARKS AND MOBILE HOME SITES

Standard	Measurement
Mobile Home Park	
Front Yard	20'
Interior Side Yard	10'
Street Side Yard	10'
Interior Rear Yard	10'
Street Rear Yard	20'
Mobile Home Sites	
Front Yard	10'
Side Yard	5'
Rear Yard	10'

3. **Patios and Pads**

- a. Each mobile home site shall have a hard surfaced patio area of not less than two hundred (200) square feet. A permanent porch greater than twenty (20) square feet in area may be counted as part of the required patio area.
- b. Each mobile home site shall have a support pad of concrete or asphalt concrete laid over a compacted surface base which, in combination, will be adequate to support the mobile home on a level plane.

4. **Parking.**

- a. Not less than one parking space shall be provided within each mobile home site.
- b. Not less than one guest parking space shall be provided for each mobile home site at a location central to each four (4) contiguous mobile home sites; provided, that guest parking shall not be required for mobile home sites along a collector street constructed to the width prescribed under subsection 5 of this section.
- c. Parking shall be provided for central recreation buildings, park offices and other similar buildings at a ratio of one parking space for each four hundred (400) square feet of gross floor space.
- d. Supplemental parking for pleasure boats, recreation vehicles and nonoccupied travel trailers shall be provided at a ratio of one parking space for each ten (10) mobile home sites, and shall be used only by mobile home tenants. Said parking shall be clustered, easily accessible via interior drives and shall be screened from view by means of solid ornamental fence or wall and landscaping.

- e. All parking areas and spaces shall be designed and constructed in accordance with the provisions of article 9-5E (off-street parking and loading).
5. **Streets.**
- a. Entrance streets shall be located in alignment with or be offset from public street intersections by at least one hundred fifty feet (150').
 - b. Minor streets within the mobile home park shall be a minimum of thirty feet (30') of paved width; collector streets shall be a minimum of thirty six feet (36') of paved width. Paving shall be AC type.
 - c. Streets shall be constructed to effect positive drainage; concrete curbs and gutters may be required by the city engineer; rolled concrete curbs and gutters or their equivalent are required as a minimum.
 - d. Parallel parking shall be permitted on both sides of a collector street and on only one side of a minor street. Such on-street parking shall be in addition to off-street parking requirements of this section.
6. **Driveways, Street Signs, Lighting, Storm Drainage, Water and Sewer Systems.** Driveways for individual mobile home sites, street signs, interior street lighting, storm drainage facilities and water and sewer systems shall be installed subject to approval of the city engineer.
7. **Underground Utilities.** All public utilities shall be installed underground, including electrical, telephone, street lighting cable, community television antenna connections and ducts for cable television. A community television antenna with underground ducts and connections to each mobilehome site shall be provided.
8. **Recreation Areas and Pedestrianways.**
- a. Common recreation area in an aggregate total equal to ten percent (10%) of the gross area of the mobile home park shall be provided at a location or locations which are easily accessible and convenient to park residents.
 - b. Recreation areas shall be landscaped and maintained, with all landscaped areas to be irrigated by an underground sprinkler system.
 - c. Pedestrianways shall be provided throughout the mobile home park, connecting all mobile home sites with each other and with common recreation areas. Such pedestrianways shall be provided where possible at locations away from the interior street system to avoid conflict in pedestrian and vehicle traffic.
 - d. Common recreation areas shall not include yard areas, pedestrianways, management offices, laundry and tenant storage areas and parking areas shall not be included.
9. **Signs.** No more than one identification sign shall be erected displaying the name of the mobile home park. Such signs shall be located near the park entrance drive and shall not exceed forty (40) square feet in total readable surface area or ten feet (10') in height. Such sign shall be installed within the front yard area of the mobile home park, parallel to the abutting street, with landscaping at its base. Additional directional and identification signs may be installed within the mobile home park subject to the approval of the planning commission.
10. **Landscaping and Screening.** Mobile home parks shall provide permanently maintained landscaped areas and site screening as follows:

- a. A landscaped border along the entire street frontage yard area and along the rear yard if such yard is adjacent to a public street.
- b. Ornamental screen wall or fencing, seven feet (7') in height, along all interior side property lines and along all rear property lines which do not abut a public street.
- c. Ornamental screen wall or fencing seven feet (7') in height along street side yard and street front yard setback lines.

11. Other Facilities Required. Each mobile home park shall provide the following additional facilities:

- a. A laundry building for clothes washing and drying.
- b. An outdoor drying yard for clothes drying screened from view from other areas of the mobile home park by an ornamental screen fence or wall and landscaped area.
- c. Trash enclosures at locales along the interior street system which are convenient to all residents and to municipal refuse trucks, integrated with guest parking areas.

12. Placement and Sales Of Mobile Homes

- a. At the time of placement on the site, all mobile homes shall be fitted with appropriate skirts to obscure stands, pads and undercarriage equipment.
- b. Mobile homes may be displayed and sold within a mobile home park similar to the sale of mobilehomes within a residential subdivision; provided, that such mobile homes are not sold for delivery to any location other than within the park in which sold; provided further, that all mobilehomes are placed on mobile home sites and connected to all utility services. No more than four (4) mobile homes shall be offered for sale at any one time, and advertising for such sale shall be limited to one non-illuminated sign not exceeding four (4) square feet in area on the site of each mobile home offered for sale.

9-4D-11 Recreational Vehicle Parks

A. Purpose and Applicability

This section applies to recreational vehicle parks within the City as defined in this chapter. The purpose of these regulations is to provide appropriate space is provided within recreational vehicle parks to ensure the public health and safety of occupants and users.

The regulations contained in this section shall apply to recreational vehicle parks as defined in section 9-4A-5 (description of land uses). The establishment of new recreational vehicle parks shall be consistent with the allowed use provisions of article 9-4B (allowed uses and required entitlements) and the standards contained within this section, as well as other development standards as required by this code.

B. Development Standards

New recreational vehicle parks shall comply with the development standards for mobile home parks provided in section 9-4D-10, subject to the following exceptions:

1. The minimum area of a recreational vehicle park shall be two and one-half (21/2) gross acres; except, that the park may be reduced to one acre if developed in conjunction with a motel or other permitted use within the RC zoning district.

2. The maximum density shall be fifteen (15) recreational vehicle sites per gross acre.
3. Each recreational vehicle site shall be not less than one thousand (1,000) square feet in area, nor less than twenty five feet (25') in width.
4. Each recreational vehicle site shall have a minimum front, side and rear yard area of five feet (5') in width.
5. Each recreational vehicle site shall have a hard surfaced patio area of not less than one hundred (100) square feet.
6. Not less than one guest parking space shall be provided for each ten (10) recreational vehicle sites.
7. No recreational vehicles shall be parked or displayed for the purposes of sale or rent within a recreational vehicle park.
8. No mobilehome shall be permitted within a recreational vehicle park except as required for occupancy by the park manager.
9. No recreational vehicle shall be allowed to be parked or stored on a public street more than seventy two (72) hours in any thirty (30) day period unless approval to do so has been first obtained from the chief of police pursuant to subsection 6-4-4H of this municipal code.

9-4D-12 Second Dwelling Units

A. Purpose and Applicability

This section applies to second dwelling units within the City. Second dwelling units are permitted upon issuance of an administrative use permit in the agricultural and residential zoning districts subject to the standards of this section. The purpose of this section is to regulate second dwelling units in residential zoning districts and on residential property consistent with state law (California Government Code §65852.150 et seq.). Implementation of this section is intended to expand housing opportunities for low-income and moderate-income or elderly households by increasing the number of rental units available within existing neighborhoods while maintaining the primarily single-family residential character of the area.

B. Development Standards

Pursuant to Government Code §65852.2, second units shall be permitted on agricultural and residential parcels when the following conditions are met:

1. Second units shall only be located on lots with an area of five thousand (5,000) square feet or larger.
2. Second units shall be compatible with the architectural style, materials, and colors of the primary dwelling unit.
3. No more than one (1) second unit shall be allowed per parcel.
4. The property owner shall occupy either the primary unit or second unit. The property owner shall record a declaration acknowledging owner occupancy, recorded with the property as a condition of the administrative permit.
5. A second unit shall not exceed:

- a. Thirty percent (30%) of the existing living area of the primary dwelling when attached to the primary dwelling. For purpose of this standard, “living area” shall mean the interior habitable area of a dwelling unit, including basements, attics, bedrooms, kitchens, living room, etc. It does not include a garage or any accessory structure; or
 - b. One thousand two hundred (1,200) square feet when detached from the primary dwelling.
6. Building setbacks for attached second units shall comply with all required building setbacks for the primary unit.
 7. The maximum height of a detached second unit shall not exceed the height of the primary dwelling unit.
 8. No second unit may be sold separately from the primary dwelling unit.
 9. One (1) parking space is required for each second unit. Each space shall be developed consistent with the standards of article 9-5E (off-street parking and loading) and may be uncovered.
 10. Second dwelling units are not permitted within planned unit development (PUD) overlay zoning districts unless specifically authorized by the overlay zoning district.

9-4D-13 Semi-Permanent Mobile Food Vendors

A. Purpose

The City finds that the vending of produce, prepared or prepackaged foods, goods, wares, and/or services at semi-permanent locations on public streets, sidewalks, or alleys and on private property may, under certain circumstances, pose unsafe conditions and special dangers to the public health, safety, and welfare of the residents of the City. It is a purpose of this section to provide clear and concise regulations governing these types of vending operations to prevent safety, traffic, and health hazards, as well as to preserve the peace, safety, and welfare of the City and its residents and to prevent the unregulated proliferation of too many vendors near one location, thus negatively impacting traffic and pedestrian safety. Furthermore, it is a purpose of this section to:

1. Establish standards to ensure that semi-permanent mobile food vehicles and vendors within permitted zoning districts are compatible with their surroundings and aesthetics of the community.
2. Ensure that semi-permanent mobile food vehicles and vendors meet the standards, criteria, and regulations set forth below, are in compliance with the county of Kings department of public health requirements, and obtain all the permits and licenses required by applicable law

B. Applicability

The provisions of this section shall apply to all semi-permanent mobile food vendors as described in this chapter. This includes any vehicle as defined in §670 of the California Vehicle Code, which is equipped and used for retail sales of prepared, prepackaged, or unprepared, unpackaged food or foodstuffs of any kind that parks for more than twenty (20) minutes daily for more than fourteen (14) days in one calendar year at one or more locations within the City.

The following are not subject to this section:

1. Any person engaged in vending conducted in connection with:

- a. The operations of a state certified farmers' market;
 - b. An event authorized by a special event permit or other permit or entitlement issued by the City of Lemoore, such as an authorized street fair;
 - c. An event at a sports complex, little league facility, school facility or recreational facility if the vendor is in partnership with the organization conducting the event and is located on the site of the event; or
2. Any person not exceeding the time thresholds established in the description of a semi-permanent mobile food vendor.

C. Development Standards

Semi-permanent mobile food vendors shall comply with all of the following development standards:

1. The vehicle must be located on a private “developed site” (as defined in chapter 9-12) zoned neighborhood commercial (NC), regional commercial (RC), mixed use (MU), or light industrial (ML), subject to the following:
 - a. The owner(s) of the property shall give permission to use the site and required restroom facilities for food service workers within two hundred feet (200') of the vehicle and access to such must be available during the mobile vehicle’s business hours. Portable toilets shall not be allowed.
 - b. Vendor shall not use or permit use of parking spaces on the site if doing so will adversely affect the on-site parking available for the primary use of the site as determined by the planning director.
 - c. Vendor cannot interfere with or create hazards for vehicular or pedestrian access, aisles, circulation, driveways, or fire lanes and hydrants.
 - d. Tables, chairs, shade structures, and trash cans for patrons shall be maintained in a safe and clean manner at all times and removed nightly if used.
 - e. Hours of operation at an approved semi-permanent location shall be no earlier than seven o’clock (7:00) A.M. and no later than ten o’clock (10:00) P.M., and the vehicle shall be moved each night to an area not open to public view.
 - f. Food products must be stored at a commissary (as defined in chapter 9-12) approved by the Kings County health department.
 - g. Vendor shall have adequate lighting to ensure customer safety either on the vehicle or at the location of the vehicle during business hours.
 - h. There shall be no more than one other semi-permanent mobile food vendor or permanently located vendor of produce, prepared, or prepackaged food located within one thousand feet (1,000') of the site.
2. Vendor shall obtain, display, and keep a current City of Lemoore business license and comply at all times with this section as well as Title 3, chapter 5 (food handling) and Title 6, chapter 4 (stopping, standing or parking), including section 6-4-10 (peddlers and vendors), of this municipal code, and all other applicable federal, state, and local laws and regulations.
3. Mobile food vehicle shall be entirely self-sufficient in regard to gas, water, and telecommunications. Should any utility hookups or connections to on-site utilities be required,

the vendor shall be required to apply for appropriate permits to ensure building and public safety and consistency with applicable building and zoning regulations. Any cords or plugs used from the vehicle to electrical sources shall be appropriately covered or tied down so as to not cause trip hazards and may not be strung across parking lots.

4. All Kings County health department permits/licenses must be obtained, displayed, and kept current at all times and submitted with the administrative review application.
5. Applicants and the subject mobile food vehicles shall comply with all California retail food code provisions (California Health and Safety Code §113700 et seq.), including more specifically, but not limited to, chapter 10, mobile food facilities, of such code and Health and Safety Code §114250.1 regarding the availability of adequate toilet facilities for use by food service personnel within two hundred feet (200') of unit location.
6. Vendor shall display, in plain view and at all times, current permits and licenses in or on the mobile food vehicle.
7. Daily cleanup and disposal of waste products shall be done at an approved commissary with proof of such being provided when renewing the annual business license. The vendor shall not discharge or allow discharge of items from any mobile food vehicle onto the sidewalk, gutter, storm inlets, or streets. The vendor shall not dispose or allow the disposal of any trash or refuse in any such public or private trash receptacle other than a trash receptacle owned, operated, or otherwise provided by and under the control of such vendor. At least two (2) such vendor-provided trash containers shall be available on site. Violation of this provision can lead to the suspension and/or revocation of the permit to do business pursuant to section 3-5-11 of this code.
8. The vendor shall install and maintain signage in a visible location indicating that loitering is not permitted and that customers may only remain on the site to pick up and, if applicable, consume their orders. The vendor shall be responsible for ensuring that customers comply with this no loitering provision.
9. In approving an application for a semi-permanent mobile food vehicle, the planning director shall impose on the vendor such conditions and requirements as may be necessary to ensure compliance with the standards, conditions, and requirements in this subsection 9-4D-11-D and other provisions of this Title.

9-4D-14 Sexually Oriented Businesses

A. Purpose and Intent

It is the purpose and intent of this section to regulate sexually oriented businesses, including the regulation of live nude and live semi-nude entertainment, in order to promote the health, safety, and general welfare of the citizens of the City and to establish reasonable and uniform regulations to prevent any deleterious location and concentration of sexually oriented businesses within the City, thereby reducing or eliminating the adverse secondary effects from such sexually oriented businesses. The city council finds that among these secondary effects are increased incidents of unlawful conduct and disorderly behavior, generating a disproportionate demand for police responses; depreciated property values; vacancy problems; blighted conditions; and interference with neighbors' enjoyment of property due to debris, noise, vandalism, and depreciated property values. The city council in adopting this section takes legislative notice of the existence and content of the following studies that substantiate the adverse secondary effects of sexually oriented businesses: (1) Garden Grove, California,

1991; (2) City of Austin, Texas, May 1986; (3) City of Los Angeles, California, June 1977; (4) City of St. Paul, Minnesota, 1987, and Supp., 1988; and (5) Final Report of the Attorney General's Commission on Pornography, 1986. The provisions of this section have neither the purpose nor the effect of imposing a limitation or restriction on the content of any non-obscene communicative materials, including non-obscene sexually oriented materials. Similarly, it is neither the intent nor the effect of this section to restrict or deny access by adults to non-obscene sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of non-obscene sexually oriented entertainment to their intended market. Neither is it the intent nor is it the effect of this section to condone or legitimize the distribution of obscene material or material harmful to minors.

B. Applicability

This section shall apply to those activities described as sexually oriented businesses as described in section 9-4A-5 (description of land uses) and further defined in chapter 9-12 (definitions), including adult arcades, adult bookstores, adult cabarets, adult motels, adult theaters and motion picture theaters, adult novelty stores, and adult video stores.

C. Location Regulations

1. **Zoning.** Sexually oriented uses shall only be established consistent with the allowed use and permit requirements of article 9-4B (allowed uses and required entitlements).
2. **Distance.** Sexually oriented businesses are permitted subject to compliance with all of the following conditions:
 - a. Such use is located more than five hundred feet (500') from another sexually oriented business;
 - b. Such use is located more than five hundred feet (500') from any religious institution, school, regularly established boys' club or girls' club, or public building regularly frequented by children, public park, or public building;
 - c. Such use is located more than three hundred feet (300') from any residential zone.
 - d. No more than one sexually oriented business shall be located within a single building, or portion thereof.
3. **Nonconforming Use Based Upon Distance Requirements.** A sexually oriented business hereinafter lawfully established and operating as a conforming use is not rendered a nonconforming use by the location, subsequent to its establishment, of a religious institution, school, public park, of public building regularly frequented by children within three hundred feet (300') of the sexually oriented business.

D. Measurement of Distance

For purposes of subsection 9-4D-13-C (location regulations) above, the distance between any two (2) sexually oriented businesses or between a sexually oriented business and a religious institution, school, regularly established boys' or girls' club, public building regularly frequented by children, public park, public building, or residential zone shall be measured in a straight line, without regard to intervening structures or topography, from the nearest point on the property line of the property on which the one sexually oriented business is located to the nearest point on the property line of the property on which the other sexually oriented business, or the religious institution, school, regularly established boys' club or girls' club, public building regularly frequented by children, public park, public building, or residential zone is located.

E. Development and Performance Standards

All sexually oriented businesses shall comply with the following development and performance standards.

1. Entrances

- a. A permitted use shall have a separate business entrance adjacent to the required parking area, and no other non-adult use shall be permitted in the same building when a sexually oriented business is operated.
- b. The building entrance to a sexually oriented business shall be clearly and legibly posted by a notice indicating that minors (persons under eighteen (18) years of age) are excluded from entering the premises unless accompanied by a parent or guardian.

2. Exterior Improvements and Requirements

- a. Illumination. All off-street parking areas and entrances to the premises of a sexually oriented business shall be illuminated from dusk until at least the closing hour of operation with a lighting system which provides an average maintained horizontal illumination of one (1) foot-candle of light on the parking surface and/or walkways. This required lighting level is established in order to provide sufficient illumination of the parking areas and walkways serving the sexually oriented business for the personal safety of patrons and employees and to reduce the incidence of vandalism and criminal conduct. The lighting shall be shown on the required sketch or diagram of the premises.
- b. No loudspeakers or sound equipment shall be used in a sexually oriented business for the amplification of any sound to a level discernible by the public beyond the walls of the building in which such use is conducted.

3. Hours of Operation

- a. It is unlawful and a person commits a misdemeanor if he, she, or it operates, permits, or causes to be operated a sexually oriented business, where that person operates or permits or causes such business to remain open for business, or permits or causes any employee to engage in a performance, to solicit a performance, to make a sale, to solicit a sale, to provide a service, or to solicit a service, between the hours of one o'clock (1:00) A.M. and nine o'clock (9:00) A.M. of any day.
- b. It is unlawful and a person commits a misdemeanor if, working as an employee of a sexually oriented business, said employee engages in a performance, solicits a performance, makes a sale, solicits a sale, provides a service, or solicits a service between the hours of one o'clock (1:00) A.M. and nine o'clock (9:00) A.M. of any day.

4. Advertising Regulations

- a. It is unlawful and a person commits a misdemeanor if he, she, or it operates or causes to be operated a sexually oriented business and advertises the presentation of any activity prohibited by any applicable state statute or local ordinance.
- b. It is unlawful and a person commits a misdemeanor if he, she, or it operates or causes to be operated a sexually oriented business and displays or otherwise exhibits the materials or performances of such sexually oriented business in any advertising. This prohibition shall not extend to advertising of the existence or location of such sexually oriented business.

F. Regulations Pertaining to Exhibition of Sexually Explicit Films or Videos in Video Booths

A person who operates or causes to be operated a sexually oriented business, other than an adult motel which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, videocassette, digital video disk, or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

1. Upon application for a sexually oriented conditional use permit, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted to enter. A manager's station may not exceed thirty-two (32) square feet of floor area, with no dimensions greater than eight feet (8'). The diagram shall also designate the place at which the conditional use permit, if granted, will be conspicuously posted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale with marked dimensions sufficient to show the various internal dimension of all areas of the interior of the premises to an accuracy of plus or minus six inches (6"). The city manager, or his or her designee, may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since the previously submitted diagram was prepared.
2. The application shall be sworn to be true and correct by the applicant.
3. No alteration in the configuration or location of a manager's station may be made without the prior approval of the City or its designee.
4. It is the duty of the owner or owners and the operator or operators of the premises to ensure that at least one (1) employee is on duty and situated at each manager's station at all times that any patron is present inside the premises.
5. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video viewing capability. If the premises has two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.
6. It shall be the duty of the owner or owners and the operator or operators, and it shall also be the duty of any agents and employees present on the premises, to ensure that the view area specified in subsection 5 above remains at all times unobstructed by any doors, walls, merchandise, display racks, or other materials and to ensure that no patron is permitted access to any area of the premises which has been designated in the application filed pursuant to subsection 1 of this section as an area in which patrons will not be permitted to enter.
7. No viewing room may be occupied by more than one (1) person at any one time.
8. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access and an illumination of not less than two (2) foot-candles as measured at the floor level.

9. It shall be the duty of the owner or owners and the operator or operators and it shall also be the duty of any agents and employees present on the premises to ensure that the illumination described above is maintained at all times that any patron is present on the premises.

G. Inspection

1. The operator shall permit representatives of the code enforcement office, the county health department, and the fire department to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law, at any time it is occupied or at any time it is open for business.
2. It is unlawful and a person who operates a sexually oriented business or his, her, or its agent or employee commits a misdemeanor if he, she, or it refuses to permit such lawful inspection of the premises at any time that it is occupied or at any time that it is open for business.

H. Violations and Defense to Prosecution

1. A person commits a misdemeanor if he, she, or it operates, allows to be operated, or causes to be operated a sexually oriented business outside of the restrictions of this section.
2. It is unlawful and a person commits a misdemeanor if he, she, or it operates or causes to be operated a sexually oriented business, and knowingly or with reasonable cause to know, permits, suffers, or allows any one or more of the following to occur:
 - a. Admittance of a person under eighteen (18) years of age to the business premises unless accompanied by a parent or guardian; or
 - b. A person under eighteen (18) years of age to remain at the business premises unless accompanied by a parent or guardian; or
 - c. A person under eighteen (18) years of age to purchase goods or services at the business premises; or
 - d. A person who is under eighteen (18) years of age to work at the business premises as an employee.
3. Injunction. A person who operates or causes to be operated a sexually oriented business due to location restrictions, is subject to a suit for injunction as well as prosecution for the criminal violation. Such violation shall be punishable by a fine of five hundred dollars (\$500.00) and/or thirty (30) days' imprisonment, and if an injunction must be sought, attorneys' fees and costs will be assessed at the discretion of the court against the sexually oriented business.
4. It is a defense to prosecution under this section if a person appearing in a state of nudity does so in a modeling class operated in compliance with both of the following criteria:
 - a. That the class is operated either by a proprietary school, licensed by the state of California; a college, junior college, or university supported entirely or partly by taxation or by a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; and
 - b. That the class is operated entirely within a structure:
 - i. Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and

- ii. Where, in order to participate in a class a student is customarily required to enroll in advance of the class (though late registrations may be allowable by the institution offering the class); and
- iii. Where no more than one (1) nude model is on the premises at any one time.

I. Criminal Penalties and Additional Legal, Equitable and Injunctive Relief

In addition to whatever penalties are applicable under the California Penal Code, if any person fails or refuses to obey or comply with or violates any of the criminal provisions of this section, such person, upon conviction of such offense, shall be guilty of a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment not to exceed sixty (60) days in the Kings County jail, or both, in the discretion of the court. Each violation or noncompliance shall be considered a separate and distinct offense. Further, each day of continued violation or noncompliance shall be considered a separate offense. Nothing herein contained shall prevent or restrict the City from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any violation or noncompliance. Such other lawful actions shall include, but shall not be limited to, an equitable action for injunctive relief or an action at law for damages. All remedies and penalties provided for in this section shall be cumulative and independently available to the City, and the City shall be authorized to pursue any and all remedies set forth in this section to the full extent allowed by law.

J. Immunity from Prosecution

The City and its designees, including the police department and all other departments, agencies, and other city officers, agents, and employees charged with enforcement of state and local laws and codes, shall be immune from prosecution, civil or criminal, for reasonable, good faith trespass upon a sexually oriented business while acting within the scope of authority conferred by this section.

9-4D-15 Telecommunication Facilities

A. Purpose and Intent

This section establishes standards for placement of wireless telecommunications facilities within the City and regulates the installation of antennas and other wireless communication facilities consistent with federal law. This section is intended to promote and protect the public safety and public welfare of residents as well as containing regulations to minimize potential impacts of the installation of wireless communication facilities.

B. Applicability

Wireless communication facilities shall be subject to the following regulations in this section to the extent that such requirements (1) do not unreasonably discriminate among providers of functionally equivalent services, or (2) do not have the effect of prohibiting personal wireless services, as defined by Telecommunications Act of 1996.

C. Permit Requirements

1. Wireless telecommunication facilities (major and minor, as defined in section 9-4A-5) shall be subject to the permit requirements identified in article 9-4B (allowed uses and required entitlements) for the underlying zoning district. Regardless of any permit requirements listed in article 9-4B, all telecommunication facilities shall comply with the applicable development standards of this section and are subject to site plan and architectural review.

2. The establishment of co-location facilities for major wireless telecommunication facilities is not subject to conditional use permit approval, provided the facility satisfies all requirements set forth in Government Code §65850.6. Such facilities are subject to zoning clearance.

D. Application Requirements

When a planning permit is required for a wireless telecommunication facility, the application shall include the following information, in addition to all other information required by the City for a conditional use permit or site plan and architectural review application :

1. Visual simulations showing what the proposed facility will look like from the surrounding area as viewed from residential properties and public rights-of-way at varying distances, to assist the approving authority and the public in assessing the visual impacts of the proposed facility and its compliance with the provisions of this section.
2. Narrative description and map showing the coverage area and location of the provider's existing wireless communication facilities and the proposed coverage area of the specific site that is the subject of the application. A written explanation of why adjacent existing wireless communication facilities could not be used for co-location shall be required.
3. Description of proposed approach for screening all wireless communication facilities from public view including plans for installation and maintenance of landscaping, sample exterior materials and colors. Where applicable, a plan showing existing surrounding landscaping, proposed landscaping, a landscape protection plan for construction, and a maintenance plan including an irrigation plan.
4. Description, site plan, and other illustrative materials showing the probable future phasing (and full buildout) for the addition of subsequent providers. Where possible, the City will consider projects that can be phased over time yet covered under one conditional use permit to allow for efficient co-location.
5. Technical information explaining the reasons that a permit is being sought (e.g., whether a new antenna is necessary to accommodate increased demand or to fill a "dead zone" in the provider's coverage area); the reasons that the subject site is considered necessary to accomplish the provider's coverage objectives; and the reasons that the proposed site is the most appropriate location under existing circumstances.

F. Development Standards

1. **General Development Standards.** The following general development standards shall apply to all wireless telecommunication facilities:
 - a. All wireless telecommunication facilities shall comply with all applicable requirements of the City adopted building code and shall be consistent with the general plan and this Title, as well as other standards and guidelines adopted by the City, and all applicable state and federal laws.
 - b. Wireless telecommunication facilities shall be co-located with existing facilities, with other planned new facilities, and with other facilities such as water tanks, light standards, and other utility structures whenever feasible and aesthetically desirable. To facilitate co-location when deemed appropriate, conditions of approval for conditional use permits shall require all service providers to cooperate in the siting of equipment and antennas to accommodate the maximum number of operators at a given site when found to be feasible and aesthetically desirable. The applicant shall agree to allow future

co-location of additional antennas and shall not enter into an exclusive lease for the use of the site.

- c. All wireless communication facilities shall comply with the noise standards of section 9-5A-4 (noise, odor, vibration, and maintenance performance standards).
2. **Development Standards for Antennas (excluding amateur radio antennas).** The following development standards shall apply to receive-only antennas (ground- and building-mounted), parabolic antennas, and satellite earth stations as defined in this Title.
 - a. Antenna location
 - i. Parabolic antenna and SES shall be ground-mounted in agricultural and residential zoning districts. In all other zoning districts, building-mounted antennas are preferred.
 - ii. No antenna shall be located in the required front or street side yard of any parcel unless entirely screened from pedestrian view on the abutting street rights-of-way (excluding alleys).
 - iii. In all zoning districts, ground-mounted antennas shall be situated as close to the ground as feasible to reduce visual impact without compromising their function and all portions of the antenna shall be set back a minimum of five feet (5') from any property line.
 - b. Height limit. The height limit for ground-mounted antenna is six feet (6'). However, the height may be increased to a maximum of twelve feet (12') if the setback distance from all property lines is at least equal to the height of the antenna and if the structure is screened in accordance with subsection c (screening) below. Building-mounted antenna shall not extend above the roofline, parapet wall, or other roof screen or project beyond a maximum of eighteen inches (18") from the face of the building or other support structure.
 - c. Screening. Ground-mounted antennas shall be screened with a fence, wall, and dense landscaping so that the antenna is not visible from the public right-of-way. Building-mounted antenna shall be screened as follows:
 - i. Wall-mounted antennas and ancillary equipment shall be flush-mounted and painted or finished to match the building with concealed cables.
 - ii. Roof-mounted antennas and ancillary equipment shall be screened from view of public rights-of-way by locating the antenna below the roofline, parapet wall, or other roof screen and by locating the antenna as far away as physically feasible and aesthetically desirable from the edge of the building.
 - d. Color. Antennas shall have subdued colors and comprise non-reflective materials which blend with the materials and colors of the surrounding area or building.
3. **Development Standards for Amateur Radio Antennas.** Amateur radio antenna structures provide a valuable and essential telecommunication service during periods of natural disasters and other emergency conditions. As such, amateur radio antennas may exceed the height limit and/or the setback provisions of the underlying zoning district only when such provisions will result in unreasonable limitations on, or prevent, reception or transmission of signals from the amateur radio antennas.

- a. Height limits. Amateur radio antennas in any district may extend to a maximum height of seventy-five feet (75'), provided that the tower is equipped with a lowering device (motorized and/or mechanical) capable of lowering the antenna to the maximum permitted height when not in operation.
 - b. Location parameters. All antenna structures shall be located outside of required front and street side yard areas. Antenna structures shall also be set back a minimum distance of five feet (5') from interior property lines.
 - c. Tower safety. All antenna shall be located within an enclosed fenced area or have a minimum five foot (5') high tower shield at the tower base to prevent climbing. All active elements of antennas shall have a minimum vertical clearance of eight feet (8').
4. **Development Standards for Tower.** The following development standards shall apply to towers (including co-location facilities).
- a. Site design. All wireless communication facilities (including related equipment) shall be designed to minimize the visual impact to the greatest extent feasible, considering technological requirements, by means of placement, screening, camouflage, to be compatible with existing architectural elements, landscape elements, and other characteristics of the site on which they are located. The applicant shall use the smallest and least visible antennas feasible to accomplish the owner/operator's coverage objective. A visual impact analysis is required to demonstrate how the proposed facility will appear from public rights-of-way (including public trails).
 - b. Safety design. All facilities shall be designed so as to be resistant to and minimize opportunities for unauthorized access, climbing, vandalism, graffiti, and other conditions which would result in hazardous conditions, visual blight, or attractive nuisances.
 - c. Location. Towers shall not be located in any required front or street side yard in any zoning district. The setback distance from any abutting street right-of-way, residential property line, or public trail shall be equal to the height of the facility (tower and related equipment). Otherwise, the minimum setback distance from all other property lines shall be at least equal to twenty percent (20%) of the height of the tower. In order to facilitate co-locations, setback distance will be waived for placement of antennas on existing towers when there is no increase in the overall height of the tower.
 - d. Height limit. The height limit for towers shall be seventy-five feet (75'), except that a conditional use permit may be granted for additional height when the designated approving authority finds that reasonable alternatives do not exist to provide the necessary service. There is no height limit specified for co-locations on existing structures, provided wireless communication facilities are screened from view of abutting street rights-of-way or camouflaged by matching the color(s) and/or material(s) of the structure to which it is attached.
 - e. Lighting. Towers and related equipment shall be unlit except as provided below:
 - i. A manually operated or motion-detector-controlled light above the equipment shed door may be provided. Such light shall remain off except when personnel are present on site at night.

- ii. The minimum tower lighting required under Federal Aviation Administration regulation.
 - iii. Where tower lighting is required, such lighting shall be shielded or directed downward to the greatest extent possible to ensure that such light does not spill over onto abutting properties, especially residential zoning districts or uses.
- f. Landscaping. Where appropriate, wireless communication facilities shall be installed in a manner that maintains and enhances existing landscaping on the site, including trees, foliage, and shrubs, whether or not utilized for screening. Additional landscaping shall be planted around the tower and related equipment to buffer abutting residential zoning districts or uses, and to buffer public trails. Landscaping around the perimeter of the facility (e.g., leased area) shall include dense tree and shrub plantings with necessary irrigation.
- g. Design/finish. New towers shall be camouflaged whenever possible. If not feasible to camouflage, then the tower and related equipment shall have subdued colors and non-reflective materials that blend with the colors and materials of surrounding areas.
- h. Advertising. The tower and related equipment shall not bear any signs or advertising devices other than certification, warning, or other required seals or signs.

9-4D-16 Thrift Stores

A. Purpose and Applicability

The purpose of these regulations is to limit the overconcentration of thrift stores within the City by applying minimum distance standards between thrift stores and ensuring compatibility with surrounding uses by requiring special standards for collection/receiving and refuge areas and requiring additional property maintenance.

The regulations contained in this section shall apply to new and qualifying expansion of existing thrift stores as defined in article 9-4A (use classification system). The establishment of new thrift stores shall be consistent with the allowed use provisions of article 9-4B (allowed uses and required entitlements) and the standards contained within this section, as well as other development standards as required in the underlying zoning district. Where the standards of the underlying district conflict with the standards herein, these standards shall apply.

B. Location

Thrift stores shall not be located closer than five hundred feet (500') from another thrift store.

C. Development Standards

All new thrift stores shall observe all development standards of the underlying zoning district, except that they shall also comply with the following additional standards:

1. **Enclosed Activities.** All activities shall be completely enclosed within the building for the use.
2. **Collection/Receiving Area.** The collection area shall be located on the side or rear of the building. Adequate directional signage shall be provided from the main entrance to the use to direct individuals to the collection area. The collection area shall be noticed to prohibit depositing goods when the store is closed.

3. **Property Maintenance.** Management shall be responsible for the removal of litter from the subject property, adjacent property, and streets that results from the thrift store (with adjacent property owner consent).