



PLANNING COMMISSION

Tuesday, February 6, 2024 / 6:30 PM / City Hall / 405 East El Monte Way, Dinuba

District 1	District 2	District 3	District 4	District 5
Sergio Alvarado Chair	Albert Cendejas Commissioner	Linda Faust Commissioner	Estevan Benavides Commissioner	Tim Conklin Vice Chair

All attendees are advised that electronic devices should be placed on silent upon entering the Council Chambers.

The Board will take action on all items listed on the agenda.

1. OPENING CEREMONIES

- 1.1. Welcome and Call to Order
- 1.2. Invocation
- 1.3. Pledge of Allegiance

2. ROLL CALL

3. AGENDA CHANGES OR DELETIONS

To better accommodate members of the public or convenience in the order of presentation, items on the agenda may not be presented or acted upon in the order listed. Additions to Agenda may be added only pursuant to California Government Code section 54954.2(b).

4. REQUEST TO ADDRESS COMMISSION

This portion of the meeting is reserved for any person who would like to address the Planning Commission on any item that is not on the agenda. Please be advised that State law does not allow the Planning Commission to discuss or take any action on any issue not on the agenda. The Planning Commission may direct staff to follow up on such item(s). Speakers may be limited to three (3) minutes. If there is any person wishing to address the Planning Commission at this time please approach the podium and state your name and nature of the request.

5. CONSENT CALENDAR

Matters listed under the Consent Calendar are considered routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired, a member of the audience or a Commission Member may request an item be removed from the Consent Calendar and it will be considered separately.

5.1. SUBJECT

Planning Commission Meeting Minutes, December 5, 2023

RECOMMENDATION

Planning Commission approve the Planning Commission meeting minutes for December 5, 2023.

6. PUBLIC HEARINGS

6.1. SUBJECT

Application 2023-23 - Conditional Use Permit for expansion of Evangel Bible Church

Applicant: Robert Garcia

Location: Located on the east side of N. Villa Avenue, north of El Monte Way

Proposal: The project is a request to add a fellowship hall building at the site of the existing Evangel Bible Church.

RECOMMENDATION

Staff recommends the Planning Commission conduct a public hearing and consider adoption of Resolution No. 1140 (Attachment "A") to approve the Conditional Use Permit (CUP) request.

7. COMMISSION REPORTS

8. STAFF COMMUNICATIONS

8.1. SUBJECT:

Informational presentation on comprehensive Zoning Ordinance update

RECOMMENDATION:

Staff recommends the Planning Commission receive information on draft chapters of the Zoning Ordinance update and offer questions and comments.

9. ADJOURNMENT

This agenda was posted at least 72 hours prior to the regular meeting per GC Section 54954.2(a). A Citizens' Packet regarding this meeting is available at the City Clerk's Office located at City Hall, 405 East El Monte Way, Dinuba CA 93618.

In compliance with the Americans with Disabilities Act, if special assistance is needed to participate in the meeting, please contact the City Clerk's Office at 559-591-5900. Please provide at least 48 hours notification prior to the meeting to allow staff to make reasonable arrangements. (28 CFR 35.102-35.104 ADA Title II)



Planning Commission Staff Report

Department: PUBLIC WORKS

February 6, 2024

To: Planning Commission

From: George Avila, Public Works Director

By: Elva Patino, Business Manager

Subject: Planning Commission Meeting Minutes, December 5, 2023

RECOMMENDATION

Planning Commission approve the Planning Commission meeting minutes for December 5, 2023.

EXECUTIVE SUMMARY

The Planning Commission (PC) held a meeting December 5, 2023, minutes for the said meeting are attached for approval by the PC.

OUTSTANDING ISSUES

None.

DISCUSSION

The Planning Commission (PC) held a meeting on December 5, 2023, the minutes for this meeting are attached for PC adoption.

FISCAL IMPACT

None.

PUBLIC HEARING

None.

ATTACHMENTS:

Agenda Minutes December 5, 2023



PLANNING COMMISSION MINUTES

Regular Meeting
December 5, 2023

PLANNING COMMISSIONERS PRESENT:

Commissioners Faust, Alvarado, Benavides, and Cendejas.

PLANNING COMMISSIONERS ABSENT:

Commissioner Conklin Absent.

STAFF MEMBERS PRESENT:

Schoettler, Patino, James, and Watts.

1. OPENING CEREMONIES

1.1. Welcome and Call to Order

Meeting was called to order by Commissioner Alvarado at 6:31 pm

1.2. Invocation

Invocation was given by Commissioner Faust.

1.3. Pledge of Allegiance

The pledge of allegiance was led by Commissioner Benavides.

2. ROLL CALL

Commissioners present Faust, Alvarado, Cendejas Benavides and Commissioner Conklin Absent

3. AGENDA CHANGES OR DELETIONS

To better accommodate members of the public or convenience in the order of presentation, items on the agenda may not be presented or acted upon in the order listed. Additions to Agenda may be added only pursuant to California Government Code section 54954.2(b).

None

4. REQUEST TO ADDRESS COMMISSION

This portion of the meeting is reserved for any person who would like to address the Planning Commission on any item that is not on the agenda. Please be advised that State law does not allow the Planning Commission to discuss or take any action on

any issue not on the agenda. The Planning Commission may direct staff to follow up on such item(s). Speakers may be limited to three (3) minutes. If there is any person wishing to address the Planning Commission at this time please approach the podium and state your name and nature of the request.

No one came up to the podium.

5. CONSENT CALENDAR

Matters listed under the Consent Calendar are considered routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired, a member of the audience or a Commission Member may request an item be removed from the Consent Calendar and it will be considered separately.

5.1. SUBJECT

Planning Commission Meeting Minutes, November 7, 2023

RECOMMENDATION

Planning Commission approve the Planning Commission meeting minutes for November 7, 2023.

A motion was made by Albert Cendejas, second by Estevan Benavides, Motion

Ayes: Alvarado, Benavides, Cendejas, Faust

Absent: Conklin

6. PUBLIC HEARINGS

6.1. SUBJECT

Application 2023-19 (Conditional Use Permit for serving beer and wine at an existing restaurant at 780 W. El Monte Way

Applicant: Dinahop Inc.

Schoettler presented the staff report to the Commission.

Use to sell alcoholic beverages is allowed in this zone, the only item the commission needs to consider is the residential area 600 feet North of the business. There is a Walmart adjacent to this location that also sells alcohol.

Discussion followed.

Cendejas asked if the notices were sent in Spanish Elva advised that notices are only sent in English but if anyone ever has a question staff is available to assist in Spanish at any time.

Public hearing opened:

- Sarah Alvarado came up to the podium and advised she has worked for IHOP for 16 years Commissioner Alvarado asked if all IHOP's are pursuing selling alcohol. She advised that they are all independently run.

Public Hearing closed.

-

-
-

A motion was made by Albert Cendejas, second by Linda Faust, Motion to approve a conditional use permit for serving beer and wine at existing restaurant IHOP located at 780 W. El Monte Way.

Ayes: Alvarado, Benavides, Cendejas, Faust
Absent: Conklin

6.2. SUBJECT

Application 2023-12 (Conditional Use Permit for sales of alcohol at proposed new gas station, convenience store and fast food restaurant

Applicant: RJ Food and Gas

Schoettler presented the staff report to the commission.

This site is located on the North East Corner of Kamm and Alta; the business is RJ Food and Gas. There will be 6 pumps and 24 parking spaces. As there is a school being built and an existing school and residential within the 600 feet sphere of influence, the commission needs to approve the sale of alcohol because of this.

Discussion Followed:

Cendejas asked if the school responded to the notice mailed Schoettler advised that he did not.

He also asked timing of the project. Construction to start one year after CUP approval.

Public Hearing Opened:

-
Fred Avila designer on record came up to the podium and stated that he started the design approval usually takes about three months and the plan is to start the project shortly there after,

Closed Public Hearing.

A motion was made by Estevan Benavides, second by Albert Cendejas, Motion to adopt Resolution No. 1133 to approve the Conditional Use Permit request for the sales of alcoholic beverages associated with the proposed new gas station, convenience store, and fast food restaurants.

Ayes: Alvarado, Benavides, Cendejas, Faust
Absent: Conklin

6.3. SUBJECT

Application 2023-01 (Los Prados) Proposed 99-lot single family residential subdivision

Applicant: Ken Turner

Schottler presented the staff report.

99 homes in a 27-acre site with a park 1.1 acre and temporary storm water basin and land for future development, North of E. El Monte east of North Crawford. Ave. Northside has existing residential homes. proposed map R-1-6 homes 6,000 minimum lot size. 3 lots fronting E. El Monte will remain for future development. Two street connections on N. Crawford

Discussion followed:

A Commissioner asked about meandering streets within the subdivision roadways to avoid speeding, the commission also brought up that N Crawford has a lot of traffic when taking kids to and from school in the morning and after school.

Engineer Watts discussed the future development and street striping that is planned to relieve the congestion of future development traffic coming in and out of the subdivision.

Public Hearing Opened:

Rosa Grano lives north of this site her concern is if the developer plans on building two-story homes behind her house as she has a pool and doesn't want people looking into her property.

Ken Turner - Developer came up to the podium and stated that he would not build two-story homes as a condition.

Public Hearing Closed.

A motion was made by Estevan Benavides, second by Linda Faust, Motion to recommend Resolution 1134, 1135, and 1136 zoning change and general plan land use amendment and tentative subdivision map to the development site on E. El Monte and N. Crawford Ave 99 single-family residential lots, a 1.1-acre neighborhood park, and the creation of outlets for future commercial. Approved with conditions to build single-story homes on the Northside where there are existing homes.

Ayes: Alvarado, Benavides, Cendejas, Faust
Absent: Conklin

6.4. SUBJECT

Application 2023-13: Proposal for zone change, Variance and Parcel Map at 1225 Euclid Avenue (Nieblas)

Applicant: Edgardo Nieblas

Schoettler presented the staff report to the commission.

The site is currently residential near Roosevelt School zoned RA zone. 3 lots face Timothy Ave. ranging in size ranging in square feet from 7,519 to 9,600. but does not meet the width of 70 feet so a variance is requested.

Discussion followed: The remainder of the land will be one large parcel and will be developed as a later time.

Public Hearing Opened.

Frank Gomez lives at 452 N Bates came up to the podium and reaffirmed what Schoettler had explained.

Public hearing Closed.

A motion was made by Albert Cendejas, second by Estevan Benavides, Motion to recommend Resolution 1137 and approve Resolutions, 1138, and 1139 approving zone change, variance for creation of parcels that are narrower than required by the R-1-7.5 zone, and approval of a parcel map to create four parcels and a remainder lot. Lot address is 1225 Euclid Ave. located west of Euclid Ave. North of Saginaw Ave.

Ayes: Alvarado, Benavides, Cendejas, Faust

Absent: Conklin

7. COMMISSION REPORTS

Nothing to report.

8. STAFF COMMUNICATIONS

8.1. SUBJECT:

Zoning Ordinance Update Informational Workshop

RECOMMENDATION:

It is recommended that the Planning Commission review the attached draft chapters of the Zoning Ordinance and offer any questions or comments.

Highlight C-2 Zone Downtown Commercial Zone - This is the core of the downtown that extends to Alta Ave.

Presented a mock-up of another city with larger windows and pedestrian walkways. If this is something that the commission would like then they will need to approve to have parking in back of the building or to the side to avoid vehicles parking in front of the business.

Absent: Conklin

9. ADJOURNMENT

The meeting was adjourned at 7:43 pm

Absent: Conklin



Planning Commission Staff Report

Department: PUBLIC WORKS

February 6, 2024

To: Planning Commission

From: Karl Schoettler, City Planning Consultant

Subject: Application 2023-23 - Conditional Use Permit for expansion of Evangel Bible Church

RECOMMENDATION

Staff recommends the Planning Commission conduct a public hearing and consider adoption of Resolution No. 1140 (Attachment “A”) to approve the Conditional Use Permit (CUP) request.

EXECUTIVE SUMMARY

Public Hearing to consider an application for a Conditional Use Permit for the expansion of an existing church on a \pm 0.7 acre site on the east side of N. Villa Avenue, north of El Monte Way.

OUTSTANDING ISSUES

None.

DISCUSSION

The project is an application to add a single-story multi-use building with a commercial kitchen for Evangel Bible Church. The site is zoned “RM-2” (Multi-family Residential) therefore triggering the requirement for the Conditional Use Permit.

Site and Surroundings

The project location is shown in Attachment “B” (Location Map) and Attachment “C” (Aerial Photo). The site contains two existing parcels; the southerly parcel is occupied by the existing church, the northerly parcel is mostly vacant and is where the proposed fellowship hall will be located. Prior to occupancy of the new building the applicant will combine the two lots into one (a “Lot Merger”).

Surrounding parcels vary from residential to vacant. Land immediately to the east is vacant, with apartments further to the east. Land to the south is occupied by Dinuba City Hall. Additionally, land directly west is occupied by a single-family residence, as are parcels to the north.

Proposed Site Plan and Uses

Attachment "D" shows the proposed site plan. The project proposes a new fellowship hall on the north side of the church property, containing 2,875 square feet. The existing church building is situated along the south side of the site, accompanied by two existing storage sheds toward the northeast side of the site, to the rear of the proposed fellowship hall. The Hall meets zoning standards including setbacks, height and lot coverage.

The site features two existing driveways onto Villa Avenue. As the proposed fellowship hall is an extension of the existing church, only current members will be using it; therefore, no new significant traffic is expected to be generated as a result of the additional building. Both driveways will be reconstructed to comply with current City standards. The parking lots will also be re-stripped to show "path of travel" routes for disabled individuals.

The proposed fellowship hall will contain a multi-purpose room, a commercial kitchen, restrooms, and two storage areas.

The proposed use of the fellowship hall will be for current members to for church meetings, fellowship meals (breakfasts and lunches), and various other church functions.

Parking for the project is situated in three areas - between the proposed fellowship hall and the church building, along the south side of the existing sanctuary, and the church also has an agreement with the City of Dinuba to utilize ten parking spaces in the parking lot at City Hall. A total of 46 parking spaces are available. Two handicap spaces are provided near the proposed fellowship hall entrance.

Other key features of the site development include:

- Landscaping and irrigation will be installed around the fellowship hall
- Trash enclosure
- Walkways
- Lighting
- Utility connections
- Drive approach improvements
- Handicap ramp

Utilities

The project has been reviewed by the City Engineer and Public Works Departments,

who report there is adequate capacity in the water, sewer and storm drain systems to accommodate the project. In order to reduce water use, new landscaping on the site must be low-water, drought-tolerant species.

Facades

Attachment “E” shows the facades for the proposed building. The building will primarily be of stucco finished with additional foam and stucco trim around the vinyl windows and finished with stucco band details for visual interest. The proposed roof is angled and comprised of composition shingles with a metal drip edge surrounding the perimeter and accompanied by a fascia board. The building is a single story and with gabled roof staff believes it will blend well with the residential neighborhood to the north and west.

CONSULTATION/PUBLIC COMMENT

As required by municipal code, the City mailed notices of the proposed use and public hearing to property owners within 300 feet of the site, and tenants within 100 feet of the site. As of the writing of this staff report, no inquiries had been made.

FINDINGS

The use complies with the required Findings of the Dinuba Municipal Code for approval of a Conditional Use Permit, contained in the attached resolution.

BACKGROUND INFORMATION

APPLICANT: Robert Garcia

LOCATION: East side of N. Villa Ave, north of El Monte Way

APN: 014-164-015 and 014-164-016

SITE SIZE: The full site contains approximately 28,670 sq ft

ZONING: “RM-2” (Multi-family Residential)

GENERAL PLAN: “Residential-Medium High”

EXISTING LAND USE: Existing church sanctuary with two storage sheds and additional improvements including parking lots, landscaping, lighting and utility connections

ADJACENT LAND USES, ZONING, AND GENERAL PLAN DESIGNATIONS

Direction	Current Use	Zoning	General Plan

North	Single-family home	"RM-2" (Multi-family Residential)	"Residential-Medium High"
South	City Hall	"RCO" (Resource Conservation)	"Public/Semi-Public"
East	Vacant	"RM-2" (Multi-family Residential)	"Residential-Medium High"
West	Single-family home	"R-1-6" (One-family Residential)	"Residential-Medium"

FISCAL IMPACT

None. The project will be required to pay the City's Development Impact Fees prior to construction

PUBLIC HEARING

A public hearing notice was published in the Mid Valley Times and mailed to property owners within 300 feet of the site, and occupants within 100 feet of the site.

ATTACHMENTS:

- A. Resolution No. 1140
- B. Location Map
- C. Aerial Photo
- D. Site Plan
- E. Architectural Elevation Drawings

Attachment A:

DINUBA PLANNING COMMISSION RESOLUTION NO. 1140

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DINUBA

A Conditional Use Permit for the expansion of Evangel Bible Church with a fellowship hall located on the east side of N. Villa Avenue, north of El Monte Way.

WHEREAS, at a regularly held meeting on February 6, 2024, the Dinuba Planning Commission conducted a public hearing to consider a Conditional Use Permit application submitted by Robert Garcia to allow for the expansion of an existing church located on the east side of N. Villa Avenue, north of El Monte Way with a fellowship hall. The Assessor Parcel Number of the site is 014-164-015; and

WHEREAS, the site is zoned “RM-2” (Multi-family Residential) by the official zoning map of the City of Dinuba; and

WHEREAS, the City of Dinuba Municipal Code provides for the application of a Conditional Use Permit to allow for expansion, remodel, and additions of a current conditional use in the “RM-2” (Multi-family Residential) zone; and

WHEREAS, the Planning Commission concurs with Staff that this project is categorically exempt from additional CEQA process pursuant to CEQA Guidelines Section 15332 (Infill Projects on sites zoned for the use); and

WHEREAS, the Dinuba Planning Commission conducted a public hearing on February 6, 2024, at the regular Commission meeting that was properly noticed pursuant to the Dinuba Municipal Code; and

WHEREAS, the required findings for a Conditional Use Permit were made pursuant to Section 17.80.050 (Findings) of the Dinuba Municipal Code; and

WHEREAS, the Applicant agrees to adhere to the Findings and Conditions of Approval detailed in this Resolution; and

WHEREAS, the Planning Commission, having considered the staff report and all testimony presented in this matter, was of the opinion that the Conditional Use Permit to approve the project should be approved as presented.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the City of Dinuba does hereby affirm in its entirety and adopts this resolution, approving the development of the site with a fellowship hall (and associated improvements) subject to the Conditions of Approval included in this Resolution.

PASSED, APPROVED and ADOPTED this 6th day of February, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Elva Patino, Secretary Dinuba Planning Commission

FINDINGS

The above section requires that the following findings be made prior to approval of a Conditional Use Permit (CUP).

FINDING NO. 1: THAT THE SITE FOR THE PROPOSED PROJECT IS ADEQUATE IN SIZE AND SHAPE.

The subject site is adequate for the proposed project and the site plan complies with zoning standards.

FINDING NO. 2: THAT THE SITE FOR THE PROPOSED USE RELATES TO STREETS ADEQUATE IN WIDTH AND PAVEMENT TO CARRY THE QUANTITY AND KIND OF TRAFFIC GENERATED BY THE PROPOSED USE.

The project is located on a local street (Villa Avenue) and sits just north of an Arterial street (El Monte Way). These streets are designed to accommodate traffic expected to be generated by the project and the project will be installing street improvements along the site frontage to facilitate safe traffic flow.

FINDING NO. 3: THAT THE PROPOSED USE WILL HAVE NO ADVERSE EFFECT ON ABUTTING PROPERTY OR THE PERMITTED USE THEREOF.

The project has been conditioned to comply with standards of the Dinuba Municipal Code. No adverse impacts will occur on abutting properties as a result of the use.

FINDING NO. 4: THAT THE CONDITIONS STATED IN THE RESOLUTION ARE DEEMED NECESSARY TO PROTECT THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE.

Conditions contained in this resolution will ensure the public health, safety, and welfare is protected.

CONDITIONS OF APPROVAL

A. GENERAL CONDITIONS

1. The Site Plan shown in Exhibit "A" is approved. Full compliance with conditions of approval shall be achieved prior to issuance of any Certificates of Occupancy or as modified by the Director of Planning and Development.
2. The Conditional Use Permit is valid for a period of one (1) year from the approval date as shown on Resolution No. 1133. Any extension of time shall be submitted in writing to the Planning Director thirty (30) days prior to permit expiration.
3. Prior to the commencement of any work and prior to the issuance of a building permit, the general contractor and all sub-contractors shall obtain a business license from the city of Dinuba Finance Department.
4. Pursuant to Government Code Section 66474.9, the applicants (including any agent thereof) shall defend, indemnify, and hold harmless, the City of Dinuba and its agents, officers and employees, from any claim, action, or proceeding against the City or its agents, officers or employees to attach, set aside, void, or annul the City's approval concerning this application, which action is brought within the time period provided for in Section 55499.37. The City will promptly notify the applicants of any such claim action or proceeding and cooperate fully in the defense.

Site Plan

5. Any revisions to the Site Plan must be submitted to the Planning Director for review and approval prior to issuance of grading permit to begin construction of the project.
6. If located adjacent to buildings, ALL transformers and protective bollards shall be painted to match the building and all transformers shall be screened from public view by dense landscaping.

Architecture

7. The elevations depicted in the Site Plan enclosed herein as Exhibit "B", are hereby approved. Final construction plan sets shall be consistent with the conceptual exterior elevations approved herein.
8. All meters, valves, pipes and any other mechanical /plumbing/electrical appurtenances on the building exterior shall be painted and/or textured to match the building color.

B. CONSTRUCTION

1. The contractor shall contact the Planning and Development Services Department to schedule a pre-construction meeting with the appropriate city departments, fire department and other agencies as applicable prior to commencement of work.
2. The developer shall comply with the City of Dinuba Construction and Demolition Recycling Program. Contact Planning and Development Services Department at (559) 591-5906 for filing a C&D application.
3. The developer shall use the City's exclusive franchise roll-off waste hauler for removal of construction debris. Contact Pena's Disposal at (559) 528-6997 for construction-related refuse service.

4. The developer shall prohibit grading/construction activities including start-up of equipment/machinery between the hours of 10:00 p.m. and 7:00 a.m. Prior authorization must be obtained from the City Engineer for any work (including underground work) occurring on weekend and holidays.
5. Raddle pans to be in place with 50 ft. of gravel to keep track out of dirt/mud to a minimum.
6. All debris on parking lot/streets tracked out during construction shall be cleaned at the end of each work day.
7. All property not occupied by structures, paving or landscaping on the subject site shall be properly maintained for both health and aesthetic reasons. Grass, weeds and debris shall be promptly abated.
8. The developer/contractor shall obtain the appropriate grading permit and storm water pollution prevention permit for the project. The contractor shall include proper dust control measures as part of site grading. The site shall be kept in as clean a condition as possible avoiding the tracking of dirt, mud and debris onto adjoining property.

Parking

9. Handicap parking spaces shall be provided as required by code. Handicap parking spaces shall be located as near as practical to the primary entrance or shall be located to provide for safety and optimum proximity to the entrances of the building. Handicap parking shall be designed in accordance with standard requirements.
10. All markings to include parking spaces, directional signage, "No Parking" designations and Fire Lane designations shall be clearly defined (as required by the Fire Department) and said markings shall be maintained in good condition at all times.
11. All parking stalls shall be clearly striped using double stripping and permanently maintained.

Service/Loading, Refuse and Outdoor Storage

12. Proper screening of any outdoor service, loading and storage areas shall be integrated into overall building and landscape design. Storage of refuse, supplies, crates, carts, or any other material or equipment used in the operation of the business that is visible to public view is prohibited.
13. The trash enclosure shall be per City Standard Drawing, E-4 and E-4a and be of sufficient size to house the number and size of trash bins and containers needed to accommodate waste, compost and recyclables as well as designed so that each bin can be removed and replaced without requiring removal of other bins, to avoid stacking and to maximize access.
14. A concrete pad inside the enclosure should be included to prevent damage to ground surfaces from filled containers. The pad should extend 10 feet in front of gates. The design of the enclosure should consider providing a separate person-door opening in addition to gate access.
15. The use of cargo containers or any like storage units shall be prohibited on the site.
16. Any chain link fencing shall be finished gloss black for improved appearance.

Signage and Lighting

17. All signs on the building must be consistent with Section 17.72 of the zone district and adopted Sign Design Guidelines. Cabinet (box type) signs are prohibited. All exterior wall-pack lights on the building shall be modified and/or replaced to reduce and/or prevent glare.

Building Permit and Fees

18. The developer shall secure a building permit from the Dinuba Planning and Development Services Department prior to construction and be approved by the City and all other affected agencies prior to the issuance of the building permits. Construction plans submitted for building permits shall be 24" by 36" with city standard title block for all required improvements. The construction plans shall also include any street, site utility, grading and drainage or other public improvement plans, as applicable. Building plans be based on the 2019 CBC, CED, CMC, CPC & Energy Code., and include the following information at time of submittal of construction drawings (if applicable):
 - a. Completed and signed Building Permit Application
 - b. Five (5) sets of construction drawings
 - c. Two (2) sets of engineering calculations
 - d. Two (2) sets of energy calculations
 - e. Two (2) sets of truss calculations
 - f. Two (2) copies of soils report
19. The developer shall comply with, and be responsible for obtaining encroachment permits from the City of Dinuba Public Works Department for all work performed within the City's right-of-way.
20. Prior to issuance of building permits, the developer shall pay all fees required under the City's Development Impact Fees, and all other fees/charges for wastewater, water, and other City utilities in effect at the time of building permit issuance. Contact the Planning and Development Services Department at (559) 591-5906 for a complete schedule of fees.
21. Prior to issuance of building permits, the developer shall submit proof of payment of all applicable school facility impact fees as adopted by the Dinuba Unified School District.
22. If applicable, the developer/property owners shall pay all Department of Fish and Game fees and associated County filing fees if a Negative Declaration or Notice of Determination is filed (NOD).

Landscaping

23. The developer shall provide four (4) copies of complete landscape and irrigation plans for planting and permanent irrigation system for development of the site to the Director of Planning and Development for review and approval. Landscape and irrigation plans shall be submitted concurrently with the improvement plans for the site.
24. Landscape plans must comply with the City of Dinuba Model Water Efficiency Landscape Ordinance. Each set of landscape development plans must contain a "Water Conservation Certification Statement" on the title sheet that reads as follows: *I hereby certify, as the landscape architect/licensed landscape professional of record that the information provided herein meets the requirements and standards as outlined in the Dinuba Municipal Code Section 17.71.130 and the adopted design guidelines for the development of this project.*

25. Plants shall be selected based on their required level of maintenance, durability, mature widths and heights, and water requirements and must be listed in Water Use Classifications of Landscape Species (WUCOLS III) with a water needs category of Very Low, Low, Moderate, or High.
26. Landscape plans shall comply with the Dinuba Landscape Design Guidelines and the following conditions:
 - a. Tree planting shall consist of a mixture of evergreen, deciduous and flowering trees, with low to moderate water use. Use of high water use trees is subject to approval.
 - b. Root barriers shall be installed anywhere that a tree is within 10' of a hard surface.
 - c. Trees shall be a minimum seventy five percent (75%) 24" box and twenty five percent (25%) 15-gallon container.
 - d. Trees must be a minimum of ten (10') from any light standard, fire hydrant and utility structures.
 - e. Shrubs shall be a minimum of eighty percent (80%) 5-gallon container and twenty percent (20%) 1-gallon containers.
 - f. There shall be a minimum of 50% of tree shade coverage of the parking area. This is determined at $\frac{3}{4}$ tree maturity or 15 years after installation. Provide Shade Calculations on Site Plan or Planting Plan as requested.
 - g. Walls along the north and west sided of the property shall be enhanced with climbing vines.
27. All landscape planters must contain shredded wood mulch to retain moisture, suppress weeds, and moderate soil temperature. The mulch depth, type, and maintenance frequency must be noted on the plans.
28. The landscape irrigation system shall have a separate meter from the building.
29. Voltage boxes, mailboxes, trash enclosures, maintenance structures, backflow devices, automatic controls, etc. shall be screened with landscaping.
30. Backflow preventers for landscaping irrigation and domestic water shall not be located at visually prominent locations (such as the end of drive aisles or site entries) and shall be well-screened with shrubs and/or low screen walls. Backflow prevents shall be painted dark green.
31. Dense landscaping (vines/shrubs) shall be provided to screen outdoor trash enclosures, transformers, generators, and other elements visible from public streets. Shrubs should be a minimum one gallon in size.
32. All landscaping and irrigation systems shall be installed prior to issuance of a certificate of occupancy and shall be permanently maintained in a healthy and weed free condition.

C. IMPROVEMENT PLANS

1. The developer shall digitally submit to the City of Dinuba Public Works Department, a set of construction plans on 24" x 36" sheets for all required improvements. These plans shall be prepared by a registered civil engineer. All applicable plan check and inspection fees shall be paid with the first submittal of plans. All plans shall be approved by the City and all other involved agencies prior to the release of any development permits. The City maintains an "Improvement Plan Submittal Requirements & Review Checklist" as a resource.

2. Prior to beginning any construction, or within twenty (20) calendar days after the approved plans are released by the City, the developer shall submit to the City of Dinuba Public Works Department one (1) reproducible/electronic copy (PDF) and two (2) black line copies of the approved set of construction plans, and two (2) bound sets of the approved construction specifications, if any.
3. Within twenty (20) calendar days after all improvements have been constructed and accepted by the City, the developer shall submit to the City of Dinuba Public Works Department one (1) reproducible/electronic copy (PDF) and two (2) black line copies of the approved set of construction plans revised to reflect all field revisions and marked "AS-BUILT" for review and approval. As-Built drawings shall be revised in electronic format, a scanned or field copy of the construction plans will not be accepted. Pad Certification(s) will be required prior to construction of any structure on a lot.

D. GENERAL

1. The developer shall comply with all conditions set forth in Title 16 of the Dinuba Municipal Code (Subdivisions).
2. The conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements and other exactions. Pursuant to Section 66020(d) of the Government Code, these conditions constitute written notice of the amount of such fees, and a description of the dedications, reservations, and other exactions. The applicant is hereby notified that the 90day protest period, commencing from the date of approval of the project, has begun. If the applicant fails to file a protest regarding any of the fees, dedication requirements, reservation requirements or other exactions contained in this notice, complying with all the requirements of Section 66020, the applicant will be legally barred from later challenging such exactions.
3. The developer shall submit a soils report for approval by the City Engineer with the first submittal of the improvement plans.
4. The developer shall comply with all the requirements of the local utility (gas and electric), telephone, cable, and other communication companies. It shall be the responsibility of the developer to notify the local utility, telephone, cable, and other communication companies to remove or relocate utility poles where necessary. The City will not accept first submittal of improvement plans without proof that the developer has provided the improvement plans and documents showing all proposed work to the utility, telephone, cable, and other communication companies.
5. The developer shall comply with and be responsible for obtaining encroachment permits from the City of Dinuba for all work performed within the City's right-of-way and easements.
6. The developer shall provide and pay for all compaction testing required by the QAP (Quality Assurance Plan). Compaction test results shall be submitted to the City Engineer for review and approval.
7. In order to provide for reasonable municipal protection during all phases of construction, the developer shall maintain pedestrian and vehicular access to all surrounding properties and

buildings to the satisfaction of the City of Dinuba Police and Fire Department, and City Engineer.

8. The developer shall be responsible for all actions of his contractors and subcontractors during the course of any work occurring on the site. The developer shall designate, in writing before starting work, an authorized representative who shall have complete authority to represent and to act for the developer. Said authorized representative shall be present at the site of the work at all times while work is actually in progress on the development. During periods when work is suspended, arrangements acceptable to the City Engineer shall be made for any emergency work which may be required. When the developer or his authorized representative is not present on any particular part of the work where it may be desired to give directions, orders may be given by the City Engineer which shall be received and obeyed by the person or persons in charge of the particular work in reference to which the orders are given. Whenever orders are given to the developer's representative or superintendent or foreman to do work required for the convenience and safety of the general public because of inclement weather or any other such cause, such work shall be done at the developer's expense.
9. The developers contractors shall not work on, place debris on, store supplies or equipment on, or in any other way encroach upon any other properties without the written permission of such property owners. In the event other properties are encroached upon without written permission, work shall be automatically shut down until resolved.

E. DEDICATIONS AND STREET IMPROVEMENTS

1. Developer shall provide for all striping, stenciling, pavement markers, delineators and signage required of all street improvements within the development. All traffic signs and street name signs shall be installed in accordance with City Standards and the CA MUTCD (latest edition). A striping and signage plan shall be included with the construction plans and submitted for review and approval by the City Engineer.
2. The developer shall, at his expense, obtain "R Value" tests in quantity sufficient to represent all street areas, and have street structural sections designed by a registered civil engineer based on these "R Value" tests. These designs shall be compared to the minimum section given below and approved by the City Engineer.
3. Developer shall fully landscape the entire frontage along Villa Avenue and around the new building.
4. Developer shall remove the existing drive approach on Villa Avenue in front of the new proposed building and replace with a 4' minimum width concrete sidewalk and curb & gutter per City Standard.
5. Developer shall remove and replace existing drive approaches to meet current ADA standards.
6. Developer shall ensure ADA access is met on all access points to the building and have a Casp sign the plans.

F. SANITARY SEWER IMPROVEMENTS

1. The developer shall identify and abandon all existing septic systems per City Standards and any other governing regulations.
2. The developer's engineer shall be responsible for verifying the size, location, and elevations of existing improvements. Any alternative routing of sewer service must be approved by the City Engineer and supported by appropriate calculations.
3. The developer shall install one (1) 4" sewer service in accordance with City Standards.

G. WATER IMPROVEMENTS

1. The developer shall identify and abandon all existing water wells per City Standards and any other governing regulations.
2. The developer shall install a City Standard water service, size as necessary, in accordance with City Standards.
3. The developer shall install a City Standard landscape water service, size as necessary, in accordance with City Standards.
4. No water service connection shall be made to the City of Dinuba Water System until a bacteriological report has been accepted by the City Engineer.
5. Fire hydrants shall be installed at locations approved by the Fire Department. Fire hydrants and curbs shall be painted per City Standards.
6. The developer shall install backflow preventors on all water services connections to City facilities.

H. GRADING AND DRAINAGE

1. The developer shall, for construction activity prior to clearing, grading or excavation on one (1) acre or more of land area or are part of a larger common plan of development or sale, obtain a NPDES permit and implement Best Available Technology Economically Achievable and Best Conventional Pollutant Control Technology to reduce or eliminate storm water pollution. Plans for these requirements shall be included in the construction plan set and shall be submitted to and approved by the City Engineer.
2. Plans for the required storm drainage systems shall be prepared by a registered civil engineer and conform to the City of Dinuba Storm Drain Design Guidelines (Attachment 'F'), Developer's engineer shall implement best management practices (BMPs) outlines in the Design Guidelines for peak flow reduction. The BMPs recommended in the report are designed to accommodate either the 85th percentile storm (0.32 inches) or the 100-year, 24-hour storm.
3. A percolation test signed and sealed by a California registered civil or geotechnical engineer shall demonstrate that BMPs can completely infiltrate within 96 hours.

4. Prior to the approval of grading plan, approvals and permits from the San Joaquin Valley Air Pollution Control District shall be obtained. The Project shall comply with all rules, regulations and conditions of approval imposed by the District.
5. The developer shall maintain a program of dust control to prevent air pollution as well as discomfort or damage to adjacent and surrounding properties. The developer shall follow all requirements and recommendations made by the San Joaquin Valley Air Pollution Control District for dust and emission reduction.

I. MISCELLANEOUS

1. It shall be the responsibility of the developer to remove all existing structures, trees, shrubs, etc., that are within or encroaching on existing or proposed rights-of-way or easements. Existing street improvements shall be preserved, at the discretion of the City Engineer.
2. The developer shall provide clean-up, street sweeping and dust control during the construction of the development to the satisfaction of the City Engineer and Public Works Director. A deposit of \$5,000.00 shall be submitted to the City to guarantee compliance. At any time, developer is deemed to be non-compliant by the City Engineer or Public Works Director, the City may draw from said deposit to pay for necessary activities to bring the site into compliance.
3. Within five days after the final setting of all monuments has been completed, the engineer or surveyor shall give written notice to the City Engineer that the final monuments have been set. Upon payment to the engineer or surveyor for setting the final monuments, the developer shall present to the City Engineer evidence of the payment and receipt thereof by the engineer or surveyor.
4. A deferment, modification, or waiver of any engineering conditions will require the express written approval of the City Engineer.
5. The conditions given herein are for the entire complex. Additional requirements for individual phases may be necessary pending review by the City Engineer.
6. The project shall comply with the requirements of the Dinuba Fire Department, Dinuba Police Department and the City's solid waste contractor (Pena's Disposal).
7. Trash enclosure shall follow the latest edition of the Public Improvement Standards and include a roof and have ADA access.
8. The property is located within flood zone X and shall comply with the City Ordinance and FEMA requirements.

J. FIRE DEPARTMENT

(Note, this checklist is not all-inclusive and does not exclude builder/owner from all required applicable codes. If something is missed in the plan check process, the owner/ builder will be expected to comply with the applicable code, regulation, or ordinance).

1. Fire lanes marked on plan with "No Parking, Fire Lane" every 50 feet or as needed, and noted on the site plan.

2. Commercial cooking equipment that produces grease laden vapors shall be provided with a Type-1 hood, in accordance with the California Mechanical Code, and shall be provided with an automatic fire extinguishing system installed in accordance with the Fire Code. The fire extinguishing system shall be listed and labeled for its intended use shall be a wet-chemical extinguishing system, complying with UL 300. All hood fire extinguishing systems and all portable fire extinguishers shall have a current California State Fire Marshal service tag attached to the pull station. A Class K fire extinguisher shall be installed within thirty feet of the hood along the exit pathway. (CFC 904)
3. Other common items required to be indicated on plans include fire extinguishers, emergency lighting, exit signs, utility signage, and Knox box.
4. Utility room will be kept in compliance for access/egress and will be kept in a manor to not create or constitute a fire hazard.
5. Address located on building 12 inches in height and visable from the Street.

Exhibit "A" (Site Plan)

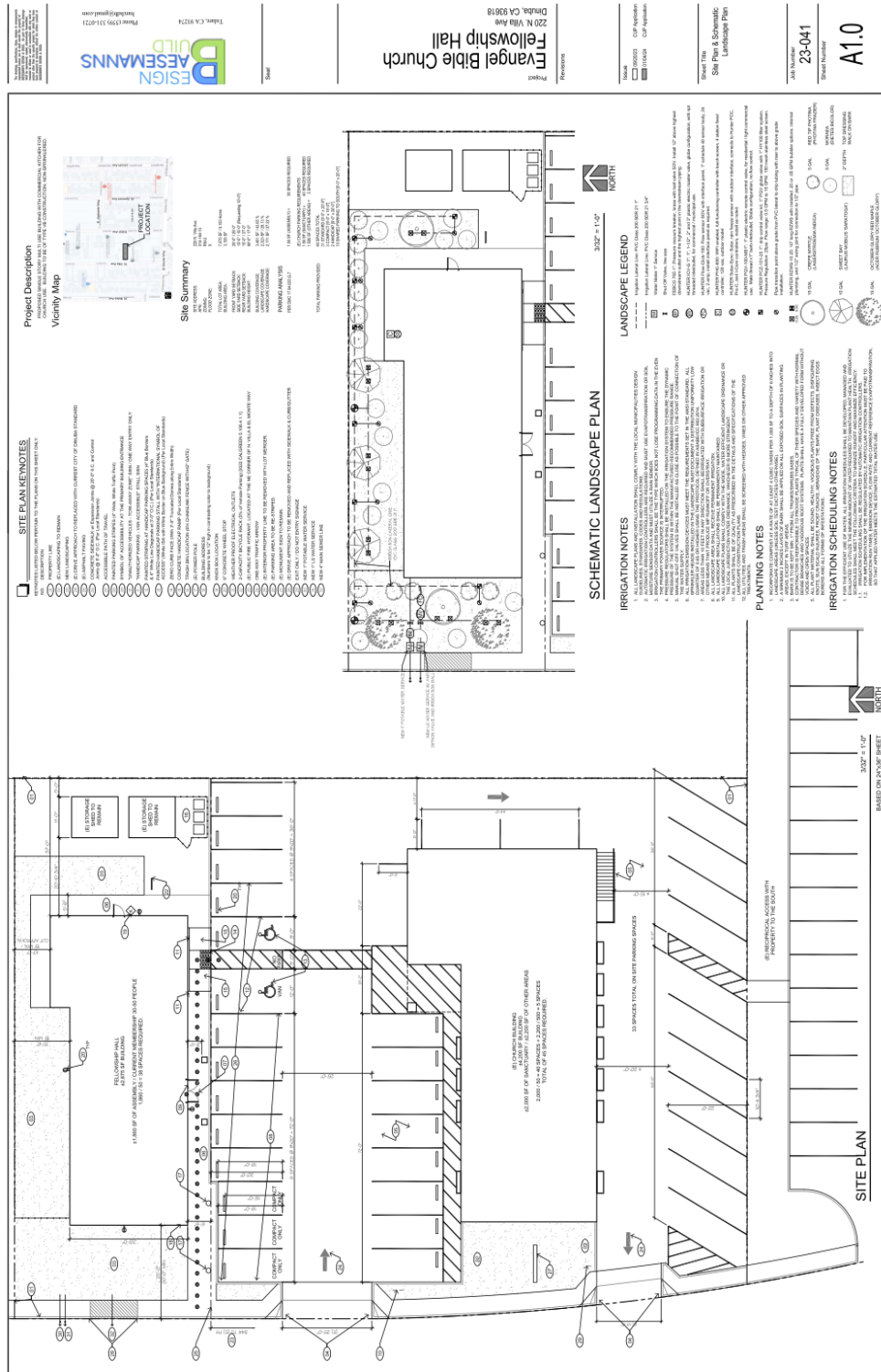
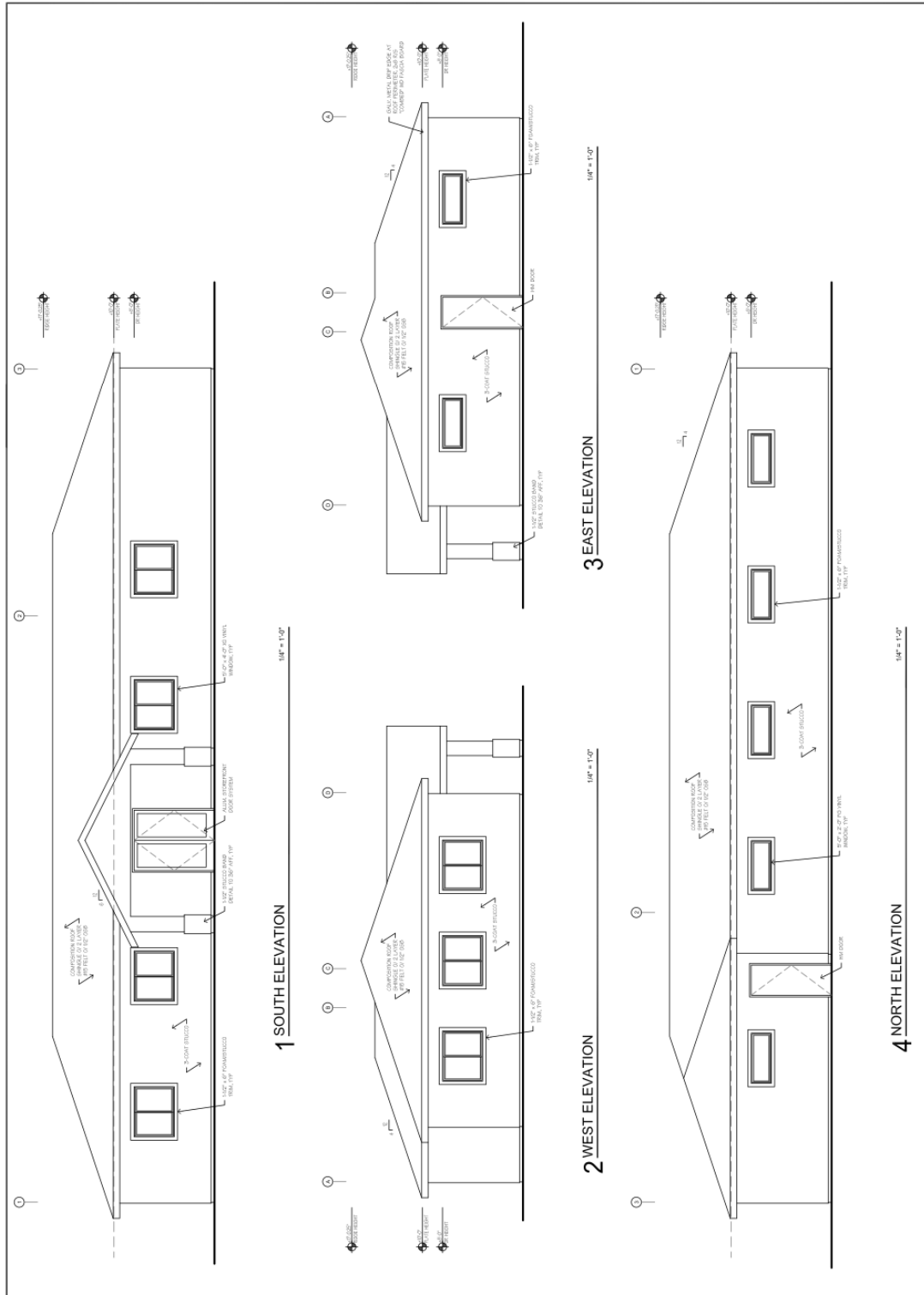
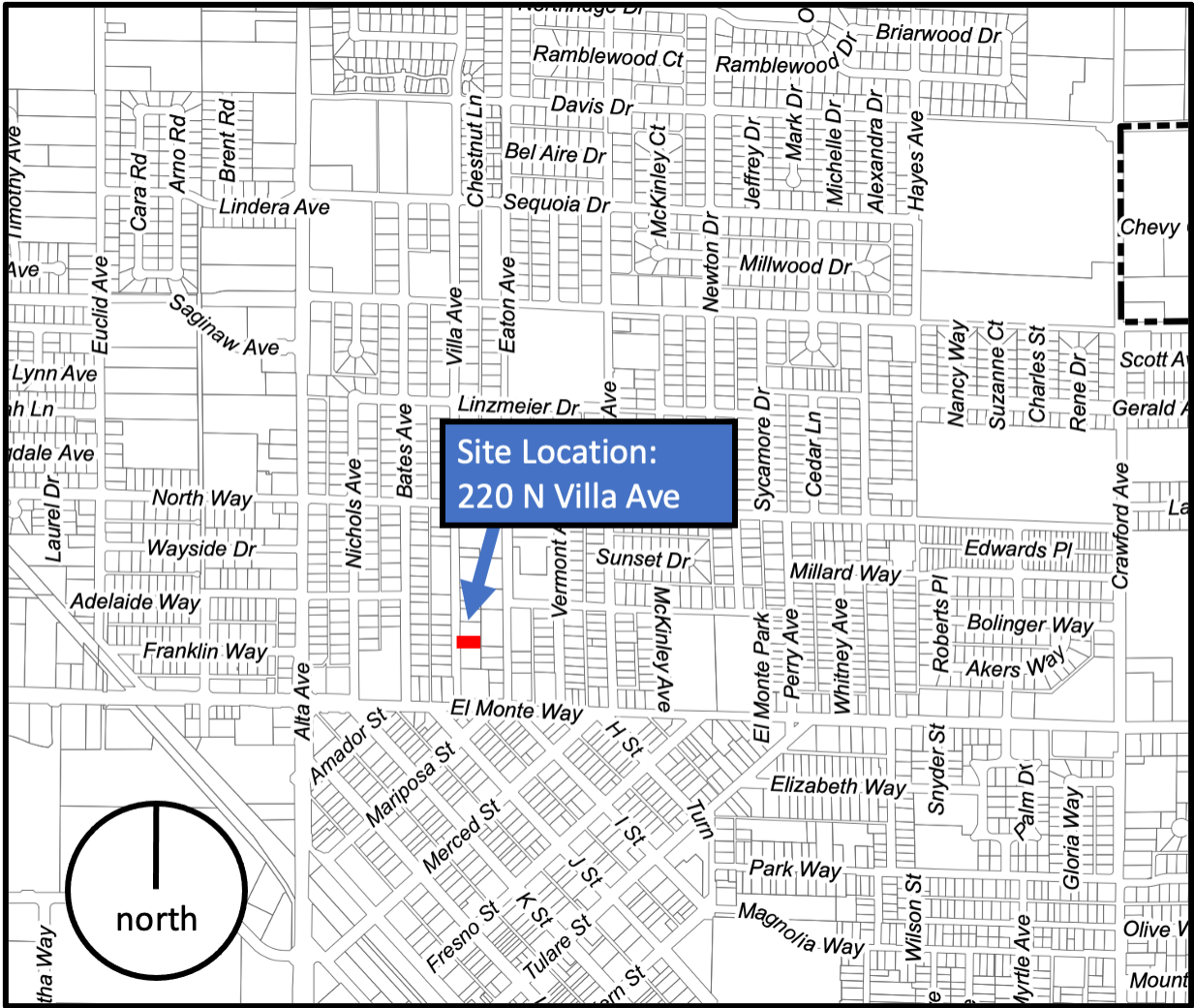


Exhibit "B" (Façade Design)



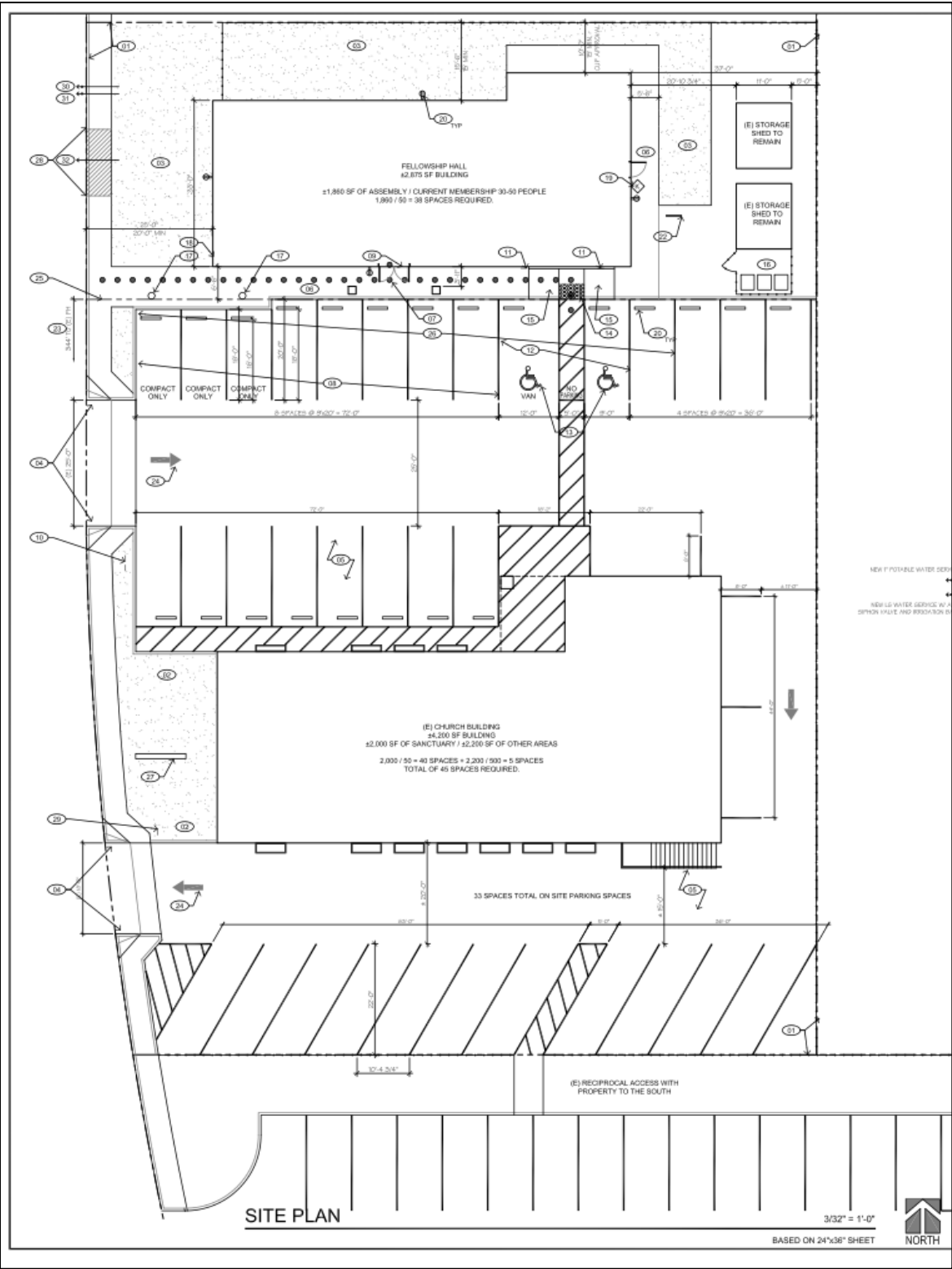
Attachment "B" (Location Map)



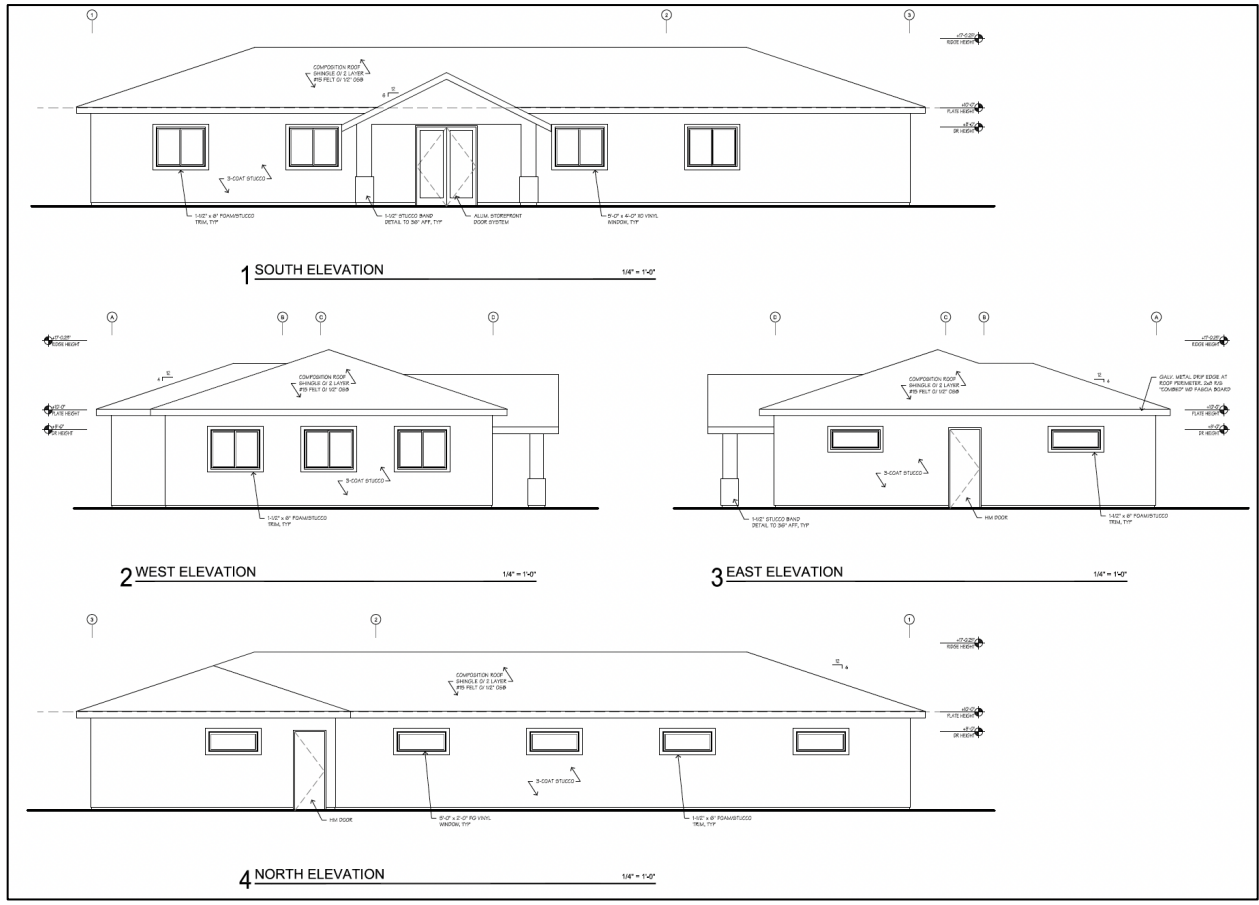
Attachment "C" (Aerial Photo)



Attachment "D" (Proposed Site Plan)



Attachment “E” (Proposed Architectural Elevations)





Planning Commission Staff Report

Department: PUBLIC WORKS

February 6, 2024

To: Planning Commission

From: Karl Schoettler, City Planning Consultant

Subject: Informational presentation on comprehensive Zoning Ordinance update

RECOMMENDATION

Staff recommends the Planning Commission receive information on draft chapters of the Zoning Ordinance update and offer questions and comments.

EXECUTIVE SUMMARY

Zoning Ordinance Update informational presentation to review draft chapters of Industrial zones, Planned Unit Development overlay zone, Special Uses, Landscaping and Irrigation, Parking and Loading, Signs, Nonconforming uses, and Definitions

OUTSTANDING ISSUES

None.

DISCUSSION

The consultant continues work on the Zoning Ordinance update and has prepared the final draft chapters for the following zones and subjects, offered for the Planning Commission's consideration. These chapters include:

- Industrial zones ("M-1" (Light Industrial) and "M-2" (Heavy Industrial))
- Planned Unit Development overlay zone
- Special Uses and Standards
- Landscaping and Irrigation
- Parking and Loading
- Signs and Advertising
- Non-Conforming Uses
- Definitions

A brief overview of each chapter is as follows:

Industrial Zones

This chapter establishes standards for both of Dinuba's industrial zones – the "M-1" (Light Industrial zone) and the "M-2" (Heavy Industrial). Of note, only the M-1 zone is currently applied to parcels in the City. The M-1 zone allows "light industrial" uses, typically activities that are expected to have lesser impacts on their surroundings than uses permitted in the M-2 zone. Key sections of this chapter include:

- Purpose Statement
- Site Plan Review
- Development Standards (setbacks, building height, etc.)
- Fences, Walls and Hedges
- Off-Street Parking and Loading Facilities
- Signs
- Landscaping
- Design Guidelines
- Performance Standards

In addition to simplifying language, the chapter includes a graphic that illustrates key zoning standards, such as building setbacks, height and fencing, among others.

Special Uses and Standards

This zone establishes standards for certain uses that require extra standards and review. Uses listed in this zone include:

- Home Occupations
- Mixed Uses
- Service Stations
- Temporary Uses
- Caretaker Facilities
- Temporary Modular Structures
- Recycling/Buyback Centers
- Accessory Dwelling Units
- Wireless Telecommunication Equipment
- Sexually Oriented Businesses
- Outdoor Storage Yards
- Building height.
- Swimming Pools in Residential Zones
- Garage conversions
- Bed and Breakfast Facilities.
- Sight Distance
- Regulation of Adult Material
- Businesses Selling Alcoholic Beverages
- Wireless Communication Facilities
- Manufactured housing.

- Garage Sales
- Mobile Home Parks

Landscaping and Irrigation

This chapter establishes requirements for landscaping and irrigation improvements that are required for new development projects. Of note, the chapter includes standards so that future landscaping designs comply with the State of California's standards for low-water-using landscape designs (known as the Model Water Efficient Landscape Ordinance (MWELO)). The implementation of these standards is expected to result in up to 70% reduction in water use (versus previous landscape designs). The chapter also refers readers to the Dinuba Landscape Design Guidelines.

Parking and Loading

This chapter establishes standards for the installation of parking and loading facilities for various types of land uses (residential, commercial, industrial and public/institutional). To make it easier to read, the chapter has sorted various uses into similar categories and added a graphic to help make it easier to understand the requirements. Also, to promote and facilitate bicycling in Dinuba, the chapter establishes standards for bicycle racks for certain types of uses.

Signs and Advertising

This chapter establishes standards for the regulation of signs in Dinuba. The chapter is mostly unchanged since these standards were overhauled in 2018. One change is that businesses will be able to place multiple signs on building walls – as long as the total area (size) of all the signs does not exceed the maximum sign area that is allowed by the sign ordinance's size calculation (which is not being changed). The ordinance has also been amended to allow additional freestanding signs along commercial frontages (reducing the distance from 1,000 feet to 250 feet between signs on an individual site). This change is based on recent commercial developments in the City.

Planned Unit Development (PUD) Overlay Zone

The PUD overlay zone is intended to facilitate creativity in project design by allowing applicants to deviate from certain zoning standards, such as lot size, setbacks, density and others. This zone has been used primarily for single family residential subdivisions, typically where the developer is proposing smaller lots, reduced setbacks and higher density. The ordinance establishes that the City must be able to determine that the resulting design is superior in quality, versus designs that can be achieved with standard zoning requirements.

Definitions

This chapter establishes definitions of terms that are used throughout the Zoning Ordinance. The chapter also notes that some definitions are contained within the chapter for which the terms apply. For example, definitions related to signage are actually contained within the chapter on Sign standards. The following chapters are written to contain definitions specific to that chapter:

- Accessory Dwelling Units
- Adult Entertainment
- Landscaping and Irrigation
- Recycling/Buyback Centers
- Signs and Advertising
- Wireless Telecommunication Equipment

Non-Conforming Uses

This chapter pertains to land uses and developments that do not conform to existing zoning standards and use restrictions for the specific parcel. The purpose of these regulations is to facilitate the transition of parcels (with uses that do not conform with zoning) to uses that do conform.

A common example is where a house is located on a parcel that is zoned for commercial development. As long as the house is used for residential purposes, it may continue to be used as such - indefinitely. However, if the home is vacated for a specified period (or is destroyed by fire or flooding beyond a certain value) the home cannot be replaced (or must be converted to a commercial use that is allowed in the subject zone).

Again, the purpose of non-conforming use regulations is to facilitate the orderly transition of parcels to conform to zoning.

Next Steps

This workshop completes staff's informational review of the draft chapters of the zoning ordinance with the Planning Commission. The City Attorney will now be reviewing the chapters to ensure they comply with applicable State and federal codes. Following that review the complete updated Zoning Ordinance will be presented to the Planning Commission for adoption and a recommendation to the City Council (for final adoption).

FISCAL IMPACT

The City Council has allocated funding for preparation of the Zoning Ordinance update.

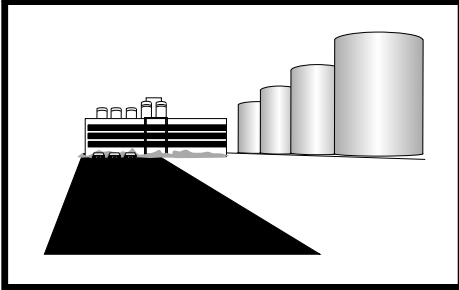
PUBLIC HEARING

A public hearing will be conducted prior to adoption of the updated Zoning Ordinance.

ATTACHMENTS:

Industrial zones
Planned Unit Development overlay zone
Special Uses
Landscaping and Irrigation
Parking and Loading
Signs and Advertising
Non-Conforming Uses
Definitions

CHAPTER 35



Industrial Zones: IL (Light Industrial) I (Heavy Industrial)

Sections

17.35.010	Purpose
17.35.020	Permitted and Conditionally Permitted Uses
17.35.030	Site Plan Review
17.35.040	Design Guidelines
17.35.050	Development Standards
17.35.060	Fences, Walls and Hedges
17.35.070	Off-Street Parking and Loading Facilities
17.35.080	Signs
17.35.090	Landscaping

17.35.010 Purpose

The purpose of Dinuba's Industrial zones is to provide appropriate locations in the community for industrial uses and related activities. Two zones are established:

- "M-1" This zone is the "Light Industrial" zone and provides for uses such as light manufacturing, warehousing, storage, service commercial and similar uses.
- "M-2". This zone is the "Heavy Industrial" zone and provides spaces for more intensive industrial and manufacturing activities.

Development standards in the Industrial zones are designed to promote the following:

- (1) to protect appropriate areas for industrial use from intrusion by residences and other inharmonious uses,
- (2) to provide opportunities for certain types of industrial uses to concentrate in mutually beneficial relationships to one other;

- (3) to provide adequate space to meet the needs of modern industrial development, including truck parking, off-street parking and loading;
- (4) to provide industrial employment opportunities for residents of the region; and
- (5) to operate in a manner that protects the public health, safety and welfare by ensuring that potential harmful impacts such as noise, vibration, noxious fumes, fire, and explosions, are avoided.
- (6) to establish standards that result in industrial development that is attractive and functional.

17.35.020 Permitted and Conditionally Permitted Uses

Permitted uses (and conditionally-permitted uses) in the M-1 and M-2 zones are listed in Chapter 17.###.

17.35.030 Site Plan Review

No development shall be constructed on any lot or site in this district until a site plan has been submitted and approved consistent with Chapter 17.### (Site Plan Review), (or a Conditional Use Permit for uses listed as such).

17.35.040 Dinuba Commercial Design Guidelines

New development in the “M-1” and “M-2” zones shall be designed consistent with the Dinuba Commercial and Industrial Design Guidelines (adopted under separate cover).

17.35.050 Development Standards (see also Exhibit 35-1)

- a. Site Area, Lot Frontage and Depth

No requirement.

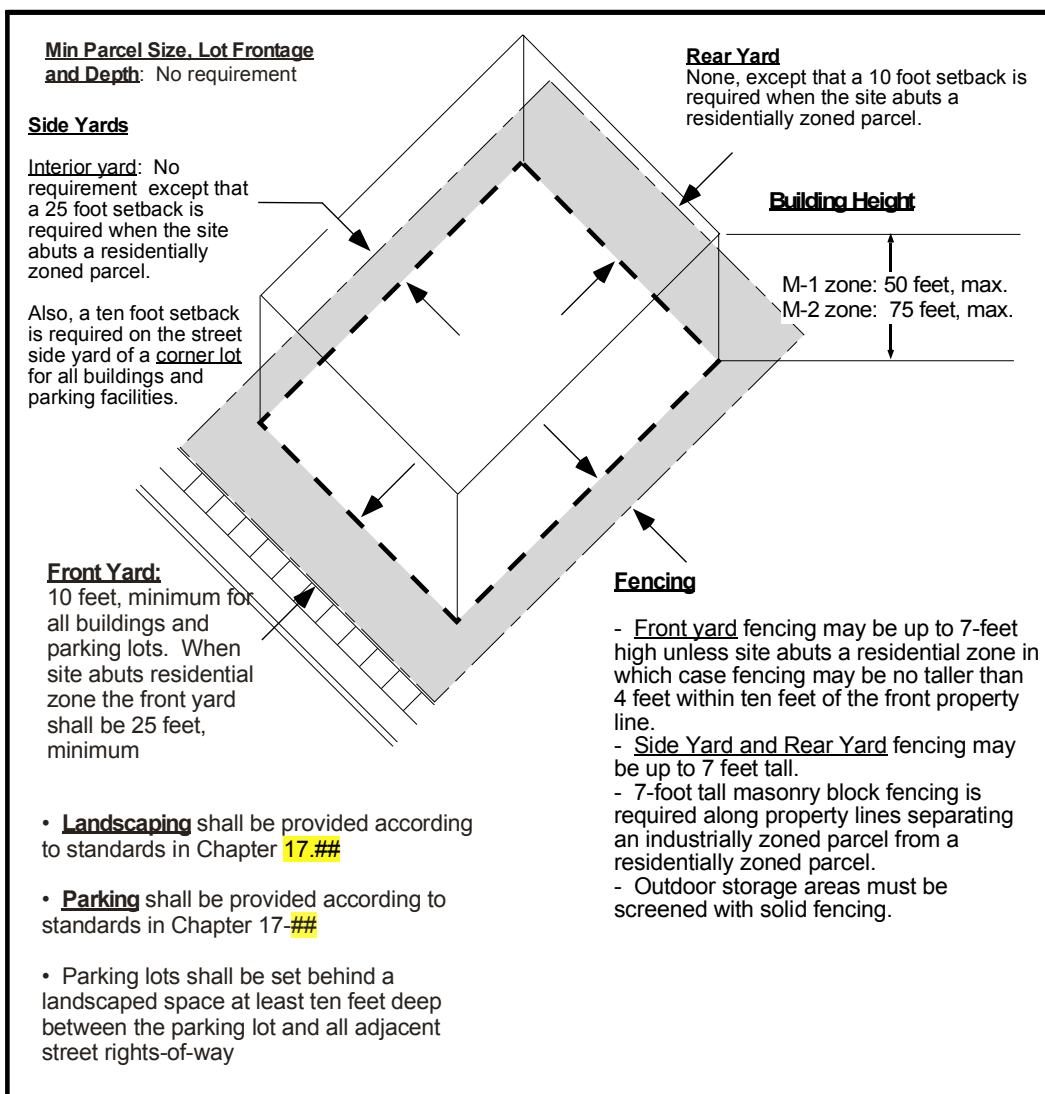
- b. Building Height

M-1 zone: 50 feet, maximum

M-2 zone: 75 feet, maximum

Exceptions to the above height standards are applicable for certain accessory structures and building features (see Chapter 17.### (Special Uses and Standards))

Exhibit 35-1: Summary of Industrial Zoning Standards



c. Yards

1. Front: 10 feet, minimum. Where an industrial zone abuts a residential zone then a minimum front yard of 25 feet shall be provided. This space shall be landscaped.

2. Side Yards:

Interior side yards (side yard that abuts another lot):

No requirement, unless the site abuts a non-industrial zone, in which case a minimum setback of 25 feet is required.

Street side yard on a corner lot: 10 feet, minimum.

3. Rear Yard: No requirement unless the subject property abuts a residential district, wherein the minimum yard shall be 10 feet.

17.35.060 Fences, Walls and Hedges

- a. Front Yards: Fences, walls and hedges shall not exceed seven feet in height, unless the site abuts a residential zone in which case fencing within ten feet of the front property line shall be no higher than four feet.
- b. Rear and Side Yards: Fences, walls, and hedges shall not exceed seven feet in height.
- c. Where a property zoned "M-1" or "M-2" abuts a residential district, a 7-foot solid block masonry wall shall be constructed between the two uses.
- d. The outdoor storage of equipment or materials shall be screened from the view of any adjoining public right-of-way with a 7-foot solid block wall, or 6-foot chain-linked fence with slats and landscaping.

17.35.070 Off-Street Parking and Loading Facilities

- a. Uses in the "M-1" and "M-2" zones shall provide off-street parking consistent with Chapter 17.## Parking and Loading.
- b. Parking lots shall be designed and constructed so that within five years of construction, 50 percent of the parking lot is shaded by trees.
- c. Parking lots shall be designed to accommodate solid waste pick-up.
- d. Storage areas shall be surfaced with asphalt/concrete or gravel.

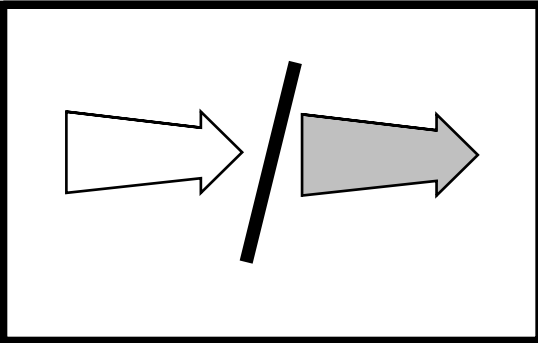
17.35.080 Signs

Signs shall be consistent with the requirements detailed in Chapter 17.## Signs.

17.35.090 Landscaping

- a. All landscaping and irrigation on parcels shall be consistent with standards contained in Chapter 17.### (Landscaping and Irrigation) and also the Dinuba Landscape Design Guidelines (adopted under separate cover).
- a. A landscaping and irrigation plan shall be submitted on all neighborhood commercial developments to the City Planner for review and approval consistent with the standards in Chapter 25-43 (Landscaping) and the Dinuba Landscape Design Guidelines. All setback areas along streets shall be landscaped.
- b. The landscaping and irrigation plan shall show a tree-planting scheme in the parking lot that will result in 50 percent of the parking lot being shaded within five years.
- c. The landscaping and irrigation plan shall provide for a minimal amount of turf and shall incorporate a variety of xerophytic plants, mulch to reduce water use, and an automated irrigation system that incorporates water conservation technology, including drip irrigation, smart irrigation controllers, and low-flow irrigation heads.
- d. Parking lots should be screened from adjacent public roadways by low walls and/or hedges.
- e. Vines and climbing plants should be used on perimeter walls in order to soften the appearance of the site and prevent graffiti.

CHAPTER 41



PD Zone (Planned Development Overlay)

Sections

17.41.010	Purpose
17.41.020	Applicability
17.41.030	Permitted Uses
17.41.040	Conditional Uses
17.41.050	Application Requirements
17.41.060	Project Review
17.41.070	Development Standards
17.41.080	Other Design Elements for Residential Projects
17.41.090	Findings

17.41.010 Purpose

The purpose of the Planned Development (PD) overlay district is to promote development designs that respond to significant planning-related issues facing Valley cities, including the need to protect air quality, reduce urbanization of agricultural land, housing affordability, traffic, aesthetics and the desire to promote more livable neighborhoods.

The Planned Development overlay district is structured to produce a comprehensive development that is superior to traditional development that results from the application of conventional zoning standards.

17.41.020 Applicability

The PD overlay district can be combined with any single family, multi-family, commercial or industrial district identified in the zoning ordinance. For purposes of identification on the Zoning Map, an established PD overlay district shall be suffixed

Dinuba Zoning Ordinance
Chapter 41: PD Zone (Planned Development Overlay)

with the zoning notation of the district with which it is combined (e.g. R-1-6 (PD) or C-2 (PD)).

17.41.030 Permitted Uses

Uses permitted in the PD zone are those listed on the permitted use list of the underlying district to which the Planned Development district is being combined.

17.41.040 Conditional Uses

Uses permitted subject to a Conditional Use Permit are those listed on the Conditional Use list of the underlying district to which the Planned Development district is being combined.

17.41.050 Application Requirements

As part of an application for a zoning ordinance amendment to reclassify property to the Planned Development overlay district, the applicant shall submit to the City a development plan, which shall include the following:

- a. Legal description and boundary survey map of the exterior boundaries of the land to be developed.
- b. A comprehensive description of zoning standards of the underlying zone to which flexibility is being requested.
- c. A site plan of the project that shows information that is required, consistent with Chapter 17.## Site Plan Review of this Ordinance. If the project includes a subdivision then a Tentative Subdivision Map must be submitted, consistent with requirements of Title 16 (Subdivision) of the Dinuba Municipal Code.
- d. Architectural facade drawings of structures and other major building features of the project.
- e. A phase plan, if applicable.
- f. The location and general arrangement of all open space, landscaping and hardscape areas.
- g. An infrastructure and utilities plan.

17.41.060 Project Review

No development shall be constructed on any lot or site in this district until a development plan has been submitted and approved consistent with Site Plan and Design Review (Chapter 25-53) or a parcel or subdivision map (consistent with the Dinuba Subdivision Ordinance), as the case may be, as well and a Conditional Use Permit, consistent with Chapter 17.## (Conditional Use Permits).

17.41.070 Development Standards

The following additional development standards together with applicable standards specified in the underlying base zone shall apply to all land and structures within this planned development overlay district, unless flexibility in standards has been clearly identified as part of the development application.

- a. The minimum site area of a Planned residential development shall be one acre.
- b. All PD projects shall comply with the City's Design Guidelines that are applicable to the underlying zone.
- c. For residential projects, an increase in density may be granted, provided the resulting project does not exceed density standards of the General Plan land use category that applies to the site. Further, no lots smaller than 5,000 square feet shall be permitted.
- e. A reduction in street width may be requested as long as a finding can be made that the request furthers the intent of the PD zone and the request complies with street safety standards.
- f. A reduction in yard setbacks may be requested as long as a finding can be made that the request furthers the intent of the PD zone.
- g. At least five percent of the gross area of the site, excluding public streets, parking lots and required setback areas, shall be improved for common open and recreational space.
- h. The conservation of natural site features such as topography, vegetation and water courses shall be considered in the project design.

17.41.080 Other Design Elements for Residential Projects

The Planned Development zone should not be viewed as simply a way for a project to have more lots and smaller lots. In order to assist the City Council and Planning Commission to be able to make the finding that the project design is "superior" the City

Dinuba Zoning Ordinance
Chapter 41: PD Zone (Planned Development Overlay)

may apply additional design requirements, including, but not limited to the following elements:

- A. Compliance with architectural façade styles that are considered native and historic to Dinuba and California (illustrated in the Dinuba Residential Design Guidelines), such as:
 - 1. Spanish
 - 2. Craftsman
 - 3. Mediterranean
 - 4. Victorian
 - 5. Tudor cottage
- B. Homes with large, usable front porch on the front façade.
- C. Streetscape and traffic calming measures such as:
 - 1. Antique-style pedestrian-scale street lamps
 - 2. Bulb-outs at intersections
 - 3. Roundabouts and traffic circles
 - 4. Stamped and colored cross walks
 - 5. Enhanced landscaping
- D. Other features determined to be appropriate and desirable.

17.41.090 Findings

A Planned Development District may be established after the Planning Commission and the City Council, respectively, have made the following findings:

- a. That the area proposed to be so zoned is generally suitable for the proposed project but for reasons affecting public health, safety, comfort, general welfare and orderly community growth or to promote innovative development that responds to community needs, it is appropriate to classify such area within the Planned Development District, subject to a development plan provided for in this Chapter.
- b. That the proposed project authorized by the Planned Development zone will provide benefits and safeguards equal to, or greater than those that would be provided by the regulations applicable to the underlying zone district, with respect to public health, safety, comfort and general welfare and orderly physical growth and development of the City.
- c. All owners of the property within the proposed Planned Development zone have consented in writing to the adoption of the district and development plan.

CHAPTER 45



Special Uses

Sections

17.45.010	Purpose
17.45.020	Home Occupations
17.45.030	Mixed Uses
17.45.040	Service Stations
17.45.050	Temporary Uses
17.45.060	Caretaker Facilities
17.45.070	Temporary Modular Structures
17.45.080	Recycling/Buyback Centers
17.45.090	Accessory Dwelling Units
17.45.100	Wireless Telecommunication Equipment
17.45.110	Sexually Oriented Businesses
17.45.120	Outdoor Storage Yards
17.45.130	Building height.
17.45.140	Swimming Pools in Residential Zones
17.45.150	Garage conversions
17.45.160	Bed and Breakfast Facilities.
17.45.170	Sight Distance
17.45.180	Regulation of Adult Material
17.45.190	Businesses Selling Alcoholic Beverages
17.45.200	Wireless Communication Facilities
17.45.210	Manufactured housing.
17.45.220	Garage Sales
17.45.230	Mobile Home Parks

17.45.010 Purpose

The purpose of this chapter is to establish procedures, development standards, and location criteria for special uses within the City of Dinuba. Special uses are those uses that are listed in specific zones which have unusual characteristics and may have the potential for pronounced impacts on their surroundings, and where the City has established standards for the design and operation of such uses. These standards are intended to ensure that these uses do not have an adverse impact on the public health, safety, or welfare. Special uses and specific development standards for each are listed as follows.

17.45.020 Home Occupations

Persons wishing to conduct a home occupation shall apply for a business license/home occupation permit through the Finance Department. Home occupations must be clearly incidental and secondary to the use of a building as a residential dwelling. Home occupations shall comply with the following regulations:

- A. Home occupations may include:
1. Consultive professional occupations, whose function is one of rendering a service and does not involve the dispensing of goods or products.
 2. Secondary business offices associated with the resident, where said business has its principal office, staff and equipment located elsewhere.
 3. The giving of music lessons, swimming lessons and similar occupations.
 4. The home office of a salesperson, where all sales are done by written order with no commodities or displays on the premises.
 5. Drafting, designing and the like, using only normal equipment associated with the activity.
 6. Homemade Foods Businesses subject to standards of the California Homemade Foods Act (as codified in Government Code section 51035), and the following City standards:
 - a. There shall be no employment of help outside the residents of the dwelling, except for one full time employee.
 - b. All food preparation in conjunction with a homemade food business must take place in the residence's existing kitchen.

- c. Prior to granting of a city business license the applicant shall obtain a permit from the Tulare County Environmental Health Department. The City business license shall not be effective until that permit or approval is obtained, and shall automatically expire if the other required permit or approval expires, is disapproved or is revoked.
 - d. A copy of the Tulare County Environmental Health Department permit to operate shall be provided to the city planning department within ten working days of the issuance of that permit or approval.
- B. Notwithstanding standards for Homemade Food Businesses, the following criteria shall apply for the evaluation of a home occupation:
 - 1. There shall be no employment of help other than members of the resident family.
 - 2. There shall be no use of material or mechanical equipment not recognized as being part of normal household or hobby uses.
 - 3. There shall be no sales of products or services not produced on the premises.
 - 4. The use shall not generate vehicular or pedestrian traffic beyond that normal to the district in which it is located.
 - 5. The activity shall not involve the use of commercial vehicles for delivery or materials to or from the premises, other than one vehicle not to exceed one ton, owned by the operator of such home occupations.
 - 6. There shall be no excessive or unsightly storage of materials or supplies, indoor or outdoor, for purposes other than those permitted in the district.
 - 7. Any signage shall be consistent with the Sign Ordinance (Chapter 17.###)
 - 8. Not more than one room in the dwelling shall be employed for the home occupation.
 - 9. In no way shall the appearance of the structure be so altered or the conduct of the occupation within the structure be such that the structure may be reasonably recognized as serving a non-residential use (either by color, materials or construction, lighting, signs, sounds or noises, vibrations, etc.).

10. There shall be no use of utilities or community facilities beyond that normal to the use of the property for residential purposes as defined in the district.
- C. An applicant for a home occupation permits may appeal the decision of the Planning Director consistent with Chapter 17.### (Appeals).

17.45.030 Mixed Use Developments

Mixed Use Developments are permitted in Dinuba's commercial zones subject to the following standards:

A. Development Standards

Mixed use developments are subject to Site Plan Review (consistent with the requirements of Chapter 17.###) and shall comply with the development standards of the underlying zone (concerning lot size and dimensions, setbacks, building height and coverage, etc.) except that residential development shall comply with density standards of the RM-1.5 zone (which allow a density up to one dwelling per 1,500 square feet of lot area) and also that projects may request a reduction of up to 50% in the number of parking spaces that are required for each distinct use on the site, as shown in Chapter 17.### (Parking). Said request for a parking reduction shall be incorporated into the Site Plan Review application and is not subject to a Variance.

17.45.40 Service Stations

- A. Locational criteria. All new service stations must have frontage on a road classified in the Dinuba Circulation Element as a collector or arterial road.
- B. Site Design Criteria:
 1. Pump islands shall be at least 18 feet from any street right-of-way. In addition, a landscape planter at least ten feet wide shall be located between a pump island and the street right-of-way.
 2. Access driveways shall be a minimum width of 30 feet, and shall be no closer than 50 feet from the nearest curb line of any intersecting street.
 3. All vehicle repair activities shall be entirely within a building or enclosed area.

4. A site plan for a service station shall include information to demonstrate proper maneuverability of fuel delivery vehicles onto and off of the site.

17.45.050 Temporary uses.

A. Purpose. The purpose of this section is to regulate temporary land use activities which may adversely affect the public health, safety and welfare.

B. Authority. The director is authorized to approve, approve with conditions, or to deny such request. The director may establish conditions including, but not limited to, hours of operation, parking, signage and lighting, traffic circulation and access, temporary or permanent site improvements, and other measures necessary to minimize detrimental effects on surrounding properties. The director also may require a cash deposit or cash bond to defray the costs of cleanup of a site by the city in the event the applicant fails to leave the property in a satisfactory condition, or to guarantee removal and/or reconversion of any temporary use to a permanent use allowed in the subject district.

C. Temporary Uses in All Districts. Notwithstanding underlying zoning, temporary use permits may be granted for fruit and vegetable stands on properties primarily within undeveloped agricultural areas. All fruits and vegetables sold at such stands shall be grown by the owner/operator or purchased by said party directly from a grower/farmer.

D. Temporary Uses in Residential Zoning Districts. The following temporary uses may be allowed in any residential zoning district:

1. Enclosed temporary construction materials storage yards in any residential district, required in connection with the development of subdivisions.
2. Model Home and Subdivision Sales Offices. Model homes may be used as offices solely for the first sale of homes within a recorded tract subject to the following conditions:
 - a. The sales office may be located in a garage, trailer or dwelling;
 - b. Approval shall be for a two-year period, at which time the sales office use shall be terminated and the structure restored back to its original condition. Extensions may be granted by the director in one-year increments up to a maximum of four years or until ninety percent of the development is sold, whichever is less;

- c. A cash deposit, letter of credit or any security determined satisfactory to the city shall be submitted to ensure the restoration or removal of the structure;
 - d. The sales office is to be used only for transactions involving the sale, rent or lease of lots and/or structures within the tract in which the sales office is located, or contiguous tracts;
 - e. Failure to terminate the sales office and restore the structure or failure to apply for an extension on or before the expiration date will result in forfeiture of the cash deposit, a halt in further construction or inspection activity on the project site and enforcement action to ensure restoration of the structure;
 - f. Street improvements and temporary off-street parking at a rate of two spaces per model shall be provided prior to commencement of sales activities or the display of model homes;
 - g. Signage for residential development projects shall be consistent with Chapter [17.72](#).
 - h. Trailer coaches or mobile homes (for office purposes) on active construction sites pursuant to subsection (G) of this section.
- E. Temporary Uses in Commercial and Industrial Zoning Districts. The following temporary land use activities may be allowed in the PO, C-1, C-2, C-3, C-4, M-1, and M-2 zoning districts, unless otherwise stated below:
- 1. Parking lot and sidewalk sales for businesses located within an commercial district;
 - 2. Outdoor art and craft shows and exhibits subject to not more than fifteen days of operation or exhibition in any ninety-day period;
 - 3. Seasonal retail sale of agricultural products raised on the premises, limited to periods of ninety days in a calendar year and when parking and access is provided to the satisfaction of the director;
 - 4. Religious, patriotic, historic, or similar displays or exhibits within yards, parking areas or landscaped areas, subject to not more than fifteen days of display in any ninety-day period for each exhibit;
 - 5. Christmas tree or pumpkin sales lots subject to the following:

- a. All such uses shall be limited to thirty days of operation per calendar year,
 - b. All lighting shall be directed away from and shielded from adjacent residential areas;
6. Circuses, carnivals, rodeos, pony riding or similar traveling amusement enterprises subject to the following:
 - a. All such uses shall be limited to not more than fifteen days, or more than three weekends, of operation in any one-hundred-eighty-day period. To exceed this time limitation shall require the review and approval of a conditional use permit,
 - b. All such activities shall have a minimum setback of one hundred feet from any residential area. This may be waived by the director if no adverse impacts would result,
 - c. Adequate provisions for traffic circulation, off-street parking and pedestrian safety shall be provided to the satisfaction of the director,
 - c. Restrooms shall be provided,
7. Security personnel shall be provided (at a rate determined by the Police Chief),
8. Special, designated parking accommodations for amusement enterprise workers and support vehicles shall be provided.
- d. Noise attenuation for generators and carnival rides shall be provided to the satisfaction of the director;
- e. Mobile homes to provide temporary living or office quarters for circus or carnival personnel;
9. Temporary sidewalk sales and use of the public right-of-way for the display and sale of merchandise not associated with businesses in the C districts, including distribution of free or reduced price cell phones, shall require approval by the director. The use for such purposes shall be limited to two weeks. Permanent use for such purposes is strictly prohibited;
10. Temporary revival church services shall be permitted in the C-2 (downtown commercial) and C-4 (general commercial) districts, ~~subject to administrative approval per Chapter 17.80;~~

11. Trailer Coaches or Mobile Homes on Active Construction Sites. Trailer coaches or mobile homes may be permitted on active construction sites for use as a temporary living quarters for security personnel, or temporary residence of the subject property owner, subject to the following restrictions:
- a. The director may approve a temporary trailer for the duration of the construction project or for a specified period, but in no event for more than two years. If exceptional circumstances exist, a one-year extension may be granted; provided, that the building permit for the first permanent dwelling or structure on the same site has also been extended;
 - b. Installation of trailer coaches may occur only after a valid building permit has been issued;
 - c. A recreational vehicle being defined as a motor home, travel trailer, truck camper or camping trailer, with or without motive power, shall not be permitted pursuant to this section;
 - d. Any permit issued pursuant to this section in conjunction with a construction project shall become invalid upon cancellation or completion of the building permit for which this use has been approved, or the expiration of the time for which the approval has been granted.

17.45.060 Caretaker facilities for Commercial and Industrial uses

Where listed as a permitted use in a particular commercial or industrial zone, one permanent dwelling is allowed for purposes of housing a caretaker, subject to the following standards

- A. Supplementary Statement. The application shall include a statement with explanation of the need for caretaker quarters and the responsibilities of the caretaker/resident.
- B. Status of Caretaker. The resident of the dwelling shall be the owner or lessor, or an employee of the owner or lessor of the site.
- C. Type of Use Requiring a Caretaker. The principal use of the site must clearly require a caretaker for security purposes, or for care of people, plants, animals, equipment, or other conditions on the site.

- D. Type of Dwelling Unit Allowed. Caretaker residences shall be a standard site-built home, a modular home, or an apartment-type unit if the caretaker residence is to be integral with a principal structure.
- E. Parking Requirement. None, provided sufficient usable area is available to accommodate all resident vehicles on-site.

17.45.070 Modular Structures

The purpose of this section is to control the approval and location of all modular structures within the City of Dinuba and to ensure that the uses of said structures, which shall meet the use requirements, zoning standards and design guidelines of the district in which the property is located, will not have a detrimental effect on the appearance of Dinuba nor on surrounding properties. Regulation of modular structures is therefore deemed necessary to promote the public health, safety, and welfare of residents of the City of Dinuba.

A modular structure shall mean any designed, manufactured, remanufactured, used, or converted to a transportable building for use for commercial, office, or industrial purposes.

- A. A permanent modular structure shall be subject to Site Plan Review, consistent with Chapter 17.## and the applicable zoning standards and design guidelines for that particular zone, and shall comply with the following special development standards:
 - 1. A permanent modular structure shall be place on a permanent foundation.
 - 2. In addition to design guidelines that apply to the particular zone, a permanent modular structure shall be of an architectural style that is consistent with buildings in the surrounding neighborhood. The modular structure shall require skirting around the base of the structure.
 - 3. Permanent parking spaces and unloading zones shall be required consistent with Chapter 25-45 Parking and Loading.
 - 4. Landscaping and irrigation shall be required consistent with Chapter 25-43 Landscaping.
 - 5. The business or use conducted within the structure shall secure a business license from the City of Dinuba prior to being open to the public.
- B. A temporary modular structure shall be reviewed and may be approved by the Planning Director and shall comply with the development standards below.

Construction management offices and model home offices shall be exempt from the time limitation standard.

1. A temporary modular structure shall be removed from the subject property within 30 days, unless a longer period of time is requested and approved.
2. A temporary modular structure shall require aesthetic skirting around the base of the structure.
3. The business or use conducted within the structure shall secure a business license from the City of Dinuba prior to being open to the public.

17.45.080 Recycling/Buyback Centers

Recycling facilities may be permitted as set forth in Table 17.## (Permitted Uses in Commercial Zones) and Table 17.## (Permitted Uses in Industrial Zones).

A. Zones Permitted

Recycling facilities are classified into four categories, and permitted by zone district as follows:

<u>Type of Facility</u>	<u>Zone(s) Permitted</u>
Reverse vending machines	All commercial and industrial zones
Small collection facilities	“C-4” zone and all industrial zones
Large collection facilities	“C-4” zone and all industrial zones
Small processing facilities	“C-4” zone and all industrial zones
Large processing facilities	All industrial zones

B. Criteria and standards.

1. All types of recycling facilities are subject to the following operating standards, in addition to those standards listed for the specific type, below.
 - a. The use shall employ containers that are constructed and maintained with durable waterproof and rustproof material, covered when site is not attended, secured from unauthorized entry or removal of material, and shall be of a capacity sufficient to accommodate materials collected and collection schedule;
 - b. Recycling containers shall be clearly marked to identify the type of material to be deposited, operating instructions, and the identity

and phone number of the operator or responsible person to call if the machine is inoperative;

- c. The site shall be maintained free of litter and any other undesirable materials, and mobile facilities, at which truck or containers are removed at the end of each collection day, shall be swept at the end of each collection day;
- d. The business operation not exceed noise levels of sixty decibels as measured at the property line of residentially zoned or occupied property, otherwise shall not exceed seventy decibels;
- e. Containers for the twenty-four-hour donation of materials shall be at least thirty feet from any property zoned or occupied for residential use unless there is a recognized service corridor and acoustical shielding between the containers and the residential use;
- f. Setbacks and landscaping shall be those required for the zoning district in which the facility is located.
- g. On-site parking shall be provided for the use as listed in Chapter 17.## (Parking and Loading).
- h. Signage shall be provided consistent with standards contained in Chapter 17.## (Signs)

C. Types of Facilities and Specific Requirements

The ordinance establishes requirements for the following types of recycling facilities:

- 1. Reverse vending machines
- 2. Small Collection Facilities
- 3. Large Collection Facilities
- 4. Processing Facilities

D. The criteria and standards for specific recycling facilities are as follows:

- 1. **Reverse Vending Machine(s)** are an automated mechanical device which accepts at least one or more types of empty beverage containers including, but not limited to, aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as determined by the state. In addition to standards listed above under #####, Reverse vending machines are subject to the following requirements:

- a. Reverse vending machines must be established in conjunction with a commercial use or community service facility which is in compliance with the zoning, building and fire codes of the city;
 - b. Reverse vending machines must be located within thirty feet of the entrance to the commercial structure and shall not obstruct pedestrian or vehicular circulation;
 - c. Reverse vending machines shall not occupy parking spaces required by the primary use;
 - d. Reverse vending machines must shall occupy no more than fifty square feet of floor space per installation, including any protective enclosure, and shall be no more than eight feet in height;
 - e. Operating hours shall be at least the operating hours of the host use;
 - f. Reverse vending machines shall be illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn.
2. **Small Collection Facilities** may occupy an area of not more than five hundred square feet, and may include: 1. a mobile unit; 2. a Bulk reverse vending machines or a grouping of reverse vending machines occupying more than fifty square feet; 3. a Kiosk-type unit which may include permanent structures, or 4. unattended containers placed for the donation of recyclable materials. Small collection facilities are subject to the following standards and requirements:

Small collection facilities may be sited in commercial and industrial zones with an administrative permit provided they comply with the following conditions:

- a. Small collection facilities shall be established in conjunction with an existing commercial use or community service facility which is in compliance with the zoning, building and fire codes of the city;
- b. Small collection facilities shall be no larger than five hundred square feet and occupy no more than five parking spaces not including space that will be periodically needed for removal of materials or exchange of containers;

- c. Small collection facilities shall be set back at least ten feet from any street line and shall not obstruct pedestrian or vehicular circulation;
 - d. Small collection facilities shall accept only glass, metals, plastic containers, papers and reusable items. Used motor oil may be accepted with permission of the Tulare County Environmental Health Department;
 - e. Small collection facilities shall use no power-driven processing equipment except for reverse vending machines;
 - f. Small collection facilities shall store all recyclable material in containers or in the mobile unit vehicle, and shall not leave materials outside of containers when attendant is not present;
 - g. Attended facilities located within one hundred feet of a property zoned or occupied for residential use shall operate only during the hours between nine a.m. and seven p.m.;
 - h. Containers shall be clearly marked to identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and display a notice stating that no material shall be left outside the recycling enclosure or containers;
3. **Large Collection Facilities** are defined as a facility that is larger than five hundred square feet, or is on a separate property not appurtenant to a host use, and which may have a permanent building. A large collection facility is permitted in service commercial and industrial zones with a site plan development permit, provided the facility meets the following standards:
- a. The facility shall be screened from the public right- of-way by operating in an enclosed building or;
 - b. The facility shall be within an area enclosed by a solid fence at least six feet in height with landscaping;
 - c. The facility shall be at least one hundred fifty feet from property zoned or planned for residential use; and
 - d. All exterior storage of material shall be in sturdy containers which are covered, secured, and maintained in good condition. Storage containers for flammable material shall be constructed of nonflammable material. Oil storage must be in containers approved

by the fire department and/or Tulare County Health Department. No storage, excluding truck trailers and overseas containers, will be visible above the height of the fencing.

- e. The site shall be maintained free of litter and any other undesirable materials, and will be cleaned of loose debris on a daily basis.
- f. If the facility is located within five hundred feet of property zoned, planned or occupied for residential use, it shall not be in operation between seven p.m. and seven a.m.
- g. Facility will be clearly marked with the name and phone number of the facility operator and the hours of operation. Identification and informational signs will meet the standards of the zone, and directional signs, bearing no advertising message, may be installed with the approval of the zoning administrator, if necessary, to facilitate traffic circulation, or if the facility is not visible from the public right-of-way.
- h. Power-driven processing, including aluminum foil and can compacting, baling, plastic shredding, or other light processing activities necessary for efficient temporary storage and shipment of material, may be approved through a use permit process if noise and other conditions are met.

4. Processing Facilities.

All processors are permitted only in industrial zones with a conditional use permit. A processor is a building or enclosed space used for the collection and processing of recyclable materials. "Processing" means the preparation of material for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing. Further, "Processing facilities" include the following:

- a. A Light Processing Facility occupies an area of under forty-five thousand square feet of gross collection, processing and storage area and has up to an average of two outbound truck shipments per day. Light processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable materials and repairing of reusable materials sufficient to qualify as a certified processing facility. A light processing facility shall not shred, compact, or bale ferrous metals other than food and beverage containers.

- b. A heavy processing facility is any processing facility other than a light processing facility.
- c. All processing facilities are subject to the following conditions:
 - i. In the industrial zone, processors will operate in a wholly enclosed building except for incidental storage, or:
 - ii. The facility shall be located within an area enclosed on all sides by a solid fence or wall not less than eight feet in height and landscaped on all street frontages;
 - iii. The facility shall be located no less than one hundred fifty feet from property zoned or planned for residential use.
 - iv. Power-driven processing shall be permitted, provided all noise level requirements are met. Light processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source- separated recyclable materials and repairing of reusable materials.
 - v. A light processing facility shall be no larger than forty-five thousand square feet and shall have no more than an average of two outbound truck shipments of material per day and may not shred, compact or bale ferrous metals other than food and beverage containers.
 - vi. A processing facility may accept used motor oil for recycling from the generator in accordance with Section 25250.11 of the California Health and Safety Code.
 - vii. If the facility is located within five hundred feet of property zoned or planned for residential use, it shall not be in operation between seven p.m. and seven a.m. The facility will be administered by on-site personnel during the hours the facility is open.

5. Definitions

- a. “Recyclable Material” means reusable material including but not limited to metals, glass, plastic and paper, which are intended for reuse, remanufacture, or reconstitution for the purpose of using the altered form. Recyclable material does not include refuse or hazardous materials. Recyclable material may include used motor

oil collected and transported in accordance with Section 25250.11 and 25143.2(b) (4) of the California Health and Safety Code.

- b. “Recycling Collection Facility” shall mean a center for the acceptance by donation, redemption, or purchase, of recyclable materials from the public. Such facility shall not complete any processing except limited bailing, batching and the sorting of recyclable material and shall be classified as either a “small collection” or “large collection” facility.
- c. “Recycling Facility” shall mean a center for the collection and/or processing of recyclable materials. A certified recycling facility or certified processor means a recycling facility certified by the Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986. A recycling facility does not include storage containers or processing activity located on the premises of a residential, commercial or manufacturing use and used solely for the recycling of material generated by that residential property, business or manufacturer. Recycling facilities are either collection facilities or processing facilities.
- d. “Recycling Large Collection Facility” shall mean a collection facility which occupies an area of more than 200 square feet and may include a mobile unit, bulk reverse vending machine or a grouping of reverse vending machines, a kiosk type unit which may include a permanent structure, or an unattended container placed for the donation of recyclable materials.
- e. “Recycling Processing Facility” shall mean a building or enclosed space used for the collection and processing of recyclable materials. Processing means the preparation of material for efficient shipment, or to an end-user’s specifications, by such means as baling, briquetting, impacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning and remanufacturing.
- f. “Recycling Small Collection Facility” shall mean a collection facility which occupies an area of not more than 200 square feet, and may include a mobile unit, bulk reverse vending machine or a grouping of reverse vending machines, a kiosk type unit which may include a permanent structure, or an unattended container placed for the donation of recyclable materials.

17.45.090 Accessory Dwelling Units and Junior Accessory Dwelling Units

- A. Purpose and Intent.** This section is intended to meet the requirements of State law in providing for accessory dwelling units (“ADUs”) and junior accessory dwelling units (“JADUs”).
1. This Section is intended to comply with California Government Code sections 65852.2 and 65852.22, as either may be amended from time to time. The standards established by this Section shall be interpreted and applied consistent with the language set forth in Government Code sections 65852.2 and 65852.22. Further, to the extent that this Ordinance does not specifically address various requirements of the Government Code, the requirements of the Government Code shall apply.
 2. An ADU or JADU that complies with this Section shall be considered an accessory use or an accessory building that does not exceed the allowable density for the lot upon which it is located.
 3. An ADU or JADU that complies with this Section shall be considered a residential use that is consistent with the existing General Plan and zoning for the lot.
 4. An ADU or JADU that complies with this Section shall not be considered in the application of any other local ordinance, policy, or program to limit residential growth.
 5. ADUs and JADUs shall be counted for purposes of identifying adequate sites for housing in the City’s Housing Element.
- B. Applications.** ADUs and JADUs shall conform to the following submittal requirements.
1. A scaled plot plan of the subject parcel on which the ADU or JADU will be located shall be provided. The plot plan shall indicate the location and separation distances between all existing and proposed structures, as well as setbacks from property lines. To the extent not included above, the plot plan shall also provide dimensions of all easements, right-of-way(s), building envelopes, fencing, parking, and paved areas.
 2. Complete floor plans of both existing and proposed conditions shall be provided. Each room shall be dimensioned and resulting floor area calculation included. The use of each room shall be labeled. The size and location of all doors, closets, walls, and cooking facilities shall be clearly depicted.

3. Provide elevations that show all proposed and existing exterior structure dimensions, all architectural projections, and all openings for both the existing residence and the proposed secondary dwelling unit. The secondary dwelling unit shall meet the following design standards:
 - a. A secondary dwelling unit shall have a roof pitch and roof overhang equal to the roof pitch and roof overhang of the primary residence.
 - b. The address and mailbox for the second dwelling unit shall be located near the public right-of-way.
- C. Designated Areas.** ADUs and JADUs may be permitted on a lot with an existing or proposed single-family use or multi-family use located in the R-1, R-M, and in the Planned Development zone districts, unless the City makes express findings supported by substantial evidence that ADUs and JADUs cannot be permitted due to the inadequacy of water and/or sewer services, and/or the impact of ADUs and JADUs on traffic flow and/or public safety and designate specific areas based on these findings. ADUs and JADUs are subject to the normal requirements of the district. ADUs and JADUs are not permitted in nonresidential zoning districts where residential uses are not allowed. Non-habitable accessory structures shall be permitted in addition to ADUs and JADUs.
- D. Development Standards.** Fire and Building Code requirements are not considered “Development Standards” under this Ordinance. ADUs and JADUs may be permitted on any single-family lot or any multi-family lot. The requirements and standards of the Zoning Ordinance that apply to the primary dwelling on the lot shall apply to any ADU and/or JADU, including lot coverage, height floor area ratio, open space, landscape, and architectural review. If different or conflicting requirements or standards exist, the more restrictive requirements or standards shall apply, but only to the extent such requirements or standards do not conflict with the requirements and standards provided in this Section and Government Code sections 65852.2 and 65852.22.
1. Numer of units. Not more than three (3) dwelling units shall be permitted on a single-family lot, which shall include not more than one (1) existing primary residence and may include not more than one (1) ADU and not more than one (1) JADU. Lots with existing multifamily dwellings may construct up to two (2) detached ADUs, or ADUs up to 25 percent of the number of existing multifamily dwelling units in non-livable space (e.g., storage rooms, boiler rooms, passageways, attics, basements, or garages). There are no JADUs allowed on lots with existing multifamily dwellings.

2. Relation to Primary Dwelling. The ADU must be either: (1) attached to, or located within, the existing primary dwelling, including attached garages, storage areas, or similar uses within the primary dwelling structure; or (2) detached from the existing primary dwelling and located on the same lot as the existing primary dwelling. Except as provided in Government Code Section 65852.2(e), a JADU must be contained entirely within the walls of the existing single-family residence.
3. ADUs and JADUs are not subject to the density limitations for the premises.
4. Setbacks and Separation Distances.
 - a. Setbacks shall be defined as the distances between a structure and a property line or easement.
 - b. Separation Distances shall be defined as the distance between structures, and/or other improvements.
 - c. No setback or separation distance is required for an ADU constructed or installed within (1) an existing living area or permitted accessory structure, or (2) a structure constructed in the same location and to the same dimensions as an existing permitted accessory structure that is converted to an ADU or to a portion of an ADU.
 - d. A minimum setback of four (4) feet from the side and rear lot lines is required for an ADU that is not (1) converted from an existing permitted accessory structure, or (2) a new structure constructed in the same location and to the same dimensions as an existing permitted accessory structure. However, if a proposed ADU is less than 800 square feet, a front setback requirement in other areas of this Code cannot prevent the ADU front being built.
 - e. State Law does not address the distance between and ADU and other structures on a lot. In the event that an ADU is not consistent with (c)(1) or (c)(2) above, ADU or JADU proposals with Separation Distances of less than ten feet shall comply with building codes regarding safe fire separation distances.

5. ADU Unit Size.

- a. If there is an existing primary dwelling, the total floor area of an attached ADU may not exceed 50 percent of the floor area of the existing primary dwelling.
- b. The total floor area for a detached ADU may not exceed 1,200 square feet.
- c. An attached or detached one-bedroom ADU may not be more than 800 square feet of living area.
- d. An attached or detached ADU that provides more than one (1) bedroom may not be more than 1,000 square feet of living area.
- e. An ADU may be an efficiency unit, as defined. A proposed ADU that does not meet the minimum requirements of an efficiency unit is not permitted.

6. JADU Size.

- a. A JADU may not be more than 500 square feet in size.

7. Exceptions.

- a. Notwithstanding any other minimum or maximum size for an ADU, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, or minimum lot size, an attached or detached ADU will be permitted if the ADU is:
 - i. Not more than 800 square feet of total floor area;
 - ii. Not more than 16 feet in height (any circumstance);
 - iii. Not more than 25 feet in height if the ADU is attached to the primary dwelling, or it can be the same height as the primary dwelling, whichever is lower;
 - iv. Has at least 4-foot side and rear yard setbacks; and
 - v. Is constructed in compliance with all Fire and Building Code requirements and standards of the Zoning Code (including consideration of separation distances).

8. ADU Building Standards.
 - a. The ADU height requirements are as follows:
 - i. 16 feet- allowed under any circumstance.
 - ii. 18 feet- allowed if the proposed ADU is within ½ a mile of public transit or the property already has a multi-family dwelling two stories high.
 - iii. 25 feet- allowed if the ADU is attached to the primary dwelling depending on the underlying zoning code of the property (the lowest height allowance will apply).
 - b. The development of the ADU shall be subject to the property development standards for the zoning district in which the ADU is located.
 - c. Both attached and detached ADUs must be architecturally compatible, having similar materials and style of construction, with the primary dwelling and consistent with the established character of the adjoining residential neighborhood. The design and size of the building, health, and other codes adopted by the City.
 - d. Attached ADU's shall be compatible with and made structurally a part of the primary dwelling (e.g., share a common wall with the primary dwelling, rely partially on the primary dwelling for structural support, or be attached to the primary dwelling).
 - e. Detached ADUs shall comply with building and fire code separation standards and be compatible with the materials and colors of the primary dwelling.
 - f. No passageway is required in conjunction with the construction of an ADU.
 - g. A new utility connection directly between the ADU and the existing single-family home is not required.
9. JADU Building Standards. JADUs shall comply with the following:
 - a. A JADU must include a separate entrance from the main entrance to the existing single-family residence.

- b. A JADU must include at least an efficiency kitchen, which includes a cooking facility with appliances and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU. Permanent ovens or cooktops are not allowed in a JADU.
 - c. A JADU may include separate sanitation facilities or may share sanitation facilities with the existing structure.
 - d. A JADU shall not be considered a separate or new dwelling unit for purposes of any fire or life protection ordinance or regulation, or for purposes of providing water, sewer, or power, including a connection fee.
 - e. Deed Restriction. A JADU shall not be permitted unless a deed restriction, which shall run with the land, is recorded for the applicable lot, and filed with the City along with the permit application, and must do both of the following:
 - i. Prohibit the sale of the JADU separate from the sale of the single-family residence.
 - ii. Prohibit the occupancy of the JADU unless the primary dwelling is occupied by the property owner.
10. Multi-family ADUs. The following ADUs are permitted within a residential or mixed-use zone on a lot that has an existing multi-family dwelling:
- a. One (1) or more ADUs, up to 25 percent of the existing multifamily dwelling units, constructed within the portions of the existing multifamily dwelling structure that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.
 - b. Up to two (2) detached ADUs, subject to a height limit of 16 feet and 4-foot rear yard and side yard setbacks.

E. Connection, Impact, and other Fees. Except as provided below. ADUs and JADUs are subject to all fees and assessments required by the Dinuba Municipal Code for new residential construction.

- 1. ADUs and JADUs are not considered to be a new residential use for purposes of calculating connection fees or capacity charges for utilities,

including water and sewer service, unless the ADU or JADU is constructed with a new single-family home or a new detached structure.

2. Any impact fees charged for an ADU or JADU of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.
3. An inspection fee shall be assessed for any inspection to determine if an ADU or JADU complies with applicable building standards.
4. The separate utility connection for an ADU constructed with a new single-family home or new detached structure is subject to a connection fee or capacity charge proportionate to the burden of the proposed ADU, based upon either its square feet or the number of its drainage fixture unit (DFU) values upon the water or sewer system, that reflects the reasonable cost of providing this service.

F. Occupancy and Ownership. ADUs and JADUs must comply with the following standards.

1. A certificate of occupancy must be issued for the primary dwelling unit before a certificate of occupancy can be issued for an ADU or JADU on the lot.
2. An ADU or JADU may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.
3. Beginning January 1, 2025, owner occupancy shall be required for all ADU and/or JADU permits. For an ADU permit, the owner may occupy either the primary or accessory unit. For a JADU permit, the owner may reside in either the remaining portion of the primary unit, or the newly created JADU. For single-family residences in which an ADU and a JADU will be permitted, the preceding Section G.4. applies. Owner occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

G. Parking Standards. One (1) parking space per ADU is required, unless the newly constructed ADU is located within one-half mile walking distance of a public transit center. These spaces may be provided in setback areas or as tandem parking on a driveway.

H. Permit Approval. A permit must be obtained for the construction or installation of an ADU or JADU. The ADU or JADU must conform to the standards required by the Zoning Ordinance and the California Fire and Building Codes. A permit

application for an ADU or a JADU shall be considered and approved ministerially without discretionary review or a hearing. The City shall approve or deny the application to create an ADU or a JADU within 60 days from the date the City receives a completed application if there is an existing single-family or multi-family dwelling on the lot.

- I. ADUs and Regional Housing Needs Assessment.** Subdivisions and multi-family housing developments developed or zoned at densities of ten (10) or more dwelling units per acre, with the ability of each lot or dwelling to construct an ADU, shall be counted in the City’s Housing Element as adequate sites for affordable housing, as provided in Government Code section 65583.1(a).
- J. Demolition Permits.** A demolition permit for a detached garage that is to be replaced with an accessory dwelling unit be reviewed with the application for the accessory dwelling unit and issued at the same time. An applicant shall not be otherwise required, to provide written notice or post a placard for the demolition of a detached garage that is to be replaced with an accessory dwelling unit, unless the property is located within an architecturally and historically significant historic district.
- K. Other.** Nothing in this section shall be construed to prohibit the City from adopting an ordinance or regulation, related to parking or a service or a connection fee for water, sewer, or power, that applies to a single-family residence that contains an ADU or JADU, so long as that ordinance or regulation applies uniformly to all single-family residences, regardless of whether the single-family residence includes an ADU or JADU.
- L. Definitions**

 - 1. “Accessory dwelling unit” or “ADU” means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An ADU must include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel that the single-family or multi-family dwelling is situated. An ADU may be an efficiency unit or a manufactured home.
 - 2. “Efficiency unit” has the same meaning as defined in the California Building Code, California Code of Regulations, Title 24, Section 1207.4, which meets the following standards:

 - a. The unit has a single living room of not less than 220 square feet of floor area for two (2) or fewer occupants and an additional 100 square feet of floor area for each additional occupant of the unit.

- b. The unit has a separate closet.
 - c. The unit has a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches in front, and lighting and ventilation conforming to the California Building Standards Code.
 - d. The unit has a separate bathroom containing a water closet, lavatory, and bathtub, or shower.
3. “Floor area” or “total floor area” means the entire ground-level square footage of the structure, including the living area, as defined, and any non-habitable area within the structure, such as a garage or storage space.
4. “Impact fee” has the same meaning as the term “fee” as defined in Government Code Section 66000(b), except that it also includes fees specified in Government Code Section 66477. “Impact fee” does not include any connection fee or capacity charge.
5. “Junior accessory dwelling unit” or “JADU” means a dwelling unit that is no more than 500 square feet in size and contained entirely within the walls of an existing single-family residence, or other approved structure as specified in Government Code Section 65852.2(e). A JADU must include the following features:
- a. Exterior access separate from the main entrance to the proposed or existing primary dwelling or other structure.
 - b. An efficiency kitchen, which includes a cooking facility with a sink and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU.
 - c. JADU may include separate sanitation facilities or may share sanitation facilities with the existing structure.
6. “Living area” means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.
7. “Multi-generational dwelling unit” means a dwelling unit, that does not include a kitchen, contained entirely within the walls of an existing single-family residence where access is not restricted between areas of the residence.

8. “Nonconforming zoning condition” means a physical improvement on a property that does not conform with current zoning standards but was a lawful improvement that did conform to the zoning standards in place at the time of the improvement.
9. “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.
10. “Permanent provisions for cooking” has the same meaning as “kitchen”.
11. “Permanent provisions for sanitation” and “sanitation facilities” means a separate bathroom containing a water closet, lavatory, and bathtub or shower.
12. “Proposed dwelling” means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
13. “Public transit” means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
14. “Tandem parking” means that two (2) or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

17.45.100 Adult-Oriented Businesses

A. Purpose and Intent

1. It is the purpose and intent of this Ordinance to regulate sexually oriented businesses to promote the health, safety, morals, and general welfare of the citizens of Dinuba 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 provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of the ordinance to condone or legitimize the distribution of obscene material.

2. One of the important purposes of the regulations set forth in this Chapter is to discourage and to minimize the opportunity for criminal conduct. As such, nothing in this Chapter shall permit or be interpreted to permit any use, conduct, and/or activity which is specifically prohibited under the following California Penal Code sections:
 - a. Receipt of money for placement of persons for purposes of cohabitation (Penal Code 266d);
 - b. Purchase of persons for purposes of prostitution or placement of persons for immoral purposes (Penal Code 266e);
 - c. Sale of persons for immoral purposes (Penal Code 266f);
 - d. Pimping (Penal Code 266h);
 - e. Pandering (Penal Code 266i);
 - f. Lewd or obscene conduct (Penal Code 314);
 - g. Houses of ill-fame (Penal Code 315);
 - h. Disorderly houses which disturb the immediate neighborhood (Penal Code 316);
 - i. Places of prostitution (Penal Code 317);
 - j. Place of prostitution; place of lewdness; place used as bathhouse permitting conduct capable of transmitting AIDS (Penal Code 11225).
3. "Nothing in this Chapter shall be interpreted to permit or permit any use, conduct, and/or activity which violates any federal, state or local law of regulation."

B. Establishment and Classification of Businesses Regulated

The establishment of any sexually oriented business shall be permitted only in the zone district permitted, and shall be subject to the following restrictions: No person shall cause or permit the establishment of any sexually oriented businesses, as defined above, within 1000 feet of any sensitive land use, as defined above. These limitations apply to sexually oriented businesses classified as follows:

1. Adult arcade
2. Adult bookstore, adult novelty store, or adult video store
3. Adult cabaret
4. Adult motel
5. Adult motion picture theater
6. Adult theater
7. Nude model studio.

C. Measurement of Distance

The distance between any sexually oriented business and any sensitive land use shall be measured in a straight line, without regard to intervening structures or objects from property line to property line.

D. Location of Sexually Oriented Business

The City of Dinuba's Zoning Ordinance requires that sexually oriented businesses shall be allowed only in a zone where such uses are specifically permitted -- the "M-1" (Light Industrial) zone, at the time of adoption of this ordinance. Permits for sexually oriented businesses shall be required and governed by the procedures and policies specified in the City of Dinuba Municipal Code. In addition, any sexually oriented business shall be subject to the following restrictions:

1. A person commits a misdemeanor, if he operates or causes to be operated, a sexually oriented business outside of the permitted zone.
2. A person commits a misdemeanor if he operates or causes to be operated a sexually oriented business within 1000 feet of any sensitive land use, as defined above.

E. Non-Conforming Uses

1. Any sexually oriented businesses operating on (effective date of this Ordinance) that is in violation of Section 25-41.11 e. shall be deemed a non-conforming use. A non-conforming use will be permitted to continue for a two (2) year period with possible extensions for extenuating circumstances to be granted by the City Council only upon a convincing

showing of extreme financial hardship. Such extensions shall not exceed a total of three (3) years in addition to the initial amortization period. Any such non-conforming business loses its right to operate as a non-conforming use, if, for any reason, it voluntarily discontinues its business operation for a period of thirty (30) days or more or if its license to operate is revoked, and such revocation is not overturned by a court of competent jurisdiction. Such non-conforming uses, while non-conforming, shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use.

2. A sexually oriented business lawfully operating as a conforming use is not rendered a non-conforming use by the location, subsequent to the grant or renewal of the sexually oriented business permit and/or license, within 1000 feet, of a sensitive land use. This provision applies only to the renewal of a valid permit and/or license, but this provision does not apply when an application for a permit and/or license is submitted after a permit and/or license has expired or has been revoked.
3. Abandonment. Notwithstanding the above, any discontinuance or abandonment of the use of any lot or structure as an Adult-Oriented Business shall result in a loss of legal nonconforming status of such use.
4. Amortization -- annexed property. Any Adult-Oriented Business which was a legal use at the time of annexation of the property and which is located in the City, but which does not conform to the provisions of Section 25-41.11 e. shall be terminated within two (2) years of the date of annexation unless an extension of time has been approved by the City Council in accordance with the provisions of Section 25-41.11 f. 1.

F. Injunction

A person who operates or causes to be operated a sexually oriented business without having a valid permit due to location restrictions is subject to a suit for injunction as well as prosecution for the misdemeanor punishable by a fine of \$1,000.00 and/or one hundred eighty (180) days imprisonment, or by both such fine and imprisonment. If an injunction is sought and granted, the sexually oriented business shall be obligated to pay the City, attorneys' fees and costs of the City, at the discretion of the Court.

G. Exception for Certain Nude Modeling

It is a defense to prosecution under this ordinance if a person appearing in a state of nudity did so in a modeling class operated:

1. By a proprietary school, licensed by the State of California; a college, junior college, or university supported entirely or partly by taxation;

2. 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; or
3. In a structure:
 - a. Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
 - b. Where, in order to participate in a class a student must enroll at least three (3) days in advance of the class; and
 - c. Where no more than one nude model is on the premises at any one time.

H. Definitions

3. "Employee" means a person who works or performs in and/or for a sexually oriented business, regardless of whether or not said person is paid a salary, wage or other compensation by the operation of said business. This definition pertains to "Sexually Oriented Businesses" (see Zoning Ordinance Section 25-41.11).
4. "Establishment" means and includes any of the following: (this definition pertains to "Sexually Oriented Businesses" (see Zoning Ordinance Section 25-41.11):
 - a. The opening or commencement of any such business as a new business;
 - b. The conversion of an existing business, whether or not a sexually oriented business, to any of the sexually oriented businesses defined in this chapter;
 - c. The addition of a any of the sexually oriented businesses defined in this chapter to any other existing sexually oriented business; or
 - d. The relocation of any such sexually oriented business; or
 - e. The substantial enlargement of any such sexually oriented business.

5. "Nudity or State of Nudity" means: (a) the appearance or display of human bare buttock, anus, male genitals, female genitals, or the areola or nipple of the female breast; or (b) a state of dress which fails to opaquely and fully cover a human buttock, anus, male or female genitals, pubic region or areola or nipple of the female breast.
4. "Operator" means and includes the owner, permit holder, custodian manager, operator or person in charge of any permitted or licensed premises. This definition pertains to "Sexually Oriented Businesses" (see Zoning Ordinance Section 25-41.11).
5. "Permitted or "Unlicensed Premises" means any premises that requires a license and/or permit that is classified as a sexually oriented business.
6. "Permittee and/or Licensee" means a person in whose name a permit and/or license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit and/or license.
7. "Person" shall mean any individual, firm, co-partnership, corporation, company, association, joint stock association, city, county, or district, and includes any trustee, receiver, assignee, or other similar representative thereof. This definition pertains to "Sexually Oriented Businesses" (see Zoning Ordinance Section 25-41.11).
8. "Public Building Regularly Frequented By Children" means any building owned, leased or held by the United States, the state, the county, the city, any special district, school district, or any other agency or political subdivision of the state or the United States, which building is used as a library, community center, children's center, or any other use having special attraction to children, or which building is often visited by children for social activities unaccompanied by their parents or other adult custodian This definition pertains to "Sexually Oriented Businesses" (see Zoning Ordinance Section 25-41.11).
9. "Public Park" or "Recreation Area" means public land which has been designated for park or recreational activities including, but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, open space wilderness areas, or similar public land within the city which is under the control, operation, or management of the city park and recreation authorities. This definition pertains to "Sexually Oriented Businesses" (see Zoning Ordinance Section 25-41.11).
10. "Religious Institution" means any church, synagogue, mosque, temple or building which is primarily for religious worship and related religious

activities, as identified on oriented businesses" means those businesses defined as follows:

- a. "Adult arcade" means an establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines, for viewing by five or fewer persons each, are regularly available or used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
- b. "Adult Bookstore", "Adult Novelty Store" or "Adult Video Store" means a commercial establishment which (1) has as a significant or substantial portion of its stock-in-trade or (2) derives a significant or substantial portion of its revenues or (3) devotes a significant or substantial portion of its interior floor or display space or (4) devotes a significant or substantial portion of its business activities or employees' time, or advertising, to the sale, rental or viewing for any for any form of consideration, of any one or more of the following:
 - i. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas";
 - ii. Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities."
 - iii. An establishment may have other significant or substantial business purposes that do not involve the offering for sale, rental or viewing of materials, depicting or describing "specified sexual activities" or "specified anatomical areas", and still be categorized as adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as one of its significant or substantial business purposes is offering for sale or rental, for some form of consideration, the specified materials which depict or describe "specified anatomical areas" or "specified sexual activities."

- c. "Adult cabaret" means a nightclub, bar, restaurant, "bottle club", or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features: (a) persons who appear nude or in a state of nudity or semi-nude; (b) live performances which are characterized by the exposure of "specified anatomical areas", or by "specified sexual activities", or (c) films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
- d. "Adult motel" means a motel, hotel or similar commercial establishment which: (a) offers public accommodations, for any form of consideration, and which regularly provides or makes available to patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television, or (b) offers a sleeping room for rent for a period of time less than ten (10) hours; or (c) allows a tenant or occupant to rent or sub-rent the sleeping room for a time period of less than ten (10) hours.
- e. "Adult motion picture theater" means a commercial establishment where films, motion pictures, video cassettes, slides or similar photographic reproductions depicting or describing "specified sexual activities" or "specified anatomical areas" are regularly shown for any form of consideration.
- f. "Adult theater" means a theater, concert hall, auditorium, or similar commercial establishment which, for any form or consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by exposure of "specified anatomical areas" or by "specified sexual activities."
- g. "Nude Model Studio" means any place where a person, who appears in a state of nudity or displays "specified anatomical areas" is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. This term does not include a modeling class operated by a proprietary school, licensed by the State of

California; a college, junior college, or university supported entirely or partly by taxation; 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; or in a structure which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing, where in order to participate in a class a student must enroll at least three (3) days in advance of the class, and where no more than one nude model is on the premises at any one time.

- h. "Regularly Features or Regularly Shown" with respect to an adult cabaret, adult theater, or adult motion picture theater means at least three (3) times within any thirty (30) day period; or carried on as part of the business's routine scheduling of events or activities and not so infrequently as to constitute a single, rare or unusual event or occurrence.
- i. "Significant or Substantial Portion" means such a percentage of its activities, space allocation, revenues, advertising targeting, stock in trade, floor or display space, business receipts, revenues, or other business undertakings as to indicate to a reasonable person that a sexually oriented portion of the business is one of its important activities, though not necessarily its only or even primary activity; for this purpose, evidence that 25% or more of its revenues are derived from such sexually oriented activities or materials, or that 25% or more of its interior floor space or display space is devoted to such sexually oriented activities or materials, or that 25% or more of its actual stock in trade regularly displayed and immediately available for use, rental, purchase, viewing or perusal is comprised of such sexually oriented materials, all as defined in Section 17.65.02 of this Chapter, Definitions, shall be evidence that a "significant or substantial portion" of the business is devoted to such uses.
- j. "Specified Anatomical Areas" as used in this Chapter means and includes any of the following:
 - i. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolae; or
 - ii. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

- k. "Specified Sexual Activities" as used in this Chapter, means and includes any of the following
 - i. The fondling or other intentional touching of buttocks for purpose of sexual arousal, or fondling or other intentional touching of human genitals, pubic region, anus, or female breasts.
 - ii. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
 - iii. Masturbation, actual or simulated;
 - iv. Human genitals in a state of sexual stimulation, arousal or tumescence;
 - v. Excretory functions as part of or in connection with any of the activities set forth in sub-sections a through d of this subsection.
- l. "Substantial Enlargement of a Sexually Oriented Business" means an increase in the floor areas occupied by the business as the floor areas existed on the affected date of this ordinance.
- m. "Transfer of Ownership or Control of a Sexually Oriented Business" means and includes any of the following:
 - i. The sale, lease or sublease of the business; or
 - ii. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means.

17.45.110 Outdoor Storage Yards

Outdoor storage yards, excluding the storage of vehicles in a day use parking lot or garage, are subject to the provisions of this section. The storage of vehicles in a public or commercial parking lot or garage is subject to Section 17.## (Parking and Loading).

A. Site Design Standards.

- 2. Access. There shall be only one (1) access point to a storage yard for each three hundred (300) feet of street frontage. Such access point is to be a

maximum width of twenty (20) feet and shall be provided with a solid gate or door.

3. Screening. A storage yard, except a temporary offsite construction yard, is to be screened from public view on all sides by solid wood, painted metal or masonry fencing, or chain link fencing with vinyl slats or other screening mechanism, with a minimum height of six (6) feet. All required screening shall be continuously maintained in good condition to assure that its intended purpose is accomplished.
2. Parking Requirement. None, provided that sufficient usable area is available to accommodate all employee and user parking needs entirely on-site.
3. Site Surfacing. A storage yard shall be surfaced with concrete, asphalt paving, crushed rock, or oiled earth, and be maintained in a dust-free condition.
4. Office Facilities. When no buildings exist or are proposed on a storage yard site, one (1) commercial coach may be utilized for an office, provided that such vehicle is equipped with skirting, and installed pursuant to the permit requirements of the Uniform Building Code.
5. Operation. Except for vehicles or freestanding equipment, materials within a storage yard are not to be stacked or stored higher than six (6) feet, unless a higher wall or fence is constructed at the required setback line under an approved building permit.

The provisions of this title shall not be construed to limit installation or maintenance of public utility pole lines, pipes, conduits and mains, and domestic water wells or require any use permit therefor.

17.45.120 Building height.

- A. Height of a building shall be measured along the vertical distance from the average level of the highest and lowest point of that portion of the lot covered by the building to the highest point of the roof.
- B. Roof structures for housing elevators, stairways, tanks, ventilating fans or similar equipment, and fire or parapet walls, skylights, towers, flagpoles, chimneys, antennas or similar structures may be erected above the height limit but shall not be allowed for the purpose of providing additional floor space.

17.45.130 Swimming Pools in Residential Zones

- A. Setback requirements for swimming pools on lots zoned for residential use are subject to the following requirements
1. Front Yard: Swimming pools are not permitted within any required front yard setback area
 2. Side Yards:
 - a. Interior Property Line: 3 foot setback required
 - b. Street side Property Line on Corner and Reverse Corner Lots: 5 foot setback required
 3. Rear Yard: 5 foot minimum setback required.
 4. Fencing for swimming pools shall comply with standards of the Uniform Building Code.

17.45.140 Garage conversions.

- B. Purpose.

The purpose of this section is to allow, in limited cases, the conversion of garages and carports for living space. Such conversion is deemed acceptable subject to review of available off-street parking and compatibility with surrounding development.

- C. Applicability.

Provisions of this section shall only apply in cases as follows:

1. The site is being used as a single-family detached residence;
2. That a replacement covered parking area of a minimum of four hundred square feet, with a minimum width of twenty feet, be provided without encroaching on required front or side yard setbacks;
3. That the area converted shall be used as part of the main dwelling or for a Junior Accessory Dwelling Unit, consistent with the standards contained in Section 17.45.##;
4. That the area to be converted shall be subject to all applicable building code requirements;

D. Process.

All applications for garage or carport conversions shall be subject to a building permit.

E. Conversion Criteria.

Garage or carport conversions are subject to the following criteria:

1. The garage door shall be removed from the structure, except when the applicant is retaining one parking stall to a standard width and length which would also be perpendicular with the garage door. The exterior elevation of the conversion shall be compatible in design with the existing dwelling;
2. Provision for buffering, such as a planter, shall be provided between the converted carport or garage and the remaining parking area;
3. The remaining parking area shall have a minimum depth of twenty feet from property line with access to be approved by the director.

17.45.150 Bed and Breakfast Facilities.

A. Purpose.

The purpose of this section is to provide for the following:

1. To allow, in limited cases, the operation of bed and breakfast facilities;
and
2. To regulate such operations for the protection of the general health, safety and welfare.

A. Process.

Applications for bed and breakfast inns shall be subject to approval of a conditional use permit pursuant to Chapter 17.80. Bed and breakfast inns shall be subject to any such condition as deemed appropriate by the planning commission.

B. Development Criteria.

Bed and breakfast facilities are permitted, pursuant to a conditional use permit, in R, RM and C-2 zoned areas. In order for a conditional use permit to be approved, the following development criteria shall be met:

1. All standards of the underlying zoning district including, but not limited to, height, lot and yard requirements and lot coverage shall apply.
2. One additional off-street parking space shall be provided for each room available for lodging purposes. Tandem parking shall not be deemed as meeting this requirement.
3. The owner of the facility shall reside on site.
4. Bed and breakfast facilities shall be subject to all applicable building, fire, health and safety codes.
5. No person who is paying rent in exchange for lodging shall occupy a guest room on the premises for more than fourteen consecutive nights.
6. The scale and appearance of the bed and breakfast facility shall remain primarily residential in character; all buildings and site improvements shall be similar to and compatible in design with the surrounding neighborhood and adjacent residences. The planning commission shall have authority to grant or deny applications for bed and breakfast facilities based upon design and aesthetic criteria, as well as the other provisions of this section.
7. One externally lighted sign shall be allowed on the premises. The sign may be either wall-mounted or freestanding and shall not exceed six square feet in area. Freestanding signs shall not exceed five feet in height.
6. Bed and breakfast facilities shall be operated by the permanent occupants of the premises. No more than two persons not residing on the premises shall be employed in the operation of the facility. One additional parking space shall be provided for each two employees.

17.45.160 Sight Distance.

The following regulations shall apply to all intersections of streets, alleys and private driveways in order to provide adequate visibility for vehicular traffic. There shall be no visual obstructions within the cutoff areas established.

- A. There shall be a corner cutoff area at all intersecting and intercepting streets or highways. The cutoff line shall be in a horizontal plane, making an angle of forty-five degrees with the side, front or rear property line, as the case may be. It shall pass through the points located on both the side and front (or rear) property lines at a distance of thirty feet from the intersection of such lines at the corner of a street, alley or highway.

- B. There shall be a corner cutoff area on each side of any private driveway intersecting a street or alley. The cutoff lines shall be in a horizontal plane, making an angle of forty-five degrees with the side, front or rear property line, as the case may be. They shall pass through a point of not less than ten feet from the edges of the driveway where it intersects the street or alley right-of-way.
- C. There shall be a corner cutoff area on each side of any alley intersecting a street or alley. The cutoff lines shall be in a horizontal plane, making an angle of forty-five degrees with the side, front or rear property line, as the case may be. They shall pass through a point not less than ten feet from the edges of the alley where it intersects the street or alley right-of-way.
- D. Where, due to an irregular lot shape, a line at a forty-five degree angle does not provide for intersection visibility, such corner cutoff shall be defined by a line drawn from a point on the front (or rear) property line that is not less than thirty feet from the intersection of the side and front (or rear) property lines and through a point on the side and front (or rear) property lines.

17.45.170 Regulation of adult material.

- A. Purpose.

The adult uses and material subject to the provisions of this section are recognized as having serious objectionable characteristics which are incompatible with, and may have deleterious effects upon, adjacent areas and community values.

- B. Limitations Upon Display of Certain Materials.

It shall be unlawful for any person, partnership, corporation or other legal entity to display harmful matter in a public or private place, other than a public or private place from which minors are excluded, without placing a device commonly known as a blinder rack in front of such matter, so that the lower two-thirds of the material is not exposed to view.

17.45.180 Businesses Selling Alcoholic Beverages

- A. Purpose.

The purpose of this section is to set forth the development and operational standards for the issuance of a conditional use permit for alcoholic beverage sales. Such standards are

adopted to protect the public welfare and health from the potential problems associated with the sale of alcoholic beverages.

3. A Conditional Use Permit (consistent with the standards and procedures established in Chapter 17.##) shall be required for the following commercial uses where alcoholic beverages are sold, served or given away for on-site or off-site consumption:

- Bars and lounges
- Liquor stores
- Convenience stores where at least 10% of the shelf space is occupied by alcoholic products
- Gas stations with sales of alcoholic beverages
- Micro breweries
- Restaurants, cafes and eating places with a bar
- Night clubs with the sale of alcoholic beverages
- Bowling alleys and other recreational facilities where alcoholic beverages are sold
- Theatres with sales of alcoholic beverages

A Conditional Use Permit shall not required for the following uses that offer alcoholic beverages:

- Grocery stores and supermarkets
- Restaurants, cafes and eating places that offer alcoholic beverages as a side product
- Wine bars

4. In considering an application for a conditional use permit or revocation of an existing conditional use permit for alcoholic beverage sales under this section, the Planning Commission (or the city council in the event of an appeal), shall consider whether the proposed use will adversely affect the health, safety or welfare of the residents of the area or will result in an undue concentration of such establishments in one area. In considering the potential for negative impacts on surrounding parcels, the Planning Commission shall take into consideration the location and proximity of the following uses:

- a. Residential buildings and neighborhoods;
- b. Churches, schools, hospitals, parks, public playgrounds and other similar uses; and
- c. Other establishments offering alcoholic beverages, including beer and wine.

3. In all determinations pursuant to this section, the applicant for the Conditional Use Permit for alcoholic beverage sales shall have the burden of proving by substantial evidence that the proposed use will not adversely affect the health, safety or welfare of the public, nor result in undue concentration of alcoholic beverage outlets in that part of the city, or detrimentally affect nearby uses within the city.
4. The director is specifically authorized to refuse the issuance of any retail license for alcoholic beverage premises located within six hundred feet of churches, hospitals, schools, public playgrounds, and nonprofit youth facilities. This distance shall be measured pursuant to rules of the department, which is a straight-line distance from the nearest property line of the alcoholic beverage establishment's to the nearest property line of the sensitive facility.

17.45.190 Wireless Communication Facilities

A. Purpose.

The purpose of this chapter is to ensure greater compatibility between communication facilities and adjacent land uses, to protect the general public, and to provide for the communication needs of the region by establishing design and operating standards.

B. Definitions.

For the purpose of this chapter, certain terms and words as used herein are defined as follows:

“Above ground level” means a measurement of height from the natural grade of a site to the highest point of a structure.

“Antenna” means the surface from which wireless radio signals are sent and received by a personal wireless facility.

“Camouflaged” means a communication tower or facility that is disguised, hidden, part of an existing or proposed structure or placed within an existing or proposed structure.

“Carrier” means a company that provides communications services.

“Collocation” means the use of single mount on the ground by more than one carrier (vertical collocation) and/or several mounts on an existing building or structure by more than one carrier.

“Elevation” means the measurement of height above sea level.

“Equipment shelter” means an enclosed structure, cabinet, shed or box at the base of the mount within which are housed batteries and electrical equipment.

“Fall zone” means the area within which there is a potential hazard from falling debris or collapsing material.

“Guyed tower” means a monopole or lattice tower that is tied to the ground or other surface by diagonal cables.

“Lattice tower” means a type of mount that is self-supporting with multiple legs and cross bracing of structural steel.

“Licensed carrier” means a company authorized by the Federal Communications Commission (FCC) to construct and operate a commercial mobile radio services system.

“Monopole” means the type of mount that is self-supporting with a single shaft of wood, steel or concrete and a platform or racks for panel antennas arrayed at the top.

“Omnidirectional (whip) antenna” means a thin rod that beams and receives a signal in all directions.

“Panel antenna” means a flat surface antenna usually developed in multiples.

“Personal wireless service facility” means a facility for the provision of personal wireless services, as defined by the Telecommunications Act.

“Security barrier” means a locked, impenetrable wall, fence, or berm that completely seals an area from unauthorized entry or trespass.

“Separation” means the distance between one carrier’s array of antennas and another carrier’s array.

“Stealth” means designing a communications tower and facilities to be architecturally incorporated into the surrounding community’s environs while minimizing aesthetic impacts. Examples of stealth include, but are not limited to, steeples, windmills, water towers, flag poles or chimneys.

C. Process.

1. Applications for communications towers and facilities shall be allowed in the zones identified by use matrices in Chapters 17.26, 17.48, and 17.54. Communication towers and facilities shall be subject to any such condition as deemed appropriate by administrative approval or the planning commission.

2. Telecommunications facilities to be located on city-owned buildings or infrastructure, located on rights-of-way or city-owned property, pursuant to a master telecommunications siting agreement, meeting the requirements of city policy, are exempt from the provisions of this chapter.

D. Development criteria.

In order for a conditional use permit to be approved, the following development criteria shall be met:

1. The applicant shall submit documentation of the legal right to install and use the proposed site or facility at the time of application submittal.
2. All standards of the underlying zoning district or specific plan including, but not limited to, height, lot and yard requirements, and lot coverage shall apply.
3. Buildings shall be subject to the setback requirements of the zone or ten feet, whichever results in the greater setback.
4. A minimum of ten feet of the front, side, and rear yards shall be landscaped pursuant to Section 17.71.130.
5. All equipment proposed for a communication facility shall be authorized per the FCC.
6. A balloon or crane test at the proposed site to illustrate the height of the proposed facility, the date, time and location of such test shall be advertised in a newspaper of general circulation in the city at least fourteen days prior to the test.
7. The applicant shall provide written indemnification to the city of Dinuba to indemnify the city from liability associated with any damage to the property or adjacent properties caused by the communication and wireless facilities. (Ord. 2014-04 § 2 (part), 2014: Ord. 2008-05 § 1 (part), 2008: Ord. 99-3 § 1 (part), 1999)

E. Design standards.

1. Equipment shelters for communication facilities shall be designed with one of the following standards:
 - a. Equipment shelters shall be located in underground vaults; or

- b. Equipment shelters shall be designed to be consistent with the surrounding architectural styles and materials; or
 - c. Equipment shelters shall be camouflaged behind an effective year-round landscape buffer, equal to the height of the proposed building(s), and/or opaque fence.
- 2. Fencing shall be placed behind the landscaped areas and wood slats shall be woven into the fence if the fence is made of chain-link material. The use of barbed wire or similar material shall be located to the inside of the lot. Electrified fence or razor wire is prohibited unless required by any law enforcement agency or regulation of the state of California or any agency thereof. (Ord. 2008-05 § 1 (part), 2008: Ord. 99-3 § 1 (part), 1999)
- F. Lighting and signage.
 - 1. Facilities shall be lighted only if required by the Federal Aviation Administration (FAA). Lighting of equipment structures and any other facilities on the site shall be shielded from abutting properties. There shall be total cutoff of all light at the property lines of the parcel to be developed and foot-candle measurements at the property line shall be 0.0 initial foot-candles when measured at grade.
 - 2. Signs shall be limited to those needed to identify the property and the owner and warn of any danger. All signs shall comply with the requirements of the city's sign regulations.
 - 3. All ground-mounted facilities shall be surrounded by a security barrier. (Ord. 2008-05 § 1 (part), 2008: Ord. 99-3 § 1 (part), 1999)
- G. Environmental standards.
 - 1. No hazardous waste shall be discharged on the site of any communication facility. If any hazardous materials are to be used on the site, there shall be provisions for full containment of such materials. An enclosed containment area shall be provided with a sealed floor, designed to contain one hundred ten percent of the volume of the hazardous materials stored or used on the site.
 - 2. Communication facilities shall not generate noise in excess of fifty dB at the property line. (Ord. 2008-05 § 1 (part), 2008: Ord. 99-3 § 1 (part), 1999)
- H. Collocation.
 - 2. Licensed carriers shall share facilities and sites where feasible and appropriate, thereby reducing the number of facilities that are stand-alone.

All applicants shall demonstrate a good faith effort to collocate with other carriers. Such good faith efforts include:

- a. A survey of all existing structures that may be feasible sites for collocation;
 - b. Contact with other carriers;
 - c. Sharing information necessary to determine if collocation is feasible.
3. In the event collocation is not feasible a written statement of the reasons for the unfeasibility shall be submitted to the city. The city may retain a radio frequency engineer to verify if collocation at the site is not feasible. The cost for such an engineer will be at the expense of the applicant. The city may deny a permit to an applicant that has not demonstrated a good faith effort to provide for collocation.

I. Modifications.

1. A modification of a facility may be considered equivalent to an application for a new facility and will require a new conditional use permit or administrative use permit when the following apply:
 - a. The applicant wants to alter the terms of the conditional use permit by changing the facility in one or more of the following ways:
 - i. Increase the approved maximum height.
 - ii. Increase the approved maximum extension of equipment out from the center of the tower on towers without stealthing.
 - iii. Increase in the footprint of the facility on the ground.
 - iv. Removal of stealthing.
2. A modification of the facility does not require a new or modified conditional use permit when collocation, addition or replacement of equipment that does not result in an increase in height beyond the approved maximum height, an increase in the approved maximum extension of equipment out from the center of the tower on towers, increase in the footprint of the facility on the ground, or removal of stealthing.

A. Abandonment or discontinuation of use.

1. At such time a licensed carrier plans to abandon or discontinue operation of a facility, such carrier will notify the city or the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than thirty days prior to abandonment or discontinuation of operations. In the event that a licensed carrier fails to give such notice, the facility shall be considered abandoned upon such discontinuation of operation.
2. Upon abandonment or discontinuation of use, the carrier shall physically remove the facility within ninety days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to:
 - a. Removal of antennas, mount, equipment shelters and security barrier from subject property;
 - b. Proper disposal of the waste materials from the site in accordance with the city standards;
 - c. Restoring the location of the facility to its natural condition, except that any landscaping and grading shall remain.
3. If a carrier fails to remove a facility in accordance with this chapter, the city shall have the authority to enter the subject property and physically remove the facility. The city may require the applicant to post a bond at the time of construction to cover for the removal of the facility in the event the city must remove the facility.

17.45.200 Manufactured housing.

A. Purpose.

It is the purpose of this article to, where approved, allow manufactured homes to be placed on individual residential lots in the RA, R and RM districts. The manufactured home provisions shall not change the provisions of the existing district, but will provide for permanent manufactured homes under development standards to assure compatibility within the block in the district.

It is further the intention of this article to provide another type of affordable housing, as outlined in the goals and policies in the Dinuba general plan.

A. Requirements.

1. Date of Manufacture. No manufactured home shall be installed that was manufactured more than ten years from the date of application for a building permit for installation.
- B. Development standards and conditions.
1. Finish Floor Elevation. All manufactured homes shall be installed on a foundation at the same finish floor elevation compatible to existing standards established within the block in the existing district, and excavated to comply to all standards of the Uniform Building Code, approved by the building official.
 2. Foundations. All manufactured homes shall be installed on a permanent foundation in accordance with city building codes; Section 18551 of the State Health and Safety Code; State of California Housing and Community Development regulations; or a foundation designated by an engineer, licensed within the state of California. The approved method of securing the manufactured home to a permanent foundation shall be detailed when submitting plans for plan check and permit.
 3. Roof Pitch. All manufactured homes shall have a roof pitch of not less than three-inch vertical rise for each twelve inches of horizontal run, or not less than what is consistent to be compatible within the block in the existing district.
 4. Roofing Material. All manufactured homes and their accessory garages or carports shall have a roof consisting of asphalt composition, clay, tile, concrete or metal tile or panels, slate, built-up asphaltic-gravel materials or other material customarily used for conventional dwellings, compatible with all roofs within the block in the existing district.
 5. Roof Overhang. All manufactured homes and their garages or carports shall have a pitched roof with a minimum sixteen-inch roof overhang on each of the perimeter walls such that the overhang is architecturally integrated into the design of the dwelling unit.
 6. Exterior Material. All manufactured homes shall be covered with wood, masonry, concrete, stucco, metal lap, or an exterior material customarily used on conventional dwellings, compatible within the block in the existing district. The exterior covering material shall extend to the ground, except that when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation.

7. Minimum Width of Manufactured Home. All manufactured homes shall have a minimum width of twenty feet, or be compatible with existing conventional dwellings within the block in the district.
8. Alterations. The manufactured home shall not have been, or shall not be, altered in violation of applicable codes; any manufactured home altered shall not be allowed to be located into the existing district unless certified by the Department of Housing and Community Development prior to the issuance of a permit by the building official.
9. Certification. All manufactured homes shall be certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 USC Section 5401 et seq.).
10. Residential Use. All manufactured homes shall be occupied only as a single-family residential unit.
11. Utility Connections. All manufactured home utility connections pertaining to electrical, gas, water, mechanical and sewer shall be installed in a permanent manner applicable to a permanent single-family residential structure in the existing district. Location of water meters and gas meters shall conform to adopted standards of the city.
12. Accessory Building. All manufactured home accessory buildings such as detached garages, carports, patios or accessory buildings shall conform to all requirements of the Uniform Building Code or Department of Housing and Community Development requirements; all materials used for roofing and exterior shall be compatible with material customarily used on conventional accessory structures within the block in the existing district.
13. Wheels and Axles. All manufactured home tow bars, wheels and axles shall be removed when the manufactured home is installed on a residential lot, so as to be compatible with structures within the existing district.
14. Fees. All manufactured homes shall be subject to all fees required for new single-family dwellings as adopted by the city.
15. Modifications. No modifications shall be granted to a manufactured home unless approved by the Department of Housing and Community Development and the building official for the city.
16. Permits. Prior to the installation of a manufactured home on a permanent foundation, the owners of the manufactured home or a licensed contractor shall obtain a building permit.

17. Surrender of Registration. Subsequent to applying for the required building permits, and prior to the occupancy of a manufactured home on a permanent foundation, a certification of occupancy is to be issued by the building official pursuant to Section 18551 of the California Health and Safety Code. Thereafter, any vehicle license plate, certificate of ownership and certification of registration issued by a state agency is to be surrendered to the appropriate state agencies. Any manufactured home which is permanently attached with foundation must bear a California insignia or federal label, pursuant to Section 18550(b) of the Health and Safety Code.
18. Appeals. Any decision made by city officials on the compatibility of a manufactured home within a block in any district pursuant to this chapter may be appealed by the applicant or an aggrieved party to the planning commission.
19. Deviations. The community development department may approve deviations from one or more of the standards of this section on the basis of a finding that the architectural style proposed provides compensating design features and that the proposed dwelling will be compatible and harmonious with existing structures in the vicinity.

17.45.210 Garage sales.

A. Permit required.

It is unlawful for any person, copartnership, club or association to conduct a sale without having secured a permit for such sale.

B. Posting of permit.

The permit shall be posted in a conspicuous place on the premises, outdoors or at the front entrance to the garage, patio or yard. The permit shall be posted in a place which is readily visible from the permitted address street frontage, unless the sale is taking place in a location in which the address frontage is an alley way, in which case the permit shall be posted in a place which is calculated most reasonably to give notice to anyone driving by of the content of the permit.

C. Permit fee.

The permit fee schedule shall be as follows:

1. First time during calendar year, permit required (no fee);

2. Second time during calendar year, permit fee as set by the city council;
3. More than two, permit fee as set by council plus the conditional use permit fee. **CHECK WITH ELVA OR GEORGE**

D. Location allowed.

Sales shall only be located on property that is used for residential purposes. Church rummage sales shall be located on the church property. No sales shall be permitted on properties which are adjacent to school entrances and exits where students are dropped off or picked up other than on days in which there is no school in session such as weekends and holidays.

E. Number of sales allowed.

There shall not be more than two sales allowed per calendar year at any one address, unless a conditional use permit is filed and approved by the planning commission.

F. Signs.

Signs advertising a sale shall be located on the property only. Individual signs shall not exceed three square feet; total signs shall not exceed nine square feet in the aggregate, and shall not be placed so as to block vehicular or pedestrian view from adjoining properties. Posting of signs shall be only during time of sale and in conformance with Chapter 17.72 (Signs).

G. Length of time of sale and hours permitted.

No sale shall last more than three days. No sale shall start before six a.m. or continue after eight p.m.

H. Violation.

The conducting of any garage, patio or yard sale without a valid permit shall be considered an infraction. Each day of such sale without a valid permit constitutes a separate offense.

17.45.220 Mobile Home Parks

A. Purpose

The purpose of this section is to establish standards for the development of mobile home parks in Dinuba. Dinuba's housing element acknowledges that these developments serve

as a valuable source of housing for the elderly and households in the lower- to moderate-income categories. Further, the higher densities of mobile home parks can help to conserve valuable farmland.

B. Permitted Uses

Permitted uses within mobilehome parks are those listed as permitted (or permitted subject to a Conditional Use Permit in the underlying zone district in which the park is situated.

C. Development Standards (see also Exhibit 45-1)

1. Density

No more than 8 mobile homes per gross acre shall be permitted.

2. Lot Size

- a. The minimum parcel size for a mobile home park shall be 5 acres.
- b. For a “single-wide” mobile home, the minimum size for an individual mobile home space is 2,800 square feet (25 feet wide and 50 feet long). For a “double-wide” mobile home the minimum size for an individual mobile home space is 3,200 square feet (35 feet wide and 50 feet long)

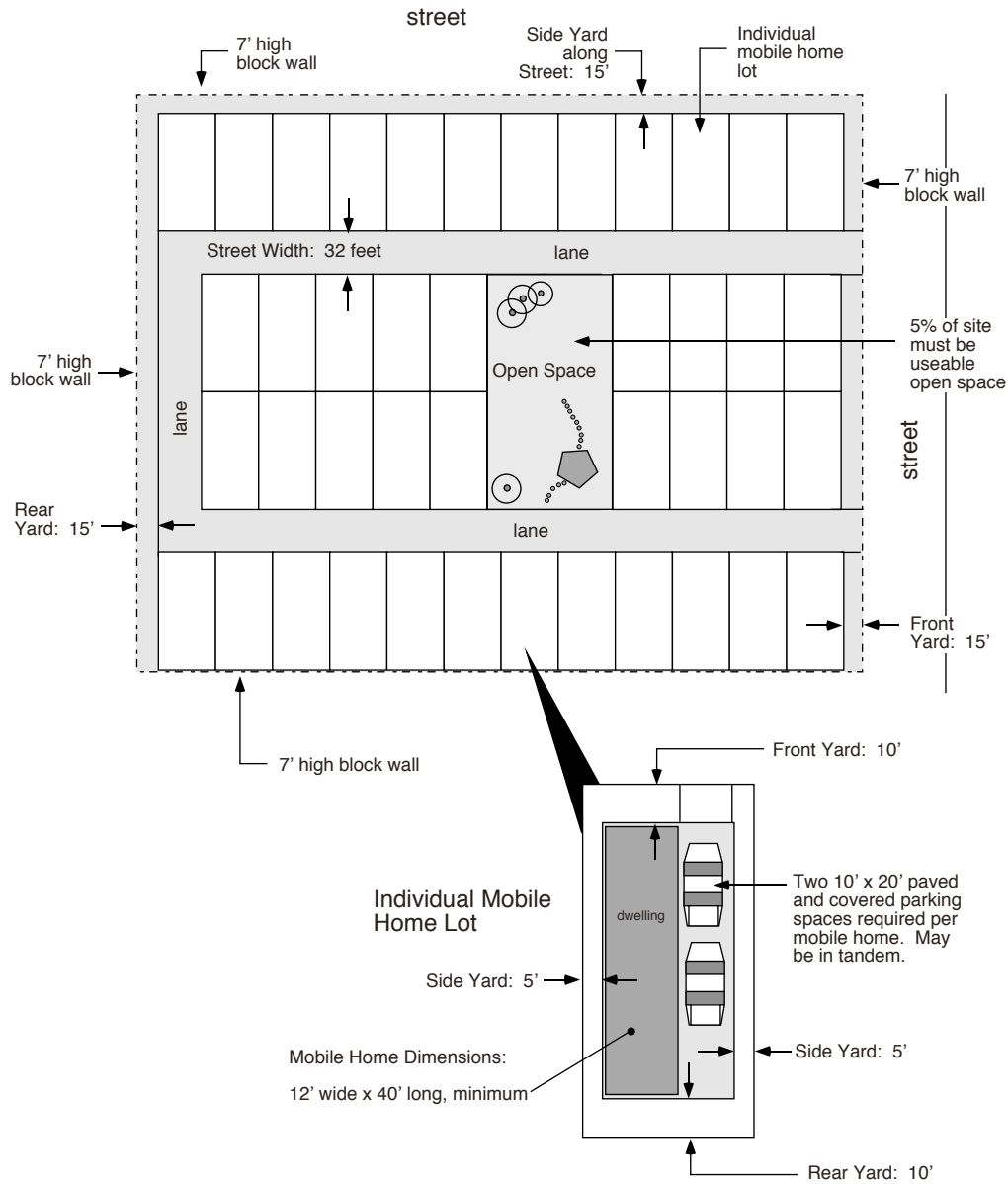
3. Coverage

No more than 75 percent of an individual space shall be covered with structures, including the mobile home, carport, patio, and storage buildings.

4. Unit size

All mobile homes shall have a minimum width of 12 feet and a minimum length of 40 feet.

Exhibit 45-1: Selected Mobile Home Park Standards



5. Setbacks

a. Setbacks for the entire mobile home park shall be as follows:

(i) Front yard: 20 feet.

- (ii) Side yards: 10 feet.
 - (iii) Rear yard: 20 feet.
 - b. Setbacks for mobile homes on an individual mobile home space shall be as follows:
 - (i) Front yard: 10 feet.
 - (ii) Side yard: 5 feet.
 - (iii) Rear yard: 10 feet.
- 6. Patios

Each mobile home site shall have a hard-surfaced patio area of not less than 200 square feet. A permanent porch greater than 20 square feet in area may be counted toward the required patio area.
- 7. Access and Streets
 - a. A mobile home park shall have no fewer than two entrances for vehicles from a public street.
 - b. Interior streets within the mobile home park shall have a minimum paved width of 25 feet. Said streets shall be constructed consistent with Dinuba's Improvements Manual.
- 8. Open Space
 - a. Five percent of the gross area of any mobile home park shall be devoted to useable open space. Space for streets and required setback areas shall not be counted toward this open space requirement.
 - b. Pedestrian ways shall be provided throughout the mobile home park, connecting all mobile home sites with one another and with common recreation areas.
- 9. Landscaping
 - a. All setback areas that front onto a public street shall be provided with landscaping and an automated irrigation system.

- c. All landscaping shall reflect concepts of the Dinuba Landscape Design Guidelines and comply with landscape standards of Chapter 17.## (Landscaping and Irrigation)..
- d. The front yard of each individual mobile home lot shall be landscaped.

10. Building Height

Residential structures shall not exceed 25 feet/two stories in height; Accessory structures shall not exceed 12 feet in height.

11. Fencing, Walls and Hedges

A 7-foot high solid block wall shall be constructed along all property lines that surround the mobile home park, however the fence shall be reduced to 3 feet within the required front yard area.

12. Off-Street Parking

a. Resident Parking

Each mobile home space shall provide two off-street parking stalls. Said stalls may be designed as tandem stalls. Each stall shall have a minimum width of 10 feet and a minimum depth of 20 feet. All stalls shall be paved consistent with Dinuba's Improvements Manual.

b. Guest Parking

There shall be one guest parking space provided within the mobile home park for every two mobile homes. The location of guest parking shall be approved as part of the Conditional Use Permit for the mobile home park.

c. Office Parking

Parking shall be provided for central recreation buildings, park offices and other similar buildings at a ratio of one parking space per 400 square feet of gross floor space

d. Recreational Vehicle Storage Space

Centralized storage areas shall be provided for recreational vehicles and boats, at a minimum of one space per five mobile

home spaces. Individual storage spaces shall measure not less than ten feet by thirty feet, and shall have direct access to a driveway with minimum width of twenty feet.

- e. Storage areas shall be paved and drained in order to be usable year round and shall be completely screened from exterior view by a combination of landscaping, masonry walls, fences or other comparable screening devices six feet in height.

13. Utility Installation

- a. Utility lines, including, but not limited to, electric, communications, street lighting and cable television, shall be placed underground.
- b. Each mobile home space and all interior roads shall be lighted for the safety and convenience of persons using the premises.
- c. All connections for each mobile home shall be placed at the rear of the mobile home space.

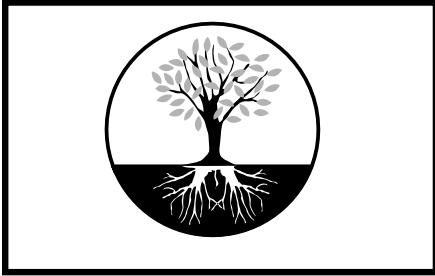
14. Special Requirements

- a. The mobile home park shall be provided with a laundry building for clothes washing and drying.
- b. Each mobile home pad shall consist of a base material adequate to support a mobile home.
- c. All tongues and tow bars shall be removed once a mobile home is fixed to the lot.
- d. All mobile homes shall be fitted with skirting, extending from the floor level of the mobile home to the ground.
- e. An on-site manager shall be required for all mobile home parks containing 16 or more mobile home units.
- f. Trash enclosures shall be provided, consistent with City specifications.

15. Signs

All signage at mobile home parks shall be consistent with the requirements established in Chapter 17.## (Signs).

CHAPTER 47



Landscaping, Irrigation and Grading

Sections

17.47.010	Purpose.
17.47.020	General provisions.
17.47.030	Specific provisions.
17.47.040	Landscape Plans and Submittal for Landscape Designs Not Subject to the Model Water Efficient Landscape Ordinance.
17.47.050	Certificate of occupancy.
17.47.060	Maintenance of landscaping.
17.47.070	Water Efficient Landscape Standards
17.47.080	Water Efficient Landscape Ordinance: Applicability
17.47.090	Water Efficient Landscape Ordinance: Landscaping, Irrigation and Grading Plan
17.47.100	Water Efficient Landscape Ordinance: Water Efficient Landscape Worksheet
17.47.110	Water Efficient Landscape Ordinance: Soil Management Report
17.47.120	Water Efficient Landscape Ordinance: Landscape Design Plan
17.47.130	Water Efficient Landscape Ordinance: Irrigation Design Plan
17.47.140	Water Efficient Landscape Ordinance: Grading Design Plan
17.47.150	Water Efficient Landscape Ordinance: Certificate of Completion
17.47.160	Water Efficient Landscape Ordinance: Irrigation Scheduling
17.47.170	Water Efficient Landscape Ordinance: Irrigation Maintenance, Audit and Analysis
17.47.180	Definitions

17.47.010 Purpose.

To provide reasonable requirements and standards for landscaping along public rights-of-way and within parking lots. The provisions of this chapter are intended to accomplish the following:

- a. To promote an attractive visual environment.
- b. To promote a transition between land uses.
- c. To encourage visual harmony between the landscape and the development.
- d. To conserve water.
- e. To reduce energy consumption in buildings by proper plant selection and placement and to decrease high summer temperature by blocking heat and glare.
- f. To screen offensive or unattractive areas from public view.
- g. To enforce provisions of the State of California's Model Water Efficient Landscape ordinance.

17.47.020 General provisions.

- a. These regulations apply to all new construction involving commercial, industrial, public, institutional and multiple family residential development. Landscape areas containing over 2,500 square feet must comply with the provisions of the Model Water Efficient Landscape standards (see Section 25-43.7). Projects shall also incorporate recommendations from the Design Landscape Design Guidelines in each particular zone district, as applicable.
- b. These regulations apply to additions to applicable structures which exceed forty percent of the gross floor area or one thousand square feet, whichever is less. All additions constructed after the date of adoption of this ordinance, will accumulate to determine eligibility under this requirement.
- c. These regulations shall apply when a previously unpaved parking area is paved.
- d. Vegetative matter shall cover seventy-five percent of the required landscaped area. Exceptions to this requirement, in unusual situations, may be approved by the zoning administrator on a case by case basis.
- e. All planters located adjacent to driveways, loading areas, parking lots and sidewalks shall be protected along the parking lot side with curbs or wheel stops. Alternative treatments may be considered.

- f. Planters containing trees shall be not less than four feet by four feet (inside dimension). All other planters shall be not less than two feet (inside dimension) in width.
- g. Existing trees shall be evaluated as to their suitability for retention.
- h. Existing trees shall be protected by planters with a minimum radius of the drip line of the tree or fifty percent of drip line plus modifications to paved area allowing for aeration and water penetration. Alternative treatments will be considered.
- i. All landscaped areas shall be provided with an "in the ground" or drip irrigation system.
- j. A fence or wall when used for required screening shall be seventy-five percent opaque.
- k. When wood, masonry, or metal are used for fencing or screening, plants are required every five feet along the barrier.
- l. Trash enclosures shall be screened and designed as approved by the city.
- m. One tree shall be planted at least every thirty-five feet along a public right-of-way. The maximum spacing between trees shall be equal to the mature spread of the trees selected. Special consideration may be given to variety and spacing of trees as they relate to proposed signing of the property.
- n. Trees shall be equivalent to 15 gallon can size or larger when planted.
- o. Shrubs shall be equivalent to one gallon can size or larger when planted.
- p. All open industrial storage areas shall be screened from all public rights-of-way and adjacent commercial or residential properties to a height of six feet. Screening may be modified or waived for security reasons with the concurrence of the planning director and the police chief.
- q. Landscape designs which do not meet the specific regulations of this chapter may be approved by the zoning administrator if in his opinion the design meets the intent and purpose of this chapter as set forth in Section 25-43.1.
- r. Landscaping materials shall be contained so as not to spill into the public right-of-way.
- s. Landscaping shall be installed as approved by the city.

- t. Landscaping shall be maintained in a healthy and attractive condition.

17.47.030 Specific provisions.

- a. Sight Distance.
 - 1. No foliage or structural features shall extend into the cross-visibility area between three and one-half feet and seven feet above the surface of the public sidewalk.
- b. Cross visibility:
 - 1. Intersection of Driveways and Public Rights-of-Way. A triangle having one side ten feet long and running along the driveway and one side twenty feet long and running along the public right-of-way, said length beginning at their intersection and the third side formed by a line connecting the two ends.
 - 2. Intersection of Two Public Rights-of-Ways. A triangle having two sides "x" feet long and running along each public right-of-way, said length beginning at their intersection and the third side formed by a line connecting the two ends.
 - (a). R and UR zones: x equals twenty feet.
 - (b). C-2 zone: No requirement.
 - (c). C-1, C-3, G zones: x equals twenty feet.
 - (e). M zones: x equals twenty feet.
 - 3. Off-Street Parking Areas. Landscaping shall be provided in all off-street parking areas, consistent with the standards in Chapter 17.## (Parking and Loading).

17.47.040 Landscape Plans and Submittal for Landscape Designs Not Subject to the Model Water Efficient Landscape Ordinance.

- a. Plan. Except where required by the Model Water Efficient Landscape Ordinance, three sets of landscape plans at an appropriate scale shall be submitted showing:
 - 1. Property lines and public utility easements;
 - 2. Dimensions;
 - 3. Structures, streetlights, poles, transformers, etc.;
 - 4. Irrigation system and estimated water usage per month;
 - 5. Trash enclosures;
 - 6. Existing natural features, including trees to be retained and buildings on adjoining parcels;
- b. Grading plan, including:
 - 1. Finished planter elevations,
 - 2. Grade differentials with adjoining properties,
 - 3. Retaining walls, if any,
 - 4. Location of on-site trench drains,
 - 5. Percentage of grade of any mounds;
- c. Plant list, including:
 - 1. Botanical and common names,
 - 2. Identification tags for each different species,
 - 3. Quantities of each species,
 - 4. Container sizes,
 - 5. Mature spread and height of trees and shrubs,
 - 6. Rate of growth (fast, moderate, slow);

7. Shade coverage and interior landscaping coverage calculations.
- d. Approval. Landscape plans must be approved by the planning director prior to issuance of a building permit and work completed prior to occupancy.

17.47.050 Certificate of occupancy.

No certificate of occupancy shall be issued for any project for which landscaping is required, or as required by the planning commission, until all landscaping and improvements shown on the approved plans have been completed. The building official may issue a temporary certificate of occupancy, where completion of the landscaping work is delayed because of adverse weather or the season of the year, upon execution of an agreement with the city and providing a cash deposit or letter of credit in an amount equal to the cost of completing the work. If landscaping differs from that shown on the approved plans, as built plans shall be submitted and approved prior to occupancy.

17.47.060 Maintenance of landscaping.

All required landscaping and structural features, whether in existence on the effective date of this title or installed after said date, shall be maintained in a healthy and attractive condition. Maintenance shall include but is not limited to watering, fertilizing, weeding, cleaning, pruning, trimming, spraying and cultivating. For purposes of enforcement, the occupant of the property, whether he be the owner, lessor or tenant, shall be responsible for such maintenance. In the case of a vacant building the owner shall be responsible for such maintenance. Replacement of dead, dying or damaged plants, shrubs and trees shall be in conformance with the original approved landscape plan. Prior to the reoccupancy of a building with existing landscaping all portions of damaged or defective irrigation systems, dead, dying or damaged turf, plants, shrubs and trees shall be replaced. Any significant alteration of an approved installed landscaping installation (such as the removal of mature trees) shall be approved by the Planning Director. Removal of mature trees may only be approved if the tree is dead, in danger of causing bodily harm (by falling or dropping limbs) or damaging property.

17.47.070 Water Efficient Landscape Standards

The purpose of this section is to provide for local landscaping, irrigation and grading regulations that are consistent with the State of California's Model Water Efficient Landscape Ordinance.

17.47.080 Water Efficient Landscape Ordinance: Applicability

This section shall apply to landscape projects that involve new construction for public agency projects and private development projects with a landscaped area equal to or greater than 2,500 square feet and which require a building or landscape permit, plan check or design review.

17.47.090 Water Efficient Landscape Ordinance: Landscaping, Irrigation and Grading Plan

The landscaping, irrigation and grading plan shall contain the following elements:

- a. Project Information
 - 1. Date
 - 2. Project Applicant
 - 3. Project Address
 - 4. Total landscaped area
 - 5. Project type
 - 6. Water supply type
 - 7. Project Contacts
 - 8. Applicant signature and date with statement, "I agree to comply with the requirements of the water efficient landscape ordinance"
- b. Water Efficient Landscape Worksheet.
 - 1. Hydrozone information table.
 - 2. Water budget calculations.
- c. Maximum applied water allowance (MAWA)
- d. Estimated total water use (ETWU)
- e. Soil management report
- f. Landscape design plan
- g. Irrigation design plan
- h. Grading design plan.

17.47.100 Water Efficient Landscape Ordinance: Water Efficient Landscape Worksheet

A project applicant shall complete the Water Efficient Landscape Worksheet which contains two sections:

- a. A hydrozone information table for a landscape project (see State of California's Model Landscaping Ordinance).
- b. A water budget calculation for the landscaped project (see State of California's Model Landscaping Ordinance). The water budget calculations shall adhere to the following:
 1. The plant factor shall use the following ranges: 0 to .3 for low water use plants; from .4 to .6 for moderate water use plants; and from .7 to 1.0 for high water use plants.
 2. All water features shall be include in the high water use hydrozone and temporary irrigated areas shall be included in the low water use hydrozone.
- c. The maximum applied water allowance shall be calculated using the following equation:

$MAWA = (ET_o)(.62) [.7 \times LA] + (.3 \times SLA)$, where:

- MAWA = maximum applied water allowance,
- ET_o = Evapotranspiration in inches per year;
- LA= landscaped area; and
- SLA = special landscaped area.

17.47.110 Water Efficient Landscape Ordinance: Soil Management Report

In order to reduce runoff and encourage healthy plant growth, a soil management report shall be completed by the project applicant as follows:

- a. Soil samples shall be submitted to a laboratory for analysis and recommendations.
 1. Soil sampling shall be conducted in accordance with laboratory protocol, including protocols regarding adequate sampling depth for the intended plants.

2. The soil analysis may include soil texture, infiltration rate, pH, total soluble salts, sodium, percent organic matter and recommendations.
- b. The applicant shall comply with the following:
1. If significant mass grading is not planned, the soil analysis report shall be submitted to the local agency as part of the Certificate of Completion.
 2. The soils analysis report shall be made available to the professional preparing the landscape design plans and irrigation design plans to make any necessary adjustments to the design plans.

17.47.120 Water Efficient Landscape Ordinance: Landscape Design Plan

For the efficient use of water, a landscape shall be carefully designed and planned for the intended function of the project. A landscape design plan meeting the following design criteria shall be submitted as part of the Landscape Documentation Package.

- a. A landscape design plan shall contain the following:
1. Delineate and label each hydrozone by number, letter, or other method.
 2. Identify each hydrozone as low, moderate, high water, or mixed use water. Temporarily irrigated areas of the landscape shall be included in the low water use hydrozone for the water budget calculation.
 3. Identify recreation areas.
 4. Identify areas permanently and solely dedicated to edible plants.
 5. Identify areas irrigated with recycled water.
 6. Identify type of mulch and application depth.
 7. Identify soil amendments, type and quantity.
 8. Identify type and surface area for water features.
 9. Identify hardscapes, pervious and impervious.
 10. Identify location and installation details of any applicable stormwater best management practices that encourage on-site retention and infiltration of stormwater. Stormwater best management practices are encourage in the landscape design plan and examples include, but are not limited to:

- (a) Infiltration beds, swales, and basins that allow water to collect and soak into the ground.
 - (b) Constructed wetlands and retention ponds that retain water, handle excess flow, and filter pollutants.
 - (c) Pervious or porous surfaces that minimize runoff.
- 11. Identify any applicable rain harvesting or catchment technologies.
- 12. Bear the signature of a licensed landscape architect, licensed landscape contractor, or any other person authorized to design a landscape.
- b. Any plant may be selected for the landscape, providing the Estimated Total Water Use (ETWU) in the landscaped area does not exceed the Maximum Applied Water Allowance ((MAWA). To encourage the efficient use of water, the following is highly recommended:
 - 1. Protection and preservation of native species and natural vegetation.
 - 2. Selection of water-conserving plant and turf species.
 - 3. Selection of plants based on disease and pest resistance.
 - 4. Selection of trees based on applicable local tree ordinances or tree shading guidelines.
 - 5. Selection of plants from local and regional landscape program plant lists.
- c. Each hydrozone shall have plant materials with similar water use.
- d. Plants shall be selected and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site. To encourage the efficient use of water, the following is highly recommended:
 - 1. Use the Sunset Western Climate Zone System which takes into account temperature, humidity, elevation, terrain, latitude, and varying degrees of continental and marine influence on local climate.
 - 2. Recognize the horticultural attributes of plants to minimize damage to property or infrastructure.
 - 3. Consider the solar orientation for plant placement to maximize summer shade and winter solar gain.

- e. Turf is not allowed on slopes greater than 15 percent where the toe of the slope is adjacent to an impermeable hardscape.
- f. The use of invasive and/or noxious plant species is strongly discouraged.
- g. Recirculating water systems shall be used for water features.
- h. Where available, recycled water shall be used as a source for decorative water features.
- i. Pool and spa covers are highly recommended.
- j. A minimum of two inches of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications.
- k. Stabilizing mulching products shall be used on slopes.
- l. Soil amendments shall be incorporated according to recommendations of the soil report and what is appropriate for the plants selected.

17.47.130 Water Efficient Landscape Ordinance: Irrigation Design Plan

For the efficient use of water, an irrigation system shall meet all the requirements listed in this section. The irrigation system and its related components shall be planned and designed to allow for proper installation, management, and maintenance. An irrigation design plan meeting the following criteria shall be submitted as part of the Landscape Documentation Package.

- a. The irrigation design plan shall contain:
 - 1. Location and size of separate water meters for landscape.
 - 2. Location, type and size of components of the irrigation system, including controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, pressure regulators, and backflow prevention devices.
 - 3. Static water pressure at the point of connection to the public water supply.
 - 4. Flow rate, application rate, and design operating pressure for each station.
 - 5. The signature of a licensed landscape architect, certified irrigation designer, Licensed landscape contractor or any other person authorized to design an irrigation system.

- b. Dedicated landscape water meters are highly recommended on landscape areas smaller than 5,000 square feet to facilitate water management.
- c. Automatic irrigation controllers utilizing either evapotranspiration or soil moisture sensor data shall be required for irrigation in all irrigation systems.
- d. The irrigation system shall be designed to ensure that the dynamic pressure at each emission device is within the manufacturer's recommended pressure range for optimal performance.
 - 1. If the static pressure is above or below the required dynamic pressure of the irrigation system, pressure-regulating devices such as inline pressure regulators, booster pumps, or other devices shall be installed to meet the required dynamic pressure of the irrigation system.
 - 2. Static water pressure, dynamic or operating pressure, and flow reading of the water supply shall be measured at the point of connection. These pressure and flow measurements shall be conducted at the design stage. If the measurements are not available at the design stage, the measurements shall be conducted at installation.
- e. Sensors, either integral or auxiliary, that suspend or alter irrigation operation during unfavorable weather conditions shall be required on all irrigation systems as appropriate for local climatic conditions. Irrigation should be avoided during windy, rainy, or freezing weather.
- f. Manual shut-off valves shall be required as close as possible to the point of connection of the water supply to minimize water loss in case of an emergency or routine repair.
- g. Backflow prevention devices shall be required to protect the water supply from contamination by the irrigation system.
- h. High flow sensors that detect and report high flow conditions created by system damage or malfunction are recommended.
- i. Check valves or auto-drain valves are required for all irrigation systems.
- j. Each valve shall irrigate a hydrozone with similar site, slope, sun exposure, soil conditions, and plant materials with similar water use.
- k. Where feasible, trees shall be placed on separate valves from shrubs, groundcovers and turf.

17.47.140 Water Efficient Landscape Ordinance: Grading Design Plan

For the efficient use of water, a grading plan for a project site shall be designed to minimize soil erosion, runoff and water waste. A grading plan shall be submitted as part of the Landscape Documentation Package. A comprehensive grading plan shall be prepared by a civil engineer.

- a. The grading design plan shall include the following:
 - 1. Height of graded slopes
 - 2. Drainage patterns
 - 3. Pad elevations
 - 4. Finished grade
 - 5. Stormwater retention improvements, if applicable.
- b. To prevent excessive erosion and runoff, it is highly recommended that the project applicants grade so that all irrigation and normal rainfall remains within the property lines and does not drain onto impervious hardscapes, avoid disruption of natural drainage patterns and undisturbed soils, and avoid soil compaction in landscaped areas.

17.47.150 Water Efficient Landscape Ordinance: Certificate of Completion

- a. The Certificate of Completion shall include the following elements.
 - 1. Date
 - 2. Project name
 - 3. Applicant name, telephone and mailing address
 - 4. Project address and location
 - 5. Property owner name, telephone, and mailing address
 - 6. Certification by either the signer of the landscape design plan, signer of the irrigation plan or the licensed landscape contractor that the landscape project has been installed per the approved Landscape Documentation Package.

- b. The project applicant shall submit the signed Certificate of Completion to the City Planner for review. The Planning Director shall approve or deny the Certificate of Completion. The applicant may appeal the Planning Director's decision consistent with Chapter 25-6 (Appeals).

17.47.160 Water Efficient Landscape Ordinance: Irrigation Scheduling

For the efficient use of water, all irrigation schedules shall be developed, managed, and evaluated to utilize the minimum amount of water required to maintain plant health. Irrigation schedules shall meet the following criteria.

- a. Irrigation shall be regulated by automatic controllers.
- b. Overhead irrigation shall be scheduled between 8:00 p.m. and 10:00 a.m. unless weather conditions such as rain or freezing temperatures prevent it.
- c. For implementation of the irrigation schedule, particular attention must be paid to irrigation run times, flow rate, and current reference evapotranspiration so that applied water meets the Estimated Total Water Use (ETWU). Actual irrigation schedules shall be regulated by automatic irrigation controllers using current reference evapotranspiration data or soil moisture sensor data.
- d. Parameters used to set the automatic controller shall be developed and submitted for each of the following:
 - 1. The plant establishment period.
 - 2. The established landscape.
 - 3. Temporary irrigated areas.
- e. Each irrigation schedule shall consider for each station all of the following that apply:
 - 1. Irrigation intervals, days between irrigation
 - 2. Irrigation run times, hours or minutes per irrigation event
 - 3. Number of cycle starts required for each irrigation event
 - 4. Amount of water to be applied on a monthly basis
 - 5. Application rate setting

6. Root depth setting
7. Plant type setting
8. Soil type
9. Slope factor setting
10. Shade factor setting.

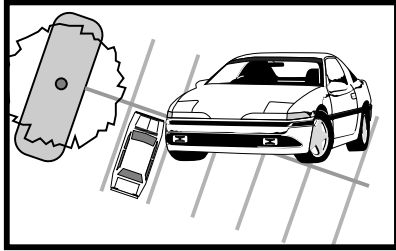
17.47.170 Water Efficient Landscape Ordinance: Irrigation Maintenance, Audit and Analysis

- a. Landscapes shall be maintained to ensure water use efficiency. A regular maintenance schedule shall be submitted with the Certificate of Completion.
- b. All landscape irrigation audits shall be conducted by a certified landscape irrigation auditor.
- c. All landscape irrigation audits shall be conducted by a certified landscape irrigation audit.

17.47.180 Definitions

- a. “Anti-Drain Valve (Check Valve)” shall mean a valve located under a sprinkler head to hold water in the system so it minimizes drainage from the low elevation sprinkler heads.
- b. “Application Rate” shall mean the depth of water applied to a given area, usually measured in inches per hour.
- c. “Automatic Controller” shall mean a mechanical or solid timer, capable of operating valve stations to set the days and length of time of a water application for irrigation.
- d. “Backflow Prevention Device” shall mean a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from an irrigation system.
- e. “Landscaping” shall mean the addition of lawns, trees, plants, and other natural and decorative features to land.
- f. “Rain Sensing Device” shall mean a system which automatically shuts off an irrigation system during periods of rain.

CHAPTER 45



Auto and Bicycle Parking and Loading

Sections

17.47.010	Purpose
17.47.020	General Requirements
17.47.030	Number of Parking Spaces Required by Use
17.47.040	Parking Lot Design Standards and Location Criteria

17.47.010 Purpose

The purpose of this chapter is to provide parking, bicycle and loading regulations for new and expanded development and land uses in Dinuba. This chapter will also serve to:


1. Provide accessible, attractive, secure, and well-maintained parking (auto and bicycle) and off-street loading facilities;
2. Provide parking and loading facilities that are designed to reduce traffic congestion;
3. Minimize the impact of new development on parking and loading facilities on surrounding properties;
4. Ensure the maneuverability of emergency vehicles in parking facilities and provide for loading and delivery services in proportion to the needs generated by the proposed land use which are clearly compatible with adjacent parcels and the surrounding neighborhood.

17.47.020 General Requirements

- a. No building shall be constructed, or use established unless off-street auto and bicycle parking and loading spaces are provided in accordance with the provisions of this chapter unless otherwise exempted by this chapter.
- b. When an existing use or building is enlarged and requires additional parking and loading under the provisions of this chapter, said improvements shall be provided on the subject site or the developer shall provide an in-lieu parking fee consistent with the provisions in this chapter.
- c. For every ten auto parking spaces provided for commercial and industrial uses the project shall provide one bicycle parking space.
- c. For uses not listed in this chapter, the Planning Director shall determine a parking and loading standard for the use based on the operational, size and locational characteristics of the use and the standards that similar cities apply to said use.
- d. Fractional space requirements shall be rounded up when the fractional number is 0.5 or more and shall be rounded down when the fractional number is less than 0.5.
- e. In any residential district, all inoperable motor vehicles shall be stored in a garage, carport or outside of the front yard setback area.
- f. For purposes of calculating the number of spaces required, “floor space” or “floor area” shall mean that area used for service the public, including areas occupied by fixtures and equipment used for the display or sale of merchandise. It shall not include areas used principally for non-public use, including storage, or administrative offices incidental to a commercial use.

17.47.030 Number of Parking Spaces Required

The minimum number of parking spaces (or stalls) required for new uses or buildings or the expansion of existing buildings or uses are detailed below, except that the number of on-site parking spaces required for uses in the “C-2” (Downtown Commercial) may be reduced by up to 50% of the parking requirement for the particular use, as shown in this chapter (or an applicant unable to meet on-site parking requirements may pay the City’s in-lieu parking fee.

 1. <u>Residential Uses</u>		
<u>Number</u>	<u>Use</u>	<u>Number of Spaces Required</u>
a.	Single Family Residence	2 covered parking spaces. Spaces shall be situated side by side (tandem parking is not permitted)
b.	Accessory Dwelling Unit	One space
c.	Junior Accessory Dwelling Unit	No requirement
d.	Multi-family units	<ul style="list-style-type: none"> • <u>Studio</u> (no bedroom): 1.5 spaces • <u>One bedroom</u> unit: 1.5 spaces • <u>Two or more bedroom</u>: 2.0 spaces • <u>Guest parking</u> shall be provided at a rate of one space per 5 units
e.	Emergency Shelter	One space per 10 beds
f.	Group care housing	two stalls for every two clients; tandem parking is permitted
g.	Transitional housing	one stall per bedroom plus one stall per employee
h.	Single Room Occupancy (SRO) units:	one stall per bedroom plus one stall per employee
i.	Labor camps:	one stall per living unit
j.	Nursing homes:	one stall for every three beds
k.	Convalescent home:	one stall per three beds



1. Residential Uses

<u>Number</u>	<u>Use</u>	<u>Number of Spaces Required</u>
l.	Family and group day care homes:	one stall for every three beds
m.	Senior housing:	one covered stall per unit
n.	Mobile home parks:	two covered stall per unit; tandem parking permitted, plus one guest space per five mobile homes
o.	Trailer parks:	one stall per trailer pad
p.	Motels and hotels:	one stall per room



2. Offices

<u>Number</u>	<u>Use</u>	<u>Number of Spaces Required</u>
a.	Medical and dental offices:	one stall per 250 sq. ft. of building area, plus one bicycle space per ten vehicle spaces.
b.	Professional offices, including insurance, specialized consultants, law, travel, real estate, accountants, financial advisors and architects:	one stall per 250 sq. ft. of building area, plus one bicycle space per ten vehicle spaces.



3. Personal Services

<u>Number</u>	<u>Use</u>	<u>Number of Spaces Required</u>
a.	Banks, savings and loan, check cashing, credit unions, and similar offices:	one stall per 200 sq. ft. of building area, plus one bicycle space per ten vehicle spaces:
b.	Self-service laundry:	one stall for every three machines, plus one bicycle space per ten vehicle spaces
c.	Barber/beauty shops, day spas, massage therapists, hair stylists, tattoo/piercing shops:	two stalls per station, plus one bicycle space per ten vehicle spaces.
d.	Funeral home, mortuaries:	one stall for every 50 sq. ft. of building area



4. General Commercial Uses

<u>Number</u>	<u>Use</u>	<u>Number of Spaces Required</u>
a.	Retail stores including clothing, shoes, stationary, sporting goods, kitchen wares, gift shops, book stores and beauty supplies:	one stall per 350 sq.ft. of building area, plus one bicycle space per ten vehicle spaces.
b.	Convenience stores:	one stall per 200 sq. ft. of building area, plus one bicycle space per ten vehicle spaces.
c.	Furniture, hardware and appliance stores:	one stall per 600 sq. ft. of building area, plus one bicycle space per ten vehicle spaces.
d.	Grocery stores:	one stall per 300 sq. ft. of building area, plus one bicycle space per ten vehicle spaces.



4. General Commercial Uses

<u>Number</u>	<u>Use</u>	<u>Number of Spaces Required</u>
e.	Antique and second-hand shops:	one stall per 350 sq. ft. of building area, plus one bicycle space per ten vehicle spaces.
f.	Auto parts stores:	one stall per 500 sq. ft. of building area, plus one bicycle space per ten vehicle spaces.



5. Eating and Drinking Establishments

<u>Number</u>	<u>Use</u>	<u>Number of Spaces Required</u>
a.	Coffee and tea establishments, candy shops and bakeries:	one stall per 100 square feet of building area, plus one bicycle space per ten vehicle spaces.
b.	Restaurants (other than fast food):	one stall per four seats, plus one bicycle space per ten vehicle spaces.
c.	Fast food restaurants	one stall per 100 sq. ft. of building area, plus one bicycle space per ten vehicle spaces.
d.	Donut shops	one stall per 100 square feet of building area, plus one bicycle space per ten vehicle spaces.
e.	Sandwich shops and delicatessens	one stall per 100 square feet of building area, plus one bicycle space per ten vehicle spaces.
f.	Sports bars	One stall per three seats, plus one bicycle space per ten vehicle spaces.



6. Automotive Uses

<u>Number</u>	<u>Use</u>	<u>Number of Spaces Required</u>
a.	Tire, brake, radiator, and auto repair shops:	one stall per 200 square feet of building area.
b.	Multi-tenant auto-related shops:	one stall per 200 square feet of building area.
c.	Full-service car washes:	one stall per 200 sq. ft. of building area.
d.	Self-service car washes:	one parking stall per bay
e.	New/Used-car sales:	one parking space for each two employees during the time of maximum employment, plus one parking space for each two thousand (2,000) square feet of lot and building area used for the display or storage of automobiles.
f.	Oil change shops:	one stall per bay.
g.	Service stations:	one stall per 300 sq. ft. of building area.
h.	Auto glass, upholstery and stereo shops:	one stall per 200 sq. ft. of building area.
i.	Paint and body shops:	one stall per 200 square feet of building area.
j.	Wholesale establishments:	one stall per 600 sq. ft. of building area.

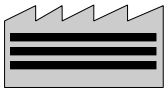


7. Recreational Uses

<u>Number</u>	<u>Use</u>	<u>Number of Spaces Required</u>
a.	Health clubs:	one stall per 100 sq. ft. of building area, plus one bicycle space per ten vehicle spaces.
b.	Bowling alleys:	one stall per 100 sq. ft. of building area, plus one bicycle space per ten vehicle spaces.
c.	Dance and martial arts studios:	one stall per 100 sq. ft. of building area, plus one bicycle space per ten vehicle spaces.
d.	Golf courses	1.5 stalls per tee plus one stall for every four seats, plus one bicycle space per ten vehicle spaces.
e.	Stadiums, arenas, and other outdoor facilities:	one stall for every five seats, plus one bicycle space per ten vehicle spaces.
f.	Video arcades:	one stall per 100 sq. ft. of building area, plus one bicycle space per ten vehicle spaces.
g.	Rodeo and equestrian facilities:	one stall for every five seats, plus one bicycle space per ten vehicle spaces.
h.	Miniature golf course:	1.5 stalls per tee, plus one bicycle space per ten vehicle spaces.

8. Miscellaneous Commercial Uses

<u>Number</u>	<u>Use</u>	<u>Number of Spaces Required</u>
a.	Shopping centers (three or more retail uses)	One stall per 250 square feet
b.	Retail nursery/garden shops:	one stall for every 1,000 sq. ft. of outdoor display area, plus one bicycle space per ten vehicle spaces.
c.	Agricultural Chemicals/Sales:	one stall per 500 sq. ft. of building area.
d.	Agricultural Services, including topping, farming operations, trucking, farm maintenance, spraying, agricultural contractors, and contract farming:	one stall per 500 sq. ft. of building area.
e.	Farm machinery, sales and service:	one stall per 500 sq. ft. of building area.



9. Industrial Uses

<u>Number</u>	<u>Use</u>	<u>Number of Spaces Required</u>
a.	Manufacturing:	one stall per 500 sq. ft. of building area, plus one bicycle space per ten vehicle spaces
b.	Mini-storage:	two stalls plus one stall for every 250 sq. ft. of building area in the office
c.	Warehousing:	one stall per 1,000 sq. ft. of building area, plus one bicycle space per ten vehicle spaces
d.	Packing house:	one stall per 750 sq. ft. of building area, plus one bicycle space per ten vehicle spaces.



10. Institutional Uses

<u>Number</u>	<u>Use</u>	<u>Number of Spaces Required</u>
a.	Churches:	one stall per four seats, plus one bicycle space per ten vehicle spaces.
b.	Nursery and pre-schools:	one stall per classroom plus one stall for every 250 sq. ft. of nonclassroom building area, plus one bicycle space per four students.
c.	Elementary and middle schools:	one stall per two classrooms plus one stall per staff member, plus one bicycle space per four students.
d.	High schools:	three stalls for every two staff members, plus one bicycle space per four students.
e.	Colleges:	one parking space for each employee plus ten parking spaces for each classroom, plus one bicycle space per four students.
f.	Libraries, museums and art galleries:	one stall per 500 sq. ft. of building area, plus one bicycle space per ten vehicle spaces.
g.	Hospitals:	one stall per bed, plus one bicycle space per ten vehicle spaces



11. Governmental Uses

<u>Number</u>	<u>Use</u>	<u>Number of Spaces Required</u>
a.	Governmental offices:	one stall per 400 sq. ft. of building area, plus one bicycle space per ten vehicle spaces.



11. Governmental Uses

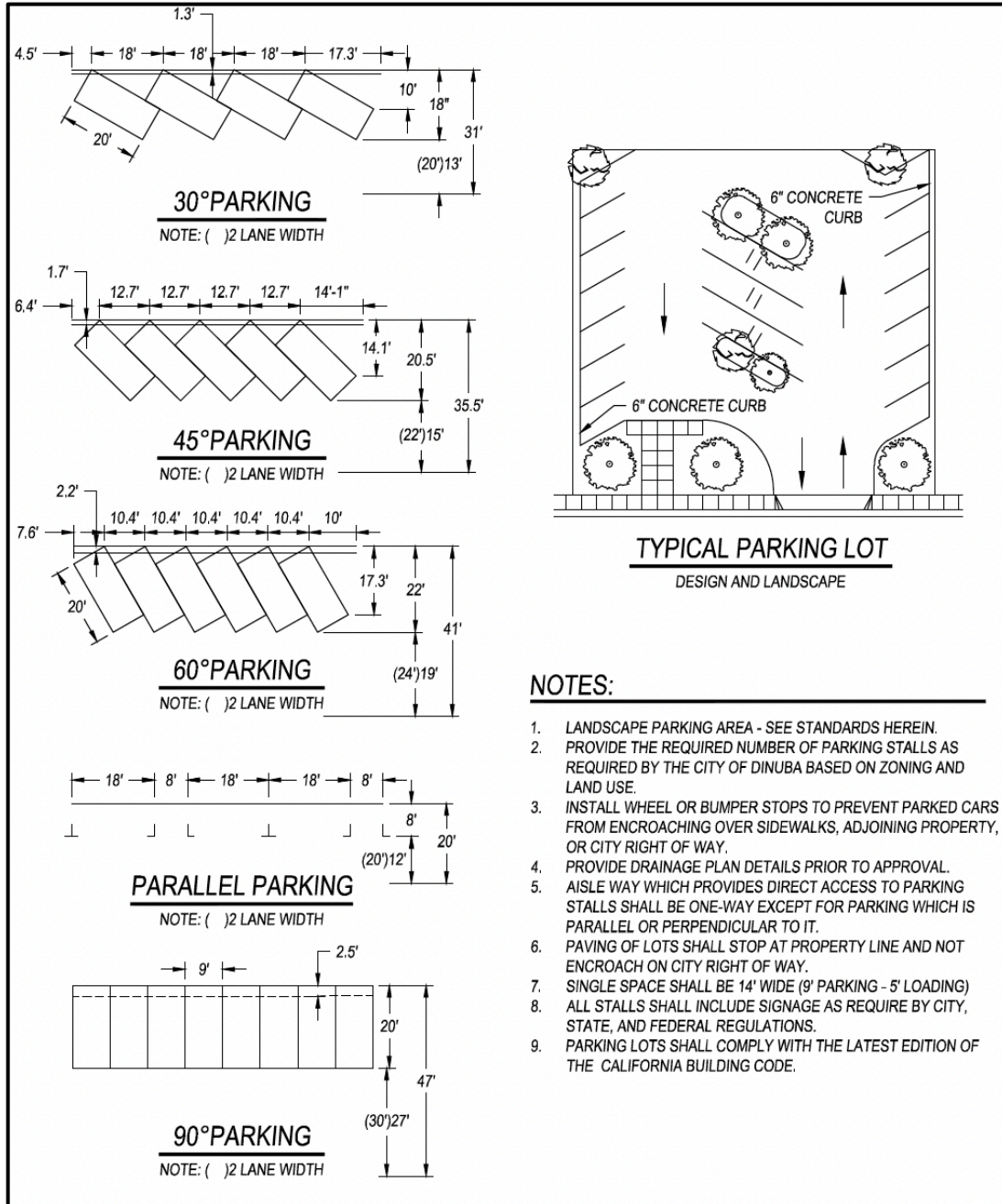
<u>Number</u>	<u>Use</u>	<u>Number of Spaces Required</u>
b.	Courthouses:	one stall per 400 sq. ft. of building area, plus one bicycle space per ten vehicle spaces.
c.	Public safety buildings:	one stall per 400 sq. ft. of building area, plus one bicycle space per ten vehicle spaces.
d.	Corporation, transportation and fuel yards:	one stall per employee on the maximum shift plus visitor stalls
e.	Water treatment facilities and wastewater treatment facilities:	one stall per 400 sq. ft of building area

17.47.040 Parking Lot Design Standards and Location Criteria

a. Design Dimensions

Parking lots shall be designed to be consistent with the standards, dimensions and requirements of the details contained in Exhibit 45-1. The construction of parking lots shall also be consistent with the standards contained in Dinuba's Improvements Manual.

Exhibit 47-1: Parking Design



b. Circulation

Parking lots shall be designed so that backing into a public street from a parking stall shall be minimized in order to maintain effective traffic flow along the public street. Single family dwellings will be exempt from this requirement. The use of alleys to access parking lots is encouraged.

Commercial parking lots shall be designed to allow for cross parcel access (to the extent practical) to preclude vehicles from having to travel onto the street to access adjacent parcels.

c. Paving, Slope and Drainage

All parking lots shall be constructed with a 4-inch aggregate base and a 2-inch asphalt or concrete overlay, described in the Dinuba Improvements Manual. Parking lots shall be sloped so that storm water runoff flows towards public streets or alleys, into on-site landscape planters or bioswales or into pervious hardscape features.

d. Curbing and Wheel Stops

Concrete curbing shall be provided around all parking lots and landscape planters consistent with the Dinuba Improvements Manual. Wheel stops may be provided in parking stalls to ensure that the overhang of a vehicle does not interfere with pedestrian movements along a sidewalk, or damage landscaping adjacent to the parking lot.

e. Striping and Symbols

Parking lot stalls and travel lanes shall be clearly marked with painted strips. Parking stalls for handicapped persons shall be striped and provided with the appropriate symbols and signage that are consistent with the American Disabilities Act (Exhibit PK-1 from the Dinuba Improvements Manual).

f. Lighting

All parking lots shall have pole lighting that property illuminates the parking lot but does not cause a nuisance for adjoining properties.

g. Driveways

Driveways from a public street or alley shall have locations and dimensions consistent with the Dinuba Improvements Manual. For one-way driveways the width of the driveway shall be at least 15 feet; two-way driveways shall have a minimum width of 25 feet.

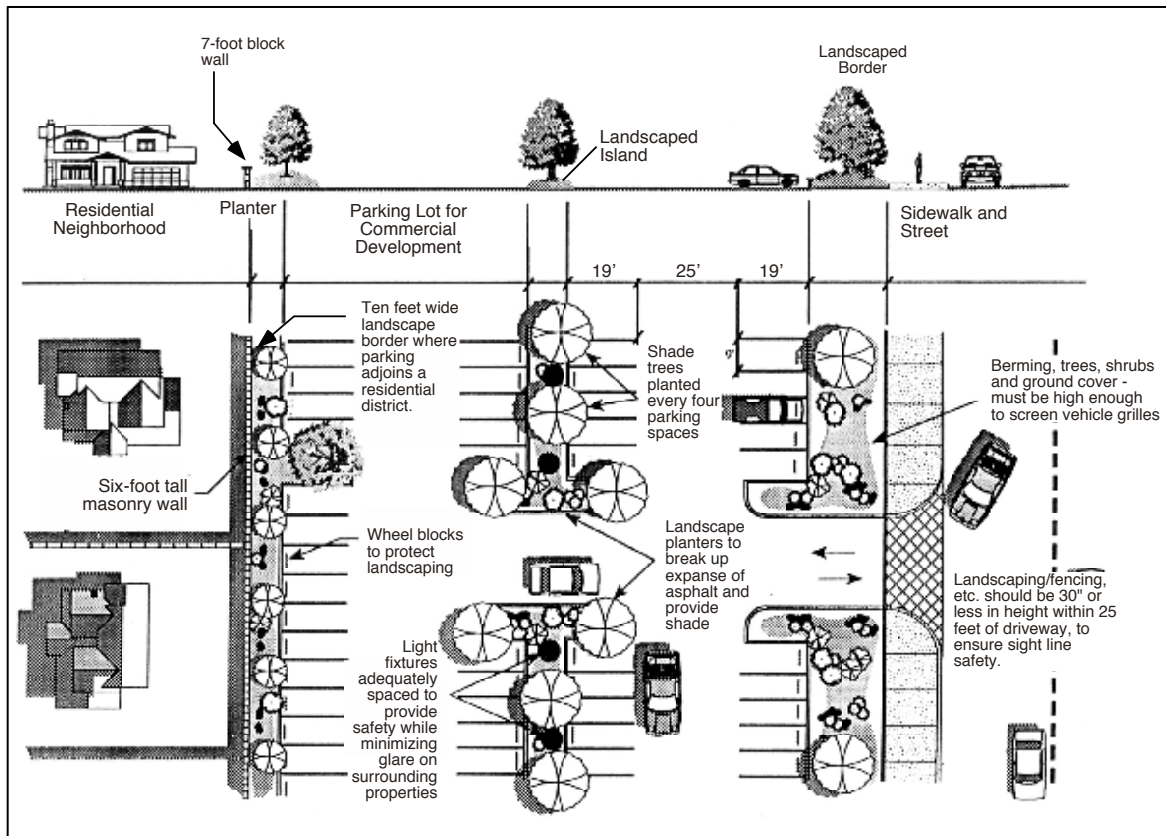
h. Landscaping (see also Exhibit 47-##)

All parking lots shall be landscaped in accordance with the requirements in Chapter 17-## (Landscaping and Irrigation). Trees shall be planted within all parking lots. Tree species shall be selected that will not cause damage to the parking lot or adjacent sidewalks, driveways or curbing, and will shade more than 50 percent of the parking lot within ten years. Landscape planters between the parking lots and public streets shall be planted with low hedges. As an alternative, a low wall (three feet) may be constructed and shrubs, turf or ground cover may be planted between the wall and the street.

i. Fencing

Where any parking lot or loading facility directly abuts property in any residential zone, it shall be separated from such property by a solid masonry wall at least 7 feet high, provided that said wall be reduced to four feet adjacent to the front yard setback requirement on the residential parcel.

Exhibit 47-3: Typical Parking Lot Landscaping Scheme



i. Location Criteria

Parking lots shall be located on the same property as the building they serve, except that parking for buildings in the Downtown Commercial (CD) district may be located within 300 feet of the subject property. In the CD district, parking lots shall be located at the rear or side of the subject building. Parking lots shall not be located on the corner where two streets intersect.

j. Shared Parking

Where two or more non-residential uses share a single parking lot, the number of required parking spaces may be reduced by a maximum of 20 percent, as long as the total number of spaces is not less than the required for the use requiring the largest number of spaces.

Where non-residential uses share a single parking lot and it can be demonstrated that the uses operate at different times of the day (an evening use versus a day-time use), the

required number of parking spaces may be reduced by up to 50 percent of the combined parking requirements of the two uses. Further, the City may consider the provision for up to one half of the required number of parking spaces in an off-site location up to 300 feet away.

k. Parking in Lieu Fee

For development in the downtown (generally defined as the area along Dinuba Boulevard between Visalia Road on the south and the San Joaquin Valley railroad on the north) the City may establish an in-lieu parking fee, whereby uses that cannot provide required parking on site can pay the City a fee for the City to use to purchase and develop public parking facilities within the area. The fee shall be established based on a study performed by the City Engineer, and adjusted annually.

l. Bicycle Parking

Commercial, industrial and public uses are subject to the following bicycle parking standards:

1. Short-term bicycle parking. If the project will generate frequent visitor traffic (such as fast food restaurants, banks, convenience stores, supermarkets and similar uses) the project shall provide a permanently anchored bicycle rack within 50 feet of the visitors' entrance.
2. Acceptable bicycle parking facilities shall be convenient from the street and may include:
 - (a) Bicycle parking space size (eight feet long, three feet wide)
 - (b) Bike rack type (should be U-lock compatible).
 - (c) Bicycle parking shall be safe, visible, and convenient.

m. Parking Standard Modifications

Parking space requirements may be modified through Dinuba's minor deviation process. A reduction of up to 20 percent in a project's required parking spaces may be approved by the Planning Director if the following findings can be made:

1. That the granting of the minor deviation will not create a safety hazard or lead to a condition where the loading of public vehicles onto public streets will interfere with the free flow of traffic on these streets.

2. That the granting of the minor deviation will not create a safety hazard of any other condition inconsistent with the objectives of the Zoning Ordinance.

n. Handicapped Parking Spaces

Handicapped parking stalls shall be provided per the Uniform Building Code. Handicapped parking stalls shall be designed consistent with the illustrations shown in the Dinuba Improvements Manual.

o. Loading Facilities

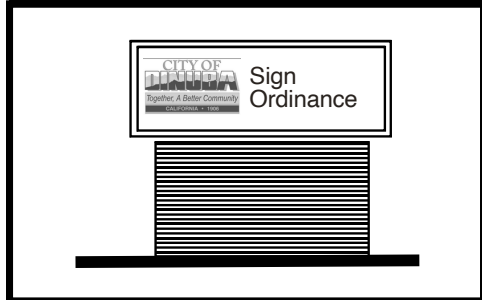
1. Commercial, industrial, office, institutional, and public uses exceeding 10,000 square feet in size shall be required to install an off-street loading facility unless the Planning Director finds that due to the operational nature of the use, none or more than one off-street loading space should be required.
 2. To the extent possible, loading facilities should be located at the rear or side of the building that they are to serve.
 3. As practical, streets and alleys shall not be used as loading or unloading areas, nor should trucks use streets and alleys for maneuvering trailers into a loading or parking space.
 4. Loading facilities, at a minimum, shall have a length of 25 feet, a width of 12 feet, and an overhead clearance of 14 feet. All loading surfaces shall be paved consistent with Dinuba's Improvements Manual.
 5. Where a loading facility is near or adjacent to a residential district or other noise-sensitive land uses, noise attenuating design measures will be incorporated into the project. These design measures may include increased setback distances, the construction of a 7-foot solid block wall, landscaping or locating the loading facilities away from noise-sensitive land uses.
5. All loading facilities shall be lighted to provide adequate illumination of the loading area for safety and security reasons. Where a loading area is near or adjacent to a residential district or other light-sensitive uses, the lighting shall be directed away from these uses.

p. Drive-Thru Facilities

Drive-through facilities require special consideration as their design can significantly impact vehicular circulation on a site. The following requirements apply to any use with drive-through facilities:

1. Each drive-through lane shall be separated from the circulation routes necessary for ingress or egress from the property, or access to any parking space.
2. Each drive-through lane shall be striped, marked or otherwise distinctly delineated.
3. The vehicle stacking capacity of the drive-through facility and the design and location of the ordering and pick-up facilities will be determined by the director and city engineer based on appropriate traffic engineering and planning data. The applicant shall submit to the city a traffic study addressing the following issues:
 - i. Nature of the product or service being offered;
 - ii. Method by which the order is processed;
 - iii. Time required to serve a typical customer;
 - iv. Arrival rate of customers;
 - v. Peak demand hours;
 - vi. Anticipated vehicular traffic.

CHAPTER 51



Signs and Advertising

Sections:

- 17.51.010 Purpose.**
- 17.51.020 Permit required.**
- 17.51.030 Definitions.**
- 17.51.040 Exemptions.**
- 17.51.050 Prohibited signs.**
- 17.51.060 Signs permitted—RCO district.**
- 17.51.070 Signs permitted—AN district.**
- 17.51.080 Signs permitted—R districts (RA, R, RM).**
- 17.51.090 Signs permitted—PA district.**
- 17.51.100 Signs permitted—PO district.**
- 17.51.110 Signs permitted—C and M Districts (C-1, C-2, C-3, C-4, M-1 M-2).**
- 17.51.120 Design Guidelines**
- 17.51.130 General provisions.**
- 17.51.140 Signage at closed businesses and/or vacant sites.**
- 17.51.150 Special use signs.**
- 17.51.160 Temporary uses.**
- 17.51.170 Nonconforming signs.**
- 17.51.180 Administration and enforcement.**
- 17.51.190 Murals and public art.**

17.51.010 Purpose.

The purpose of this chapter is to establish procedures for regulating signs, including the type, size, location and construction standards of signs by zone district. Signs have an obvious impact on the character and quality of the city. As a prominent part of the visual environment, they can attract or repel the viewing public, affect the safety of vehicular traffic and their suitability or appropriateness helps to set the tone of the neighborhood. The objectives of this chapter include the following:

- A. To reinforce that the sign should serve primarily to identify the general nature of an establishment or to direct attention to a project, activity, place, person, organization, or enterprise.
- B. As identification devices, signs must not subject the citizens of Dinuba to excessive competition for their visual attention. As appropriate identification devices, signs must harmonize with the building, the neighborhood, and other signs in the area.
- C. The City of Dinuba intends to encourage the installation of signs that improve the appearance of the property and the neighborhood and to enhance the economic effectiveness of signs.
- D. The provisions in this chapter provide standards to safeguard life, health, property, and public welfare in keeping with the character of the City of Dinuba by regulating the size, height, structural design, quality of materials, construction location, electrification, illumination and maintenance of all types of signs and sign structures.
- E. The provisions in this section present criteria indicating whether or not signs conform to the above intentions of suitability and safety.
- F. The requirements and provisions set forth in this chapter shall apply to all signs erected, altered, relocated, repaired or maintained within the city. No sign shall hereafter be erected, repaired, maintained or relocated except as provided in this chapter.

17.51.020 Permit required.

Any person desiring to erect, move, alter or attach a sign or other improvement regulated by this section shall first obtain any necessary clearance or sign permit(s) to do so, in compliance with this chapter. All requests for approval shall be accompanied by the drawings and information necessary to demonstrate compliance with the applicable regulations of this chapter.

- A. Application. Applications for sign permits shall contain the following information upon submittal of a sign permit application. Applications not containing all of the information below shall be deemed incomplete and shall not be processed until deemed complete by the building official:
 - 1. Name, address, and telephone number of applicant;
 - 2. Address, zoning district, and use of the property where the sign is to be located;
 - 3. Three copies of an accurate and scaled site plan of minimum eighteen-inch-by-twenty-four-inch size showing the location of property lines, structures, parking areas, driveways, landscaped areas, utility poles and wires, and existing and proposed sign(s) on the site;

4. Three copies of the plans and specifications for the design showing the method of construction and attachment to the structure or ground;
5. Two copies of calculations and stress diagrams showing that the structure is designed for dead load and wind pressure to meet the requirements of the building official;
6. The land owner's written consent to the proposed sign, which may be shown by signature on the application;
7. The name of the person, firm, corporation or association owning and erecting the sign;
8. Such other information as the building official may deem necessary.

B. Electrical Permit Required.

No person shall install any electrical wiring or lighting to be used in connection with any sign without first obtaining an electrical permit.

C. Appeal from Decision.

An appeal may be filed with the planning commission by any person aggrieved or affected by any decision of the building official or director.

D. Modifications.

The Director may grant modifications to the conditions established in this chapter.

E. Expiration of Permit.

Every sign permit issued by the director or designee under the provisions of this chapter shall expire by limitation and become null and void if the work authorized by such permit is not commenced within one year from the date of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one year. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee per the fees schedule at the time of the submittal.

Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for reasonable cause. The director or designee may extend the time for initiation of construction by the permittee for a period not exceeding one year on written request by the permittee showing that circumstances beyond the permittee's control prevented construction from being initiated or completed. Permits shall not be extended more than once

and for no more than one year. (Ord. 2010-04 § 1 (part), 2010: Ord. 2008-05 § 1 (part), 2008: Ord. 93-6 § 3 (part), 1993)

17.51.040 Exemptions.

- A. Real estate signs not exceeding six square feet in area and having a vertical dimension of not more than four feet pertaining to the sale, lease or rental of the property on which they are displayed, may be erected without obtaining a sign permit; provided, that not more than one such sign shall be permitted on a lot, or upon each sixty feet of frontage of larger parcels; provided further, that when located in any RA, R or RM zone not more than one such sign shall be allowed no matter the size of the parcel.
- B. The following signs and nameplates may be erected without obtaining a sign permit:
1. Street number and/or name signs not exceeding one square foot per sign for single-family or duplex structures and three square feet per sign for all other uses. One sign per street frontage shall be allowed. This shall include signs which identify the location of the office of the manager of the property;
 2. Signs for identification of institutional buildings, private clubs, lodges, schools and churches, provided:
 - a. Such signs shall not exceed two in number,
 - b. Such sign or signs shall not exceed more than twenty square feet in the aggregate,
 - c. Such signs shall be attached to a wall of the building, parallel to the wall, and shall not project out from the wall more than six inches, nor extend above the wall;
 3. Bulletin boards, which may be double-faced, not over twelve square feet on one side; provided, that such bulletin boards shall have letters not more than six inches in height, be internally illuminated, and serve only to identify the institution and announce its services and/or activities;
 4. Signs identifying the lot, not greater than twelve square feet in area accessory to public garages or parking areas, when such signs are located on the same lot;
 5. Signs not exceeding twelve square feet in area, when placed upon work and during construction; provided, that not more than one such sign shall be erected on the site. Such signs shall be erected for not longer than six months, and shall be removed thirty days after obtaining an occupancy permit for the structure;

6. Signs used exclusively for the posting or display of official notices by a public agency or official, or by a person giving legal notice;
7. Signs erected or maintained by a public agency or official or required by law to be displayed by a public utility for directional, warning or information purposes;
8. Signs not exceeding three square feet in area announcing garage or yard sales, posted consistent with Section [17.72.050\(B\)](#), and which are removed immediately after the completion of the sale. Total size of all signs shall not exceed nine square feet in the aggregate, and shall not be placed so as to block the vehicular or pedestrian view from adjoining properties;
9. Signs bearing no advertising message and located on the site may be erected when necessary to facilitate circulation within the site or facilitate egress and ingress;
10. Flags of any nation, political subdivision or fraternal or religious organization, provided the pole height does not exceed twenty-four feet and the height of the flag is not more than one-fourth the height of the pole. A sign application may be submitted for a flagpole higher than twenty-four feet or a flag which exceeds one-fourth the height of the pole where the applicant can show that the proposed flag and/or pole is consistent with the intent and purpose of this chapter. This section is not intended to allow the clustering or display of flags for the purpose of commercial attraction as determined by the director;
11. Signs such as “rest rooms,” “telephone,” “danger,” “impaired clearance,” “no smoking” and other signs of a similar nature may be allowed up to five square feet in area under this section;
12. Signs located in the interior of any building or within an enclosed lobby or court of any building or group of buildings, and which are not visible from any public right-of-way, shall not be subject to the size and location criteria within this chapter;
13. Temporary display posters in connection with nonprofit civic and cultural events and with noncommercial health, welfare and safety campaigns. Such posters shall be removed within fourteen days after the conclusion of the event;
14. The removal and replacement of only the sign copy without increasing the area of conforming signs. The sign container, including the structural and electrical connections, shall remain unchanged. This section is not intended to allow changeable (electronic message) signs;
15. Holiday greetings, decorations and displays, excluding advertising signs disguised as seasonal decorations;

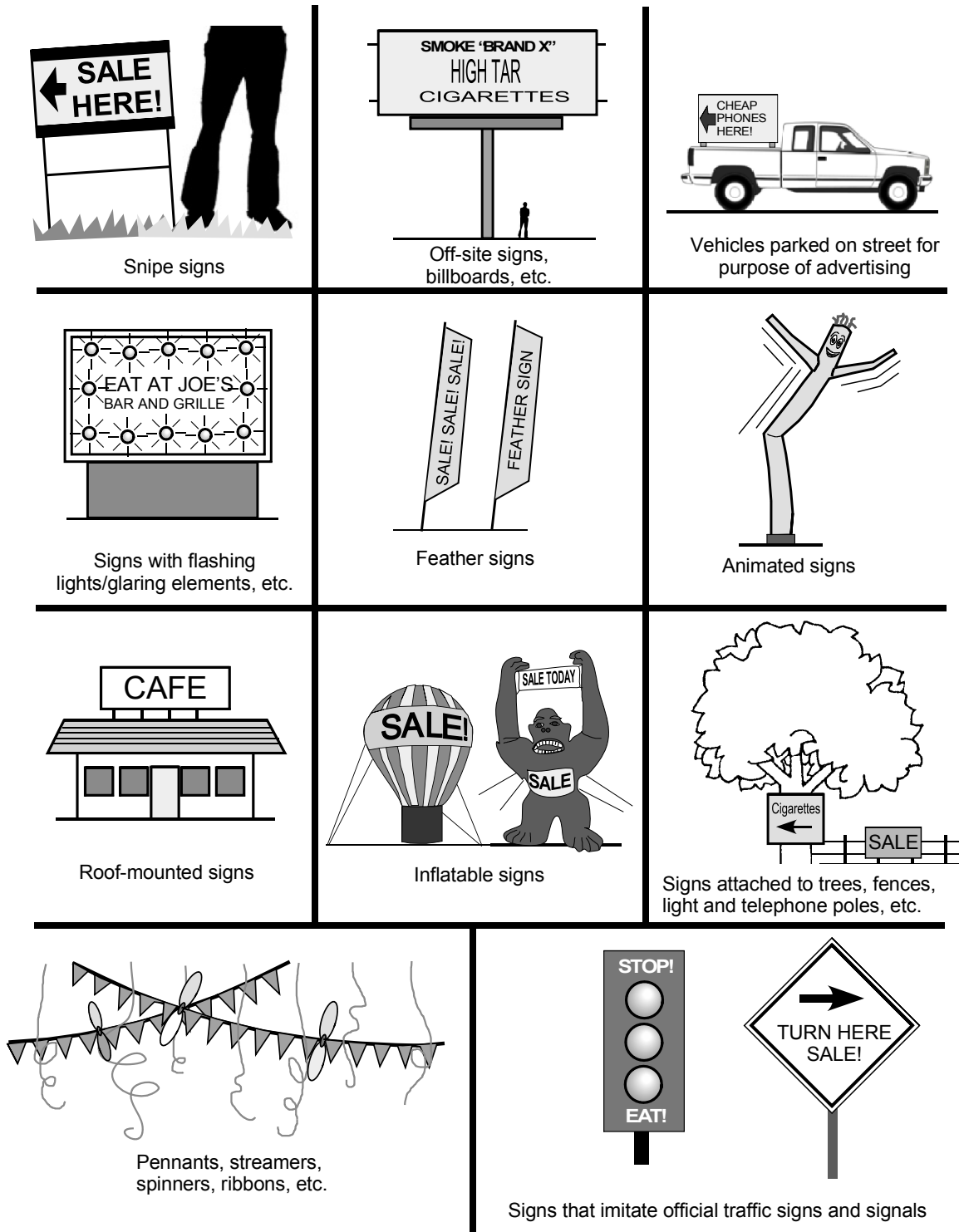
16. Non-commercial signs, subject to size and placement limitations specified for each zone.

17.51.050 Prohibited signs.

Unless otherwise provided, the following signs are expressly prohibited (see also Figure 51-1):

- A. Off-premises signs, billboards and outdoor advertising structures;
- B. Subject to Section **17.72.170**, no person, (except a duly authorized public official permitted by the City for specific locations) shall erect, paint, print, nail or otherwise fasten any banner, sign, advertisement or notice of any kind on any lamp, pole, utility pole, bench, hydrant, bridge, wall, tree, sidewalk or structure in, upon or across any public street, alley or public property except as may be required or permitted by law;
- C. Glaring and flashing lights, including illuminated window signs, excepting seasonal decorations;
- D. Directional signs in any RM or C districts; provided, however, that temporary signs for the purpose of directing traffic to a residential property for sale, not including new subdivisions, shall be permitted; provided, that such signs shall have an area on any face not greater than three square feet, shall be limited to two in number pertaining to any property and shall be displayed only during the hours between eight a.m. and five p.m.;
- E. Feather signs, snipe signs, pennants, streamers, spinners, ribbons and inflatable signs;
- F. Animated signs, the movement of which is simulated by variations in the intensity, color, pattern or illumination, and flashing signs, as listed below, shall be permitted in all districts. Any animated signs not listed shall be prohibited:
 - 1. A sign changing so as to show time and/or temperature,
 - 2. An on-premises barber pole operated during business hours,
 - 3. A sign showing the value, such as percentages and dollar amounts, of item(s) or service(s) located at the business,
 - 4. Electronic signs displaying such things as time, temperature, advertisement or events of community interest shall be permitted. The area of such signs shall be included when computing the total sign area of a business or site, subject to a conditional use permit;
- G. Murals which contain advertising copy or which function as an advertisement;

Figure 51-1: Prohibited Sign Types



- H. Signs having one or a combination of the following characteristics:
1. Obscene or offensive to morals. Containing statements, words or pictures of an obscene, indecent or immoral character which, taken as a whole, appeal to the prurient interest in sex, and which signs are patently offensive and, when taken as a whole, do not have serious literary, artistic, political or scientific value,
 2. Imitative of official signs. Signs (other than when used for traffic direction) which contain or are an imitation of an official traffic sign or signal, or contain the words “stop,” “go,” “slow,” “caution,” “danger,” “warning” or similar words, or signs which imitate or may be construed as other public notices, such as zoning violations, building permits, business licenses and the like,
 3. Natural despoliation. Signs which are cut, burned, limed, painted or otherwise marked on a field, tree, rock or other natural item,
- I. No vehicle may be used as a platform or substitute for a billboard, freestanding sign or movable sign, whether parked on private property or the public right-of-way, or driving on the street. This is specifically intended to include the use of vehicles as a freestanding or off-premises sign;
- J. Roof signs.
- K. The tacking, posting or otherwise affixing of signs of a miscellaneous character, visible from a public way, located on the walls of structures, barns, or sheds or on trees, poles, posts, fences or other structures shall be prohibited, unless specifically permitted by this chapter. (Ord. 2015-08 § 2 (part), 2015; Ord. 2010-04 § 1 (part), 2010; Ord. 2008-05 § 1 (part), 2008; Ord. 93-6 § 3 (part), 1993)

17.51.060 Signs permitted—RCO district.

Signs permitted in the RCO district are as follows:

- A. Exempt signs as set forth in Section [17.72.040](#);
- B. For permitted uses, name plates or signs not directly lighted, with an aggregate area of not more than twenty square feet; and
- C. For conditional uses, the provisions of Section [17.72.110](#) (PO district) shall apply.
- D. One non-commercial sign, not to exceed three square feet in area or four feet in height.

17.72.070 Signs permitted—AN district.

Signs permitted in the AN district are as follows:

- A. Exempt signs as set forth in Section [17.72.040](#);
- B. Name plates or signs not directly lighted, with an aggregate area of not more than twenty square feet pertaining to a permitted use;
- C. Identification signs or other signs appurtenant to a conditional use not to exceed sixty square feet in aggregate area. (Ord. 2010-04 § 1 (part), 2010: Ord. 2008-05 § 1 (part), 2008: Ord. 93-6 § 3 (part), 1993)
- D. One non-commercial sign, not to exceed three square feet in area or four feet in height.

17.51.080 Signs permitted—R districts (RA, R, RM).

Signs permitted in the R districts are as follows:

- A. Exempt signs as set forth in Section [17.72.040](#);
- B. Not more than one sign advertising subdivisions and tract homes under construction and located on the site of the subdivision; provided, that the dimensions of such sign shall be in accordance with the following table:

Advertising Relating to:	Maximum Area (Sq. Ft.)	Maximum Dimension (Feet)	Maximum Height Above Grade (Feet)
Buildings or structures	32	12	12
Subdivisions of fewer than 5 acres	48	16	12
Subdivision of 5 or more acres	65	16	12

- C. Signs and pennants advertising the sale of subdivision lots and tract homes shall be permitted for a period of twenty-four months from the date of beginning construction; provided, that when seventy-five percent of the lots in the subdivision have been built, all such signs shall be removed within thirty days;
- D. Size.

For multiple-family residences only. One monument sign per street of lot frontage not to exceed six feet high and up to thirty-five square feet of sign area. For planned unit developments, signs shall be approved in conjunction with the conditional use permit. Multiple-family development signs may be freestanding or wall-mounted. When freestanding, such signs shall not be less than five feet inside the property line, nor closer than one hundred feet from another freestanding sign on the same parcel. If structure-mounted, signs shall be flush-mounted on the wall;

- F. Single-family dwelling signs shall indicate name of the occupant and the address. Multiple-family development signs may give the name of the development, the address, phone number and, only when vacancies occur, note “units for rent” (“no vacancy” signs shall not be permitted), not to exceed six square feet;
- G. Up to four non-commercial signs, with each sign not to exceed three square feet in area nor exceeding four feet in height.

17.51.090 Signs permitted—PA district.

Signs permitted in the PA district are as follows:

- A. Exempt signs as set forth in Section [17.72.040](#);
- B. One sign for each entrance to a parking facility shall be permitted; provided, that said sign shall not exceed one square foot of area for each one lineal foot of street frontage upon the subject lot; and further provided, that no single sign shall exceed one hundred square feet in area;
- C. Exit signs, not to exceed six square feet in area, shall be permitted at each exit from said parking lot to any abutting street or alley. (Ord. 2010-04 § 1 (part), 2010: Ord. 2008-05 § 1 (part), 2008: Ord. 93-6 § 3 (part), 1993)
- D. One non-commercial sign, not to exceed three square feet in area or four feet in height.

17.51.100 Signs permitted—PO district.

Signs permitted in the PO district are as follows:

- A. Exempt signs as set forth in Section [17.72.040](#);
- B. A single freestanding sign not to exceed six feet in height or thirty five square feet in area listing the name and address of the office center or the business in the case of a single business development. The total face area may be utilized in one sign or be divided among one sign per street frontage, provided a minimum distance of one-half of the width of the lot is maintained between each sign and the street corner of the lot.

The location of such signs shall not be less than five feet inside the property line and shall not interfere with the safety of vehicular traffic entering into or exiting from a business center or with vehicular street traffic or pedestrians;

- C. Office complexes may be permitted one directory sign along each street frontage, located near an entrance or driveway. The sign may list tenants of the complex and may be up to six feet high and contain up to 35 square feet of sign face;

- D. Each business frontage having a public entrance shall be allowed on-building identification signs having an area of up to thirty five square feet of maximum area.
- E. One non-commercial sign, not to exceed three square feet in area or four feet in height.

17.51.110 Signs permitted—C and M districts (C-1, C-2, C-3, C-4, M-1, M-2).

The following signs are permitted for each business in commercial and industrial districts (see also Exhibit 51-2 for graphic illustration of standards for selected sign types). For multi-tenant shopping centers or office parks containing three or more individual uses, a coordinated sign program shall be submitted for review and approval by the Planning Director.

Further, the Planning Commission may approve sign programs, sign size, placement and design which do not strictly comply with sign ordinance requirements when deemed necessary due to building design, site layout, site design and other similar circumstances, consistent with the intent of the sign ordinance. Such a request shall be by Conditional Use Permit.

A. Building Wall signs

- 1. Number of signs per business. The number of wall signs permitted per business or parcel is as follows:
 - a. In general, one sign is permitted for the building wall with the primary public entrance. However, where a building wall is proposed for multiple signs for a specific business, the size of all the signs combined shall not exceed that provided by the sign area calculation as shown in 17.72.110 A.1.2 Further, multiple signs shall be placed in a well-proportioned manner, relative to each sign and the space (wall) on which they are mounted.
 - b. Where the site abuts a public street and the primary wall sign is on a wall not facing the street, a secondary wall sign is permitted on the wall facing the street (or streets in the case of a corner or multiple-frontage lot).
 - c. If the site has a parking lot and a building wall faces the parking lot and that wall does not have a wall sign permitted under i. or ii, above, a secondary wall sign is permitted on the wall facing the parking lot. Not more than one such parking lot sign is permitted.
 - d. For businesses fronting onto a public alley, one alley wall sign is permitted for the wall that faces onto the alley.

2. Calculation of Wall Sign Area:

- a. For a primary wall sign, 0.9 square foot of sign area is permitted for each foot of linear occupancy frontage, as shown in Exhibit 72-4, up to a maximum of 150 square feet of sign area, whichever is less. Notwithstanding this regulation, all businesses shall be permitted a minimum of 25 square feet of primary wall sign.
- b. Where a secondary wall sign is permitted, the maximum sign area shall be one-half the permitted sign area of a primary sign.
- c. For an alley wall sign, the maximum sign area shall be 25 square feet.
- d. For multi-tenant buildings, each tenant shall be permitted one sign mounted on the wall with the primary entrance, except for corner units which may be permitted a primary wall sign and a secondary wall sign.
- e. Maximum Height: Not to exceed the top of the vertical wall surface on which the sign is mounted. Signs mounted on a pitched roof may not extend above the peak of the ridge line of the roof. No sign is permitted on the top of a flat-roofed structure.

Figure 51-3: Selected Commercial and Industrial Sign Standards

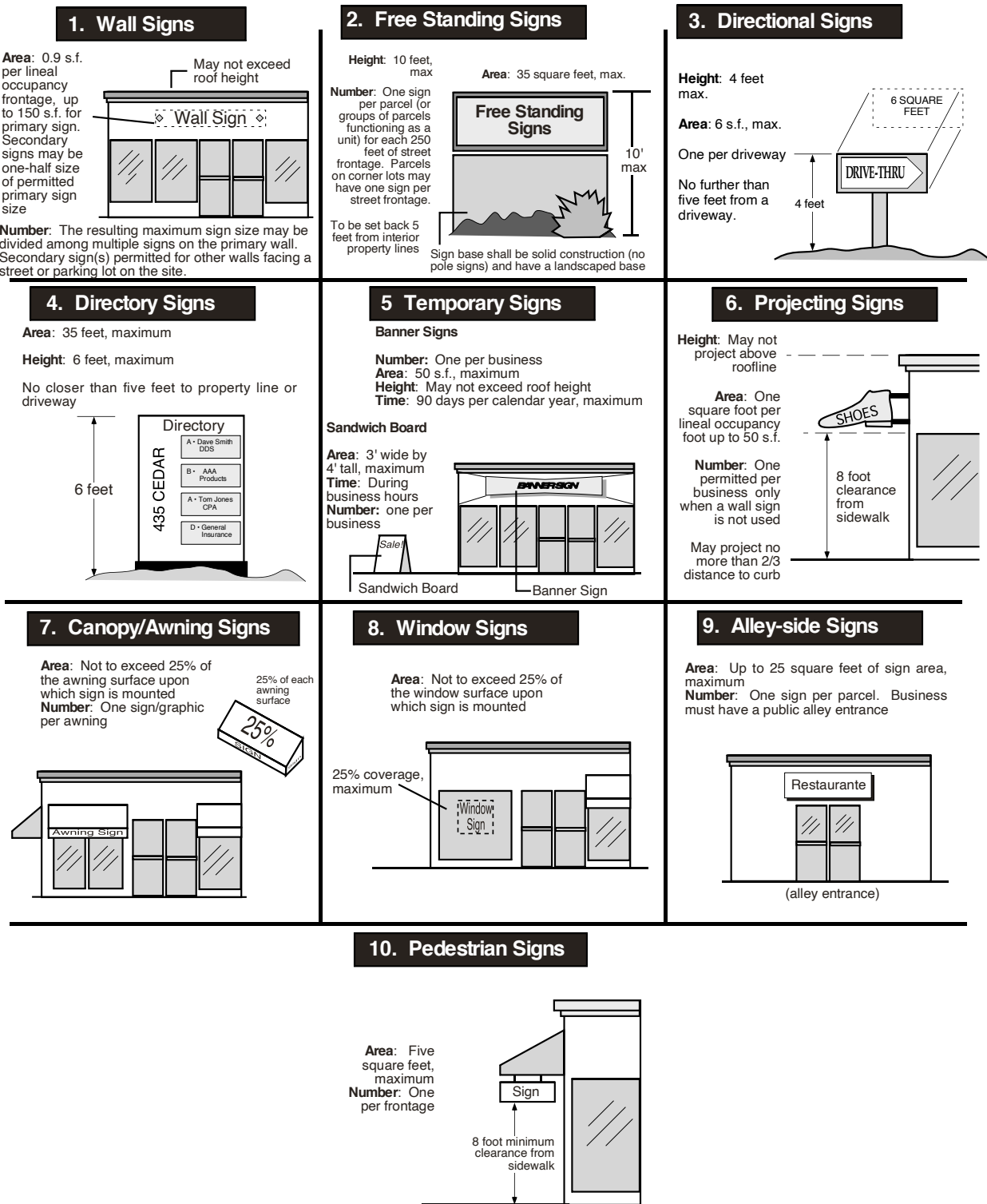
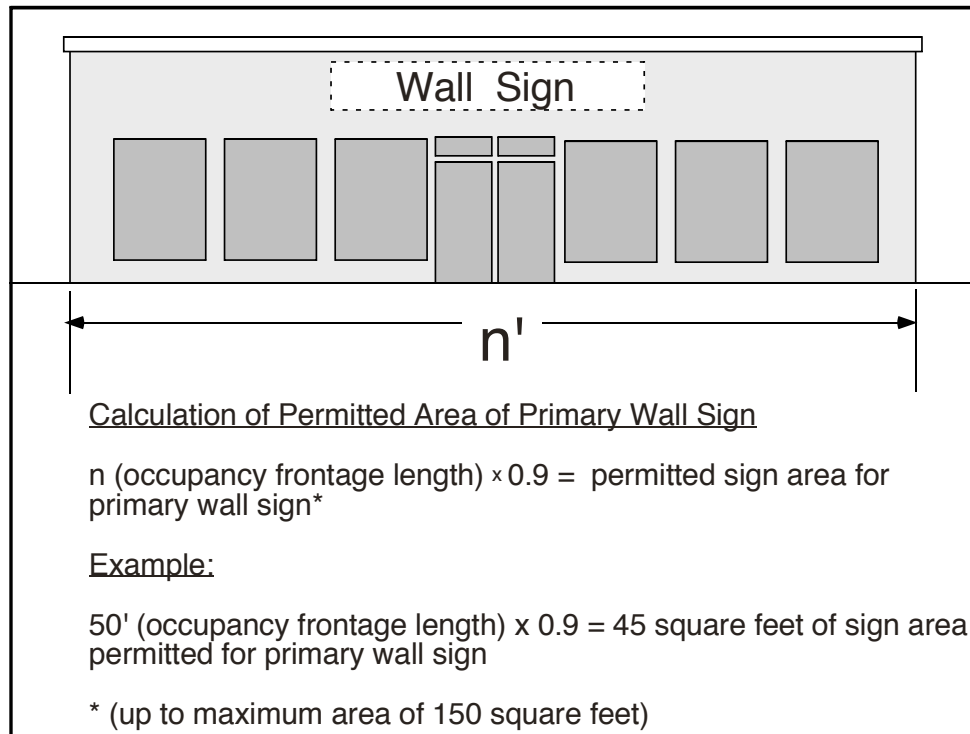


Figure 51-3: Calculation of Permitted Wall Sign Area



- e. Changeable message: A wall sign may contain changeable messages (either electronic scrolling messages or letters that are changed manually). The size of a wall sign with a changeable message may be increased by 25% above the maximum sign area provided under Section 17.72.120 A d 2 a.
- B. Free-Standing Signs.

1. Maximum Height: Ten feet.
2. Maximum Area: 35 square feet per sign face.
3. Sign Design: Free standing signs shall be designed as a monument sign with a solid base extending at least one half the width of the sign face.
4. Number per parcel: One free-standing sign is permitted per parcel (or collection of parcels functioning as a single integrated development) for each 250 feet of street frontage, or fraction thereof, except that parcels with frontage on more than one public street shall be permitted one free-standing sign for each 250 lineal feet of frontage (or fraction thereof) on each street.

5. Changeable message: Freestanding signs may contain changeable messages (either electronic scrolling messages or letters that are changed manually. The size of a freestanding sign with a changeable message may be no more than 50 square feet per sign face.
 5. Setbacks: A free standing sign shall be set back a minimum of 5 feet from any interior side property line. Encroachment into a setback may be permitted by the Planning Director where the location of existing improvements presents a functional hardship in compliance with the required setback.
 6. Landscaping. All freestanding signs shall be surrounded by landscaping of an area at least twice the size of the area of one side of the sign structure. Landscaping shall be consistent with Section 17.71.130 (Landscaping) of the Dinuba Municipal Code.
-

C. Directional Signs.

1. Maximum height: 4 feet.
2. Maximum Area: 6 square feet.
3. Number per site: one per each side of a driveway from a public street.
4. Location: Directional signs shall be placed within five feet of a driveway that accesses the site from a public street. Placement of directional signs shall ensure the sight safety of vehicles entering/leaving a site is not compromised.

D. Directory Signs.

1. Number per site: one per public vehicle and/or pedestrian entrance to the site.
2. Maximum Area: 35 square feet.
3. Maximum Height (if freestanding): 6 feet.
4. Location: No directory sign which is a freestanding sign may locate closer than 5 feet to any neighboring property line or closer than three feet to any point of ingress/egress;

E. Temporary/Portable Signs.

1. Banners:
 - a. Number of signs: One banner sign is permitted per business.

- b. Maximum Height: Not to exceed roof line of nearest building or building affixed to but in no case higher than 30 feet. Banner signs shall not be attached to existing free-standing signs.
 - c. Maximum Area: 50 square feet.
 - d. Permitted Time: Banner signs may not be utilized for more than 90 days per calendar year.
 - e. Temporary signs used to identify a business shall be removed within ninety days and replaced with a permanent sign.
2. Sandwich board signs:
- a. Maximum Height and Width: Three feet wide and four feet tall, maximum.
 - b. Maximum Area: 12 square feet.
 - c. Number per business: One.
 - d. Location: May be placed on the business site as long as conflicts with vehicle safety are not caused. May also be placed on the public sidewalk adjacent to the business with approved encroachment permit, but must permit a minimum of four feet of passage area on sidewalk, and be no closer than 25 feet to a driveway or a cross street.
 - e. Permitted Display Time: During business hours.
- F. Projecting Signs.
- 1. Maximum Height and Projection: Not to exceed roof line of wall or structure to which projecting sign is attached. (Note: Bottom of sign shall be a minimum of 8 feet from ground to provide proper clearance.).
 - 2. Number per business: One, but a projecting sign is permitted only where a wall sign is not used on the same wall.
 - 3. Calculation of Area: 0.5 square foot of sign area for each lineal foot of building frontage of the business to which sign pertains.
 - 4. Maximum Area: 60 square feet.

5. Location: Projecting signs may extend over public rights-of-ways including public sidewalks not to exceed two-thirds of the distance from the building face to which the sign is attached to the curb face of said sidewalk.

G. Awning/Canopy Signs.

1. Number of signs: Where an awning is present, one sign may be applied to the awning.
2. Maximum Area: The area of signage on each surface of an awning shall not exceed 25% of the area of the individual surface.
3. Location: Awning signs shall be made of removable materials such as individual cut-out letters and/or symbols attached, stenciled or otherwise placed on the canopy surface, and may be located on exterior surfaces of a canopy. Canopy signs shall be of color, size and design to harmonize with the color, size and design of the canopy on which they are placed.

H. Window Signs and Window Tinting

Maximum Area: Up to 25% of the area of each individual window may be covered with a window sign or graphic. Tinted windows must allow at least 75% light transparency.

I. Alley-Side Signs.

1. Number of Signs/Sign Area: Any building facing a public alley shall be permitted one alley-side sign with a maximum of 25 square feet of sign area.
2. Height. Alley side signs may not project above the wall on which they are mounted.

J. "For Sale", "For Rent", or similar signs.

1. Number of signs: One sign shall be permitted per street frontage.
2. Size: 32 square feet, per sign.
3. Height: maximum of 6 feet.

K. Pedestrian Signs.

1. Number of signs: One pedestrian oriented sign that projects or hangs above a sidewalk on each side of a building with a public entrance.

- 2. Size: Each sign may be a maximum of 5 square feet in size and may hang or be suspended no lower than eight feet above grade level.
- L. Non-commercial signs, not to exceed 32 square feet in area or eight feet in height. One sign is permitted for each 300 lineal feet of street frontage on a given site.
- M. Exempt signs as set forth in Section 17.72.040;

17.51.120 Design Guidelines.

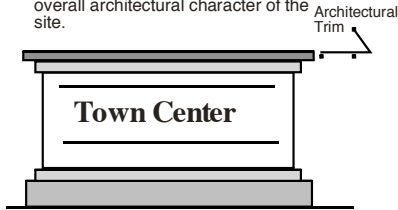
All commercial signage in commercial and industrial zones should incorporate attractive design elements consistent with the following, as applicable (also see Figure 51-3 for illustrations of selected design guidelines):

- A. Design Compatibility: The design of all signs should be compatible and harmonious with the colors, materials and architecture of the building and the immediate vicinity. Freestanding signs should be finished with the same or compatible materials as the building on the site.
- B. Size: Notwithstanding applicable sign standards elsewhere in this chapter (and as determined by the Director) sign size should be proportionate to the size and scale of the site and/or building upon which the sign is proposed. Sign dimensions as specified in this chapter are maximum allowable dimensions; it may be necessary that signs be smaller than the maximum allowed, in order to be proportionate in size and scale to achieve the design objectives of this section.
- C. Commercial and Industrial Center Signs: Individual tenant signs within multi-tenant centers should be coordinated in size, location, materials and illumination.
- D. Color: Colors should be used in coordinated groupings, and should be compatible with those colors used in the building or project design. For cabinet-style signs, a dark sign background is preferred with light colored copy (characters/graphics).

Figure 51-3: Selected Sign Design Guidelines

1. Design Compatibility

Signs should be compatible with overall architectural character of the site.



2. Sign Size

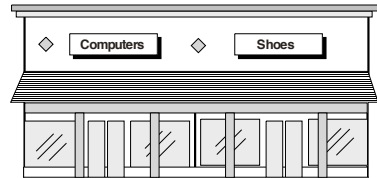
"Don't" (sign out of proportion with building face)



Signs should be well proportioned to the surface on which they are mounted

3. Shopping Centers

Signs in multi-tenant shopping centers shall have a consistent design theme



4. Color

Dark background
Light-colored graphics



Colors used in signs should be consistent with the overall color scheme of the site. Dark background material with light colored copy is usually preferred.

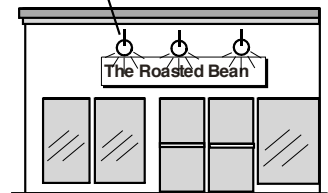
5 Logos & Trademarks



Corporate logos and trademarks should be considered in the overall architectural compatibility of the site.

6. Illumination

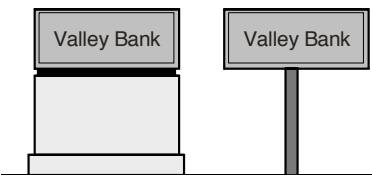
Flood lamps



Signs with exterior illumination are encouraged (versus signs with interior lighting (e.g. cabinet signs))

7. Sign Base and Frame

Signs should have a well designed solid base structure that is architecturally compatible with the site

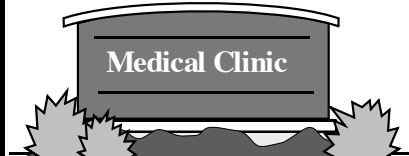


"Do"
(monument style
sign with solid base)

"Don't"
(pole sign)

8. Landscaping

Freestanding signs shall have base area that is landscaped to complement the appearance of the sign. The area of landscaping shall be at least twice that of the area of the sign structure



9. Sign Copy

"Don't"



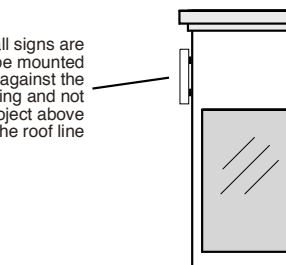
"Do"



Sign on left is crowded with information. Characters and graphics should be simple and well-proportioned.

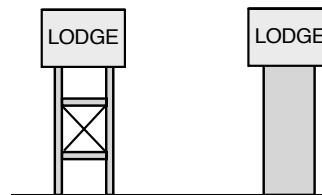
10. Wall Signs

Wall signs are to be mounted flush against the building and not project above the roof line



11. Screening

Sign support structures are to be concealed from view



"Don't"

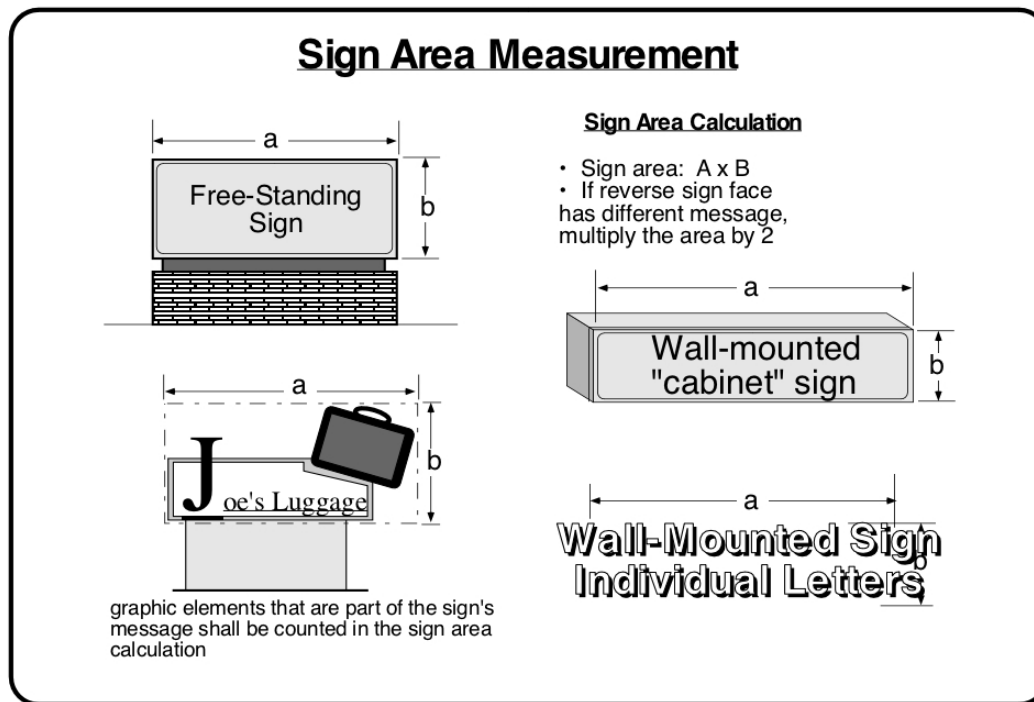
"Do"

- E. Logos and Trademarks: The use of established corporate colors or logos is not be prohibited by this section. When established corporate colors are incompatible with buildings colors, compatibility in design with the surrounding development should be accomplished through the use of appropriate background colors or other design features.
- F. Lighting Intensity: The light emitted or reflected by a sign, or emitted by a light source, should be of reasonable intensity and should be compatible with the architecture of the building and the immediate vicinity. Artificial light sources shall be shielded to prevent light spillage, glare or annoyance to persons on or inside adjoining properties or to public or private rights-of-way.
- G. Sign Bases and Frames: Freestanding signs should be either housed in a frame, or set onto a base, presenting a solid, attractive, and well-proportioned appearance. The size and shape of the frame or base should be proportionate to the size and mass of the sign and should be low-profile in design. Pole type signs are not permitted. Guy wires, angle irons, braces and other support or construction elements should be screened or hidden from view.
- H. Landscaping: Freestanding signs are to be located in a landscaped area proportionate to the size of the sign, but not less than twice the size of one side of the sign face. Appropriate screening/accent landscaping should be placed at the base of the sign. Landscaping shall comply with Section 17.71.130 (Landscaping) of the Dinuba Municipal Code.
- I. Sign Copy: Sign copy should be simple and concise without excessive description of services or products. On freestanding signs, sign copy should be designed to contribute to the design of the structure on which it is displayed. In all cases, freestanding sign design and sign copy should be coordinated to provide an attractively designed freestanding element which identifies the development or project.
- J. Wall Signs: Building signs should be mounted flush against the building, and shall not project above the roof ridge or the top of the parapet.
- K. Maintenance: All signs and their supporting components are to be kept in good repair and maintained in good structural condition at all times. It is unlawful to permit vegetation, rubbish, or flammable material to accumulate within ten feet of any sign.
- L. Design Quality. All signs should be professionally designed and manufactured. Signs that utilize hand-made lettering or elements should be avoided.

17.51.130 General provisions.

- A. Sign area: The area of individual signs shall be measured in accordance with the "Sign Area Measurement" diagram (see Figure 51-4).
- B. Sign faces counted: Where a sign has two faces containing sign copy, which are oriented back to back and separated by not more than 24 inches at any point, the area of the sign shall be measured using one sign face only.
- C. Wall mounted letters: Where a sign is composed of letters individually mounted or painted on a building wall, without a border or decorative enclosure, the sign area is that of the smallest area within which all letters and words can be enclosed.

Figure 51-4: Sign Area Measurement



- D. Three-dimensional signs: Where a sign consists of one or more three-dimensional objects such as balls, cubes, clusters of objects, or sculptural or statute-type trademarks, the sign area shall be measured as the area of the smallest rectangle within which the object(s) can be enclosed, when viewed from a point where the largest area of the object(s) can be seen.

- E. Obstruction of Fire Escape. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign of any kind shall be attached to a standpipe or fire escape.
- F. Traffic Hazard. No sign shall be erected at or near a street, driveway or alley in such a manner as to obstruct clear vision, or at any location where the position, shape or color may obstruct the view of, or be confused with, any authorized traffic sign, signal or device, or which uses any word, phrase, symbol or character in such manner as to interfere with or confuse traffic. In general, signs shall be set back at least 10 feet from the intersection of two streets or the intersection of streets and alleys and streets and driveways.
- G. Utility Lines and Easements. No sign or outdoor advertising structure shall be located within a utility easement, or erected or located in a manner which will reduce the vertical or horizontal clearance from communication or energized electric power lines as required by laws, rules and regulations of the state of California and agencies thereof.
- H. Portable Signs. Where portable signs are permitted elsewhere in this chapter they shall in no case be placed on a public right-of-way or within thirty feet of a street intersection. When placed on a sidewalk, portable signs shall be situated to allow at least four feet of lateral clearance on the sidewalk.

17.51.140 Signage at closed businesses and/or vacant sites.

- A. Closed Business. When a business vacates and/or closes for a period of over ninety days, it is the responsibility of the property owner to ensure the following:
 - 1. The faces of all on-site signs, as defined by Section [17.72.030](#), as well as any individual words, letters, figures or characters, shall be removed from the building and other structures on the property within one hundred twenty days following commercial vacancy or closing.
 - 2. The sign face of freestanding and monument signs shall be removed within one hundred twenty days following commercial vacancy or closing, and the sign shall be maintained with a blank, opaque sign face.
 - 3. Any awning, structure or facade left exposed after sign, sign face, or sign structure removal shall be repaired to a customary finished appearance within one hundred twenty days following commercial vacancy or closing.
- B. Vacant Buildings and Sites. When a site contains no buildings or contains no occupied buildings, it is the responsibility of the property owner to ensure the following:
 - 1. No sign or structure that is not exempt by Section [17.72.040](#) shall be constructed, erected, or displayed on a vacant site or on a site with no occupied buildings.

2. No temporary sign, as defined by Section [17.72.170](#), shall be constructed, erected or displayed, except that non-commercial signs may be erected and displayed in conformance with this chapter. (Ord. 2014-04 § 2 (part), 2014)

17.51.150 Special use signs.

Certain uses, because of their special sign needs or their allowance in several districts, have been specifically listed in this section. Where such uses are approved, the sign standards allowed for such uses shall be as follows:

- A. Auto/RV Sales (New Auto Sales Only with Incidental Used Vehicle Sales).
 1. One freestanding sign may be provided per separate new car showroom. The minimum distance between freestanding signs shall be fifty feet.
 2. Freestanding signs for incidental used car sales shall be no higher than ten feet nor contain more than thirty-five square feet of area.
- B. Churches. Not exceeding thirty-two square feet in total sign area for freestanding signs and no higher than six feet tall. One allowed per street frontage. Wall signs not to exceed one-quarter square foot per front foot of building.
- C. Drive-In or Drive-Up Uses. In addition to the sign area normally allowed, drive-up restaurants shall be allowed one menu board at the drive thru, not to exceed twenty square feet in area nor six feet in height.
- D. Movie Theaters. One square foot of sign area per front foot of building facing a public street not to exceed one hundred square feet per frontage, and one freestanding sign not to exceed thirty-five square feet per screen up to a maximum of two hundred square feet and a maximum height of eighteen feet. Changeable copy may be used for movie listings.
- E. Temporary signs for the purpose of directing traffic to a residential property for sale, not including new subdivisions, shall be permitted; provided, that such signs shall have an area on any face not greater than three square feet, shall be limited to two in number pertaining to any property and shall be displayed only during the hours between eight a.m. and five p.m.

17.51.160 Signs for Temporary uses.

- A. Banners.
 1. No person shall erect or maintain over, across or above any public street, alley or other public place any sign or banner for any purpose whatsoever, without first obtaining approval from the city in writing.

2. It is the responsibility of the person installing such banner or sign to remove it at the termination of the event shown on the banner or sign. A six-day grace period will be permitted for the removal of the banner at the end of which it will be removed by the city and such person will be assessed for the cost of the removal.
- B. Outdoor Fireworks Sales Christmas Tree Sales and Similar Uses. Temporary A-frame and I-frame signs may be used. Total number of signs per street frontage shall be one sign, not to exceed twenty-five square feet in surface area or six feet in height. Maximum sign surface area for all street frontages shall not exceed fifty square feet. (Ord. 2014-06 § 3, 2014; Ord. 2010-04 § 1 (part), 2010; Ord. 2008-05 § 1 (part), 2008; Ord. 93-6 § 3 (part), 1993)

17.51.170 Nonconforming signs.

- A. Illegal Signs. Every sign in existence at the time the ordinance codified in this title became effective and which was prohibited or illegal at the time of installation, and which does not conform to the provisions of this chapter, shall be an illegal sign. Such signs shall be removed immediately upon notification of illegality. Signs that are not constructed, maintained, or displayed pursuant to the requirements of this chapter, and that are not legal, and that are nonconforming shall be illegal.
- B. Nonconforming Signs. Every sign in existence at the time the ordinance codified in this title became effective and which sign was legal at the time of installation but that does not conform to the provisions of this chapter, shall be a legal nonconforming sign. In the event such nonconforming sign is abandoned or discontinued, such sign shall be required to conform to the provisions of this chapter. A change of copy or sign face shall not be deemed a discontinuance of use. Any structural alteration to any part of the sign shall be deemed a discontinuance of use. A nonconforming sign shall be made to conform immediately to the provisions of this chapter if:
1. The owner remodels a nonconforming sign display, or expands or enlarges the structure or land use upon which the advertising display is located;
 2. The owner relocates a sign to another area of the existing site;
 3. There is an agreement between the owner and the city for the removal of a sign on a given date;
 4. The sign display is or may become a danger to the public or is unsafe; or
 5. The sign display constitutes a traffic hazard.
 6. The sign is destroyed.

17.51.180 Administration and enforcement.

- A. Signs and other advertising structures regulated in this chapter, when found by the building official to be unsafe or a menace to the public, or erected in violation of the provisions of this chapter, shall be and constitute a public nuisance and shall be subject to abatement.
- B. Any sign which, because of changes in structure or site occupancy or use, does not comply with the requirements of Section [17.72.150](#), may be maintained for a period not longer than thirty days, after which time any such sign shall be in violation of the provisions of this chapter and subject to abatement within a period not exceeding one year.
- C. Per Section [17.98.050](#), any person, firm, corporation or organization found in violation of any provisions of this chapter shall be notified and cited in accordance with policies established by the community development department and approved by the city council.

Also, any person, firm or corporation violating any of the provisions or failing to comply with any of the requirements of this code, except as specifically reserved, shall be guilty of an infraction, per Section [1.16.010](#). Each sign violation may constitute a separate infraction. Should an infraction remain for a longer than reasonable amount of time, not to exceed five business days, the person, firm, or corporation in violation may be found in violation of an additional infraction. The maximum penalty for an infraction is a fine not exceeding the maximum then allowable by state law. At present, pursuant to Government Code Section [36900](#), the maximum penalty for an infraction is a fine not exceeding one hundred dollars for a first violation, a fine not exceeding two hundred dollars for a second violation of the same ordinance within one year and a fine not exceeding five hundred dollars for each additional violation of the same ordinance within one year.

Except as otherwise provided by law, all provisions of law or ordinance relating to misdemeanors shall apply to infractions. Therefore, any person violating any provision of this chapter is guilty of a misdemeanor. Such person shall be deemed to be guilty of a separate offense for each and every day, and each and every location of each offending sign, during any portion of which any violation of this chapter is committed or continued.

- D. Any sign or sign structure erected, altered, relocated, repaired, or maintained contrary to the provisions of this chapter is declared to be unlawful and a public nuisance; and the city shall, upon order of the city council, immediately commence action or proceedings for the abatement and removal and injunction thereof in the manner provided by law, and shall take such other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate and remove such sign or structure. (Ord. 2010-04 § 1 (part), 2010: Ord. 2008-05 § 1 (part), 2008: Ord. 93-6 § 3 (part), 1993)

17.51.190 Murals and public art.

- A. Murals are painted wall signs which have a majority of sign area comprised of noncommercial content, and which generally have artistic, historic, or cultural themes. New murals, public art and the restoration of murals shall require the prior review and approval by the Planning Commission via the Conditional Use Permit process.
- B. The Planning Commission may approve a new mural or public art if it finds that the proposed mural or public art is consistent with applicable city policies and ordinances, and that the mural or public art would not be detrimental to the public health, safety, or welfare. Commercial content of murals and public art shall be subject to all applicable sign limitations of the underlying zone district. Murals and public art shall be subject to the following standards and review process.
 - 1. Murals and public art may be located on structures or walls within any commercial or industrial zone district.
 - 2. Prior to painting or installation of a new mural or public art, or the modification of an existing mural, an application must be submitted for the review and approval by the Planning Commission. All applications for new or modified murals or public art shall be referred to the Planning Commission for review.
 - 3. Approval of a mural design or public art shall occur only after notice and an opportunity to comment has been provided consistent with the process established in Section 17.04 (Procedures) for a public hearing. Interested parties may provide comment on proposed murals in writing or in person to the Planning Commission. The Planning Commission shall consider any public comments during their review of a proposed mural or public art.
 - 4. The Planning Commission shall apply the following design criteria in reviewing proposed murals or public art:
 - a. The subject matter shall be of historical significance regarding the growth and development of the city of Dinuba and its surrounding region. The mural or public art may also contain other subject matter deemed by the committee to be significant and of high quality.
 - b. Murals and public art shall be designed and painted by an artist who possesses demonstrated knowledge and expertise in the design, materials, and execution of murals and public art.
 - c. To the extent feasible, the mural and public art shall be vandal and graffiti resistant.

- C. No person shall paint, alter, or remove a mural or public art without first obtaining a Conditional Use Permit and paying applicable sign permit fees.

17.51.030 Definitions.

For purposes of this chapter, certain words and forms are defined as follows (also see Figure 51-5):

“A-frame sign,” or “sandwich board,” means a portable sign capable of standing without support or attachment.

“Advertising structure” means a structure erected exclusively for advertising purposes upon which any poster, bill, printing, device or other advertisement of any kind whatsoever may be placed, posted, printed or fastened and having a surface of twelve square feet or more.

“Awning sign” means any sign located on an awning.

“Balloon” means any inflatable sign or balloon intended to levitate above the ground regardless of size, that is designed to be used as an outdoor advertising device for any business or promotional event.

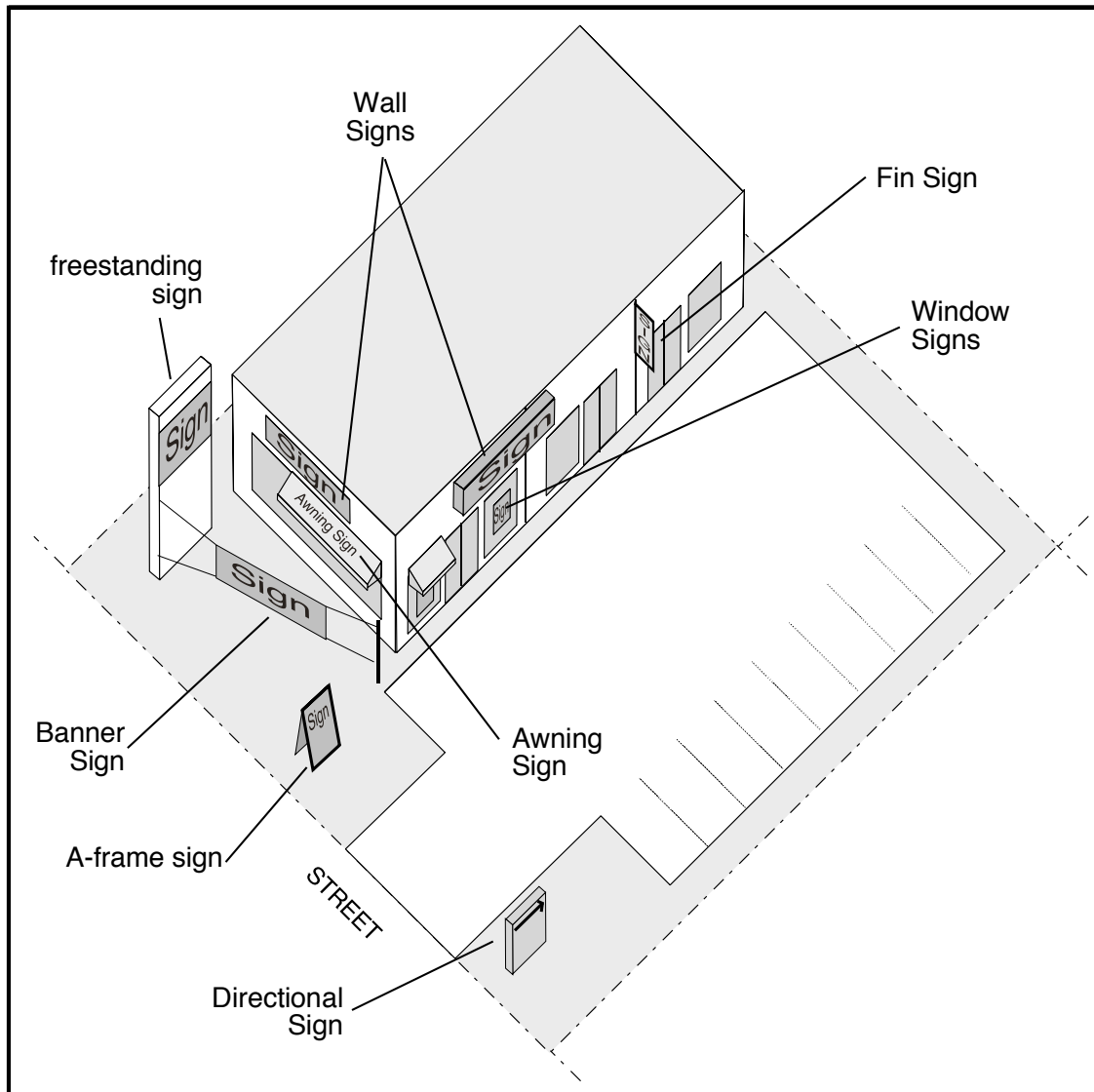
“Bulletin board” means a permanent monument sign with changeable copy, intended to announce meetings or other events.

“Building” means the building on which a sign is located or attached, but excluding an advertising structure.

“Cut-out sign” means any sign or individual words, letters, figures or characters which are self-supporting and not affixed to any sign surface, but which are erected so as to be approximately parallel to the face of the structure but need not be attached to the structure.

“Directional sign” means any sign other than a highway marker or any sign erected by public authority which is for the purpose of directing persons to a place or activity not located on the same premises as the sign.

Figure 51-5: Illustration of various sign types



“Erect” means to build, construct, hang, place, suspend or affix, including the painting or otherwise applying of wall signs.

“Face” means the surface of a sign on, against or through which the message or design is displayed or illustrated.

“Face of structure” means the exposed side of a main wall of a structure, excluding structural projections facing a street, highway or thoroughfare.

“Feather Sign” means a sign typically freestanding that is mounted on a pole, normally made of fabric and designed to blow in the wind.

“Fin sign” means any sign which is erected so as to combine the features of both a roof sign and a projecting sign.

“Freestanding sign” means any sign which is self-supporting in a fixed location and not attached to any structure.

“Gross surface area of sign” or “aggregate surface area” means the area contained within a single continuous perimeter, enclosing all parts of the sign but excluding any structural elements outside the limits of signs which are required for the support of the sign, most often measured in square feet.

“I-frame” signs are a type of portable sign, designed to stand on a solid base or base with four legs, supporting a vertical sign which may or may not be two sided.

“Illuminated sign” means any sign illuminated by any light source on, within or attached to the sign or by a light source removed therefrom.

“Marquee” means a permanent roofed structure attached to and supported by the structure.

“Marquee sign” means any sign attached to or supported by a marquee.

“Monument sign” means any low-profile sign located on the premises and advertising the use, business, service or activity being conducted on the premises.

“Noncommercial sign” means a sign (typically temporary in nature) that contains a message or images displaying non-commercial speech (e.g. commentary or advocacy on topics of public debate and concern). This definition shall be construed and interpreted in light of relevant court decisions,

“Occupancy frontage” means the length of a building frontage of an individual business (see Figure 72-3). Occupancy frontage is used to determine the maximum permitted size of a wall sign.

“Outdoor advertising structure (billboard)” means any sign, other than a directional sign, having a gross area of fifty square feet or more, if single-faced; or one hundred square feet or more if double-faced, which advertises a business, product, service or activity made available elsewhere than upon where the sign is located.

“Pedestrian sign” means a sign typically hung above a sidewalk from an awning or arcade, meant to be viewed by pedestrians.

“Pennants” are long, narrow flags that may be used individually or strung together, and are most often used to designate car sales or other outdoor sales or events.

“Portable sign” means any sign designed to be easily transportable or moveable, and which is capable of standing without support or attachment, including but not limited to an A-board, movable freestanding, tire stack or wind sign.

“Projecting sign” means any sign which is attached to the face of a structure and projects more than eighteen inches from the face of the structure.

“Real estate sign” means any sign used exclusively for advertising a parcel of property or a structure for sale, lease or rent.

“Roof sign” means any sign located on a roof of a building or having its major structural supports attached to a roof.

Sandwich Board. Refer to definition of “A-frame sign”.

“Sign” means any advertisement, announcement, display (including electronic display), illustration, banner, insignia or mechanism which is affixed to, painted on or otherwise represented on a building, structure or site, on any vegetation, rock, wall, post, fence or any other object and which is used to advertise or promote the interests of any person on the sale, use or consumption of any service, commodity, article or thing.

For the purpose of this chapter the term “sign” shall not include the following:

1. Advertising media located entirely within an enclosed building;
2. Traffic highway markers, parking directional signs not greater than three square feet in area and railroad crossing or danger signals;
3. The display of official court or public office notices;
4. Any sign erected or maintained by public authority; or
5. Signs used for the safety, welfare or convenience of the public by utility companies.

“Sign structure” means the structure supporting a sign including uprights, braces and framework but excluding any portion of the sign structure which meets the definition of a “sign.”

“Snipe sign” means a type of temporary sign used for commercial purposes, typically small, made of plastic or paper that is attached to a wire frame that is stuck into the ground. Snipe signs are also sometimes attached to other objects such as telephone poles, trees, fences, etc.

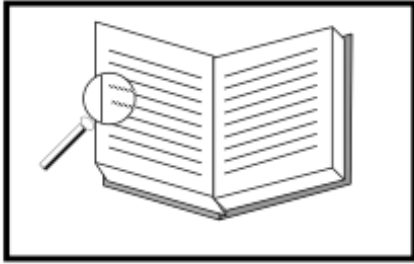
“Streamer” means a long, narrow banner, flag, or pennant.

“Street frontage of a lot” means the face of a lot abutting a street for interior lots and the narrowest frontage abutting a street on corner lots.

“Trompe l’oeil” means an art technique involving realistic imagery in order to trick the eye into perceiving a painted detail as a three-dimensional object.

“Wall sign” means any sign painted, affixed or attached on a building wall or of solid construction located as to be approximately parallel with the face of a structure, including a “V” type sign which does not extend more than eighteen inches from the face of the structure.

“Window sign” means any sign painted on or attached to a window or located inside a structure within a distance equal to the greatest dimension of the window (either width or height) and designed to be viewed from the outside of the structure in which the window is located.



Non-Conforming Uses and Structures)

Sections

17.61.1	Purpose
17.61.2	Definitions
17.61.3	Continuation, Maintenance and Abandonment
17.61.4	Restoration of Damaged Structure

17.61.1 Purpose

The purpose of this chapter is to prevent the expansion of non-conforming uses and structures, to the maximum extent possible, to establish criteria under which they may be continued or possibly expanded and to provide for the modification or removal of these non-conforming uses and structures in a fair, defensible and timely manner. The general purpose is to facilitate the fair transition of properties with non-conforming uses to those with uses that conform with the site's zoning.

17.61.02 Definitions

- a. A non-conforming use is a use of a structure or land that was lawfully established and maintained prior to the adoption of the Dinuba Zoning Ordinance but which does not conform with the use regulations for the district in which it is located.
- b. A non-conforming structure is a structure that was lawfully erected prior to the adoption of the Dinuba Zoning Ordinance but which does not conform with the standards of coverage, setbacks, height, or distance between structures prescribed in the regulations for the district in which the structure is located.

17.61.3 Continuation, Maintenance and Abandonment

- a. A use legally occupying a structure or a site on the effective date of the zoning ordinance or amendments thereto, which does not conform with the use regulations for the district in which the use is located shall be deemed a legal, non-conforming use and may be continued, except as otherwise provided in this chapter.
- b. A structure legally occupying a site on the effective date of the zoning ordinance or amendments thereto which does not conform with the standards of coverage, setbacks, height, or distances between structures prescribed in the regulations for the district in which the structure is located shall be deemed a legal, non-conforming structure and may be continued, except as otherwise provided in this chapter.
- c. A sign or outdoor advertising structure legally occupying a site on the effective date of the zoning ordinance or amendments thereto which does not conform with the standards for message content, location, size, height, placement, lighting, or movement prescribed in Chapter 17.## (Signs and Advertising) for the district in which it is located shall be deemed to be non-conforming and may be continued, except as otherwise provided in this chapter.
- d. Routine maintenance and repairs may be performed on a non-conforming site, a non-conforming structure or a non-conforming sign or outdoor advertising structure. Improvements in the design or appearance of these non-conforming features may be made so long as the discrepancy between the existing conditions of the use, structure, sign, or advertising structure and the current district standards is not increased.
- e. Alterations and additions to uses that are non-conforming shall be prohibited unless required by law or unless the moving, altering, or enlargement will result in the elimination of the non-conforming use.
- f. Alterations and additions to structures, signs and outdoor advertising structures shall be prohibited unless required by law or unless the moving, altering or enlargement will result in the elimination of the non-conforming structure, sign, or outdoor advertising structure.
- g. Whenever a non-conforming use, structure, sign, or outdoor advertising structure has been abandoned, discontinued, or changed to a conforming use for a continuous period of 90 days, the non-conforming use shall not be reestablished and the non-conforming structure, sign or outdoor advertising structure shall be removed.

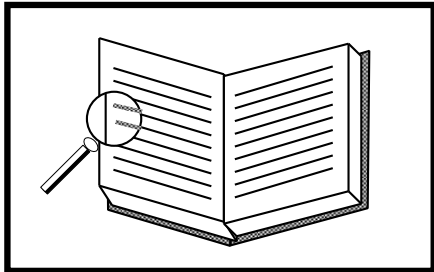
Dinuba Zoning Ordinance
Chapter 61: Non-Conforming Uses and Structures

- h. Nothing in this chapter shall be construed or applied so as to require the termination, discontinuance, or removal or so as to prevent the expansion, modernization, replacement, maintenance, alteration, reconstruction or rebuilding and continued use of a public building or public utility buildings, structures, equipment, and facilities.

17.61.4 Restoration of Damaged Structure

- a. Whenever a non-conforming use, structure, sign or outdoor advertising structure is destroyed by fire or other calamity or by an act of God or by the public enemy, the use, structure or sign shall not be replaced, unless the cost of such reconstruction, repairing or rebuilding does not exceed fifty (75%) percent of the reasonable replacement value of the building immediately prior to the damage, as determined by a qualified appraiser, provided that restoration is started within three months of the act of destruction and is completed within one year from the time of the event.
- b. Whenever a non-conforming use, structure, sign, or outdoor advertising structure is destroyed by fire, or other calamity, or by an act of God or by the public enemy to the extent that more than 75 percent of the value of the use, structure, sign or outdoor advertising structure is destroyed as determined by the Chief Building Official, the feature shall be voluntarily razed, shall be required by law to be razed or shall be restored to conformity with the regulations for the district in which the feature is located. A non-conforming use shall not be resumed.

CHAPTER 67



Definitions

Sections

17.67.010	Purpose
17.67.020	Objectives
17.67.030	Definitions

17.67.010 Purpose

Unless the text of this ordinance states otherwise, the following definitions shall be used in the interpretation and construction of this Ordinance. Words and phrases used in this ordinance shall be defined in Section 25-67.3 of this chapter.

17.67.020 Objectives

The objectives of this chapter are as follows:

- A. Provide coherent and consistent explanation of the terms used in the Ordinance.
- B. Avoid misinterpretation of the regulations, procedures, and standards as put forth in the Ordinance.
- C. Introduce a common vocabulary to facilitate communication regarding the Ordinance.

17.67.030 Definitions

It is noted that individual chapters within this Zoning Ordinance may have definitions within the chapter that pertain to that particular subject matter. Individual chapters with definitions include the following

- Accessory Dwelling Units
- Adult Entertainment
- Landscaping and Irrigation
- Recycling/Buyback Centers
- Signs and Advertising
- Wireless Telecommunication Equipment

“Abutting” shall mean two or more parcels sharing a common boundary of at least one point.

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

“Access” shall mean safe, adequate, and usable ingress or egress to a property or use.

“Accessory Dwelling Unit” – see Section 17.## for definitions pertaining to Accessory Dwelling Units and Junior Accessory Dwelling Units.

“Accessory Structure” shall mean a structure containing no kitchen or bathroom and located upon the same lot or parcel as the principal use or structure to which it is an accessory. The structure is customary, incidental, and subordinate to the use of the principal building, or the principal use of the land. All accessory structures shall be constructed with, or subsequent to, the construction of the principal structure or activation of the principal use.

“Adult Day Program” shall mean any community-based facility or program that provides care to persons 18 years of age or older in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of these individuals on less than a 24-hour basis.

Adult Entertainment (see Section 17.## for definitions pertaining to adult entertainment).

“Agricultural Accessory Structures” means those uses and structures customarily incidental and subordinate to the agricultural use of the land, including: barns, storage sheds, corrals, pens, fences, windmills, watering and feed troughs; the storage and use of farm implements, irrigation, and crop-protection equipment; the storage and use of fuels for heating buildings and operating farm equipment or appliances; water and waste water treatment facilities and systems for private uses and structures which are determined by

the Planning Director to be necessary, customary, and incidental to the agricultural use of the lot or parcel. Agricultural accessory uses shall not include construction equipment storage yards.

“Agricultural Operations” means the cultivation and tillage of soil, dairying, the production, irrigation frost protection, cultivation, growing, harvesting, and processing of any agricultural commodity, including timber, viticulture, agriculture, horticulture, the raising of livestock, fur-bearing animals, fish, or poultry, and any commercial practices incidental to, or in conjunction with, such agricultural operations, including preparation for market, delivery to storage or to market, or to carriers for transportation to market.

“Alley” shall mean a public way permanently reserved as a secondary means of vehicular access to abutting property.

"Amendment" shall mean a change in the working, context, or substance of this chapter, an addition or deletion or a change in the district boundaries or classifications upon the zoning map.

“Ancillary Use” shall mean a use incidental to and customarily associated with a specific principal use, located on the same lot or parcel.

“Animal Hospital” shall mean a facility where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment; the ancillary use of the premises as a kennel or a place where animals or pets are boarded for remuneration.

“Annexation” shall mean the incorporation of a land area into an existing incorporated community with a resulting change in the boundaries of that community.

“Antenna” shall mean any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or receiving of electromagnetic radio frequency waves, including antennas or towers used for transmitting or receiving television, radio, citizen’s band or cellular phone communication. An antenna can be affixed to or supported by a roof or exterior wall of a building or other structure or an antenna can be ground mounted, which is supported by a platform, framework, pole, or other structural system that is affixed to or placed directly on or in the ground. This definition also means associated equipment including, but not limited to cabling, generators, fans, air conditioning units, electrical panels, equipment shelters, equipment cabinets, equipment buildings, pedestals, meters, vaults, splice boxes, and surface location markers.

"Applicant" shall mean a person who is required to file an application for a permit under this section.

“Arcade” shall mean a place of business having four (4) more amusement machines.

“Area of Shallow Flooding” shall mean an area designated AO or VO AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one foot to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Assessor" shall mean the county assessor of the County of Tulare.

“Automated Teller Machine” (ATM) shall mean a computerized, self-service machine used by banking customers for financial transactions, including deposits, withdrawals and fund transfers, without face-to-face contact with financial institution personnel. These machines may be located at or within banks, or in other locations.

“Awning” shall mean a roof-like cover that is temporary in nature and that projects from the wall of a building for the purpose of shielding a door or window from the elements.

“Bar/Tavern” shall mean a business where alcoholic beverages are sold for on-site consumption, which is not part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May also include beer brewing as part of a microbrewery, and other beverage tasting facilities. Does not include adult entertainment businesses.

“Base Flood” shall mean a flood having a one percent chance of being equaled or exceeded in any given year (also called the “100-Year Flood”). Base flood is the term used throughout this ordinance.

“Basement” shall mean any area of the building having its floor subgraded - i.e., below ground level on all sides.

“Bed And Breakfast Inn” (B&B) means a single-family dwelling which is predominantly residential in character, containing three to six guest rooms offering overnight accommodations for rent, wherein a breakfast meal is customarily included in the lodging rate.

“Block” shall mean the properties abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way, unsubdivided land or water course.

“Boarding, rooming, lodging house” means a building where lodging and/or meals are provided for compensation for between seven and fifteen persons (not including residential care homes).

“Body piercing shop” means an establishment providing body piercing services, which means any method of puncturing the skin of a person by an aid of needles or other instrument designed or used to puncture the skin for the purpose of inserting jewelry or

other objects in or through the human body. Body piercing services shall not include: (A) ear piercing services where said services are not the primary source of business; and/or (B) the use of needles for legally authorized medical procedures by a licensed acupuncturist, a certified doctor, and/or a registered nurse.

"Breezeway" shall mean a roofed passageway, open on at least two (2) sides, where the roof is structurally integrated with the main building. A fence or wall not exceeding six (6) feet in height may be permitted on one side of said breezeway.

"Buildable Area" shall mean the area of a lot remaining after the minimum yard and open space requirements of the zone district have been met.

"Building" shall mean any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals or chattels or property of any kind.

"Building Face" shall mean the exterior surface of any building, regardless of frontage.

"Building, height of" shall mean the vertical distance measured from the adjoining curb level to the highest point of the structure, exclusive of chimneys and ventilators; provided, however, that where buildings are set back from the street line, the height shall be measured from the average elevation of the finished grade at the front of the building.

"Building Permit" shall mean the written permission from the City of Dinuba for the construction, repair, alteration, or addition to a structure.

"Bulletin Board" shall mean a permanently constructed sign containing a surface area that may have interchangeable letters, words, or numerals displaying the name of the institution, events conducted upon and/or services offered upon such premises.

"Caretakers residence" shall mean a single-family residence on the same property with, or on abutting property owned by the owner of, an open space, commercial or manufacturing use, which residence is occupied by one (1) or more persons charged with the care or protection of facilities used in such open space, commercial or manufacturing use, and which residence is provided to the occupant as compensation for such services and for which he does not pay money or other things of value other than his services.

"Carport" shall mean a permanent roofed structure with not more than two (2) enclosed sides used or intended to be used for automobile shelter and storage. See also "Carport, Portable".

"Carport, Portable" shall mean a portable attached or detached accessory structure used as a roof covering to protect vehicles or shelter goods and which may or may not be fixed to the ground and which is not designed or intended to be permanently affixed on a lot. Such accessory structures may be erected by the use of poles, ropes, stakes, or a

combination of these items. Roof coverings may be constructed of various materials such as canvas, vinyl, metal sheeting or similar materials.

“Cell Tower” – see Section 17.## for terms related to cell towers and wireless communication.

"Cemetery" shall mean land used or intended to be used for the burial of the dead and dedicated for such purposes, including columbariums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundaries of such premises.

“Child care facility” means a facility, other than a home, which provides regular care, protection and supervision to children for a period of less than twenty-four hours a day, while the parents or guardians are away.

“Child care home” means a home in which the occupant provides regular care, protection and supervision to twelve or fewer children, inclusive, including children who reside at the home, if any, for a period of less than twenty-four hours a day, while the parents or guardians are away.

“Church” shall mean a building, together with its accessory buildings and uses, where persons regularly assemble for worship and which building, together with its accessory buildings, and uses, is maintained and controlled by a religious body organized to sustain public worship.

"City" shall mean the City of Dinuba.

"City manager" shall mean the city manager of the City of Dinuba.

“Club, Lodge, Or Private Meeting Hall” shall mean a permanent, headquarters-type and meeting facilities for organizations operating on a membership basis for the promotion of the interests of the members, including facilities for business associations; civic, social and fraternal organizations; labor unions and similar organizations; political organizations; professional membership organizations; and other membership organizations.

“Combining Districts” (Overlay Districts) means zones or geographical areas in Dinuba that may require special regulations or treatment due to unique features, resources or hazards. These districts may be combined with any district identified in this Ordinance.

“Commercial Accessory Structures” means uses and structures incidental and subordinate to the commercial use of the land including: equipment storage areas, trash storage areas and bins; vending machines; required loading and unloading facilities; outdoor tables, benches, umbrellas, fountains, ponds, statues, sculptures, paintings, and other works of art; radio and television antennas, private satellite dish antennas; the

storage and use of fuels for fleet vehicles, heating buildings or for the operation of appliances or equipment used within a building; sales offices, showrooms and administrative offices; permitted signs; the storage and use of commercial fleet vehicles as part of the principal use; and other accessory uses and structures which are determined by the Planning and Building Director to be necessary, customary and incidental to the commercial use of the land.

“Commercial Recreation Facility – Outdoor” Means facilities for various outdoor recreational activities, where a fee is charged for use. Examples include: amusement and theme parks; fairgrounds; go-cart tracks; golf driving ranges; miniature golf courses; roller skating, hockey, skateboarding; and water slides. May also include commercial facilities customarily associated with the above outdoor commercial recreational uses, including bars and restaurants, video game arcades, etc.

"Commission" and "planning commission" shall mean the planning commission of the City of Dinuba.

“Communications Equipment Building” shall mean a building housing electrical and mechanical equipment necessary for the conduct of a public communication business with or without personnel.

“Conditional Use” shall mean a use permitted in a particular zoning district only upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of such use as specified in the Ordinance and authorized by the Planning Commission.

“Convalescent Hospital Or Nursing Home” shall mean any place, structure, or institution providing for skilled nursing and allied professional health care, or for chronic or convalescent care for one or more persons, exclusive of relatives, in which nursing, dietary or other personal services are rendered to convalescents, invalids, or aged persons, who, by reason of advanced age, chronic illness, or physical infirmity are unable to properly care for themselves, but not including persons suffering from contagious or mental diseases, alcoholism, or drug addiction, and in which surgery is not performed and primary treatment, such as customarily is given in hospitals or sanitariums, is not provided.

“Convenience Store” shall mean a retail establishment with not more than four thousand five hundred square feet of gross floor area, offering for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, usually for off-site consumption.

"Council" and "city council" shall mean the city council of the City of Dinuba.

"Corner cut-off" shall mean the provision for and maintenance of adequate and safe visibility for vehicular and pedestrian traffic at all intersections of streets, alleys, or private driveways.

"County" shall mean the County of Tulare.

"County recorder" shall mean the county recorder of the County of Tulare.

"Day" shall mean calendar day.

"Day Care" means facilities that provide nonmedical care and supervision of adults or minor children for periods of less than twenty-four hours. These facilities include the following, all of which are required to be licensed by the California State Department of Social Services:

1. "Child day care center" means a commercial or nonprofit child day care facility designed and approved to accommodate fifteen or more children. Includes infant centers, preschools, sick-child centers, and school-age day care facilities. These may be operated in conjunction with a school or church facility, or as an independent land use.
2. "Large family day care home" means as provided by Health and Safety Code Section 1596.78, a home that regularly provides care, protection, and supervision for seven to fourteen children, inclusive, including children under the age of ten years who reside in the home, for periods of less than twenty-four hours per day, while the parents or guardians are away.
3. "Small family day care home" means as provided by Health and Safety Code Section 1596.78, a home that provides family day care for eight or fewer children, including children under the age of ten years who reside in the home.
4. "Adult day care facility" means a day care facility providing care and supervision for adult clients.

"Dedication" shall mean the setting aside of land for a particular purpose, including roadway, park, or bikepath improvements; utility easements; or access routes for the public.

"Density" shall mean the number of families, individuals, dwelling units, or housing structures per unit of land.

"Density Bonus" shall mean an increase in units of up to 35 percent over the otherwise maximum allowable residential density under the Ordinance or Dinuba's Land Use Element of the General Plan (see Government Code Section 65915).

“Developer Incentives” means:

1. Reduce or eliminate standards contained in the Subdivision Ordinance or the City of Dinuba Standards and Specifications Manual
2. Reduce or eliminate Ordinance requirements, including open space, lot size, setback, or parking standards.
3. Reduce or eliminate any design requirements exceeding Uniform Building Code specifications.

“Development” shall mean any man-made changes to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

“Development Agreement” shall mean a contract duly executed and legally binding between the City of Dinuba and a developer that delineates the terms and conditions agreed upon by the two parties.

“Disabled Person” means a person who has a medical, physical, or mental condition that limits a major life activity, as those terms are defined in California Government Code section 12926, anyone who is regarded as having such a condition or anyone who has a record of having such a condition. It includes a person or persons, or an authorized representative of a disabled person. The term disabled person does not include a person who is currently using illegal substances, unless he or she has a separate disability.

“Disability” shall mean an individual with a disability is someone who has a physical or mental impairment that limits one or more major life activities; anyone who is regarded as having such impairment; or anyone with a record of such impairment.

"Drive-in restaurant" shall mean any building or structure in which food and drink are prepared for service to customers within such structure or occupying vehicles outside of such structures and including self-service restaurants for take-out food.

“Drive-Through Facility” shall mean a commercial facility where vehicles line up for service at definite spots and where customers are served from a window or similar feature without leaving their vehicles.

"Driveway" shall mean any vehicular access to an off-street parking or loading facility.

“Duplex” shall mean a structure on a single lot containing two dwelling units, each of which is totally separated from the other by a common wall that extends from ground to roof.

“Dwelling” shall mean a structure or portion thereof designed for or occupied for residential purposes whether for one family, several families, roomers or boarders, but for purposes of this definition specifically not to include automobile trailers, hotels, motels, labor camps, tents, railroad cars, converted, transit vehicles, mobile homes or any type of temporary structure.

“Dwelling, Multiple-Family” shall mean a structure containing more than one dwelling unit, designed for occupancy or occupied by more than one family.

“Dwelling, Single-Family” shall mean a building containing one dwelling unit. “Single-family dwelling” shall not include trailers, mobile homes or residential manufactured housing.

"Easement" shall mean a space on a lot or parcel of land reserved for or used for public uses.

“Electric Distribution Substation” shall mean an assembly of equipment which is part of a system for the distribution of electric power where electric energy is received at a subtransmission voltage and transformed to a lower voltage for distribution for general consumer use.

“Electric Transmission Substation” shall mean an assembly of equipment which is part of a system for the transmission of electric power where electric energy is received at very high voltage from its source of generation by means of a network of high voltage lines, and where, by a means of transformers, said high voltage is transformed to a lower subtransmission voltage for purposes of supplying electric power to large individual consumers, interchange connections with other power producing agencies or electric distribution substations for transformation to still lower voltages for distribution to smaller individual users.

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

"Employee housing" shall mean housing as described, defined, and regulated by the Employee Housing Act, Sections 17000 et seq. of the California Health and Safety Code. Employee housing for up to six unrelated persons per dwelling is permitted in the R-1 (Single Family Residential) zone, and in the RM (Multiple Family Residential) zones, subject to density standards of the particular zone. In the UR (Urban Reserve) zone, employee housing is permitted for up to twelve (12) units or thirty-six (36) beds. Employee housing is permitted subject to the issuance of a permit by the State of California Department of Housing and Community Development as provided in California Health and Safety Code Sections 17021.5 and 17030. The permit shall be prominently displayed in the housing unit and shall be provided to any peace officer, City inspector or State inspector, upon demand.

"Essential service" shall mean the erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supplying, or disposal systems including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions, or for the public health or safety or general welfare.

"Exceptional Structure" shall mean any structure or building having pre-eminent historical/cultural, architectural, archaeological, or aesthetic significance. Exceptional structures should be considered for nomination to the National Register of Historic Places.

"Extremely Low Income Household" means those units targeted for this category of household that shall be affordable at a rent that does not exceed 30 percent of 60 percent of the Tulare County median income.

"Façade" shall mean the exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

"Fair Housing Laws" means (1) the federal Fair Housing Act (42 U.S.C. section 3601 and following) and (2) the California Fair Employment and Housing Act (Government Code section 12955 and following), including amendments to them.

"Family" means one person or two or more individuals living together sharing household responsibilities and activities, which may include, sharing expenses, chores, eating evening meals together and participating in recreational activities and having close social, economic and psychological commitments to each other.

"Farm Employee Housing" (Labor Camp): Means living quarters, including dwellings, sleeping accommodations and dining facilities, maintained for occupancy by persons employed principally in farming and related pursuits on land owned, leased or rented by the owner, lessee or tenant of the site on which the farm employee housing is located.

"Farming" see Agricultural Operations

"Federal" shall mean the Government of the United States of America.

"Fence" shall mean any structural device forming a physical barrier which is so constructed that not less than fifty (50) percent of the vertical surface is open to permit the transmission of light, air, and vision through said surface in a horizontal plane. (For board or other solid barriers, see "Wall.").

“Flooding” shall mean a general and temporary condition or partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source.

“Flood Boundary And Floodway Map” shall mean the official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administrative has delineated both the areas of special flood hazards and the floodway.

“Flood Hazard Boundary Map” shall mean the official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administrative has delineated the areas of flood hazards.

“Flood Insurance Rates Map” shall mean the official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administrative has delineated both the areas of special flood hazards and the risk of premium zones applicable to the community.

“Floodplain” or “Flood-Prone Area” shall mean any land area susceptible to being inundated by water from any source.

“Floodway” shall mean the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

“Floor Area, Gross” shall mean a sum of the gross horizontal areas, in square feet, of the floors of a building, including interior balconies and mezzanines, but not including the horizontal area occupied by any wall, inner court or shaft enclosure.

“Foster Family Home” shall mean any residential facility providing 24-hour care for six or fewer foster children that is owned, leased, or rented and is the residence of the foster parent or parents, including their family, in whose care the foster children have been placed. The placement may be by a public or private child placement agency or by a court order, or by voluntary placement by a parent, parents, or guardian.

“Garage, Private” shall mean an accessory structure or a portion of a main structure used only for the storage of self-propelled passenger vehicles or trailers by families residing upon the premises.

“Garage, Repair” shall mean a commercial structure or part thereof other than a private garage where motor vehicles are repaired or painted.

“Garage sale” is defined as a sale, offer to sell, or holding for the purpose of selling, conducted by any person or persons, of household furnishings, goods or other tangible

personal property, conducted in a noncommercial garage, yard, patio, driveway or on any portion of the premises in a residential property.

“Garage, Storage” shall mean a structure or part thereof used for the storage, parking or servicing of motor vehicles, but not for the repair thereof.

"Grade" shall mean the gradient, the rate of incline or decline expressed as a percent. For example, a rise of twenty five (25) feet in a horizontal distance of one hundred (100) feet would be expressed as a grade of twenty five (25) percent. (See also "Slope")

“Grading” shall mean any stripping, cutting, filling or stockpiling of soil.

“Hazardous waste” means waste, or a combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may either:

- A. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness.
- B. Pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, disposed of or otherwise managed.

"Hedge" shall mean a plant or series of plants, shrubs, or other landscaped material, so arranged as to form a physical barrier or enclosure.

“Historic Preservation” shall mean the protection, rehabilitation, and restoration of districts, sites, structures, buildings and artifacts significant in American history, architecture, archaeology or culture.

“Historical Structure” shall mean any structure or building having pre-eminent historical/cultural, architectural, archaeological, or aesthetic significance.

“Hookah bar” means any facility or location whose business operation, whether as its primary use or as an accessory use, is denoted by smoking specially made tobacco through one or more pipes (commonly known as hookah, shisha, or narghile) designed with a tube passing through an urn of water that cools the smoke.

“Home Occupation” shall mean any use conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof or adversely affect the uses permitted in the residential district of which it is a part; which creates no additional vehicular or pedestrian traffic, requires no additional parking space, generates no noises audible beyond the site, causes no radio or television interference; where no persons are employed other than domestic help, and no mechanical equipment is used other than that necessary for domestic purposes; no materials, equipment and/or supplies are stored outdoors other than such storage normally associated with the residential use of

the property. For purposes of this definition, the storage of a vehicle of not more than one (1) ton capacity shall be deemed as normally associated with residential use the property.

“Homemade foods business” shall mean a business conducted out of a residence where the occupants of the dwelling prepare and package certain types of food, operated in compliance with California Homemade Foods Act (as codified in Government Code section 51035), and the following City standards:

- (a) There shall be no employment of help outside the residents of the dwelling, except for one full time employee.
- (b) All food preparation in conjunction with a homemade food business must take place in the residence’s existing kitchen.
- (c) Prior to granting of a city business license the applicant shall obtain a permit from the Tulare County Environmental Health Department. The City business license shall not be effective until that permit or approval is obtained, and shall automatically expire if the other required permit or approval expires, is disapproved or is revoked.
- (d) A copy of the Tulare County Environmental Health Department permit to operate shall be provided to the city planning department within ten working days of the issuance of that permit or approval.

“Homeless Shelter” shall mean a church, public building, or quasi-public facility that provides emergency or temporary shelter to homeless individuals and/or groups. These accommodations may include temporary lodging, meals, laundry facilities, bathing, counseling, and other basic support services. Also referred to as emergency housing.

"Hospital" shall mean any building or portion thereof used for the accommodation and medical care of sick, injured, or infirm persons and including sanitariums, alcoholic sanitariums, institutions for the cure of chronic drug addicts and mental patients.

“Hotel” shall mean a structure or portion thereof in which there are individual guest rooms or suites, usually occupied on a transient basis, where lodging with or without meals is provided for compensation.

"Household pets" shall mean animals, birds, or fowl ordinarily permitted in a dwelling and kept only for the company or pleasure provided to the occupants. Household pets shall not include horses, cows, goats, sheep, other equine, bovine, ovine, or ruminant animals, pigs, predatory wild animals, chickens, ducks, geese, turkeys, game birds and fowl which normally constitute an agricultural use (except pigeons, which shall be deemed household pets). The keeping of household pets or other animals is lawful only in those districts where the use is listed as a permitted use or when any household pets are

kept as an accessory use to lawfully maintained residences in other districts. The keeping of any animal not herein described as a household pet shall not be deemed an accessory residential use.

“Immediate Family” Immediate family shall include spouse, parent or step-parent, brother or step-brother or half-brother, sister or step-sister or half-sister, child or step-child, or grandparents.

“Industrial Accessory Structures” means those uses and structures incidental and subordinate to the industrial use of the land including: loading and unloading facilities and equipment, parking areas and shipping terminals; water and waste water treatment facilities and systems; incidental services such as cafeterias; storage facilities and garages, sales office, showrooms, and administrative offices; radio and television antennas, private satellite dish antennas; the storage and use of fuels for fleet vehicles, heating buildings or for the operation of appliances or equipment used within a building; the storage of fully operative fleet vehicles, heavy equipment or trucks as part of the principal use; permitted signs; and other accessory uses and structures which are determined by the Planning and Building Director to be necessary, customary and incidental to the industrial use of the land.

“Institution” shall mean all governmental, religious, and charitable organizations.

“Junk Yard” shall mean a site or portion of a site which waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including used furniture and household equipment yards, house wrecking yards, used lumber yards and the like; excepting a site where such uses are conducted with a completely enclosed structure and excepting a motor vehicle wrecking yard as defined in this section. An establishment for the sale, purchase or storage of used cars or salvaged machinery in operable condition and the processing of used or salvage materials as part of a manufacturing operation shall not be deemed a junk yard.

“Labor Camp”. See “Farm Labor Housing”.

“Landscaping”. See Chapter 17.47 for terms related to landscaping and irrigation.

“Liquor store” means a retail establishment designed and operated for the primary purpose of selling alcohol. Food stores and convenience markets for which sales of food comprise the majority of gross sales, but also sell alcohol, shall not be considered as a liquor store.

"Loading space" shall mean an off-street space or berth on the temporary parking of commercial vehicles while loading or unloading, and which abuts a street, alley or other appropriate means of ingress and egress.

“Lodge Or Club” means an association of persons, whether incorporated or unincorporated, for some common purpose, but not including groups organized to render a service carried on as a business.

“Lot, Corner” (see Exhibit 65-1 for illustration of lot types) shall mean a site bounded by two (2) or more adjacent street lines which have an angle of intersection of not more than one hundred thirty five degrees (135°).

“Lot, Coverage” shall mean the portion of the lot covered by buildings and structures.

“Lot, Interior” (see Exhibit 65-1 for illustration of lot types) shall mean a lot other than a corner lot.

“Lot, Through” (see Exhibit 65-1 for illustration of lot types) shall mean a lot that fronts onto two parallel streets.

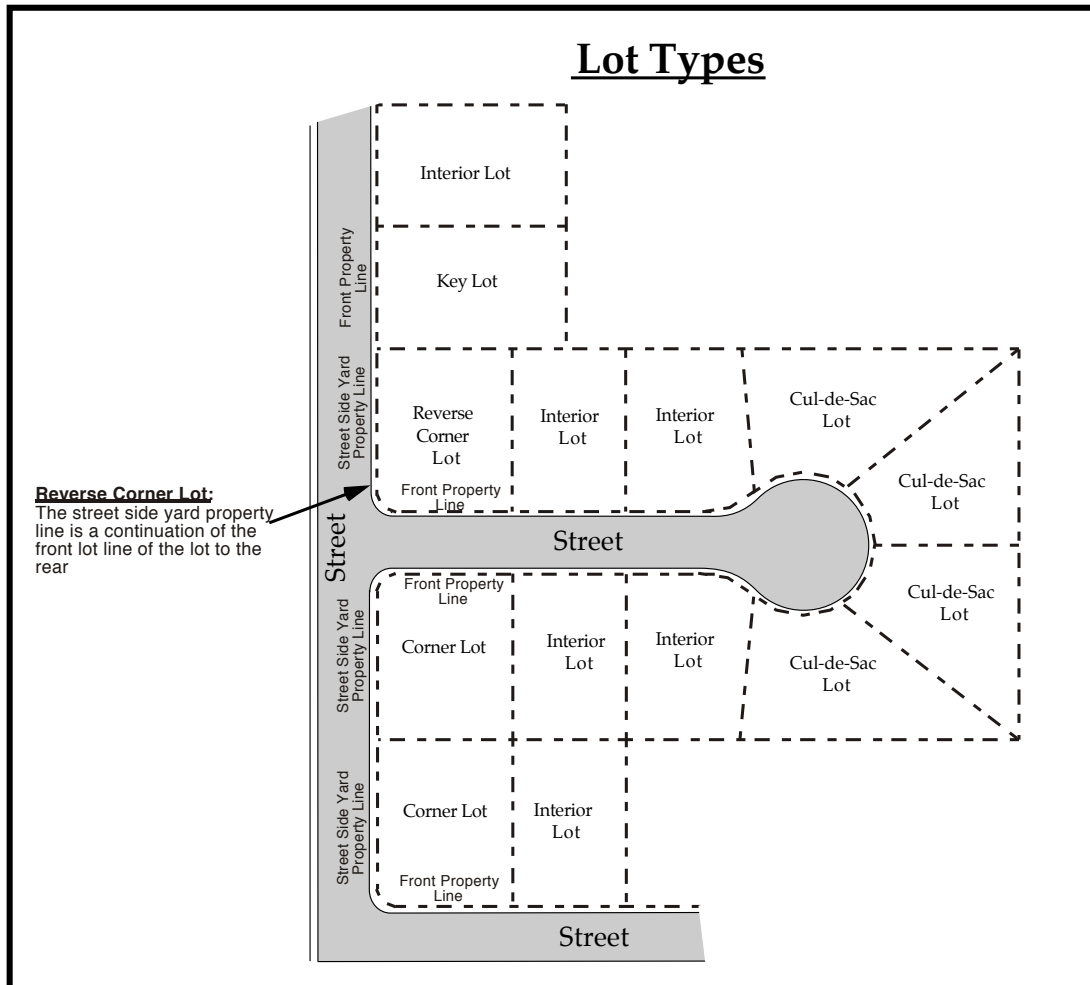
“Lot, Key” (see Exhibit 65-1 for illustration of lot types) shall mean the first lot to the rear of a reversed corner lot whether or not separated by an alley.

“Lot, Flag” shall mean a lot that typically does not front onto a public street but whose access to a public street is provided by a narrow strip of land upon which an easement for vehicular movement is provided.

“Lot, Reversed Corner” (see Exhibit 65-1 for illustration of lot types) shall mean a corner lot whose side street line is substantially a continuation of the front lot line of the first lot to its rear.

“Lot Line, Front” shall mean the property line dividing a lot from a street. On a corner lot the shorter street frontage shall be considered the front lot line.

Exhibit 67-1: Typical Lot Types



“Lot Line, Rear” shall mean the property line opposite the front lot line.

“Lot Line, Side” shall mean any lot lines other than front lot lines or rear lot lines.

“Manufactured home” means:

1. A structure, transportable in one or more sections, which is eight body feet or more in width, and is at least forty body feet or more in length, in traveling mode, or, when erected on site, is three hundred twenty or more square feet, and is designed to be used as a single-family dwelling when connected to the required utilities;
2. A living unit built to the specifications of the National Manufactured Housing Construction and Safety Standards Act of 1974, constructed after June 15, 1976.

“Manufacturing” shall mean a process that involves and/or produces basic metals, building materials, chemicals, fabricated metals, paper products, machinery, textiles, and/or transportation equipment, where the intensity and/or scale of operations may cause impacts on surrounding land uses or the community. Also manufacturing processes involving and/or producing: apparel; food and beverage products; electronic, optical, and instrumentation products; ice; jewelry; and musical instruments. Light manufacturing also includes other establishments engaged in the assembly, fabrication, and conversion of already processed raw materials into products, where the operational characteristics of the manufacturing processes and the materials used are unlikely to cause significant impacts on surrounding land uses or the community.

“Massage Establishments” means any establishments wherein massage is given engaged in or carried on or permitted to be given, where the body is rubbed or there is any manipulation of the body or similar procedure given by a certified massage therapist.

“Mean Sea Level” means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community’s Flood Insurance Rate Map are referenced.

“Medical Buildings” means clinics or offices for doctors, dentists, oculists, chiropractors, osteopaths, chiropodists, or similar practitioners of the healing arts; including accessory laboratories and a prescription pharmacy but not including offices for veterinarians.

“Minor Deviation” shall mean a reduction of a zoning standard by up to 20% that can be processed administratively.

“Mixed Use Project” shall mean a project that combines both commercial and residential uses, where the residential component is typically located above or behind the commercial.

“Mobile Home” shall mean a structure, transportable in one or more sections that is built on a permanent chassis and is designed to be used as a single-family dwelling unit with or without a foundation. Mobile Home does not include a recreational vehicle, travel trailer, commercial coach, or factory-built home.

“Mobilehome Park” shall mean a, area or parcel of land where three or more mobilehomes or mobilehome sites are rented or leased or held out for rent or lease for human habitation. Mobilehome parks may contain accessory facilities: including recreation facilities; meeting rooms; parking lots for boats, recreational vehicles, and other vehicles; administrative offices and other accessory structures associated with mobilehome parks.

“Motel” shall mean a structure or portion thereof or a group of attached or detached structures containing individual guest rooms, suites or dwelling units, usually occupied

on a transient basis and usually with garage attached or parking space located in proximity to each unit, where lodging is provided for compensation.

“Motor Vehicle Wrecking Yard” shall mean a site or portion of a site on which the dismantling or wrecking of vehicles, whether self-propelled or not, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts is conducted. The presence on a site of two (2) or more motor vehicles which have not been capable of operating under their own power for thirty days or more or, in the case of vehicles not self-propelled, which have not been towable or from which parts have been removed for reuse or sale, shall constitute prima facie evidence of a motor vehicle wrecking yard.

“Noise” means any undesired audible sound.

“Non-Conforming, Use” shall mean a non-conforming use is a use of a structure or land that was lawfully established and maintained prior to the adoption of the Dinuba Zoning Ordinance but which, does not conform with the current use regulations for the district in which it is located.

“Non-Conforming, Structure” shall mean a non-conforming structure is a structure that was lawfully erected prior to the adoption of the Dinuba Zoning Ordinance but which does not conform with the standards of coverage, setbacks, height or distance between structures prescribed in the regulations for the district in which the structure is located.

“Nuisance” shall mean an interference with the enjoyment and use of property.

“Nursery School” shall mean the use of a site or portion of a site for an organized program devoted to the education or day care of five (5) or more pre-elementary school age children other than those residing of the site.

“Nursing Home” shall mean a structure operated as a lodging house in which nursing, dietary and other personal services are rendered to convalescent, invalids, or aged persons not including persons suffering from contagious or mental diseases, alcoholism or drug addiction and in which surgery is not performed and primary treatment, such as customarily is given in hospitals and sanitariums, is not provided. A convalescent home or a rest home shall be deemed a nursing home.

“Occupancy use permit” means a permit issued to verify the proposed use complies with the provisions of the zoning ordinance.

“Off-sale liquor establishment” means any establishment which has obtained or is required to obtain an Alcoholic Beverage Control board license Type 20 (off-sale beer and wine) or Type 21 (off-sale general) and/or is selling alcoholic beverages in an open or a closed container for consumption off the premises. Typical off-sale liquor establishments may include but are not limited to the following: food markets, supermarkets, drugstores, liquor stores, bars and convenience markets.

“Open Space” means any parcel or area of land or water essentially unimproved and set aside, dedicated, designed or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

“Overlay Zone” shall mean a zone applied in combination with other zone districts in order to impose additional restrictions or to allow greater variety than is possible with the underlying zone.

“Parcel Map” shall mean the division of a lot, tract or parcel of land into four or fewer lots or parcels of land for sale, lease or financing. Commercial and industrial parcel maps may contain more than four lots.

“Permitted Use” shall mean any use or activity allowed in a zoning district and subject to the development standards applicable to that zoning district.

“Pitch” (or peak) shall mean the highest point as in the highest point of a roof.

"Planned unit development" shall mean a residential, commercial, or industrial development which is designed and built as a planned unit pursuant to the provisions of the "P", Planned Unit District, Chapter 17.##.

“Plat” shall mean a map representing a tract of land, showing the boundaries and location of individual properties and streets; a map of a subdivision or site plan.

"Police Chief" shall mean the Police Chief of the City of Dinuba or his or her designee.

“Porch” shall mean a roofed open area, which may be glazed.

“Pre-Zoning” means to delineate the zoning of an unincorporated territory prior to annexation by the City.

“Public Hearing” shall mean a meeting announced and advertised in advance and open to the public, with the public given an opportunity to testify and participate.

“Railroad Right-Of-Way” shall mean a strip of land for the accommodation of main line or branch line railroad tracks, switching equipment and signals, but not including lands on which stations, offices, storage buildings, spur tracks, sidings, section gang and other employee housing, yards or other uses are located.

“Reasonable Accommodation” means providing disabled persons flexibility in the application of land use and zoning regulations and procedures, or even waiving certain requirements, when necessary to eliminate barriers to housing opportunities. It may include such things as yard area modifications for ramps, handrails or other such

accessibility improvements; hardscape additions, such as widened driveways, parking area or walkways; building additions for accessibility; tree removal; or reduced off-street parking where the disability clearly limits the number of people operating vehicles. Reasonable accommodation does not include an accommodation which would (1) impose an undue financial or administrative burden on the City or (2) require a fundamental alteration in the nature of the City's land use and zoning program.

"Recreational Area" means an active play area, including sport fields, school yards, picnic grounds or other areas where sport, outdoor or recreational activities take place.

"Recreational Vehicle" shall mean a motor home, travel trailer, truck camper or camping trailer, with or without motor power, designed for human habitation for recreational purposes with a living area less than 220 square feet.

Recycling" – see Section 17.### for terms related to recycling and recycling facilities.

"Residential Facility" means any family home, group care facility, or similar facility determined by the director, for 24-hour non medical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual.

"Restaurant" shall mean any building or structure in which food and drinks are prepared for service to customers within such structure.

"Rest Home" shall mean a residential facility for six or more elderly or infirm persons, all of whom are independently mobile and do not require confinement or regular nursing or medical care on the premises. Rest home differs from a "convalescent hospital" in that it is expected to provide comfort, safety, social participation, and the maintenance of health and activity, but does not provide skilled nursing care for the ill.

"Retail store" shall mean a business selling goods, wares, or merchandise directly to the ultimate consumer.

"Rezone" means to change the zoning classification on a parcel of land from one zone district to another.

"Revocation" means to rescind a planning decision made by the Planning Director, Planning Commission or City Council, based on findings that supported non-compliance of certain conditions of approval.

"Right-Of-Way" shall mean a strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses.

"Roof line" shall mean the highest point of a parapet wall or the main roof structure or a highest point of a parapet wall other than such architectural features as cupolas, pylons, projections or minor raised portions of the roof.

"Room" shall mean an unsubdivided portion of the interior of a dwelling unit, excluding bathroom, kitchen, closets, hallways, and service porches.

"Satellite Dish Antenna" shall mean a satellite earth station consisting of a receiving component of a disc or similar configuration whose purpose is to receive television signals from orbiting satellites or other sources and a low-noise amplifier whose purpose is to magnify television signals.

"School" means any public or private educational facility including, but not limited to nursery schools, preschools, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities. School includes the school grounds, but does not include the facilities used primarily for another purpose and only incidentally as a school.

"Secondhand store" shall mean a retail business which sells used merchandise.

"Senior citizens' housing development" means a development containing dwellings specifically designed for and occupied by persons sixty-two years of age or older and limited to such occupancy for the actual lifetime of the building, either by the requirements of state or federal programs for housing for the elderly or in accordance with standards established by resolution of the planning commission and/or the city council.

"Service Station" shall mean a facility which supplies gasoline and diesel fuel to motor vehicles, and including grease racks or elevators, wash racks or pits, tire repairs, battery servicing and repairing, ignition service, sales of motor vehicle accessories and other customary services for automobiles, but excluding painting and body work.

"Senior Household" means those units that have at least one person occupying the residential unit that is at least 55 years of age or older.

"Setback Line" means that line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the area within which the principal structure must be erected or placed.

"Setback": See "Yard, Front", "Yard, Rear", or "Yard, Side".

"Sewer" means any pipe or conduit used to collect and carry away sewage from the generating source to the waste water treatment facility.

"Shall" is mandatory; and "may" is permissive.

“Shooting ranges, indoor” means a facility specifically designed for firearms practice within an enclosed building. Each shooting range facility is typically overseen by one or more range masters to ensure gun safety rules are being followed.

“Shooting ranges, outdoor” means an outdoor facility specifically designed for firearms practice with a required backstop and other safety features to catch bullets. Each shooting range facility is typically overseen by one or more range masters to ensure gun safety rules are being followed.

"Shopping center" means a group of two or more commercial uses planned and designed to function as an integral unit on a single parcel of contiguous parcels and which utilize common off-street parking and access, landscaping, loading facilities and points of ingress and egress.

“Sign” See Chapter 17.## (Signs) for definitions related to signs and advertising.

“Single Room Occupancy Unit” shall mean a facility providing dwelling units where each unit has a minimum floor area of 150 square feet and a maximum floor area of 400 square feet. These dwelling units may have kitchen or bathroom facilities and shall be offered on a monthly basis or longer.

“Site” shall mean a parcel of land, subdivided or unsubdivided, occupied or to be occupied by a use or structure.

“Site Area” shall mean the total horizontal area included within the property lines of a site.

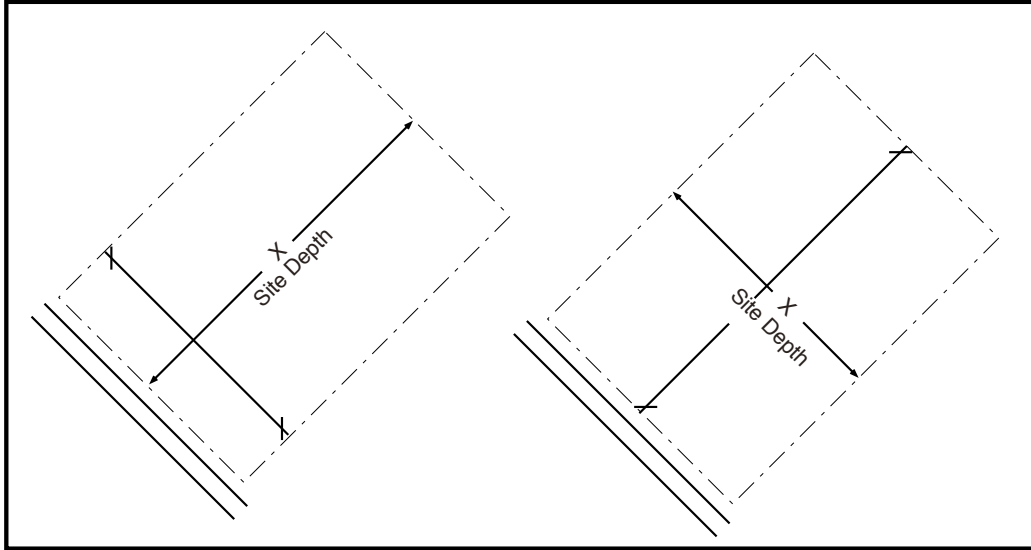
"Site plan" shall mean a plan, prepared to scale, showing accurately and with complete dimensioning, all of the uses proposed for a specific parcel of land. See Chapter 17.## for requirements.

"Site plan review" shall mean the review by the commission or its authorized agent of a site plan and other studies to assist the commission or agent to determine the manner in which the applicant intends to make use of his property.

“Site Depth” (see Exhibit 65-2 for illustration of Site Width and Depth) means the horizontal distance between the front and rear property lines of a site measured along a line midway between the front side property line.

“Site Width” (see Exhibit 65-2 for illustration of Site Width and Depth) means the horizontal distance between the side property lines of a site measured at right angles to the depth at a point midway between the front and rear property lines.

Exhibit 67-2: Site Width and Depth



"Slope" shall mean a natural or artificial incline, as a hillside or terrace. Slope is usually expressed as a ratio. For example, a horizontal distance of one hundred (100) feet with a rise of fifty (50) feet would be expressed as a 2:1 slope. (See also "grade" and "top and toe of slope.")

“Social Rehabilitation Facility” means any residential facility that provides social rehabilitation services for no longer than 18 months in a group setting to adults recovering from mental illness who temporarily need assistance, guidance, or counseling.

“Solar electricity generating plant” means a facility that generates electricity from the sun, primarily for commercial purposes.

“Solar energy system” means a solar collector, solar energy device, or structural design feature of a building whose primary purpose is to provide for the collection, storage and distribution of solar energy for space heating or cooling, for water heating, or for generation of electricity that will be used primarily by the persons and structures on the site.

“Specific Plan” shall mean a plan for a designated area within the city, based on the general plan, but containing more detailed regulations and programs as provided in Section 65450 and following of the California Government Code.

“Stable” shall mean a detached accessory structure including but not limited to a corral or paddock for the keeping of one (1) or more horses owned by the occupants of the premises, and which are not kept for remuneration, hire or sale.

"State" shall mean the State of California.

“Stock Yard” means an enclosed area where animals are temporarily held for concentrated feeding or display preliminary to slaughtering, shipping or resale.

“Storm Water Runoff” means water flowing from impervious surfaces and entering Dinuba’s storm water drainage system, which is a series of curbs and gutter, drop inlets, storm drainage pipes, basins and waterways.

"Story" shall mean a space in a building between the surface of any floor and the surface of the floor next above, or if there be no floor above, then the space between such floor and the ceiling or roof above.

“Street” shall mean a thoroughfare, dedicated as such or acquired for public use as such, other than an alley, which affords the principal means of access to abutting land.

“Street, Arterial” shall mean a street with signals at important intersections and stop signs on side streets, and which collects and distributes traffic to and from collector streets.

“Street, Collector” shall mean a street that collects traffic from local streets and connects with minor and major arterials.

“Street, Cul-De-Sac” shall mean a street with a single common ingress and egress and with a turnaround at the end; non-through streets that serve local neighborhoods.

“Street, Dead End” shall mean a street with a single common ingress and egress.

“Street, Local” shall mean a street designed to provide vehicular access to abutting property and to discourage through traffic; narrow streets that serve local neighborhoods.

“Street property line” means that property line common to the street right-of-way or access easement.

"Structural alteration" shall mean any change in the supporting members of a building, such as in a bearing wall, column, beam or girder, floor or ceiling joists, roof rafters, roof diaphragms, foundations, piles, or retaining walls, or similar components.

“Structure” means any object constructed, installed, or placed on real property by man, including, but not limited to buildings, towers, smokestacks, and overhead lines.

“Structure, Accessory” shall mean a detached subordinate structure located on the same site with the main structure or main use, the use of which is customarily incidental to that of the main structure or the main use of the land.

“Structure, Main” shall mean a structure housing the principal use of site or functioning as the principal use.

"Structure, temporary" shall mean a structure which is readily movable and used or intended to be used for a period not to exceed ninety (90) consecutive days.

“Subdivision” means the division of a lot, tract or parcel of land into five or more lots or parcels of land for sale, lease or financing.

“Substantial Damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or;
2. Any alteration of a “historic structure” provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

“Supportive Housing” means housing with no limit on length of stay, that is occupied by the target population as defined in subdivision (d) of Section 53260 (of the Health and Safety code) and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. This housing may include apartments, single-room occupancy residences or single-family homes.

"Swimming pool" shall mean any permanent structure containing a body of water intended for recreational uses, and shall include wading pools.

“Target Households” means Very low income, low income, or senior citizen households.

“Tent Revival” shall mean a religious meeting or series of meetings which are often evangelistic in nature and are conducted within a non-permanent structure such as, but not limited to, a collapsible shelter of canvas or other material stretched and sustained by poles.

“Transitional Housing” means buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.”

“Travel Trailer” shall mean a vehicle other than a motor vehicle, which is designed or used for human habitation and which may be moved upon a public highway without a permit or chauffer’s license or both, without violating any provision of the California Vehicle Code.

"Truck service station" shall mean an occupancy which provides especially for the servicing of trucks, with incidental operations similar to those permitted for "automobile service station."

“Use” shall mean the purpose for which land or structures thereon is designed, arranged or intended to be occupied or used or for which it is occupied, maintained, rented or leased.

“Utility Pole” means any pole or tower owned by any utility company that is primarily used to support wires or cables necessary to the provision of electrical or other utility services regulated by the California Public Utilities Commission.

“Vacancy Rate” means the number of uninhabited dwelling units that are available and suitable for occupancy expressed as a ratio to the total number of housing units.

“Variance” means permission to deviate from the literal requirements of the development standards of a zone district.

“Very Low-Income Household” means those units targeted for this category of household that shall be affordable at a rent that does not exceed 30 percent of 50 percent of the Tulare County median income.

“Veterinary Clinics, Animal Hospitals, And Kennels” means office and indoor medical treatment facilities used by veterinarians, including large and small animal veterinary clinics, and animal hospitals. Kennels and boarding operations are commercial facilities for the keeping, boarding or maintaining of four or more dogs four months of age or older, or four or more cats, except for dogs or cats in pet shops.

"Warehousing" shall mean a building or buildings used for the storage of goods, of any type, when such building or buildings contain more than five hundred (500) square feet of storage space, and where no retail operation is conducted. Also see "wholesaling."

“Watercourse” shall mean a lake, river, creek, stream, wash, arroyo, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

“Wireless Communication” – see Section 17.## for terms related to cell towers and wireless communication.

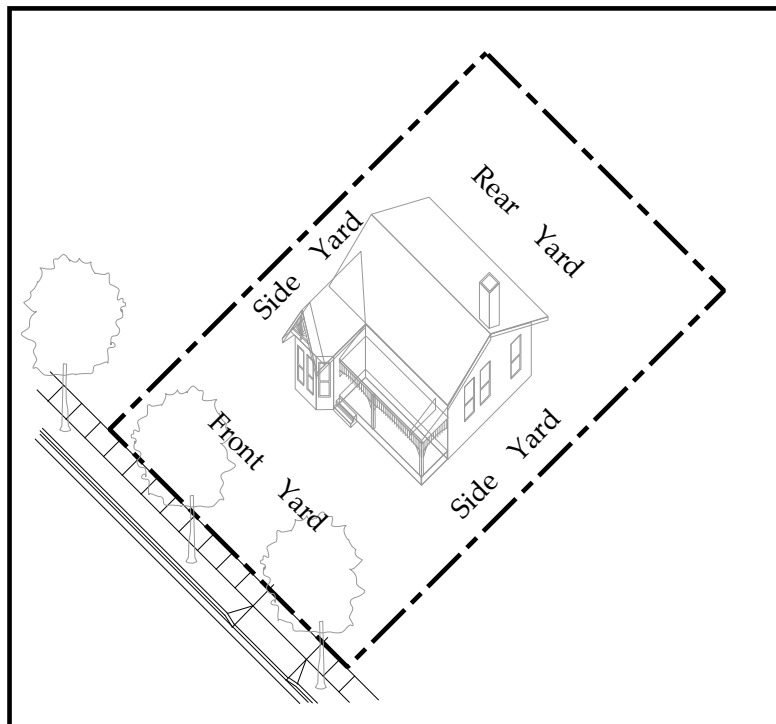
“Yard” means an open space on the same site as a structure other than a court unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter.

“Yard, Front” (see Exhibit 65-3 for illustration of yard types) shall mean a yard extending across the full width of the site or lot between the front lot line and the nearest line or point of the main structure.

“Yard, Rear” (see Exhibit 65-3 for illustration of yard types) shall mean a yard extending across the full width of the side of a lot between the rear lot line and the nearest line or point of the main structure.

“Yard, Side” (see Exhibit 65-3 for illustration of yard types) shall mean a yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the main structure.

Exhibit 67-3: Yard Types



“Zoning” means the division of a municipality into districts, and the regulation within those districts of the height, appearance, and bulk of buildings and structures; the area of a lot which may be occupied and the size of required open spaces; the density of population; and the use of buildings and land for commercial, agricultural, industrial, residential or other purposes. The term “zoning” shall be synonymous with the term “classification” and the term “zone” shall be synonymous with the term “district”.