



PLANNING COMMISSION

Tuesday, April 2, 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, February 6, 2024

RECOMMENDATION

Planning Commission approve the Planning Commission meeting minutes for February 6, 2024.

6. PUBLIC HEARINGS

6.1. SUBJECT

Public hearing for adoption of chapters on “Permitted Uses in Commercial Zones” and “Special Uses” (as part of the comprehensive update of the Dinuba Zoning Ordinance)

Applicant: City of Dinuba

Location: The zoning amendments will apply to commercial properties citywide.

Proposal: An amendment to the Zoning Ordinance to establish a new chapter pertaining to permitted uses in commercial zones and also a new chapter pertaining to "Special Uses".

RECOMMENDATION

It is recommended the Planning Commission conduct a public hearing to approve a new chapter of the Zoning Ordinance pertaining to permitted uses in Commercial zones and also standards for special uses, by adopting Resolution 1141.

7. COMMISSION REPORTS

8. STAFF COMMUNICATIONS

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)

559.591.5900 / FAX 559.591.5902 . e-mail address: info@dinuba.ca.gov. www.dinuba.org



Planning Commission Staff Report

Department: PUBLIC WORKS

April 2, 2024

To: Planning Commission

From: George Avila, Public Works Director

By: Elva Patino, Business Manager

Subject: Planning Commission Meeting Minutes, February 6, 2024

RECOMMENDATION

Planning Commission approve the Planning Commission meeting minutes for February 6, 2024.

EXECUTIVE SUMMARY

The Planning Commission (PC) held a meeting on February 6, 2024, and minutes for said meeting are attached. for approval by the PC.

OUTSTANDING ISSUES

None

DISCUSSION

The Planning Commission (PC) held a meeting on February 6, 2024, th e minutes for this meeting are attached for PC adoption.

FISCAL IMPACT

None

PUBLIC HEARING

None

ATTACHMENTS:

Agenda Minutes February 6, 2024



PLANNING COMMISSION MINUTES

Regular Meeting
February 6, 2024

PLANNING COMMISSIONERS PRESENT:

Commissioner present Conklin, Faust, Cendejas, and Alvarado

PLANNING COMMISSIONERS ABSENT:

Commissioner Benavides absent.

STAFF MEMBERS PRESENT:

Patino, Schoettler

1. OPENING CEREMONIES

1.1. Welcome and Call to Order

Meeting was called to order at 6:32 pm.

1.2. Invocation

Invocation was given by Linda Faust.

1.3. Pledge of Allegiance

The pledge of allegiance was led by Commissioner Conklin.

2. ROLL CALL

Commissioners present: Conklin, Alvarado, Cendejas, Faust
Commissioners absent Benavides.

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.

A motion was made by Albert Cendejas, second by Linda Faust, Motion

Ayes: Alvarado, Cendejas, Conklin, Faust

Absent: Benavides

5.1. SUBJECT

Planning Commission Meeting Minutes, December 5, 2023

RECOMMENDATION

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

A motion was made by Albert Cendejas, second by Linda Faust, Motion

Ayes: Alvarado, Cendejas, Conklin, Faust

Absent: Benavides

6. PUBLIC HEARINGS

6.1. SUBJECT

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

Applicant: Robert Garcia

Schoettler presented this item for a CUP for the Evangel Bible Church at 220 N Villa Avenue

It's made up of two parcels Zoned RM2 requesting an expansion. The proposed north 1860 multi-purpose building with a capacity of 30-50 people with a large multi-purpose room, with a kitchen and utility room. landscaping walkingway and lighting. Parking will have ADA spaces and re-stripped. The floor plan was made available to the planning commission. A rendering of the outside was also made available. All setback requirements have been met. The project has been approved by City Staff with conditions that were made by the applicant. Resolution 1140 is requested to be approved.

Public Hearing Opened

Chair Alvarado opened the public hearing for comment.

No one came up to the podium.

Public Hearing Closed:

As there was no one in the audience wishing to comment. Alvarado closed the Public hearing.

-

A motion was made by Linda Faust, second by Tim Conklin, to approve Resolution 1140 Conditional Use Permit to add a fellowship hall building at the site of the existing Evnagle Bible Church.

Ayes: Alvarado, Cendejas, Conklin, Faust

Absent: Benavides

7. COMMISSION REPORTS

None

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.

Karl Schoettler presented eight chapters of the Zoning Ordinance Update Industrial Zone, Plan Unit Development, Special uses, Landscaping, Parking, Signs, Definitions and Non-Conforming Uses.

Absent: Benavides

9. ADJOURNMENT

The meeting was adjourned at 7:08 pm

Absent: Benavides



Planning Commission Staff Report

Department: PUBLIC WORKS

April 2, 2024

To: Planning Commission

From: Karl Schoettler, City Planning Consultant

Subject: Public hearing for adoption of chapters on “Permitted Uses in Commercial Zones” and “Special Uses” (as part of the comprehensive update of the Dinuba Zoning Ordinance)

RECOMMENDATION

It is recommended the Planning Commission conduct a public hearing to approve a new chapter of the Zoning Ordinance pertaining to permitted uses in Commercial zones and also standards for special uses, by adopting Resolution 1141.

EXECUTIVE SUMMARY

The attached chapters provide an updated list of permitted uses in commercial zones and also standards related to “Special Uses” - in the Dinuba Zoning Ordinance and are presented for adoption. Staff has decided to bring these chapters forward (separate from the remainder of the Zoning ordinance) because the existing ordinance is overly-bureaucratic concerning certain land uses, and has been “tripping up” some recent applications for development. Also, the chapter on permitted uses and special uses essentially “go together” and need to be adopted together.

OUTSTANDING ISSUES

None.

DISCUSSION

Two chapters are presented for adoption (as part of the comprehensive zoning ordinance update): Chapter 17.48 (Permitted Uses in Commercial zones) and Chapter 17.45 (Special Uses). These chapters will establish what types of uses are permitted in Dinuba’s commercial zones and also establish special operating standards for certain uses (such as adult entertainment businesses).

Permitted Uses in Commercial Zones

The purpose of the commercial land use chapter update is multi-fold:

- To make the ordinance easier to understand and to use;
- To eliminate outdated and unneeded uses;
- To bring the ordinance into compliance with recent changes in State law and modern zoning and development practices; and
- To continue to promote the creation of employment opportunities and sales tax generation in Dinuba

As part of the overall zoning ordinance update, staff and the consultant have revamped and updated the Zoning Ordinance chapter of permitted uses in Dinuba's commercial zones. These zones include:

- C-1 (Neighborhood Commercial)
- C-2 (Downtown Commercial)
- C-3 (Community Commercial)
- C-4 (General Commercial)
- PO (Professional Office)

Each of Dinuba's commercial zones pertains to specific areas of the community, and in this regard can lend themselves to particular uses that should be permitted (or not permitted), however there can be significant overlap among the zones and the uses that they permit.

For example, the downtown area is a desirable location for retail commercial, restaurants, entertainment and similar uses (that promote a vibrant pedestrian-oriented shopping environment.) On the other hand, the C-4 zone (General Commercial) is intended for a wide variety of automobile-oriented uses, such as auto repair, tire shops, body shops, etc. (that would probably detract from the desired pedestrian-oriented atmosphere of the downtown).

Key Changes and Upgrades

As was reviewed with the Planning Commission in March, 2023 (when the draft chapter was originally presented) a number of changes have been made to the existing chapter on permitted uses, including, but not limited to:

1. Similar uses have been grouped into similar categories. This helps the reader more-easily find uses (as opposed to the existing code where uses are listed alphabetically over fifteen pages!). These land use categories include:

- Retail Stores and related uses;
- Restaurants, cafes, eating and drinking establishments and related facilities;
- Automotive and vehicular uses;
- Offices and related uses;

- Entertainment and Recreational facilities;
- Personal Services;
- Service Commercial, minor manufacturing, processing and related uses;
- Public and Semi-Public Uses;
- Educational facilities and schools;
- Residential Uses;
- Utilities and related activities; and
- Other Uses

2. Some uses (from the existing ordinance) have been eliminated or combined.

3. Irrelevant uses (in the existing ordinance) have been eliminated, where appropriate.

4. Graphics have been added, to make the chapters more user-friendly and easier to navigate

5. Symbols (to tell the reader whether a use is permitted, and which permit type is required) have been provided. For example, each use is either:

- “Permitted”
- “Permitted subject to a Conditional Use Permit”
- “Permitted by one of the foregoing permits and also subject to the special use standards in Chapter ## (Special Uses)
- Not permitted.

6. “Mixed use developments” are now listed as “permitted” in the C-2 zone (Downtown Commercial) - versus the existing ordinance that requires a Conditional Use Permit (CUP). A mixed-use development is one where commercial and residential uses are combined within the same building (or on the same site).

The City is trying to promote mixed use developments, especially in the downtown - and eliminating the CUP requirement removes an unnecessary bureaucratic hurdle).

With the updated list of commercial uses, staff believes the ordinance will be easier to use and be more effective than the existing ordinance.

Special Uses Chapter

The “Special Uses” chapter establishes standards for uses that may be unusual or have the potential for pronounced impacts on the surrounding neighborhood. Special uses included in this chapter include:

Home Occupations. This section already exists within the Municipal Code and establishes standards for home-based businesses, such as an individual who operates an office from their home.

Mixed Uses. This section is new and establishes standards for mixed use buildings (where commercial and residential uses are combined in the same building or same site)

Service Stations. This section establishes design standards for gasoline service stations.

Temporary Uses. This section already exists in the zoning ordinance and establishes standards for the operation of a variety of temporary commercial land uses, including:

- Parking lot and sidewalk sales for businesses
- Outdoor art and craft shows and exhibits
- Seasonal retail sale of agricultural products raised on the premises
- Religious, patriotic, historic, or similar displays or exhibits within yards, parking areas or landscaped areas
- Christmas tree or pumpkin sales lots
- Circuses, carnivals, rodeos, pony riding or similar traveling amusement enterprises
- 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
- Temporary revival church services
- Trailer Coaches or Mobile Home offices on active construction sites
- Temporary fruit and vegetable stands
- Model Home and Subdivision Sales Offices
- Temporary construction materials storage yards

Caretaker Facilities. This section establishes standards for caretaker facilities on commercial and industrial sites.

Modular Structures. This section provides standards for the installation of modular structures (buildings that are typically assembled elsewhere and shipped to the site).

Recycling/Buyback Centers. This existing section establishes standards to regulate various types of recycling centers. These businesses can generate noise, odors, and vectors and careful regulation and consideration is necessary.

Accessory Dwelling Units. This new section is required by State law and establishes standards to regulate accessory dwelling units on residentially-zoned parcels.

Sexually Oriented Businesses. This existing section establishes standards to regulate businesses that provide adult entertainment.

Outdoor Storage Yards. This new section establishes standards regulating the creation of outdoor materials storage yards.

Building height. This section of the existing Dinuba Zoning Ordinance pertains to

rules regarding the height of structures.

Swimming Pools in Residential Zones. This section of the existing Dinuba Zoning Ordinance establishes standards for the installation of swimming pools in residential zones.

Garage conversions. This section from the existing Dinuba Zoning Ordinance contains standards for the conversion of garages within a dwelling to become part of the habitable part of the dwelling. In general, the code requires that where a garage is converted, the garage must be replaced elsewhere on the lot with the same number of parking spaces.

Bed and Breakfast Facilities. This section from the existing Dinuba Zoning Ordinance contains standards for the establishment and operation of bed and breakfast businesses.

Sight Distance. This section from the existing Dinuba Zoning Ordinance contains standards for public safety related to sight distance at street corners, and where driveways intersect streets. It provides that visibility not be impaired by fences, shrubs, hedges and similar items.

Regulation of Adult Material. This section from the existing Dinuba Zoning Ordinance contains standards for the keeping of adult entertainment materials (such as within convenience stores) and is intended to protect public morals, health, safety and welfare.

Businesses Selling Alcoholic Beverages. This section from the existing Dinuba Zoning Ordinance contains standards for the establishment of businesses that sell alcoholic beverages, including bars, liquor stores and convenience stores.

Wireless Communication Facilities. This section from the existing Dinuba Zoning Ordinance establishes standards for the construction of cell towers and related equipment, including requirements that towers in some zones be established as “stealth towers” (such as pine trees, palm trees, etc.)

Manufactured housing. This section establishes special standards for manufactured housing (pre-fabricated dwelling units).

Garage Sales. This section is from the existing Dinuba Zoning Ordinance is contains standards regulating garage sales.

Mobile Home Parks. This section establishes standards for the development of mobile home parks.

Conclusions

Many of these topics already exist within Dinuba’s existing zoning ordinance but are

scattered throughout the ordinance and can be difficult to find. By placing them in one chapter the new code makes them easier to locate.

FISCAL IMPACT

None.

PUBLIC HEARING

A public hearing notice was published in the Mid Valley Times

ATTACHMENTS:

A. Resolution 1141

Exhibit 1: Permitted Uses in Commercial Zones

Exhibit 2: Special Uses

ATTACHMENT “A”

**DINUBA PLANNING COMMISSION
RESOLUTION NO. 1141**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF DINUBA**

A Zoning Text Amendment of Dinuba Municipal Code (Title 17) Chapter 17.48 (Uses Permitted in Commercial Districts) and Chapter 17.45 (Special Uses)

WHEREAS, at a regularly held meeting on April 2, 2024, the Dinuba Planning Commission conducted a public hearing to consider a zone text amendment to Chapter 17.48 (Uses Allowed in Office and Commercial Districts) and Chapter 17.45 (Special Uses) of the City of Dinuba Municipal Code; and

WHEREAS, the purpose of the amendments are to

- Make the ordinance easier to understand and to use
- Eliminate outdated and unneeded uses
- Bring the ordinance into compliance with recent changes in State law and modern development practices
- Continue to promote the creation of employment opportunities and sales taxes in Dinuba; and
- Establish standards for uses that typically can have a pronounced impact on their surroundings

WHEREAS, the action is covered by the general rule that the California Environmental Quality Act (CEQA) applies only to projects which have the potential for causing a significant effect on the environment, and since it can be seen with certainty that there is no possibility that this action may have a significant effect on the environment, the activity is not subject to CEQA. [Reference: State CEQA Guidelines sec. 15061(b)(3), General Rule Exemption]; and

WHEREAS, the Dinuba Planning Commission conducted a public hearing on April 2, 2024, at the regular Commission meeting that was properly noticed pursuant to the Dinuba Municipal Code; and

WHEREAS, the Planning Commission of the City of Dinuba hereby makes the following findings regarding the proposed text amendments:

1. The zone text amendment is consistent with the Zoning Ordinance and General Plan goals, policies, and implementation programs, and the amendment itself will not result in physical impacts; and
2. The zone text amendment promotes the health, safety, peace, morals, comfort and general welfare as it will promote more effective planning of the City.

3. Existing zoning ordinance Chapter 17.48 is repealed in its entirety and replaced with Chapter 17.45.

WHEREAS, the Planning Commission, having considered the staff report and all testimony presented in this matter, was of the opinion that the proposed text change (Exhibits “1” and “2”), contained within the zone text amendment should be approved as presented; and

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the City of Dinuba does hereby affirm in its entirety and adopts Resolution No. 1141 recommending approval of amendments to the text of the Zoning Ordinance to the Dinuba City Council.

PASSED, APPROVED and ADOPTED this 2nd day of April, 2024 by the following vote:

AYES:

NOES:

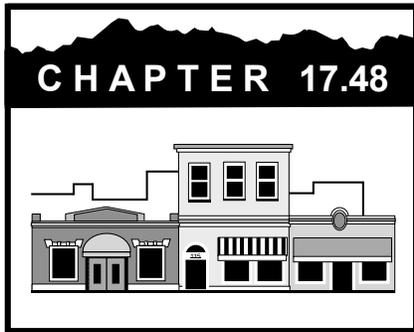
ABSENT:

ABSTAIN:

ATTEST:

Elva Patino, Secretary
Dinuba Planning Commission

Exhibit 1



Permitted Uses in Commercial Zones

Sections

- 17.48.010** **Purpose**
- 17.48.020** **Permitted Uses Table**

17.33.010 **Purpose.**

This chapter establishes Table 48-1 which contains the list of uses that are permitted in each commercial zone within the City of Dinuba. The intent is to ensure (to the degree practical) that commercial neighborhoods function in a harmonious manner and that uses with similar operating characteristics are reasonably grouped and do not conflict with one another or surrounding areas and zones.

17.33.020 **Permitted Uses Table**

Table 48-1 lists uses that are permitted in Dinuba’s commercial zones. Permitted uses are listed in the left column and the City’s commercial zones are listed across the top. To determine whether a particular use is permitted (and whether it is subject to any special requirements) each box is marked with one of the following:

- “P” Permitted
- “C” Permitted by Conditional Use Permit
- “(S)” Where the use is listed as permitted (or Conditionally Permitted) along with the letter “(S)”, the use is permitted subject to special standards contained in Chapter 17.48
- A box in the table with no letter indicates that the use is not permitted in this zone.

Note: For projects involving new construction, Site Plan Review is required consistent with procedures in Chapter 17.80.020 A. (Administrative Site Plan Review).

Any use that is judged by the City Planner to be reasonably similar in nature to other permitted uses may be considered a permitted use. Further, any use judged by the City Planner to be reasonably similar in nature to a Conditionally Permitted use may be considered as such (permitted by Conditional Use Permit).

For ease of use, the uses in Table 48-1 are grouped into similar categories, as follows:

- A. Educational facilities and schools
- B. Automotive and vehicular uses
- C. Entertainment and Recreational facilities and uses
- D. Restaurants, cafes, eating and drinking establishments and related facilities
- E. Offices and related uses
- F. Personal Services
- G. Public and Semi-Public Uses
- H. Residential Uses
- I. Retail Stores and related uses
- J. Service Commercial, minor manufacturing, processing and related uses
- K. Utilities and related activities
- L. Other Uses

Table 48-1: Permitted Uses in Commercial Zones

 Educational facilities and schools, including:	<u>Zones</u>				
	C-1	C-2	C-3	C-4	PO
Art and craft schools and colleges		P		P	
Beauty colleges		P	P	P	
Business, professional, and trade schools and colleges		P		P	
Day care centers (adults, up to 12 attendees)	P	P	P	P	P
Day care centers (adults, more than 12 attendees)	C	C	C	C	C
Day care centers (children, up to 14 attendees)	P	P	P	P	P
Day care centers (children, more than 14 attendees)	C	C	C	C	C

Key to Matrix: "P" = Permitted; "C" = Conditional Use Permit required; (S) = Subject to requirements for Special Uses (see Chapter 17.48).

 Educational facilities and schools, including:	Zones				
	C-1	C-2	C-3	C-4	PO
Music and dance studios		P		P	

 Automotive and vehicular uses including vehicle sales, servicing repair and parts, etc., including:	Zones				
	C-1	C-2	C-3	C-4	PO
Automobile parts stores	P	P	P	P	
Automobile audio and security installations within an enclosed structure		P(S)		P(S)	
Automobile detailing, hand car wash within an enclosed building		P(S)		P(S)	
Automobile oil and lube shop		P	P	P	
Automobile repair, body and fender repair		P		P	
Automobile sales, new, including service and repair within an enclosed building		P	P	P	
Automobile sales, used, including service and repair within an enclosed building		P	P	P	
Automobile upholstery and top shops		P		P	
Boat sales and service				P	
Car wash (self-service)				P	
Car wash, including use of mechanical conveyors, blowers and steam cleaning			P	P	
Equipment rental yards				P	
Farm equipment sales and service				P	

Key to Matrix: "P" = Permitted; "C" = Conditional Use Permit required; (S) = Subject to requirements for Special Uses (see Chapter 17.48).

 Automotive and vehicular uses including vehicle sales, servicing repair and parts, etc., including:	Zones				
	C-1	C-2	C-3	C-4	PO
Gasoline service stations, including dispensing of diesel and liquid petroleum gas fuels and complete truck service				P(S)	
Mobile home, recreational vehicle and trailer sales and servicing				P	
Motorcycle sales and service		P		P	
Muffler shop		P		P	
Rental equipment, including trailers, trucks and cars				P	
Service stations, gasoline sales and convenience store only		C(S)	C(S)	C(S)	
Tire shops, including rebuilding, recapping and retreading		P		P	

 Entertainment and Recreational Facilities and Uses, including:	Zones				
	C-1	C-2	C-3	C-4	PO
Adult bookstores and adult movie theaters as provided for in Title 17				C	
Arcades	P	P	P	P	
Bowling alleys		P	P	P	
Card rooms		C			
Dance halls		C		C	

Key to Matrix: "P" = Permitted; "C" = Conditional Use Permit required; (S) = Subject to requirements for Special Uses (see Chapter 17.48).

 Entertainment and Recreational Facilities and Uses, including:	Zones				
	C-1	C-2	C-3	C-4	PO
Health clubs		P	P	P	
Pool and billiards, including in conjunction with a restaurant				C	
Shooting range, indoor				C	
Theaters and auditoriums		P	P	P	

 Restaurants, cafes, eating and drinking establishments and related facilities where products are typically consumed onsite, or prepared for offsite consumption, including:	Zones				
	C-1	C-2	C-3	C-4	PO
Bakeries, retail and wholesale	P	P	P	P	
Bars and cocktail lounges		C	C	C	
Breweries, micro		C		C	
Candy store	P	P	P	P	
Delicatessens	P	P	P	P	
Drive-thru restaurants			P	P	
Mobile food vehicles parked on private property		P(S)		P(S)	
Restaurants, including those serving alcoholic beverages	P	P	P	P	
Restaurants, including restaurant with bar/lounge		C	C	C	

Key to Matrix: "P" = Permitted; "C" = Conditional Use Permit required; (S) = Subject to requirements for Special Uses (see Chapter 17.48).

NOTE: New businesses featuring drive-thru lanes are not permitted in the downtown (C-2 zone) in an effort to strengthen the pedestrian-oriented shopping character of the downtown

 Offices and related uses, including:	Zones				
	C-1	C-2	C-3	C-4	PO
Banks, including drive-in banks and other savings and lending agencies		P	P	P	
Blueprint and photocopy shops	P	P	P	P	P
Clinics (medical)	P	P	P	P	P
Employment agencies	P	P	P	P	P
Medical and dental laboratories and clinics including out-patient facilities and prescription pharmacies in conjunction therewith, or with a hospital	P	P	P	P	P
Medical buildings, professional medical buildings, including dentists, physicians, podiatrists, ophthalmologists, and similar practitioners	P	P	P	P	P
Offices, general	P	P	P	P	P

 Personal Services, including	Zones				
	C-1	C-2	C-3	C-4	PO
Banks, including drive-in banks and other savings and lending agencies		P	P	P	
Barber shops and beauty shops	P	P	P	P	P
Body piercing shops		C	C	C	
Cleaning, pressing and dyeing shops (retail only, dry cleaning, cleaning clothes in enclosed machines, nonflammable cleaning compounds)		P	P	P	

Key to Matrix: "P" = Permitted; "C" = Conditional Use Permit required; (S) = Subject to requirements for Special Uses (see Chapter 17.48).

 Personal Services, including	Zones				
	C-1	C-2	C-3	C-4	PO
Copy and blueprint shops	P	P	P	P	P
Dry cleaning service		P	P	P	
Laundries and laundromats	P	P	P	P	
Locksmiths		P	P	P	
Massage therapy		C(S)	C(S)	C(S)	
Pet grooming business, no overnight stay for pets	P	P	P	P	P
Pet grooming business, with overnight stay for pets for a maximum of five nights		C	C	C	C
Photography studios	P	P	P	P	P
Tattoo shops		P	P	P	
Tattoo shops that also provide body piercing services		C	C	C	
Taxidermists				P	

 Public and Semi-Public Uses, including:	Zones				
	C-1	C-2	C-3	C-4	PO
Ambulance service				P	
Churches and other religious institutions	C	C	C	C	C
City, county, state and federal administrative offices, libraries and police and fire stations		P		P	
Mortuaries, crematoriums and columbariums		P		P	C
Public parking lots or structures	P	P	P	P	P

Key to Matrix: "P" = Permitted; "C" = Conditional Use Permit required; (S) = Subject to requirements for Special Uses (see Chapter 17.48).

 Public and Semi-Public Uses, including:	Zones				
	C-1	C-2	C-3	C-4	PO
Public parks, playgrounds and other public recreation facilities					P
Public uses of a cultural type, including museums and art galleries		P			P
Public utility service yards, electrical and gas transmission stations					P
Wedding chapels		P		P	

 Residential Uses, including:	Zones				
	C-1	C-2	C-3	C-4	PO
Dwellings for a caretaker or watchman and his immediate family, necessary and incidental to a use located in such zone		C(S)	C(S)	C(S)	
Emergency shelter, up to six persons		P			
Hotel and motels		P	P	P	
Mixed land use in conformance with Chapter 17.61		P(S)		P(S)	
Residential drug treatment recovery homes					C
Residential uses; single-family residential structures used as dwelling units constructed prior to January 1, 2010. This entry does not apply to a use converted from a residential use to a professional office use.					P
Supportive housing		C			
Transitional housing		C			

Key to Matrix: "P" = Permitted; "C" = Conditional Use Permit required; (S) = Subject to requirements for Special Uses (see Chapter 17.48).

 Retail Stores and related uses, including:	Zones				
	C-1	C-2	C-3	C-4	PO
Apparel stores	P	P	P	P	
Appliance sales		P	P	P	
Antique stores	P	P	P	P	P
Art galleries	P	P	P	P	P
Book stores	P	P	P	P	
Carpet stores		P	P	P	
Cell phone stores	P	P	P	P	
Convenience stores, including the sale of alcoholic beverages		C(S)	C(S)	C(S)	
Department stores		P	P	P	
Drug stores		P	P	P	
Feed and seed stores				P	
Florists	P	P	P	P	P
Furniture stores		P	P	P	
Garden supplies		P	P	P	P
Gift, novelty or souvenir shops	P	P	P	P	
Gunsmith shops		P		P	
Hardware and home improvement stores		P	P	P	
Health food stores		P	P	P	
Hobby supply stores		P	P	P	
Hydroponic stores		C	C	C	
Jewelry stores, including clock and watch repairing		P	P	P	
Liquor stores		C(S)	C(S)	C(S)	
Machinery sales and rentals				P	
Manufacturing and repair activities incidental to a permitted or conditionally-		P	P	P	

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 Retail Stores and related uses, including:	Zones				
	C-1	C-2	C-3	C-4	PO
permitted retail use, where the manufacturing function occupies no more than 25% of the building or site.					
Medical and orthopedic appliance stores		P	P	P	
Music stores		P	P	P	
Paint and wallpaper stores		P	P	P	
Pawn shops		P		P	
Pet shops		P	P	P	
Shoe stores	P	P	P	P	
Sporting goods stores		P	P	P	
Supermarkets (including sales of alcoholic beverages)		P	P	P	
Thrift shops and secondhand stores		P		P	
Tobacco stores and smokeshops		C	C	C	
Toy stores		P	P	P	
Variety stores		P	P	P	
Wholesale establishments		P		P	

 Service Commercial, minor manufacturing, processing and related uses, including:	Zones				
	C-1	C-2	C-3	C-4	P-O
Animal hospitals and kennels and veterinarians				C	
Building materials, sales and storage				P	
Cabinet shops				P	

Key to Matrix: "P" = Permitted; "C" = Conditional Use Permit required; (S) = Subject to requirements for Special Uses (see Chapter 17.48).

 Service Commercial, minor manufacturing, processing and related uses, including:	Zones				
	C-1	C-2	C-3	C-4	P-O
Catering		P		P	
Ceramics and pottery studios		P		P	
Contractor's storage yards				C	
Diaper supply services				P	
Electrical appliance and incidental repair shops		P		P	
Electrical shops				P	
Electroplating shops				C	
Exterminators				P	
Food lockers (no slaughtering, handling of dressed meats only)		P		P	
Glass shops				P	
Heating and ventilating or air conditioning shops, including incidental sheet metal				P	
Laboratories, experimental and testing				C	
Lumber yards, not including planing mills or saw mills				P	
Machine shops				C	
Petroleum products storage; provided, that gasoline, kerosene and similar highly inflammable products shall be stored underground				C	
Plumbing and sheet metal shops				P	
Recycling collection centers	P(S)	P(S)	P(S)	P(S)	
Rug and carpet cleaning and dyeing				P	
Stone monument works				C	
Upholstery shops				P	

Key to Matrix: "P" = Permitted; "C" = Conditional Use Permit required; (S) = Subject to requirements for Special Uses (see Chapter 17.48).

 Service Commercial, minor manufacturing, processing and related uses, including:	Zones				
	C-1	C-2	C-3	C-4	P-O
Veterinarian offices and small animal hospitals or clinics including short-term boarding of animals and incidental care such as bathing and trimming; provided, that all operations are conducted entirely within a completely enclosed structure which complies with specifications of soundproof construction prescribed by the Uniform Building Code		C		C	

 Utilities and related activities, including:	Zones				
	C-1	C-2	C-3	C-4	P-O
Communication and wireless facilities, with stealthing				P(S)	
Communication and wireless facilities, without stealthing				C(S)	
Communications equipment buildings		P		P	
Electrical distribution substations, communication equipment buildings, gas regulator stations and utility pumping stations and elevated pressure tanks		P	P	P	
Gas and electric transmission lines, electrical transmission and distribution substations, gas regulator stations,		P	P	P	

Key to Matrix: "P" = Permitted; "C" = Conditional Use Permit required; (S) = Subject to requirements for Special Uses (see Chapter 17.48).

 Utilities and related activities, including:	Zones				
	C-1	C-2	C-3	C-4	P-O
communications equipment buildings, public service pumping stations and elevated pressure tanks					
Microwave relay stations				C	
Solar energy system	P	P	P	P	P
Water pump stations		P	P	P	

etc. Other Uses, including:	Zones				
	C-1	C-2	C-3	C-4	C-5
Auction rooms		P		P	
Hookah bar		C		C	
Ice dispensers (coin-operated)	P	P	P	P	
Kennels located not closer than five hundred feet to any residential or PO district				P	
Meeting or social halls		P		P	
Meeting or social halls with fewer than four thousand square feet of floor space that do not operate after twelve a.m.		P		P	
Mini-storage facilities				P	
Modular Structures	P(S)	P(S)	P(S)	P(S)	P(S)
Parking lots improved in conformity with the standards prescribed for required off-street parking facilities in Chapter 17.64	P	P	P	P	P
Planned unit development subject to provisions of Chapter 17.92	C	C	C	C	C

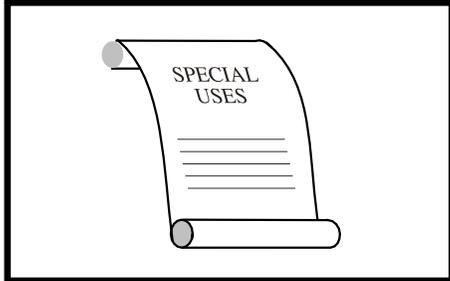
Key to Matrix: "P" = Permitted; "C" = Conditional Use Permit required; (S) = Subject to requirements for Special Uses (see Chapter 17.48).

<p>etc.</p> <p><i>Other Uses, including:</i></p>	Zones				
	C-1	C-2	C-3	C-4	C-5
Private clubs and lodges		P		P	
Storage buildings incidental to a permitted use (including the use of cargo containers)	P(S)	P(S)	P(S)	P(S)	P(S)
Swap meets				P	
Temporary uses	P(S)	P(S)	P(S)	P(S)	P(S)
Other uses determined by the City Planner to be reasonably similar in nature and operational characteristics to a permitted use in the zone	P	P	P	P	P
Other uses determined by the City Planner to be reasonably similar in nature and operational characteristics to a Conditionally-permitted use in the zone	C	C	C	C	C

Key to Matrix: "P" = Permitted; "C" = Conditional Use Permit required; (S) = Subject to requirements for Special Uses (see Chapter 17.48).

CHAPTER 45

EXHIBIT "2"



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 Modular Structures/Storage Containers**
- 17.45.080 Recycling/Buyback Centers**
- 17.45.090 Accessory Dwelling Units**
- 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 17.72)
 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 17.80.080 (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 17.80.020 A.) 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 17.64 (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 a 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
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 and Storage Containers

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 17.80.020 A. 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 placed 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 17.64 (Parking and Loading).
 4. Landscaping and irrigation shall be required consistent with Chapter 17.71.130 (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 Chapter 17.45 (Permitted Uses in Commercial Zones) and Chapter 17.54 (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 17.64 (Parking and Loading).
- h. Signage shall be provided consistent with standards contained in Chapter 17.72 (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 17.45.080 B., 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 baling, 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 yoriented 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 of 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 17.64 (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 17.80.020) 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.

“Stealthing” means designing a communications tower and facilities to be architecturally incorporated into the surrounding community’s environs while minimizing aesthetic impacts. Examples of stealthing 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.

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.

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.

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.

H. Collocation.

3. 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.
4. 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.

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)

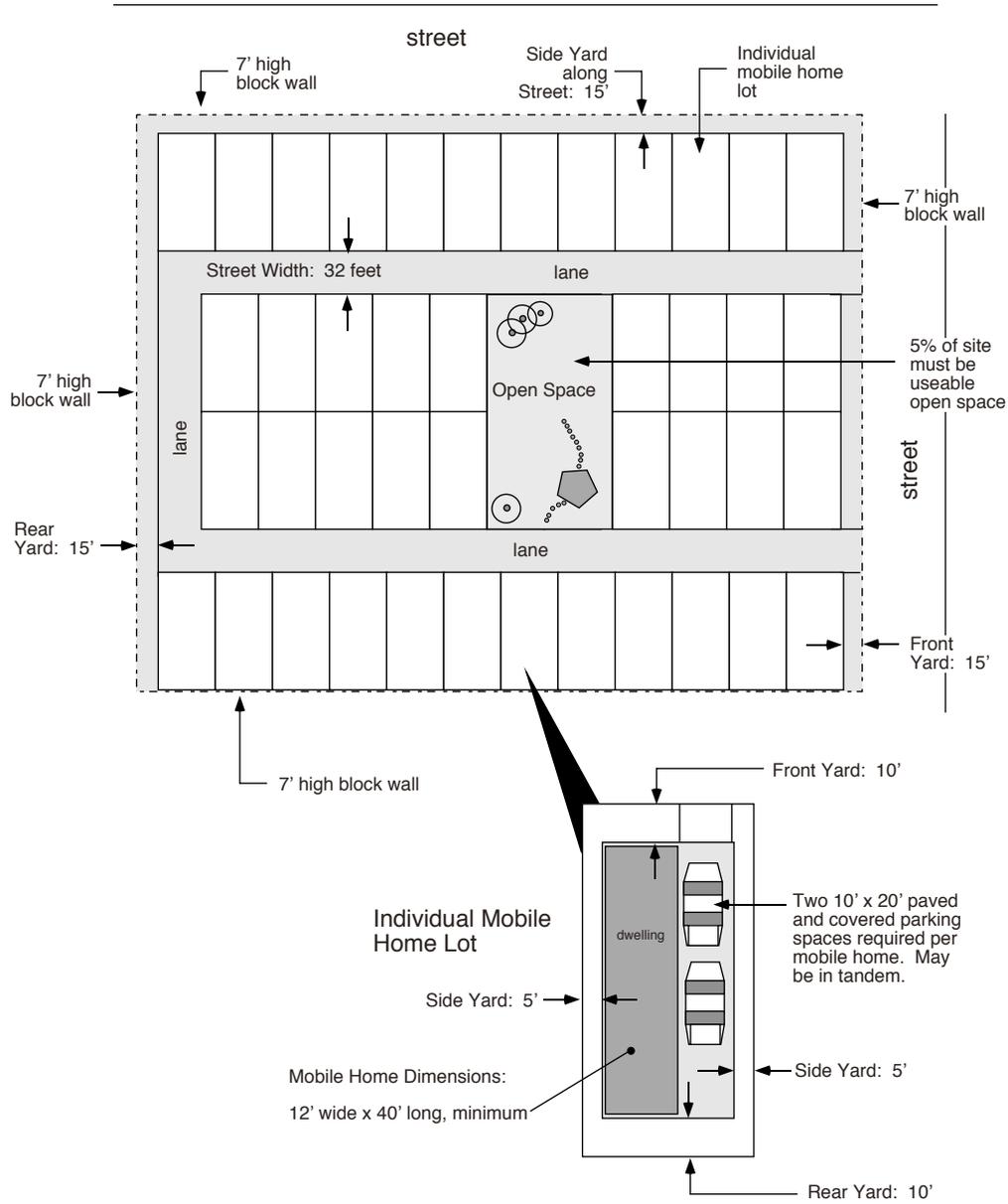
3. Coverage

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 17.71.130 (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 17.72 (Signs).